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Stewart Liddell,  
Official Stenographer.

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New York January 10, 1910

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Stewart Liddell,  
Official Stenographer.

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COURT OF GENERAL SESSIONS OF THE PEACE  
CITY AND COUNTY OF NEW YORK. PART II.

.....  
THE PEOPLE OF THE STATE OF NEW YORK:

-against-

JAMES DREXEL:

:BEFORE:

:HON. WARREN W. FOSTER,  
Judge,

: and a Jury.  
:  
:

New York January 7th, 1910.

Indictment filed December 1st, 1909.

Indicted for robbery in the first degree, etc.

A p p e a r a n c e s:

For People: Isidor Wasservogel, Esq., [REDACTED] Assistant  
District Attorney.

For Defendant: Charles C. Le Barbier, Esq.

A Jury is duly empanelled and sworn.

Mr. Wasservogel opens to the Jury on behalf of the  
People.

B L A N C H E F R A Z I E R, called as a witness on behalf  
of the People, being first duly sworn, testifies as  
follows:

DIRECT EXAMINATION BY MR. WASSERVOGEL:

Q Where do you reside? A Atlanta, Georgia. At present?

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Q At present? A I am stopping at the Astor Hotel.

Q Where is that? A Between 44th and 45th Street,  
on Broadway.

Q Borough of Manhattan, City of New York? A Yes.

Q Your home I believe is in Atlanta, Georgia? A Yes  
sir.

Q Did you come to this City in the month of October 1909,  
last year? A Yes sir.

Q For what purpose? A For shopping, and to visit  
friends.

Q Do you know this defendant James Drexel? A I most  
certainly do.

Q When did you first meet him, and where? A On Elec-  
tion Day, the 2nd of November, on the 6th Avenue L, at the  
exit of 42nd Street.

Q Did you have any conversation with him? Was he alone  
at the time? A No, he was in company with a Mr. Hall.

Q You didn't know either one of them at that time,  
did you? A No.

Q And with whom were you? A I was with Mr. Hall.

Q Were you with any one else? A Oh yes, Mrs. Fair.

Q Mrs. Fair accompanied you? A Yes.

Q Did you have any conversation with this defendant at  
that time? A A few words on the way to the tailor's, to  
45th Street.

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Q You were going to the tailors? A Yes.

Q What tailor? A Flasterstein.

Q What conversation, if any, did you have with this defendant? A Why, Mrs. Fair turned to me and said--- they were walking in front---and said---

Q Just tell us the conversation that you had with Mr. Drexel ~~at~~ at that time? A Mrs. Fair turned to me and said "Isn't it odd that Mr. Drexel should be from the same place where I lived". Which is Galveston, and she afterwards spoke to me about a Drexel family in Galveston and no doubt Mr. Drexel was the son of this family. Mr. Hall got my telephone number in the meantime. In the meantime Mr. Hall gets my telephone number.

Q How did he get it? A I told him.

Q He asked you for your number? A Yes, he asked me for my number.

Q Well tell us what he said and what you said as you go along? A He asked me for an engagement to the Theatre that night, and I think that Mr. Drexel was to go with Mrs. Fair, the whole four were going to the Theatre together. I had a previous engagement and did not go out that night, but next day was called up by Mr. Hall on the telephone asking me for an engagement to the Theatre that night and I said "No, I had a previous engagement and could not go." Then a day expired and I did not hear from him and on Friday he

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asked me for a---he called on the telephone asking for an engagement to the Theatre and I said "Yes, I will meet you and we will go to the Theatre." As it happened I got started very late, and was to meet him at 6th Avenue and 23rd Street, which I did, but it was rather late to go to the theatre. It must have been about a quarter of nine. So we walked down to 23rd Street, and we got to 7th Avenue and 23rd Street, and all the while we were walking this block Mr. Hall spoke of being very cold, and he didn't have on any overcoat, so he said "I will get my overcoat and we will go home."

MR. LeBARBIER: Unless this defendant was present we have nothing to do with Hall.

MR. WASSERVOGEL: We will connect all this.

MR. LeBARBIER: I know, but even now---

THE COURT: I will sustain your objection.

BY THE COURT:

Q Now, you had a "date" with this defendant, did you say? A Yes.

Q at 8 o'clock? A No.

MR. WASSERVOGEL: It was with Hall, your Honor.

Q You had a date with Hall, is that it? A Yes.

Q At 8 o'clock? A Quarter past 8.

Q And you got there at quarter to nine? A Yes.

Q Was the defendant present? A No, I didn't see him

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that night; I didn't see him just at that time. So we walked down 23rd Street and he complained of being very cold and---

THE COURT: Strike that out.

MR. WASSERVOGEL: My purpose is to show---

MR. LeBARBIER: We object to any statement at present.

THE COURT: Objection sustained.

BY MR. WASSERVOGEL:

Q Come right down to this. Did you see Drexel that night? A Yes.

Q Where did you see him? A At 359 West 23rd Street.

Q What is that? A That is a furnished rooming house.

Q 359 West 23rd Street? A Yes.

Q You met Drexel? A Yes sir.

Q Just tell us the conversation, if any, that you had with Drexel or any one else who was present at the time?

A Well, we were sitting there in the room talking and speaking of different things upon the engagement for the next evening, to go to the Theatre, and Oh, just different things, and I remained there until about, I should think, about a quarter of twelve, and I said "I must go home," and wanted to put on my coat, so Hall walks towards me and Drexel also and Hall grabs me around the throat and also Drexel forces a towel into my mouth.

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Q And then what happened? A I lost consciousness and when I gained consciousness I was rather in a stupor and had lost all of my jewels, all were gone.

Q Now let me carry you back to the first time that you met this man Drexel. Do you remember whether you wore any jewelry upon that occasion---your first meeting? A Yes.

Q What did you wear? A I had on a very large solitaire and a ~~diamond~~ bracelet with three very large solitaires.

Q Now the night when you met Drexel and Hall at 359 West 23rd Street, did you, upon that occasion, have any jewelry on? A Yes, I had two other large solitaire rings and a very large horseshoe and this bracelet with three large stones.

Q Did you know anything about the value of this jewelry? A Yes.

Q Can you describe it? A Yes. The horseshoe had 31 ---I should imagine about 3/8 carat each, and the bracelet was a flat gold band and had a larger solitaire in the centre weighing about a carat and a quarter, and on each side there was one weighing one carat each, and the two solitaires set in a gold wire setting---one weighed three and three quarter, or 3/8, carats, and one full carat.

Q Was this jewelry all your own? A Yes sir.

Q Who gave it to you? Where did you get it? A It was given to me by my mother. One solitaire I purchased myself.

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Q Do you know anything about the value of this jewelry?

A Yes, I gave you the value. Oh, no, I didn't give the value. The horseshoe was a thousand dollars, one solitaire \$1300., one solitaire a thousand dollars, and the bracelet about a thousand dollars.

Q When you regained consciousness, as you say, did you have this jewelry on? A No, not any of it.

Q Did you find it? A No.

Q How were you dressed then? A I had on a tailor made suit and furs.

Q I mean when you regained consciousness at that time? A Why, my clothing was very badly torn, my waist was torn from the collar and torn here (Indicating) and my left sleeve was all torn.

Q Did you have your skirt on? A Yes, my skirt was on, but the band was all ripped loose and as I stepped up I fell in that.

Q Then what did you do? A I fell, got up and went out and rapped at the first door and there was some lady answered from within and I asked her to please come out, and she said---

Objected to. Objection sustained.

THE WITNESS: I went out of the room and went to the first door.

BY THE COURT:

Q Well, you went to the first door and met some one

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there. Now do not tell us what you said or what some one else said, but what happened after that? A I went into the street.

Q What happened after that? A Why, the first person I met I asked for assistance---

Objected to.

Q Well, you met some one in the street after you had met some one in the house? A Yes.

BY MR. WASSERVOGEL:

Q Did you make complaint to an officer? A Yes.

Q The officer went back with you to this place? A Yes.

Q Did he make a search for these men? A Yes.

Q He didn't find them? A No sir.

Q Did you make search for your jewelry also? A Yes.

Q Didn't find that either? A No sir.

Q Or any part of it? A No sir.

BY THE FIFTH JUROR:

Q I would like her to describe the house a little more.

BY THE COURT:

Q Well, tell us more about this house. It was 359 West 23rd Street, on the north side of 23rd Street, between 8th and 9th Avenues---near 9th Avenue, was it not? A Yes sir.

Q Had you ever been there before? A No, your Honor.

Q How did you come to go there on this occasion? A Why, Mr. Hall asked me to go there with him to get his over-

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coat before we started home and to meet Mr. Drexel, and the description of the house---it is a very high stoop, ~~an entry inside~~ and entered inside, and went up one flight and then another---two flights---and this room was just at the head of the second flight and it was situated as the back parlor.

Q That was his room? A Yes sir.

Q You went into his room with him to get his overcoat because it was a cold night? A Yes sir.

MR. LeBARBIER: No, I do not understand her to state that.

THE COURT: I was trying to sum up what she had testified to, not to testify myself. It was improper and I will not state further.

MR. WASSERVOGEL: For the purpose of getting Hall's overcoat.

THE COURT: Certainly, Hall's overcoat and she was to meet this defendant there. That was my understanding of the testimony.

MR. WASSERVOGEL: Yes sir, that's right.

BY MR. WASSERVOGEL:

Q Then that was on the third floor? A Two flights up, yes sir.

BY THE COURT:

Q A high stoop house, two flights up? A Yes sir.

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## CROSS EXAMINATION BY MR. LeBARBIER:

Q How old are you, may I ask? A 23 years old.

Q Have you lived the greater part of your life in Atlanta

A About four years.

Q Before that where did you live? A Louisville, Kentucky.

Q For how long had you lived there? A I lived there all my life. I was born there.

Q With your family? A Yes sir.

Q And then did you go with your family to Atlanta? A Why no. My mother is dead and I am living with an Aunt in Atlanta.

Q During these four years that you speak of were you living with your Aunt in Atlanta? A Yes sir.

Q Your mother's sister? A Yes sir.

Q What was her name? A Mrs. Oscar Mayer.

Q Had you ever been on to New York before? A Oh yes, several times.

Q During the four years that you were in Atlanta, how many times do you suppose that you had come to the City of New York? A Oh, I should imagine on an average of about twice a year.

Q And your stay in this City during those times approximately was about how long? A I remained here, Oh sometimes two months, one Summer, and going to different places

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and resorts,---I was coming back to New York City, and this last time I came here the latter part of October.

Q Well, I know, but before this last time when you came on---say for instance one time there for two months, did you come on alone? A Yes sir.

Q Travelled alone? A Yes sir.

Q Stayed here in the City of New York alone? A No. I was visiting friends.

Q Well, for instance during that two month's stay do you recall at this moment what friends you were visiting?

A Do I recall?

Q Yes? A Yes, I remember. I was visiting Mrs Fair

Q This is the lady who was with you on the Elevated Railroad on the night in question. A The afternoon.

Q When you met Hall? A Yes sir.

Q How do you spell that---F-a-i-r? A Yes sir.

Q Had you visited Mrs. Fair before this last time? A Do you mean this-- yes sir.

Q Have you stayed at her house? A Yes sir.

Q Is she a married lady, A She has been, yes sir. She is a widow.

Q Do you know whether her husband is dead or alive? A No sir, I do not. I think he is dead though.

Q Well, was she familiarly known as a grass or sod widow? Do you know that?

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MR. WASSERVOGEL: I object to that.

THE COURT: Objection sustained. I do not know that that has any meaning in law.

BY THE COURT:

Q Do you know whether her husband is living or not or whether she is divorced? A Why, he is not living.

Q She is a widow? A Yes.

Q Her husband is dead? A Yes.

BY MR. LeBARBIER:

Q Is she about your age? A No, she is older than I am.

Q During the two months that you were with her, and during the time that you came on for two months and went to other places too no doubt, when you remained with Mrs. Fair where did she live? A Why, where she lived at that time?

Q Yes? A 252 West 43rd Street.

Q On what floor in that house did she live? A On the third; two flights up.

Q Did she occupy more than one room? A No. She had an apartment, a small apartment.

Q At number 252 West 43rd Street, at the time you visited Mrs. Fair in this City she lived on the third floor of those premises, as you say---I beg leave to ask you whether she had more than one room? A No.

Q Just lived in one room? A No, no, no. She has a small apartment there.

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Q Consisting of how many rooms? A Five rooms.

Q Five rooms in those premises? A Yes sir.

Q Is that an apartment house? A Yes sir.

Q Did you go out with her frequently? A Oh, occasionally.

Q Well, two or three times a day? A Oh no.

Q Did you go out with her at night? A Sometimes, yes.

Q You and she alone? A Sometimes in company.

Q No, I am asking did you go out with her alone? A Oh, not often.

Q But you did, did you not? A Yes.

Q And you did go out with her at night alone? A Maybe--

Q What is that? A Yes.

Q Why do you hesitate? A Well, only a time or two.

Q Isn't it a fact that you frequently went out at night with Mr. Fair? A Not frequently. Occasionally.

Q Several times a week? A Perhaps.

Q Don't you consider that a good deal more than occasionally when you come right down to it---several times a week?

A. Why I don't know.

Q What is that? A Would it be?

Q Well, we will leave that to the Jury. Now how long ago was this that you lived with Mrs. Fair at those premises.

BY THE COURT:

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Q Do I understand that you lived there? A I visited there.

Q What do you mean by visited there---slept there and ate there? A Yes .

Q How long a time? A I was two or three months last Summer there.

BY MR. LeBARBIER:

Q Did you pay board? A Oh, just little favors.

Q Well, we ~~WAKE~~ would like to know? A No, I didn't pay.

Q Did you or did you not pay for your quarters there?

A No. Not so much a week.

Q Did you pay Mrs. Fair for accommodations given you? A

No.

BY THE COURT:

Q Well of course you did favors for Mrs. Fair and she or you in a friendly way? A Yes.

Q But what counsel wants to know is whether you were there as a paying guest or because of the friendly invitation of your friend. You get the point, do you not? A Yes sir.

Q Now which is the fact? A I wasn't there as a paying guest.

BY MR. LeBARBIER:

Q Did you pay her money?

THE COURT: She said she was not there as a paying guest. I do not know, Mr. LeBarbier, that it is im-

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portant to know whether or not she did something in return for the hospitality extended.

BY MR. LeBARBIER:

Q Did money pass between you and Mrs. Fair? Did you give money to Mrs. Fair? A No.

Q Is Mrs. Fair down here in Court to-day? A Yes sir.

Q Then when was this that you were staying at her premises? A It was this last Summer a year ago that I was there at 252 West 43rd Street.

Q Did you ever stay with her at any other place? A Yes; 16 West 60th Street.

Q When was that? A That was on this occasion---from the latter part of October until I left here.

Q 16 ~~West 60th Street~~ what? A 16 West 60th Street.

Q What kind of a house is that? A An apartment house.

Q What floor were you staying on with Mrs. Fair? A The third floor.

Q You and Mrs. Fair alone? A Yes sir.

Q This was on the occasion of your last visit from Atlanta here? A Yes sir.

Q How long did you stay in the apartment of Mrs. Fair--- a week or ten days or how long? A I was there during all of that ~~may~~ stay, from the latter part of October---

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BY THE COURT:

Q Two months last Summer I think you said? A I think it was Summer a year ago, a year ago last Summer.

BY MR. LeBARBIER:

Q At all events you were there on Election Day? A Yes sir.

Q When did you and Mrs. Fair start out that day from the house? A It was after luncheon.

Q Just you two alone? A Yes sir.

Q From the 60th Street house? A Yes sir.

Q And you went where? A Shopping to different places. Macy's and Sack's, and Oh, I don't remember just all the places. I came down town in the shopping district.

Q And took the elevated train? A Yes.

Q Where? A I don't remember just exactly the station.

Q Well, about? A Now near Greenhut's somewhere, I don't know where. That would be on the 6th Avenue L.

Q Did you take the elevated station at 18th Street and 6th Avenue? A I couldn't say that, I don't remember. I am not so well acquainted in that.

Q Once you and Mrs Fair got into the elevated where did you go? A Uptown.

Q Before meeting Mr. Hall? A On our way uptown in the elevated.

Q But don't you know whereabouts it was on the elevated?

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A That I first saw these two?

Q Yes? I thought you said at the exit of 42nd Street?

A Yes.

Q Where was it? Was it before you reached 42nd Street that you saw Mr. Hall.

Q Before you had reached 33rd Street? A No.

Q Between 33rd and 42nd Street? A 33rd and 42nd Street. They sat directly opposite us.

Q Did you look at Mr. Hall? A Just glanced.

Q And he surrendered? A No.

Q Did he look at you? A As I would look at you--- just noticing people who come in possibly.

Q But here was a man by the name of Hall, not the defendant, whom you met between 33rd and 42nd Street on the elevated, because that is where you became acquainted with him, isn't it. A At the exit of 42nd Street and 6th Avenue.

Q Did you get acquainted while the car was going from 33rd Street to 42nd Street? A No.

Q Didn't he smile at you? A No.

Q Did you smile at him? A No sir.

Q Well tell us how it came about? A On leaving the car you know the car stops with a jolt, and I caught my hand on one of the pillars and a hand went over mine and an apology was asked.

BY THE COURT:

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Q What was said? A Why, "I beg your pardon, Miss", I think. So went on.

BY MR. LeBARBIER:

Q What went on, the car or you or what? A That was the station, 42nd Street.

Q Were you standing up then? A Yes .

Q To get out? A Yes.

Q Was Mrs. Fair ahead of you? A Yes sir.

Q And it was your hand upon which came this other hand?

A Yes sir.

Q When you heard the words "I beg your pardon", Miss, did you see Mr. Hall there? A Yes.

Q Was he standing up? A Yes.

Q Getting out with you? A Yes.

Q And did you see the defendant there too? A Yes sir.

Q So that while you were getting out these two men got out with you, is that so? A Yes sir.

Q After Hall said "I beg your pardon, Miss" what did you ~~said~~ say? A I said "That is all right,"---something like that--I don't remember.

Q Then as you stepped out on the platform what happened?

A Well, we hurried down the stairs.

Q And Mr. Hall and the defendant after you? A Yes.

Q And then you got down stairs? A Yes.

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Q There was no more touching of hands going down stairs? A No.

Q And when you got down stairs, what happened? A They both accosted us.

BY THE COURT:

Q Well, they came up and spoke again. Not tell us what they said, please. Keep your voice up always? A They walked---no, they just talked to us and walked on. We were walking on and I think when Mr. Hall came up he possibly heard Mr. Fair call me by name and he said "Why, Miss Frazier ---" I think the name was mentioned and I looked at him .

Q Now these men came and spoke to you and Mrs. Fair on the street? A Yes.

Q And you made their acquaintance in that way? A Yes.

THE COURT: Now, do you want anything further, Mr. LeBarbier?

BY MR. LeBARBIER:

Q Now when you in at 33rd Street, was it your intention to get out at 42nd Street? A I didn't get on at 33rd Street.

Q ~~W~~ I mean was it your intention to get out at 42nd Street? A Yes sir.

Q To do what? A I was on the way to the tailors.

Q Oh, at 42nd Street? A Yes sir.

Q At all events, now that we have you down stairs on the sidewalk and Mr. Hall and this defendant there, what

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else happened? Was your conversation principally with Mr. Hall? A Yes, my conversation was.

Q And did you see the defendant talking to Mrs. Fair?

A Yes, they were talking in front of us.

Q How far did you walk? A To the tailors, on 45th St. near 5th Avenue.

Q By that time had you given your name to Mr. Hall? A In the meantime, yes.

Q And had you given him your telephone? A Yes.

Q And had you told him that you lived at Mrs. Fair's?

A I said I was visiting Mrs. Fair.

Q And that she lived alone with you on the Third floor in 60th Street? A I didn't say that. I said we lived at 16 West 60th Street.

Q Alone? A I didn't say alone. I said I was visiting Mrs. Fair.

Q But that there was no one else there with you? A (No answer).

BY THE COURT:

Q Did you say 16 West 60th Street? I understood you a few moments ago to say you were living at 252 West 43rd St.

A That was Summer a year ago, and Mrs. Fair moved in the mean time.

Q Were you were Mrs. Fair or living at the Hotel Astor?

A Now I am. I came on for this trial and I am stopping

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there. You see I have been home in the meantime.

Q At the time of this happening you were visiting Mrs. Fair in 60th Street? A Yes sir.

BY MR. LeBARBIER:

Q Where did Mr. Hall leave you that day? A At the tailors, at the entrance to the building.

Q How long do you suppose, Miss Frazier, you had been in the company of Mr. Hall from the time you met him until, as you say, he left you at the tailors? A How long?

Q Yes? A Do you mean from the time we met him?

Q Yes? A Just to walk over.

Q How long is that? About half an hour? A I don't know. We walked directly to 45th Street.

Q I am not worrying much over the time. If you don't know it is all right. But I thought you might be able to say whether it was an hour or half an hour? A Oh, it wouldn't take that long to walk over there.

Q I don't know how you walked. You walked slowly, and it was day light---it was not moonlight? A It was daylight, in the afternoon.

Q How long did it take you to walk over there---half an hour or three quarters of an hour? A Well, I don't know. I imagine it wouldn't take long, I imagine about 15 minutes or twenty minutes, ~~ka~~ from 42nd Street to 45th Street.

Q Did the defendant leave Mrs. Fair there? A Yes.

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Q At the moment of leaving was anything said by anybody of the four as to a reunion? A Yes.

Q What was said? A Why Mr. Hall asked me to go to the Theatre that night and when I said No, I had a previous engagement, and Mr. Drexel was to go with Mrs. Fair.

Q That night? A Yes, that night.

Q Your engagement was not that evening with Mrs. Fair, was it? A No, no, no.

Q It was not a chance acquaintance you had met the day before? A No indeed.

Q It wasn't Mrs. Fair? A Is that necessary?

Q Well---

THE COURT: You need not answer if it tends to degrade or incriminate you. Mr. LeBarbier, I do not think the name of a man in this great city would have any bearing on the credibility or the character of the witness.

MR. LeBARBIER: I agree with your Honor.

Q But was it was some you had known some time? A Oh yes.

Q Had you been out frequently with him to the theatre, alone? A Yes.

Q Then you did not see Mr. Hall again until two days after, did you? A Friday night.

Q Had he phoned in the meantime to you? A Yes sir.

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Q Had the defendant gone with Mrs. Fair that first night to the theatre? A No sir.

Q Had he gone with her at anytime, do you know? A No sir.

Q Had he telephoned at any time? A No sir, not to my knowledge.

Q So that the only one going, as far as I understand, was Mr. Hall and? A Yes.

Q When he telephoned to you---Mr. Hall---did he make an engagement for you to go to the Theatre on Friday night? A He telephone me on Tuesday---I mean on Wednesday, the next day after the meeting, and asked for an engagement to the Theatre that night, and Mr. Drexel was to go with Mrs. Fair.

Q Did he say that? A Yes.

Q Or do you just draw that conclusion? A Oh, I don't draw that conclusion. He said that on the phone.

Q Well were there any engagements before this Friday made between you and Mr. Hall that were broken? A No.

Q Are you thinking about that? A I am quite sure none were broken.

Q Then he asked you to go to the theatre on Friday night? A Yes.

Q What theatre, do you recall? A No no, he didn't say what performance we would see.

Q Are you sure about that? A Positive.

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Q Eh? A Yes.

Q You had been in New York for some time before, had you not? A The latter part of October. I don't remember just exactly the date.

Q You had been to the Theatre a number of times? A Why only once I think. I think now---it may have been twice.

Q But was anything said about what theatre you would go to? A No sir.

Q Didn't he say he would come up to your place and get you? A No, he asked me to meet him at 23rd Street and Sixth Avenue.

Q Didn't you think that strange? A Well, rather. I didn't think---

Q What? A I didn't think about it.

Q Here is a gentleman asking you at night to meet him at 23rd Street and 6th Avenue, ---an entire stranger to you except for this short acquaintance---didn't it impress you that it was a peculiar thing to do? A Well, I admit it was very foolish.

Q Did you speak to Mrs. Fair about it? A Not especially. No, I think I mentioned it---I know I mentioned that I was going out.

Q She knew you were going to meet him at 23rd Street and Sixth Avenue? A Yes sir.

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Q Didn't she tell you that as a young lady you ought not do such a thing? A Why, when I left Mrs. Fair was in the bath and I hurried out.

Q Well, I know, but ~~what~~ would you have done such a thing in Atlanta? Meet a young man out there at night alone?

A I don't think so.

Q Now when it came to meeting a young in the City of New York, and you were with a lady---was she considerably older than yourself? A She is somewhat older than I am, a few years

Q Didn't you consider it of sufficient importance to you as a young lady to tell her and be guided by what she should say as to whether you should meet a stranger, so to speak, at an hour in the evening on a street in the City of New York? A I didn't ask her advice.

Q Will you say she knew about it? A Well, she did. She knew I was going out to meet Mr. Hall, to go to the theatre.

Q Didn't she say anything at all to you then by way of disapproval? A I can't remember that. She was in the bath and I only hurried out.

MR. LeBARBIER: I would like Mrs. Fair excluded from the room pending this examination.

(Mrs. Fair excluded from the Court Room)

Q That was Mrs. Fair who just went out? A Yes sir.

Q Well, at all events when you did tell her about this

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meeting she did not tell you not to go, did she? A No.

Q And you left her in the bath? A Yes sir.

Q In the evening? A Yes sir. She was in the bathroom-- I don't remember seeing her in the bath. I don't mean in the bath, but in the bath room, and I was in my room.

Q Hadn't she been dressed before that day? A Had she been dressed?

Q Had she been out of the apartment? A Yes.

Q Had you been out of the apartment? A Yes.

Q And then you came back and dressed to meet a stranger?

A No, I was already dressed. I was out that afternoon.

Q Had you been out that afternoon? A Yes sir.

Q And when you went out that afternoon did you have on a brooch of the value of \$1000.? A Yes sir.

Q A bracelet of the value of \$1000. A Yes sir.

Q A finger ring of the value of \$1300. A Yes sir.

Q And one other finger ring of the value of \$1000.? A Yes sir.

Q And you kept that jewelry on you? A Yes sir.

Q And when you were going out to meet a stranger, so to speak, you still had that jewelry upon your person? A Yes sir.

Q Is that true? A That is quite true.

Q Jewelry that you had received from your mother? A Yes sir.

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Q That is right, isn't it? A Yessir.

Q You say you had been dressed, didn't you? A Yes sir.

Q What then was the occasion of your being late at that rendezvous meeting A My dinner was late that evening.

Q Did you eat your meals in the apartment? A Yes sir.

Q And then you left the apartment about what time? A I should imagine it was late---it must have been about twenty five minutes after eight or 8:30. It was late.

Q Is there an elevator in that apartment? A An elevator

Q Yes? A No sir.

Q Did you take the key for the outer door? A Why, yes, I have a key.

Q Did you think you would be so late as to require a key? A I don't remember whether I had the key. I occasionally had the key, occasionally. I don't remember that night having the key.

Q Do you understand the importance of this case? A When I left---

Q The charge is made against the defendant of robbery. You consider that a serious charge, do you not? A Yes sir, I certainly do.

Q If there is any way that the defendant can establish his innocence you understand that he proposes to do so, do you not? A I understand that.

Q And you say that a considerable amount of jewelry

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was taken from you? A All of it. All that I had on that evening.

Q With all of that importance in your mind, are you able to state before this court and Jury whether on that night in question you had or you didn't have a key to the outside door of the house in case you remained out all night? If you will kindly answer that?

THE COURT: The out all night part of the question Mr. LeBarbier, may be unnecessary. Strike that out. Whether she had the key is the gist of the question and I will let it stand at that.

BY THE COURT:

Q Did you or did you not <sup>on</sup> ~~have~~ this occasion have the house latch key? A I don't think I had the house key.

Q You are not certain in your memory? A I am not certain, no.

BY MR. LeBARBIER:

Q Well, had you any conversation with Mrs. Fair that you would not return until the following day? A Oh no. I said that---I said that I would not be out very long because it was late to go to the theatre.

Q But you had made an engagement for the theatre? A Yes.

Q Now do you say that you told Mrs. Fair that you would not be out very long? A I said that I would not be

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out very late.

Q What do you understand possibly by out late? A Oh I should imagine for theatre time.

Q About half past 11 o'clock or twelve? A Yes.

Q In all events you left, went out of the house, went down into the street alone? A Yes sir.

Q From 60th Street you went alone to where? A to 59th Street to get the elevator.

Q At 59th Street what did you do? A I ~~had~~ got the elevated train there, 6th Avenue elevated train.

Q You went down to 6th Avenue. A And 23rd Street.

Q And you there got off? A Yes.

Q And went down in to the street at the corner of 6th Avenue and 23rd Street where the Riker Drug Store corner is? A Yes sir.

Q And did you there see a Mr. Hall? A Yes sir.

Q In evening suit? A No.

Q Where was he standing when you saw him? A He was standing just up against---oh, I don't know, right near the drug store. I could see him as I came down the stairs.

Q Well, there were a number of people standing around, weren't there? A People were walking.

Q And standing around? It is a corner where you notice people standing around? A Yes, I imagine you would see people there.

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Q And yet though something you would not do, something you would not do in Atlanta, you went out here in New York and met this comparative stranger on that corner? A Why? I was going to the theatre.

Q You didn't know anything about the antecedents of Hall, did you? A No.

Q Have you learned anything since? A Why yes.

Q Did you know anything about the antecedents of this defendant? A What I heard---no, no.

Q When you met Mr. Hall downstairs did he have his gloves on? A No.

Q Just remain there in an ordinary everyday suit of clothes? A Yes sir.

Q High hat or derby hat? A No, a derby hat.

Q And then he came up and shook hands with you? A Yes.

Q And you were delighted to see him? A Yes.

Q And how long did you and Hall remain on the corner of 23rd Street? A We walked up 23rd Street.

Q Where did you go then? A Walked out 23rd Street towards 9th Avenue, towards the 9th Avenue L.

Q This was now about what time? A I should imagine it was quarter of nine, I should think.

Q Well, in all events you say it was at least a quarter of nine, do you not? A Just about, yes.

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Q And it took you to walk down to 23rd Street---A No, I didn't walk.

Q Oh, you took the car? A Yes, I took the elevated train.

Q No, I mean to say with Hall? A Oh yes, we walked down 23rd Street.

Q And you arrived at this number, 359 West 23rd Street, in probably about how long a time---fifteen minutes or so.

A No, we stopped at---Mr. Hall complained of being cold and we stopped at the corner of 23rd Street and 7th Avenue and he said "It is very cold." He said "I didn't wear my over coat and I will stop in here and get a drink. It will warm me." And he said "Wont you come in?" And I said "Why, no, I would rather not." So we went back in there---it was the family parlor.

Q You did go in? A Yes.

BY THE COURT:

Q You would rather not but went in? A Yes, I objected you know. So I went in and he ordered a drink and he asked me to have one, and I remember that he wanted whiskey and it was just after dinner, so I ordered a yellow chartreuse, and we remained there a very few minutes and walked on out 23rd Street to 8th Avenue and 23rd Street, and the "Oaks" are there, and he said "This is an attractive place, and a rather nice place. Suppose we come in here," and I went in there.

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Q You didn't tell him you just had your dinner, did you? Because you told us here that the reason you were late was that your dinner was late? A Well, I didn't tell him that.

Q But you were willing to go in there with him? A Yes, I went in there with him.

Q And did you have a drink in there? A Yes, he insisted on it that I should have another drink and I had the same thing, yellow chartreuse.

BY THE COURT:

Q Why yellow? A I don't know. I know that is a drink.

BY MR. LeBARBIER:

Q Well you know there is a green, don't you? A Yes, I know that.

Q It is just a matter of taste, whether one likes the green or whether one likes the yellow, isn't that it? A Yes sir.

Q You prefer the yellow? A That is what I have always--

Q What is that? A Yes.

Q Up to the time you went into the Oaks restaurant had Hall bought a bottle of whiskey? A No.

Q You didn't see that, did you, if he did? A No. I was with him. He could not---I don't think he could have purchased it without my seeing it.

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Q Well as far as you observed you did not notice any bottle of whiskey? A As far as I noticed, no.

Q And your chat was general, was it? A Yes.

Q Nothing was said about the Theatre? A For the next evening, yes.

Q Not that night? A Well, I said it was too late when I met. I said it was too late to go to the theatre so I wouldn't remain long but we would walk across the Avenue and I saw an elevated train---I said "That is an elevated train we will just walk out that way, " and he said "Yes, I will just get my overcoat and I will escort you home, and we will see Mr. Drexel and we three will go home together."

Q That was the elevated of the 9th Avenue road? Wasn't it? A Yes sir.

Q How long, Miss Frazier, , did you remain in that restaurant? A In the Oaks, you mean?

Q Yes. A We remained in there for some time chatting and in the meantime Mr. Hall excused himself and he said he would see if he could communicate with Mr. Drexel and he went out and came back again and sat down and we talked a while longer and left.

Q Did anybody tell you since any arrest has been made in this case, or suggest to you, that while you were in the Oaks restaurant, Mr. Hall said to you that he would telephone to see if he could meet Mr. Drexel? A He said that he would

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see---yes, he would say.

Q But nobody suggested that to you? That is what occurred as a fact? Is it? That is what occurred? Nobody suggest to you to say that, did they? A Oh no no.

Q That is what occurred in the restaurant? A Yes.

Q That Mr. Hall said he would see if he could phone Mr. Drexel? A He said he would---yes.

Q Well up to this time had you taken any other drink?

A No sir.

Q Had you taken a third chartreuse? A No sir.

Q Had you taken any whiskey? A No sir.

Q Had you taken any drink of any kind? A Only water.

Q Only water? A Yes.

Q In the restaurant? A Yes.

Q And you had stayed in there how long, do you think a half an hour? A It might have been longer than that.

Q Was anything eaten there by either of you? A No sir.

Q And then when Mr. Hall, as you say, went out to the telephone, as you say, he came back? A Or communicate---he said communicate with Mr. Drexel.

Q Did he say he had communicated with him? A He did not say.

Q Do you know how long he was out when he went to the

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telephone? A A very few minutes.

Q There was no telephone right there in that room?

A I couldn't see where he went after he got out. It seemed to be on the desk.

Q Then you both went out? A Yes.

Q Then he said he would go for his what? A He started out the Avenue and we crossed the street just cat-a-corner to 359 and he said he would get his overcoat, and he said "Wont you come in?" And I said "No, I prefer waiting here;" and he said, "Oh, step inside, it looks better, and this is New York," and so I went up the stoop and stood inside, and there was a lady ~~in the~~ and the hall was very bright, and I heard ladies' voices and he started up the stairway ahead of me and he said "Oh, come on up to my room," and I started up and I met a lady on the first landing and I passed her and went around and then up another flight of stairs.

Q Before you got up to the other flight of stairs had you passed any ladies in the house? A One lady.

Q Down stairs? A I don't remember seeing any one. I just remember seeing some one.

Q Was she dressed in evening dress? A No, she had on I think---I remember a tan dress of some sort.

Q Did she talk with Mr. Hall in your presence? A No. just rather smiled, smiled to Mr. Hall and also to me, just

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a pleasant smile.

Q Did Mr. Hall say anything to her---good evening.

A I don't know, I don't remember that.

Q He didn't call her by the first name, "Good evening Mary". Or "Sallie"? A No, I think just possibly a nod.

Q Didn't it occur to you you were in a peculiar position at that time? You were a young lady of 23---didn't it occur to you that--- A I knew that it was not just right but I didn't think there was any great wrong.

Q You didn't think it was wrong? A I didn't think there was any great wrong in it.

Q Then you went up the flight of stairs and when you went up the flight of stairs did you meet anybody? A Do you mean the second flight?

Q Yes? A No.

Q Dark or light was it? A No, the halls were ~~br~~ought bright.

Q Up to this moment had the conduct of Mr. Hall been entirely proper? A Entirely.

Q And when you to the top of the second flight what happened? A I went into this room.

Q Went into his room? A Yes.

Q A hall room, was it? A No, it was not a hall room. It was the second parlor, it was a very large room.

Q Well, were there two rooms? A No. It was the

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second parlor but there was only one room. I remember the door adjoining was closed. It was situated as a second parlor, just at the head of the stairs.

Q Now when you went into the room was it furnished? A Yes.

Q Did you see a bed there? A I saw two beds, yes.

Q You knew you were going into a bed room, didn't you?

A I didn't know it until I got there.

Q But when you saw it you knew it? A Yes, I saw it.

Q And you saw two beds there, did you not? A Yes.

Q And a sofa? A No, I don't remember seeing a sofa, no.

Q Chairs? A Yes.

Q Well at all events you entered? Did you see Mr. Drexel there? A Not then.

Q When you say not then, this was surely about ten o'clock, wasn't it, or later? A Yes.

Q Or later? A Yes.

Q Was it later? A About ten or later. I don't remember the time exactly. I don't know how much time had been consumed

Q Did you feel any effect at all from the chartreuse you had been drinking? A No.

Q What is that? A No sir.

Q You did not? A I did not.

Q Are you able to state a little more closely if you can

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the hour? A I could not, no.

Q Well, do you think it was in the neighborhood of half past ten. A Somewhere. I don't know the exact time. I imagine somewhere about---

Q I don't want to question you undly, but if you can about approximate it, I would like to have it? Half past ten do you think it was? A It might have been.

Q When you went in there and Mr. Drexel the defendant was not there you realized then when you saw the two ~~in~~ beds that you were going into a bed room? A I didn't realize that I was going into a bed room, but I saw that I was in a bed room after I stepped in.

Q But you did not go out of the bed room, did you? A I just stepped inside.

Q And you remained inside for probably an hour or so, didn't you? Isn't that a fact, Miss Frazier? A Yes.

Q So that there did come a time when you went into the room that you realized that you were in a bed room with a man alone? A The door was open and Mr. Hall seemed to be looking for his coat and so then Mr. Drexel came in.

Q How long after you had gone into the room ~~was~~ ~~Mr~~ with Mr. Hall was it before Mr. Drexel came? A Not very long.

Q Half an hour? A No no.

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Q Before Mr. Drexel came did you have a drink in that room? A No sir.

Q You are quite positive about that? A Positive.

Q You didn't have a drink of whiskey? A No sir.

Q Where did you sit when you went in? A I sat in the far corner of the room in a large chair. I think it must have been a Morris chair.

Q Did you take off your hat? A After a time it was very stuffy in there.

Q But you did take off your hat? A Yes. I removed my hat and coat.

Q Did you take off your cloak? A Yes sir.

Q Did you take off your gloves? A Yes.

Q Did that leave you in your dress and shirt waist?

A Yes.

Q When Mr. Drexel came in then the three of you were in the room? A Yes.

Q Then surely did you not take a drink or they take a drink. A Yes, they drank.

Q They drank what? A They drank whiskey.

Q You saw them drink whiskey? A I don't know. It was something out of a bottle.

Q They poured something out of a bottle? A Yes. They asked me to have a drink and I refused.

Q Did you keep up that refusal or ultimately take

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a drink? A Yes, I refused.

Q You did not take a drink that night? A No, because I never drink whiskey, not do I drink much of anything.

Q How long did the three of you stay there together before some one started to go home? To go out? A I don't know /. I was in there for some time. We were chatting and it was all very pleasant and I wanted to go home. I don't remember, I couldn't say what time that was.

Q The room was pretty stuffy, was it? A It was warm, yes, stuffy.

Q Do you remember falling asleep? A Oh no.

Q What is that? A No.

Q You felt a little languid, didn't you? A No.

Q Didn't you feel tired? A No.

Q Or sleepy? A No sir.

Q At all events you wanted to go home and this was probably about what time? A I don't know, I couldn't say exactly about that.

Q I don't press you unduly, but about? A Oh, I don't know. I imagine about---

Q Was it 12 o'clock yet, do you think? A It might have been. I don't remember just the time.

Q It might have been? A Yes.

Q Well, it was more than half past 11? A Yes sir, somewhere I amine between half past 11 and 12.

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Q Do you recall anything by which you can place the time any clock in the room, or watch? A No no.

Q Or when you said you wanted to go home did either of these two young men draw out his watch and tell you what time it was? A No, I don't remember that.

Q What? A No.

Q But according to the best of your ability you stated it was about midnight? A I imagine so, yes.

Q The door was open all the time? A It was ajar, yes.

Q Did people pass in and out, in the hallway, I mean? A I don't know that.

Q Do you recall people passing in and out? A I don't know, I don't recall that.

Q Then you put on your hat and your gloves and you made a start to come out, did you? A I started to put on my coat and Mr. Hall started over as if to help me with my coat.

Q Was he in front of you? A Well no. He was standing in back of me as if to assist me with my coat and he grabbed me from the back around the neck and choked me, and also Drexel and Drexel forced a towel into my mouth and gagged me.

Q Do you say Hall grabbed you by the neck? A Yes.

Q Did he press upon your neck? A He choked me.

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Q Did he call out anything? A I don't know.

Q Did he say anything to you? A No.

Q Up to this moment his conduct had been entirely rationally and sane? As far as you could observe? A Yes.

Q And suddenly while assisting in putting on your coat he seized you by the neck? A Yes, and also Drexel.

Q He seized your first, didn't he? A Yes.

Q With his hands upon your neck, what do you try to do?

A I was struggling, struggling for life.

Q I know you are struggling? A Yes.

Q You could not scream, could you? A No.

Q Your wind pipe, so to speak, ---your air was shut off?

A Yes sir.

Q But your eyes were open? A Yes sir.

Q And he kept his hands on your throat, didn't he?

A Yes.

Q Of course you were very much frightened naturally? A Yes sir.

Q And at that moment you say that Mr. Drexel did anything

A Yes, he grabbed me too.

Q Well now wait. Where did he grab you? A He grabbed me by the neck and----

Q Both of these men? A And then forced a towel into my mouth.

Q Both of these men grabbed you around the neck there?

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A Hall grabbed me from the back around the neck and Drexel grabbed me.

Q Did you see a towel in his hand? A I remember the towel going into my mouth.

Q Did you see him get any towel anywhere? A No, I remembered though that it was just a towel being stuffed into my mouth.

Q Have you that towel with you? A No.

Q And that was stuffed in your mouth, was it A Yes, but it was found there afterwards and had blood on it. There was several towels--it seems one I had lost out in the hall on my way out, and it also had blood on it.

Q What was the last you recollect? A (No answer)

BY THE COURT:

Q What was that you lost in the hall? A Just a towel that fell off my shoulder as I was going out, and it also had blood on it.

BY MR. LeBARBIER:

Q Did you then faint, as far as you remember? A I lost consciousness.

Q You don't recollect anybody taking off your bracelet? A Why, I lost consciousness, no.

Q Or your rings? A No. I lost consciousness, I don't remember.

Q Do you think you are able to state how long you were

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Q Do you think you are able to state how long you were unconscious there? A No, I couldn't state that.

Q At any time from the moment you started to get up to go home did you hear either of the defendants say anything  
A Yes.

Q Which one? A They both talked and they spoke---I don't know what it was, it was not French---but just---I don't know--something I couldn't understand.

Q You heard a sound? A Yes, they were talking.

Q Do you know where Mr. Hall is now? A No.

Q He never was apprehended, was he A No sir.

Q After you regained consciousness and had complained to a policeman when was it you next saw the defendant? A Over in Jersey City I identified him in a row of men.

Q Well, of course, any identification of the defendant was not difficult because you had met him in the elevated, and subsequently seen him in the room, isn't that so? A Yes.

Q So that where you would see him any way you would identify him readily---that is true too, isn't it? A Yes.

Q Just as now you can point him out now as Drexel, the defendant, isn't that right? A Yes.

Q During the time that you were in the room with Mr. Hall, before Mr. Drexel came in, do you state that nothing

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improper occurred? A No.

Q You state positively---

MR. LeBARBIER: Will you repeat that last question, Mr. Stenographer.

Q (Question repeated by Stenographer as follows) During the time that you were in the room with Mr. Hall, before Mr. Drexel came in, do you state that nothing improper occurred?

A Why, Mr. Hall came towards me and possibly caught me by the arm and I said "Now you remember that you said to me that I would be perfectly safe with you, as safe as I would be as if I was with my brother," and after that there was nothing.

Q Now that's all you say happened? A Yes sir.

Q Did Mr. Hall produce this bottle of whiskey before Mr. Drexel came in? A No sir.

Q Do you state that it was after Mr. Drexel came in that a bottle of whiskey was produced? A Yes.

Q Do you say that you did not take a drink of that whickey? A Yes sir.

Q And permit me to ask you---I do not mean to be in any way impertinant---but do you also state, that that night you were sober? A Yes sir.

Q Did ya go to this house at 359 West 23rd Street, at any time after the occurrence that night? A Only <sup>one</sup> time

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since then I went down to the house in a car and we were trying to get some clue. I was with---I was on my way to the gallery.

BY THE COURT:

Q What do you mean by "the gallery"? A In Police Headquarters, to look over the Rogue's gallery, and we stopped by there---

BY MR. LeBARBIER:

Q Did you go up in the place again? A Not that day.

Q But did you subsequently go up in it? A Why, with officer Toner some few days ago in regard to a witness.

Q After you came out of the room after regaining consciousness did you make any outcry? A Only went to this door and rapped and I heard a lady's voice.

Q On the same floor? A Yes. It was the first door to the right.

Q Do you know the name of that person? A I learned afterwards. I don't quite remember.

Q Is she here? A No sir.

Q What is that? A No sir.

Q Do you know whether she is under subpoena? A No. Not that---, Yes, I think it come to me now it was Mrs. Egan, and I asked a Miss Shea who was her foster daughter---Miss Shea was her foster daughter.

Q Miss Shea was the foster daughter? A Who was the

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foster daught of this Mrs. Pulver who ran this house, don't you know?

Q No, I don't know anything about it. I want to know who Miss Shea was? A Miss Shea was the housekeeper looking after things there.

Q Did you see her that night? A Yes.

Q Did you see her when you went upstairs? A Yes.

Q Did you talk with her? A Afterwards.

Q Not before? A No.

Q Was this woman you met in the hall and passed and smiled at Mr. Hall? A No.

Q She was not the woman? A No.

Q Right after this occurrence do you remember, when you regained consciousness and went out in the hall, what was the first thing you did? A I rapped on the door and heard a woman's voice and I asked her to please come out to my assistance, that I was choked and gagged and robbed and she said "Oh, I am afraid of you." And I said "Why I wont harm you, and she wouldn't come out. So I went out into the street. I went down one flight of stairs and fell and I got up again.

Q Before you went down into the street and after you said to this woman "Oh, I won't harm you", did she offer to do anything to you, to help you in any way? A I didn't see her? he wouldn't open the door.

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Q She wouldn't even open the door? A No sir, she only said "Get away from my door".

Q Did you go to any other door and try to get assistance? A No. There is no other door that I remember, and I just went on down the stairs, walked back and then down the stairs and I think I remember falling two or three times before I got to the street.

Q Now when was it that you met this Shea woman? Was it going in the house before this occurrence or was it after the occurrence? A It was after the occurrence.

Q How long after? A I went out into the street and I don't know---just a few minutes. I went back with these two officers and we couldn't get entrance of course. We rang the bell and then Miss Shea and Mrs. Pulver---

Q Well, was that the first time you saw Miss Shea? A Yes, the first time.

Q Mrs. Shea or Miss Shea? A Miss Shea.

Q You didn't see her at any time that evening before the moment you are now speaking of, after the occurrence? A I don't remember seeing Miss Shea.

Q Then with her did you go upstairs again? A I went up with the two officers and Miss Shea and Mrs. Pulver and this other woman who---

Q Did you go into the room? A (Continuing) whom I afterwards learned was the woman on whose door I rapped, and

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we all went into this room.

Q Did you stay in the room a few moments? A We paced about, searched about, yes.

Q Was the bottle of whiskey there exposed when you went in? A There was a bottle in there.

Q Did it look like the same bottle they had been drinking from? A I don't remember that.

Q Were there glasses there? A One glass that I remember.

Q Did you point to the whiskey bottle and glass? A No.

Q Didn't you say anything about what had happened there? A Why, I stated to the officers what had happened.

Q Now have you related everything in regard to this case? A Yes, I think I have, everything, yes.

RE-DIRECT EXAMINATION BY MR. WASSERVOGEL:

Q Let me ask you---359 West 23rd Street is in the County of New York, isn't it? A Yes sir.

Q Now after this occurrence you went back to Atlanta Georgia? A Yes sir.

Q And have now come on for the purpose of this trial? A Yes.

Q Counsel has asked you whether at the time that you first met <sup>H</sup> all you knew anything about his antecedents and

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you said no. He then asked you if you have since learned anything about him and you said yes. Tell us what you have learned about him.

MR. LeBARBIER: Objected to as incompetent.

THE COURT: Objection sustained.

G R A C E M. F A I R called as a witness on behalf of the people, being first duly sworn, testifies as follows:

DIRECT EXAMINATION BY MR. WASSERVOGEL:

Q Where do you live? A 16 West 60th Street.

Q You are in business, aren't you? A I am.

Q What business are you engaged in? A In the automobile business.

Q By whom are you employed? A Is that necessary?

Q Yes? A Maxwell, -Briscoe Incorporated.

Q In what capacity are you employed there? A Superintendent.

BY THE COURT:

Q What do you mean by Superintendent? A I have charge of the Repair shop and the stock room and the purchasing.

Q Are you a practical mechanic? A Yes sir.

BY MR. WASSERVOGEL:

Q Do you know the defendant James Drexel? A I met him just once.

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Q Tell the Jury when and under what circumstances and what was said? A It was on Election Day. Miss Frazier and I were going down town together. We got on the elevated station coming to her tailor at 18th Street. We got on the elevated. We got out at 42nd Street. The defendant and another man by the name of Hall were on the train. They got on at 33rd Street and got off at 42nd Street. As we got off I got up to leave the train and Miss Frazier followed me. What happened when we left the train I don't know. Miss Frazier says that Mr. Hall jostled into her and apologized.

MR. LeBARBIER: I object to that.

THE COURT: Strike it out.

Q Just tell us what you know yourself. Did you have any conversation with these men? A With Mr. Drexel I did

Q You spoke to Drexel? A Yes.

Q Tell us what was said please? A I don't remember just the gist of ~~xxx~~ the conversation, but we walked down the elevated stairs and Mr. Drexel and Mr. Hall came up and Mr. Hall again apologized to Miss Frazier for knocking her---

MR. LeBARBIER: I move to strike that out.

THE COURT: You may tell us what was said. We will determine whether it was an apology.

THE WITNESS: I have to tell part of Mr. Hall's conversation in order to bring Mr. Drexel in.

THE COURT: There is no objection to it if the

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defendant was present. I don't know that there is any objection.

MR. LeBARBIER: No sir, no objection.

THE WITNESS: Mr. Hall asked us if we were going to the Hippodrome and we said no, we were going to Miss Frazier's tailor, and they asked if we would not go to the Hippodrome and we said no. They wanted us to go to the Hippodrome that night. We were just nearing the Hippodrome as they approached us, and we walked---Mr. Drexel fell in line with me and Mr. Hall with Miss Frazier, and in the course of conversation for something to say I ask Mr. Drexel where he was from. He said he was from Galveston, Texas, and I immediately said "That is odd I am from Galveston too. I had lived in Galveston and I had been in training as a nurse in Galveston, in the hospital. Mr. Drexel said that he had lived somewhere along the seashore in Galveston, and I said that I was glad to meet anybody from my home state and that I would be glad to renew the acquaintance of Mr. Drexel. We had by that time gotten to the tailors and Mr. Drexel and Mr. Hall stood in conversation with us for a while. We went up to the tailor and they left us saying they would call us. Mr. Drexel asked me for my telephone number and I told him that he ought first give me his telephone. He said that he was stopping at the Empire---

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no, the Imperial Hotel, but we are going to move to Yonkers to-night. So I gave him my telephone number and Miss Fazier did likewise to Mr. Hall.

Q Have you seen either of these two men since? A No sir, I have not.

CROSS EXAMINATION BY MR. LeBARBIER:

Q Did you at any time Mr. Fair, go to the Theatre with Mr. Drexel? A No sir.

Q Did he ever telephone you? A No sir.

Q Ever make an engagement to go with you? A He spoke of it, about making a part of four, sir.

Q Outside of four you would consider it improper for two only to go? A Not from the appearance of the gentlemen, no.

Q Would you go simply by the appearance? A I thought that I was a pretty good judge.

Q Your husband was what, divorced? A No sir.

Q Dead? A Yes sir.

Q Any children? A Yes sir.

Q Then from the looks of these two young men you thought they would be proper people to go with? A They looked like two very distinguished young men.

Q Did Mr. Hall look a little more distinguished than Mr. Drexel? A Not any more so.

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Q But Mr. Hall was the one who took a fancy to Miss Frazier. A Miss Frazier.

Q Well when you learned that an appointment had been made by Mr. Hall to take Miss Frazier to the Theatre alone did you entirely approve of that? A I am not Miss Frazier 's legal adviser. I couldn't tell her what to do.

Q You were from Texas? A Yes sir.

Q And you know ~~that~~ all that gentleness which distinguishes the South? A Yes sir.

Q And you know how gentle they are? A Yes.

Q And how they consider men as Cavaliers? A Yes sir.

Q And everyone in brought up in that beautiful gentle way that has so characterized the South---you were familiar with that? A Yes sir.

Q Now, knowing and hearing Mr. Hall was to take Miss Frazier to the theatre, do you mean to say you did not interfere simply because you did not consider you were the legal adviser of Miss Frazier? A I didn't put it that way. Miss Frazier is old enough to do what she pleases.

Q And you did not attempt to stop her in any way? A No sir.

Q She had been in the habit of going out with young men? A Yes sir.

Q Nightly? A Yes sir.

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Q Different men? A Yes sir.

Q Was the dinner late that night, the night she went out to meet Mr. Hall? A What do you mean---at my home?

Q Well yes? A Well sometimes I was detained at the office. I do not get home---I do not just remember whether dinner was.

Q What time do you generally arrive home? A Half past six, between six and a quarter past.

Q Do you recall this night in question? A This night in question was election night and I was away from the office that day; it was a holiday.

Q So you were home all day. A Yes sir. We were out in the afternoon.

Q But I was speaking now of Friday? A Oh, Friday.

Q You know we had an election here on Tuesday? A Yes sir, I know.

Q And after Tuesday, on Friday, do you remember what time you arrived home? A No sir, I do not.

Q Well, I mean to say about your Hours? A Some time I do not get home until half past six. Sometimes it is seven. I do not remember the date and days that I get home late. Sometimes I get home at 6 o'clock.

Q Did you know that Miss Frazier was going out to the Theatre that night? A I did when I got home.

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Q Not before? A No sir.

Q Didn't you know that some time before? A I knew that there was to be an appointment for the theatre. I didn't know what day.

Q And when you did find that out and did arrive home and then knew that Mr. Hall was going to take Miss Frazier to the theatre, do you recall about what time it was that you got home? A No sir, I do not.

Q Do you recall about what time you had dinner? A No sir.

Q The usual hour or late? A I don't know.

Q Do you recall whether she went out late or early?

A She was delayed on her appointment.

Q How much delayed, do you know? A I don't know.

Q Do you know what delayed her? A Why she is naturally slow, and I suppose she was delayed on that account.

Q She says she was delayed that night because dinner was late? A Well, she may have a remembrance of it on account of having the engagement---I don't know, but I don't remember.

Q At all events you will come to her rescue if you can by the suggestion if dinner was late and she says it was so you are willing to believe that dinner was later that night? It is possible, yes sir.

Q You says you were in the bath, if I understood correctly---is that correct? A I was.

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Q Then when you learned she was going out alone with Mr. Hall did you say anything to her? A No sir.

Q Did you know she had on all her jewelry? A I know she had it on at dinner, and I know she had it on when I saw her just before I went to the bath and she was getting ready to go out.

Q Had you ever cautioned her about not wearing so much jewelry? A Yes sir.

Q Had you told her that night not to go out with the jewelry? A No sir, I did not mention it.

Q Do you know whether or not she took the key of the house? A She did.

Q That you are positive of? A Well, I am not positive, but I assume that she did.

Q Why? A Because she usually takes the key when she goes out to the theatre.

Q But, as you say, she is naturally slow. How late as a rule would she be in coming home? A That depends on her own humor, I suppose. If she decides to go to supper after theatre she usually comes home later.

Q It would depend a good deal upon the young man with whom she was? A That is possible, or her frame of mind.

Q And also it might be a question of wine, do you think? A Well, I have seen her take wine, yes.

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Q You have seen her drink claret? A Yes sir.

Q You have seen her drink whiskey? A No sir.

Q You have seen her drink champagne? A Yes sir.

Q You have seen her drink chartreuse? A Yes sir.

Q She is fond of chartreuse, isn't she? A Yes, I believe she likes it as a cordial.

Q Do you know what color is her specialty, the green or the yellow? A I think it is yellow. I am not sure.

Q That is what Miss Frazier said. She likes the yellow better. Well, as far as you was it the habit of Miss Frazier to come in late at night? A No sir, it was not.

Q Was she out every night? A No sir.

Q Nearly every night? A Well, she was visiting New York.

Q Several times a week did she go out? A Probably.

Q Did you ever go out with her? A Yes.

Q Did you go to late suppers with her? A Not alone, no sir.

Q Well I am not asking whether you went alone with her. You had an escort with you? A Well, we have been out alone and we have been out escorted.

Q When you have been out alone, just you two, have you gone to the theatre? A Yes.

Q Gone to any place afterwards to take supper? A No.

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Not usually after.

Q Well, the question is have you? A Yes, we have.

Q Where? A Cadillac.

Q 44th Street? A 43rd Street and Broadway.

Q You and Miss Frazier alone have gone in there late at night for something to eat? A After theatre, yes.

Q And sometimes something to drink? A Yes.

Q And you both have drunk? A Yes.

Q And your drink generally was what? A Usually beer or ale, with a light lunch.

Q And he drink was generally what? She did not hesitate to drink? A Well no she didn't. We would have one mug of ale or probably a glass of beer or wine.

Q And would she take a glass of whiskey sometimes?

A No sir.

Q ~~And~~ A highball, Scotch or otherwise? A I don't remember ever seeing her take whiskey?

Q Have you seen her drink whiskey? Tax your memory for a moment? A I don't remember.

Q What is that? A I don't know. I don't remember. She may have taken a highball, but I don't remember.

Q Was it a usual place to go to, the Cadillac, for you two if you went out alone? A Yes.

Q Wherever the theatre was you would go in there? A

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That is about the only place a lady can go in unescorted.

MR. LeBARBIER: I move that that be stricken out.

THE COURT: Strike it out.

Q Did you generally after theatres go to the Cadillac Hotel? A Not always.

Q When you were unescorted you two? A We have, but not always.

Q How many times during the stay of Miss Frazier this last time in New York had you two been alone in the Cadillac Hotel at night after the theatre? A Oh, I don't know.

Q A number of times. A No, not a number of times. Several times. I don't two, I don't say three or half a dozen, but several times.

Q After leaving there generally how would you go home? A In a car, or a taxi if we felt inclined to go in the taxi.

Q When you say in a car you mean a ~~makter~~ motor car? A I mean in a street car.

Q More frequently in a taxi? A Well, I can't say that, no.

Q Now then do you recall the latest time of time that Miss Frazier had come to your apartment? A No sir, I do not.

Q Has she come back--- A I am usually in bed and asleep when she comes, or sometimes she asks me to sit up for her.

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Q But you said the average time you stayed up to was 11 o'clock sometimes? A About 11 I retire.

Q Then you get a little sleepy and go to bed, is that right? A Yes sir.

Q And you have simply gone to sleep knowing that Miss Frazier was still out and had the key, isn't that so? A Well there are times---

Q Isn't that so? A Well, she does not---

Q Wont you answer yes or no? Isn't it so? I want a categorical answer and I ask the Court to direct the witness to give a categorical answer. A Will you repeat the question?

Q (Question repeated by Stenographer as follows) And you have simply gone to sleep knowing that Miss Frazier was ~~still~~ still out and had the key, isn't that so? A She didn't always have a key.

Q Now will you answer yes or no? A How can I if she did not always have the key.

Q Well if she did not have the key---you do not think I am wondering if she flew in my the window, do you? A If she did not have the key she would ring the bell and I would get up and let her in.

Q When she had the key you had been in blissful sleep? A Yes sir, very blissful.

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Q And you would not know when she arrived home until you got up the following day? A Yes sir.

Q That was the first inkling that this little girl ~~was~~ running around in New York was home, when you saw her the next morning? A Yes sir.

Q And she did that often? A Not often.

Q More or less frequently? A Well, that is the same word---it implies the same.

Q Several times didn't she? A Perhaps several times.

Q In your apartment did you have separate rooms? A What do you mean? Miss Frazier and I?

Q Did Miss Frazier occupy one room and you occupy another? A Yes sir, Miss Frazier was there as my ~~agent~~ guest.

Q For which she did or did not pay? A She did not.

Q She said she gave favors? A Well, that is a personal matter.

Q At all events there were favors, weren't there? A Yes sir.

BY THE COURT:

Q The question has been asked as to whether or not you are married? A What is the fact? A I have, sir.

Q And you are now a widow? A Yes sir.

BY MR. LeBARBIER:

Q How long have you been a widow? A Ten years.

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Q How long have you lived in the City of New York?

A Six years.

Q Have you ever lived here before? A No sir.

Q And you came on from Texas? A Yes sir. I didn't come direct to New York, from Texas, no sir.

Q How long have you been in the business here of automobiles? A Five years.

Q And before that were you in any business? A I was in New Orleans, Louisiana.

Q As a trained nurse? A No sir; a stenographer and typewriter and general assistant.

Q But you had been studying for a nurse you say? A I had been in Texas, yes sir, when I was quite young.

Q Did you ever complete your course of study for a trained nurse? A No sir.

Q How long were you a Stenographer and Typewriter, as an assistant in an office? A Three years.

Q And then after that what happened? A I came to New York.

Q Are those the three years just before you came to New York? A Yes sir.

Q Then it was after the death of your husband that you became a stenographer and typewriter? A Yes sir.

Previously to that you simply lived with him? A Yes sir.

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THE COURT: Gentlemen, do not talk about this case, nor permit any one to talk to you about it, nor form or express any opinion thereon until the case is finally submitted to you.

Recess till quarter after two.

After Recess.

T R I A L R E S U M E D.

F R A N K V. S I L V A, called as a witness on behalf of the People, being first duly sworn, testifies as follows:

DIRECT EXAMINATION BY MR. WASSERVOGEL:

Q Where do you live? A 405 West 38th Street.

Q You are a police officer of the City of New York? A Yes sir.

Q Attached to what precinct? A 18th.

Q Were you on patrol duty on November 5th 1909?

A November 6th.

Q Morning of November 6th? A Yes sir.

Q Night of November 5th. Where? A Ninth Avenue, from the north side of 21st Street to the south side of 24th Street, and half a block east and west except 23rd Street.

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Q Did you that night see the complainant Blanche Frazier? A About 3 A. M.

Q Where? A Just east of the northeast corner of 23rd Street.

Q Was she alone? A Yes sir.

Q In what condition did you find her? A Her hair was dishevelled, she was partly disrobed.

BY THE COURT:

Q What do you mean by partially disrobed? A She hadn't all her wearing apparel. She was minus a hat, a coat and an outside coat.

Q What did you do? A This lady told me she had just ~~been~~ told---

MR. LeBARBIER: I object to that.

THE COURT: Strike that out.

Q What did you do? A I immediately conveyed her to 357 West 23rd Street. I rang the bell, was admitted, by ~~and~~ a few ladies, went upstairs on the third floor rear, searched the premises, through the hallways on the way up.

Q And went into a room with her? A Yes sir.

Q That she took you into? A Yes sir.

Q What condition did you find that room in? A Things rather mussed up, linen strewn around the floor, bed clothes on the larger bed all bundled up in the middle of the bed, and her clothes or outside skirt was between the bed and

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the window, the larger bed. Her hat was on the dresser and the coat was thrown over the back of a ~~maxxxx~~ Morris chair. There were several pieces of linen strewn around the room, principally consisting of Handkerchiefs, a few socks and a torn, striped negligee shirt.

BY THE COURT:

Q Men's or women's socks? A Mens. Stockings I would consider were for ladies.

BY MR. WASSERVOGEL:

Q Did you see a towel there? A Yes sir, with a few stains of blood on it. A regular towel you would find on the ordinary wash stand.

Q Did you ~~xxx~~ notice any marks on the complainant?

A A few around the neck here, around the throat.

Q What did they look like?

MR. LeBARBIER: Objected to as incompetent.

THE COURT: You may describe the marks.

A Just red marks like say if I take and squeeze my hands on my own throat and make an impression there.

MR. LeBARBIER: I move to strike that out as not responsive, the comparison made.

BY THE COURT:

Q Well, there were red marks on the complainant's neck?

A Yes.

Q As though of compression? A Yes sir.

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THE COURT: Strike out the description of the officer.

MR. LeBARBIER: Exception.

CROSS EXAMINATION BY MR. LeBARBIER:

Q At 3 o'clock in the morning, officer, you were where? A At the southwest corner of 24th Street and 9th Avenue.

Q Was anybody with you? A There was another officer on ~~the~~ his way home that just happened to stop there and speak to me?

Q Is he here? A No sir.

Q Was it there that you saw the complainant? A No sir.

Q From there where had you gone before you saw the complainant? A Please repeat that.

Q (Question repeated as follows by the Stenographer)  
From there where had you gone before you saw the complainant?  
A I was notified by some unknown citizen that at the north east corner of 23rd Street and 9th Avenue, that there was some lady there acting rather hysterical, and she wanted a policeman.

Q I don't ask what was said? A I left the corner of 24th Street and 9th Avenue and proceeded towards where this lady was standing.

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Q You saw her there, did you? A At 23rd Street, just east of 9th Avenue.

Q Did you observe her for any time before you went up to her? A Yes sir, as I come on the scene, that is about all, and she said "Officer, I have just been robbed".

Q Before she said anything did you see her? A Just as soon as I rounded the corner.

Q Before she said anything? A Yes sir.

Q Did she look like a drunk to you? A No sir.

Q Then you walked up to her? A Yes sir.

Q What was she doing just then? A Just hitting on the sidedoor trying to get in to use the telephone. She was hitting on the side ~~door~~ door of a licensed liquor saloon trying to get in to use a telephone and get a policeman.

Q She was not inside? A No sir, she was out on the street proper.

Q You don't know what she was trying to do, do you? A That is what she told me.

Q But did you know that she had come from 23rd Street? A I know she had just left that house---nosir, any more than what she told me.

Q Did you know she had knocked at doors in that house and tried to get help as she said? A I didn't witness that.

Q Did you know she went ~~out again~~ all through that house and saw nobody after this wonderful occurrence that she relates

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A All through 359?

THE COURT: Strike out wonderful?

Q Well, after this occurrence that she relates? A Nothing more than what the lady told me.

Q You didn't know anything about that? A I witnessed nothing.

Q You didn't see her coming down on the street around to the place where you were? A I didn't see her.

Q You didn't see that she had tried to speak to anybody? A I hadn't seen her until I rounded the corner.

Q Why are you so very prompt in stating that this woman was knocking on the door trying to get into the telephone?

A Well, I seen her.

Q Now why are you? Why did you answer that so promptly here to the Court and Jury? A

BY THE COURT:

Q Who told you that? A The lady told that/ I said "What is the trouble, Madam?" She said "I have just been robbed," she said "up the street in 359".

BY MR. LE BARBIER:

Q Then you saw her minus a dress? A Yes sir---an outside skirt coat and hat.

Q Did she have any gloves on? A No sir.

Q Did you talk to her in the tone of voice you are talking to me in? A No sir, it was not necessary at that

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at that hour of the morning.

Q What else did she not have on that you observed?

A Well that's all I see that was missing.

Q Well you saw her hair dishevelled, you say? A Yes sir, very much so.

Q Dow on the back? A Yes, sort of hanging loose--- looping I may say. It was not in position by any means.

Q If you had not known the story that you say she told you would you have taken her for a drunk? A No sir.

Q What would you have taken her for? A A woman on the verge of hysteria.

Q What is the difference? A A big difference.

Q You observed Eh? A Yes sir.

Q How old are you? A I will be 34 if I live to next August.

Q How long have you been on the force? A Close on to four years and a half. Four years last September.

Q You think there is a great deal of difference between an apparently hysterical person and a woman who is apparently full? A Yes sir.

Q You do Eh? A Yes sir.

Q Have you ever studied medicine? A No sir.

Q Are you a married man? A Yes sir.

Q How long had you been attached to your preeinct? A

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Three years this March.

Q When you observed that her hair was dishevelled what else did you observe about her? A Well, her clothes disarranged.

Q Was he waist open at the neck? A No sir, it was torn at the neck and one of the sleeves.

Q Have you got the waist? A No sir.

Q You felt from what she told you that you were in the presence of some violation of law having been committed?

A According to ~~was~~ what the lady told me.

Q You thought so, didn't you? A Yes sir. ---only what the lady told me.

Q You were acting then on police duty, were you not?

A Yes sir.

Q Was it your duty if any crime had been committed to endeavor to find out what crime it was---wasn't it? A Yes sir, if possible.

Q Did you observe the waist? A No sir.

Q So that in this story of assault of this woman appearing as she did, minus a skirt, waist and dress---A I didn't say waist.

Q Minus a skirt---A A skirt, coat and hat.

Q With her hair dishevelled with the story as you say that she told you, with the facts as you have stated under oath here that he waist was torn at the collar, acting

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in the line of your profession---that is, a policeman---  
do you state that you have not that waist? A Did you want  
me to send the woman home naked?

Q Do you hear what I say? A I haven't got the waist,  
no sir.

Q Have you at any time ever sought to get it? A No  
sir.

Q Do you know where it is now? A No sir.

Q What else did you observe about the apparel of this  
woman? A Nothing more than I have stated.

Q Did she have stockings on? A I didn't see that.

Q Was this before you saw her at the door of the sa-  
loon? A Was what before?

Q All this that you have observed about her and the  
talk you had with her? A No sir. I didn't see the lady  
until I rounded the corner.

Q But you say you saw her up against a door as if she  
wanted to go in? A Yes sir. When I rounded the corner.

Q Did you have your talk with her after she came from  
the door or while there at the door? A I immediately  
proceeded to the house in which she told me that this was  
supposed to have happened.

Q Did she walk with you? A Yes sir, in a sort of a  
little trot. I said "Hurry up."

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Q She trotted straight, didn't she? A By all means.

Q Did she utter any sounds from where you found her until where you took her? A Well, there wasn't---

Q Did she? A She did not utter no sounds at all.

Q And in all this hysterical condition you speak of tell me something she did while in your custody, trotting, as you say, around to the place where she said this occurrence took place. What did she say? A From the time I met her at the corner until the time we reached the place she was supposed ~~to~~ to have been in, in 359 West 23rd Street, she did not get much opportunity to say or do anything. I took her right arm with my left hand and I hurried her up through the street.

Q She was going along all right, wasn't she? A That was not quick enough for me.

Q You are quick in talk and quick in action aren't you? A As a rule.

Qx And because she was not quick enough to suit your physical actions you took her by the arm to accompany you? A I thought I might accomplish something by it.

Q And that was the only reason, wasn't it? A That was all.

Q On your way from where you commenced to take her

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around to 359 West 23rd Street did you meet anybody? A No sir not until I reached in front of the door.

Q Did you rap for any assistance? A No sir.

Q When you arrived at 359 West 23rd Street did you go up the steps? A Up the stoop.

Q Stoop or steps? A Stoop.

Q A high stoop? A Yes sir. Brown stone stoop.

Q How many steps? A About 12 or thereabouts, maybe a few mor or less.

Q So that these were the steps of a stoop? A Sir?

Q I say that these were the steps of a stoop? A Yes sir.

Q Did you still have her by the arm trotting her up the steps? A No sir.

Q When did you leave off holding her? A Just as I arrived at the door---she said "This is the house".

Q She said that in a sober rational way? A Oh, by all means.

Q You understood her? A Certainly.

Q Then you went up a stoop? A Yes sir.

Q What did you do? A Rang the bell.

Q Did she go up the stoop ~~with~~ with you? A Yes sir.

Q When you rang the bell who came to the door? A Two ladies.

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Q Did you go in the house? A Yes sir.

Q What kind of a house was it? A A furnished room and boarding house, as near as I can understand.

Q A furnished room boarding house? A And Boarding house. That is, you can hire a room or get your meals also if you wish to.

Q Did you go upstairs? A Yes sir.

Q How many flights at a time? A Sir.

Q Did you run up, jump two or three steps? A Just followed the ladies.

Q You followed the lady? A Yes sir.

Q You didn't get a head of the lady? A No sir.

Q When you arrived upstairs on what floor was the room that you entered? A Third floor, proper, rear room.

Q Third floor what? A Third floor proper?

Q Third floor proper, rear room? Is that right? A Yes sir. Two flights above the stoop.

Q Well, we have passed the stoop a long while ago.

A Well, I know, but that is one flight. It is third floor proper, that is why I said that.

Q Did you go up into the room? A Right into the room after the lady, followed the lady into the room.

Q And there you saw two beds? A Yes sir.

Q And a bottle of whiskey? A No, about a teaspoonful.

There was a bottle.

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Q Now wait, we are getting to the whiskey. There was no whiskey bottle in the room? A Yes sir.

Q And about a teaspoon in the bottle? A About between a teaspoon and a table spoon, thereabouts.

Q Well, I won't quarrel with you on the amount. And some glasses? A One.

Q A large glass? A What you call a medium shell beer glass about that size (Indicating).

Q How did you determine that there was only about a teaspoon ful of whiskey? A I put it in my hand to taste it.

BY THE COURT:

Q It was your duty, was it, officer? A Well, to see that there was no foreign stuff in it that I could think or imagine. In my estimation it was good whiskey.

BY MR. LeBARBIER:

Q These two ladies were in the room? A Sir?

Q Were the two ladies who opened the door, in the room?

A Not until after Mr. Frazier and I entered.

Q Miss Frazier and yourself entered first? A Miss Frazier first, I second, and the two ladies and the other officer afterwards.

Q The other officer had come when? A He accompanied me as far as the house. He was on his way home after being

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relieved.

Q I thought you told us a few minutes ago, and I was rather particular in asking you, whether the other officer had left and I understood you to say yes? A No sir.

Q Now what is it, did he come around ~~xxx~~ with you and Miss Frazier? A Yes sir.

Q Was he in civilian attire? A Full uniform with the exception of the belt and stick. He was on his way home when I met him.

Q When you went in the room in what condition was the bed  
A There was one, the larger of the two nearer the window, the furthest from the door, was very much mussed up, that is, the bed clothes on it.

Q Did it look as if it had been used? A Oh----

Q Now, be frank? A There was no impression.

Q Did it look as if it had been used? A It looked as if something was pulled off there by the looks of the clothes.

MR. LeBARBIER: I move to strike that out.

Motion granted.

Q Did it look as if it had been used? A In what way.

Q Of being in it? Did it look as if some one had recently slept in it or laid in it? A I couldn't say that.

BY MR. LeBARBIER:

Q Are you trying to protect the complainant in this

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Q Are you trying to protect the complainant in this case? A No sir, I am trying to tell the truth.

Q I don't want you to try, I want you to tell it.

A I will.

Q Now then the bed nearest the window was in a mussed up condition? A All mussed all the clothes in towards the centre jumbled up.

Q And the pillows, were they in their place or not?

A One was and the other wasn't.

Q Were the coverings of the larger bed near the window all on the bed but mussed up? A All mussed up. Part of the spread was lying between the larger and the smaller, just about resting on the floor---part of it.

Q You saw that? A Positively so.

Q But the majority of the clothes were in the center of the bed, sort of jumbled up, in a bunch you might. A Yes sir

Q Now the other bed was that in a similar condition?

A No sir. Slightly mussed up, very little, hardly noticeable.

Q Well, slightly mussed, very little, hardly noticeable means what? A Just as I might say I would push it, like my hand, the spread there a little and shove it over a little (Moving hand in a horizontal position, forward). It was not the same as if I would throw myself into it and muss up the clothes. It was just as if you would throw your hand over the top of the bed and muss it a little, that's all.

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Q Anything else you would like to say? A That is all I can call to memory.

Qc Just your hand passed on the bed? A Just as if I pushed the clothing.

Q You pushed what? A Shoved the clothes over, shoeved them a little.

Q How much little? A Probably they might have been disturbed three or four inches.

Q Do you say that on the second bed the coverings were at all disturbed? That is, brought down? A No, not brought down, no, not lapped over, no---just the same as I would shove them over a little like that with my hand (Indicating)

Q All along the length of one side of the bed? A Just towards the foot.

Q All along the length of one side of the bed? A No sir, not along the length.

Q By the foot? A Towards the foot, on the left hand side ~~gx~~ facing---

Q And the rest of the bed was not disturbed? A Not that I noticed.

Q You were there to notice weren't you? A That is what I said.

Q Were the pillows on that second bed? A One only.

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It was only a small bed.

Q Was it in its proper place? A Yes sir.

Q Where was the Morris chair? A Well, if you want me to give me---I will give you a proper description.

Q No, drawing from your mind's eye? A Take this (Indicating) as Ninth Avenue---

Q Pardon me---

THE COURT: You have asked him a question. Let him answer it in his own way. His answer is competent.

THE WITNESS: I am endeavoring to map out the room

Q Where was the Morris chair, drawing from your mind's eye the picture of the room? A The entrance is right here (Indicating) we will say, one bed is here, that is the head, this is the foot; the large bed is here, this is the foot---

Q That large bed you are indicating is on what side of the room, north or south side? A The 24th Street side?

Q That would be the north side? A North side, yes sir. There is one window here just facing by the center of the bed, the head is here and the here is the foot, there is another window over here, the Morris chair laid at that angle from the window (Indicating) and pointing), about five or six feet away from the foot of the bed.

Q What was the condition of the Morris chair? A Nothing

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out of the ordinary with the exception of what it contained, that's all.

Q Was anything on it? A Yes sir.

Q I mean was there any clothing on it? A The lady's coat was thrown over the back of it.

Q Anything else on it? A An empty bottle with the exception of about a spoonful of liquor.

Q Was that on the Morris chair? A Yes sir, on the seat of the Morris chair right at the angle of the back ~~of~~ ~~the back~~ of the seat.

Q Was there anything else on the chair? A That's all, sir.

Q Did you take up and look at the lady's coat? A No sir.

Q Where was the lady's hat? A On the dresser.

Q Did you observe the condition of the hat? A It looked all right to me, nothing unusual about it. It didn't look to be injured in any way.

Q What other articles of clothing did you see spread around the place? A A skirt, outside skirt.

Q What was the condition of the skirt? A It was thrown between the window, the east window and the large bed, laying on the floor.

Q Simply thrown there? A Sort of strewn there carelessly.

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Q Did you take it up and look at it? A No sir.

Q Do you state to this Court and Jury that seeing this skirt there that you did not take it up and look at it? A Yes sir.

Q When? A What?

Q Oh, you state ~~it~~ that, pardon me---A I did not pick it up.

Q You did not pick it up? A No sir.

Q Do you know whether it was torn in any way? A I am sure it was not.

Q If I remember, officer, you say the skirt was near the window? A Between the window and the large bed, the east window.

Q Yes, between the east window and the large bed---

A It was carelessly strewn on the floor. That is about what it appeared to me.

Q What other articles did you observe in the room? A There was a pair of gloves on the dresser.

Q Did you observe the condition of the gloves? I mean to say did they show that they were torn in any way? A Well, I don't recollect looking at that---that is, looking over at them to see what the condition ~~is~~ of them was in.

Q Why? An act of violence had been reported to you hadn't there? A Yes sir.

Q Great violence if you were to believe what you heard,

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Eh? A As far as I could hear.

Q Didn't you deem it a part of your police work in a place where it was alleged some crime had been committed to examine the articles of clothing? A I did.

Q You had all that in mind, had you not? A All What?

Q All of what I have just mentioned? A I looked over every thing I seen.

Q I thought you said you did not look at them? A Not the gloves, no sir. I didn't pay any particular attention any more than seeing the lady putting them on just previous to leaving the house.

Q You just said you did not pay any attention to the skirt? A I ~~sax~~ said positively that the skirt was not torn.

Q I say to you now did you not say that you did not pay any attention to the skirt. A I say---

Q Did you pay any attention to the skirt? A Any more than threw a glance at it. It was laying on the floor.

Q Did you, yes or no? A I didn't pick it up and look at it, no sir.

Q Did you pay any attention to the hat? A No more than looked at it.

Q Yes or no, did you? A Not in particular.

Q So the only thing that you paid attention to was the

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bed, the larger bed at the window? A And the Lady's general condition.

Q Now did I ask you about the lady's general condition? You paid attention to the larger bed near the window? A ~~Yes~~ You say that is the only thing I paid attention to.

Q Pardon me. You may be right. I am simply trying to get at the facts. Did you then pay particular attention to the bed near the window? A Particular attention to that, yes sir.

Q Did you see any of the sheet torn? A No sir. I don't think I did.

Q Did you see any of the covering torn? A No sir, I don't think so.

Q Did you see the pillow in any way torn? A No sir. ~~One~~ was disarranged.

Q Did you see anything on the smaller bed next to the larger bed in any way that was torn? A No sir.

Q What other articles did you see in the room other than as you have described? A Belonging to me?

Q I don't know, officer. I wasn't there. A Well, several---there must have been anywheres from ten to a dozen handkerchiefs.

Q Men's or lady's? A Men's.

Q Were any of those handkerchiefs torn? A There were some that had been threadbare work.

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Q Were any of those handkerchiefs torn? A I understand it.

Q What do you say? A No sir, I couldn't say they were. Some of them were threadbare, worn out.

Q Did you see any towels in that room? A Yes sir, one in particular.

Q Was that towel torn? A No sir.

Q How many towels did you see in the room? A I seen two.

Q Were either of these towels torn? A No sir.

Q Or both of them? A Neither.

Q Did you observe any articles besides those you have already mentioned? A Yes, a few socks.

Q Men's or women's? A Men's. Women don't wear socks.

Q Did I ask you that? A I call them stockings if it was a woman.

Q Did I ask you that? A All right.

Q Would you be surprised to learn that some women wear socks?

THE COURT: I asked that question and he said he distinguished the article for men's wear as being socks and women's as stockings.

Q Were any of these articles torn? A No sir.

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Q What other articles did you observe? A A pleated negligee shirt and black and white stripe.

Q Strewed around the place? A Torn around the neck band and split down the back.

Q Where did you find that? A Right at the foot of the large bed on the floor.

Q A negligee shirt? A Yes sir.

Q Torn around the collar? A Around the collar and on this side (Indicating) and down the back.

Q How did the shirt open? A In front, but not a coat shirt. It opened in front but was not a coat shirt. IT did not open all the way.

Q It opened how far? A To (Pointing) to about waistband)

Q Was Miss Frazier there with you at the time? A Yes sir.

Q Was the other officer in the room? A Yes sir.

Q The other two women in the room? A Yes sir.

Q Have you got the shirt? A No sir.

Q Have you preserved it in any way? A No sir.

Q What other articles did you observe? A That's all.

Q What next if anything did you do in this case? A After I got things straightened out a little and found all the information I possibly could and Miss Frazier put on the remainder of her wearing apparel, her clothes, her skirt---

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Q Right there, did you help her put them on? A No sir. She put them on herself.

Q Did she put on her own hat? A Yes sir.

Q Did she comb her hair? A Yes sir. She fixed it up:

Q Where did she get the comb from? A I believe one of the ladies lent her a side comb.

Q She combed her hair? A Yes sir.

Q Put her hat on? A Yes sir.

Q Dress on? A The skirt.

Q Her gloves on without assistance? A Yes sir.

Q She was not screaming, was she? A No sir.

Q Or uttering any sound whatever? A No sir. Very nervous.

Q Did she talk to you? A She was talking principally to the ladies.

Q You saw her in ordinary conversation, didn't you? A Yes, but she was what I would really call very nervous.

Q How did it manifest itself? Give us for instance-- and I will ever ask you, officer, a single instance of how it manifested itself, this very nervousness that you speak of? You say she put on her gloves, her skirt and was talking to the women? I ask you now to state what you mean by describing some act that you say was very nervous? A Well

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she would pick up and thing and lay it down again and she was very figidity and didn't seem to be anyway at all at ease. Of course these ladies that were there were a little bit harsh with her verbally and probably that had some tendency to excite her along, that she didn't have a chance to cool down, but half or three quarters of an hour afterwards she was more rational. That is, she was more calm after she communicated with her friend's house.

Q Did you have any talk with her there? A Only in regard to the case.

Q Did you have any talk in regard to any jewelry? A The stuff she lost, yes sir---the jewelry she lost.

Q The stuff she claimed she lost? A Yes sir.

Q Did you look around? A Thoroughly searched the place.

Q When you went in the room was it lit or not lit? A Yes, it was lit.

Q Then she went home, did she? A No sir. I conveyed her to the station house.

Q By the arm? How did you convey her? A Walking along side of her.

Q And your brother officer walked along side of her too? A No sir.

Q Did she tell you that night where she lived? A I think---yes, she did.

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Q Where, in the station House? A In the station house, yes sir. She told me she lived by Mrs. Fair in 16 West 60th Street.

Q Did you ring up Mrs. Fair that morning? A No sir. Miss Frazier did. I brought her into a bakery at 22nd Street and 8th Avenue and she ~~found~~ called out the number and called it up and as soon as I got the number I handed ~~the~~ Miss Frazier the telephone and she telephoned to a friend.

Q What else did you do with her case? A After through there I brought her down to the station house and there was a record made of this affair and upon that information ~~this~~ Miss Frazier gave the lieutenant it was submitted to headquarters.

Q Then what did you do? A I returned to my post.

Q Did you do anything else in the case? A No sir.

Q Did you make the arrest in the case? A No sir.

Q Did you ever at any time subsequently see Drexel the defendant? A No sir.

Q Or did you ever see Miss Frazier? A Not previous to that morning.

Q No, pardon me if I appear as stupid as that. I mean afterwards. A A few times at Court, that's all.

Q In Court, where? Down here you mean? A Yes sir.

Q Was there any information laid before a City Magis-

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trate. A Not to my knowledge.

Q Where did you see her in court? A Here in the Grand Jury, in the Grand Jury Room, in Mr. Trowbridge's office, and this morning here.

Q Did you have anything whatever to do with the arrest of the defendant Drexel here? A I terminated it when I reached the station house.

Q Did you know a man by the name of Hall? A No sir.

Q Have you made inquiry about him? A No sir.

Q Do you know where he is? A No sir.

Q Do you know that he has been apprehended? A I don't know nothing about the man.

RE-DIRECT EXAMINATION BY MR. WASSERVOGEL:

Q How far is it house 359 West 23rd Street from the corner of 9th Avenue? A Well, about 175 to 200 feet probably.

J O S E P H F. T O N E R, called as a witness on behalf of the People, being first duly sworn, testifies as follows:

DIRECT EXAMINATION BY MR. WASSERVOGEL:

Q What is your address? A 463 West 42nd Street?

Q You are a police officer of the City of New York, connected with the Detective Bureau, are you? A Yes sir.

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Q And have been for how long? A Four years this coming March.

Q Do you know this defendant here James Drexel? Did you ever see him before? A Yes sir.

Q You made the arrest in this case? A Yes sir.

Q When and where and under what circumstances? A In Jersey City, on the 9th day of December.

Q Did you have any conversation with him? A I did.

Q State it please? A I met this man Drexel in a store, Wissner's Piano Store, 138 Newark Avenue, Jersey City. I went in and asked him when he saw Mr. Hall last. He yhesitated for a minute.

MR. LeBARBIER: I move that that be stricken out, that he hesitated.

THE COURT: You may describe his actions. Tell us what he said?

A "Hall"? (Witness not illustrates by placing hand on forehead and pausing). I says "I mean Frank Hennesy Hall's right name." Oh he says "I have not seen him in six or seven months." I says "Are you aure about that?" He says "Certainly, six or seven months". With that Mrs. Fair came into the store and she shook her head as meaning yes (Indicating by an affirmative nod of the head). I says "Are you sure of this man"? She says "Yes." I says "Do you

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know him"? She says "That is Drexel". I turned to him and I said "What do you think about that?" He says "Don't let us talk here." He says "Wait here until I get my hat and coat". I says "No, I will go back with you and get it;" and walking back from the store to where his hat and coat was would be I would say forty feet. I walked back. There was four or five other clerks looking at us and I said "You needn't state your business, just get excused and go out." We went over to a rack like and took ~~and~~ a hat and overcoat off, put it on, came outside with me and Mrs. Fair. We walked in the direction of New York, on Newark Avenue, towards the Ferry, and I said "Well, we are here, what are you going to say?" He says "I aint going to say anything." I says "Is your name Drexel?" He says "No, my name is Archibald L. Allen." I said "Where do you live?" He says "39 Mercer t Street, Jersey City." I said "Did you ever live in New York?" He says "No." I said "Did you ever live at 359 West 23rd Street? " "No" "And you don't know this woman?" (Meaning Mrs. Fair) "Never saw her before in my life".

Walking down near the corner---I don't know the street---I saw a Jersey City Police officer in uniform. I says "Officer this man is wanted in New York for assault and robbery." He says "Who are you?" I showed h him the shield. He said "Have you a warrant?" I said

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bring this man to Police headquarters and I will explain to your chief. " He says "Won't the second precinct do?" I said "No, headquarters." He says "All right." So we went to headquarters and I met the chief and detective Larkins of the Jersey City Police. I explained to him about this case of this woman who was away at the time---

BY THE COURT:

Q Was this in the hearing of the defendant? A He was present.

Q And in hearing? A In hearing. I explained to the chief about a woman named Frazier being assaulted and robbed by two men in November in 359 West 23rd Street. He says "Yes?" He said Detective Daly of our office has been assigned to the case. " I said "This woman Miss Frazier that is not here now came to police headquarters and picked out a picture of a man known as Carr alias Hall, alias Frank Hennessy," showing him a photograph of Hall which I had with me. He said "Go on." So I said "I heard that this ~~Hennessy~~ Hennessy had worked in a piano store in Newark. " I went out to the Armstrong Piano Company in Newark, on the 8th day of December, and there met a man named Hansberger. He said that he knew Hennessy, that he had worked there for a period of six months. I asked him if he would give me his reputation, whether he vouched for him in regard to his

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character. He says "No". I asked him why. He said he couldn't really say anything, but he didn't act right."

Q With whom was this conversation? A Mr. Hansberger, in Newark.

THE COURT: This is incompetent, Mr. District Attorney.

MR. WASSERVOGEL: I thought he was reciting what he told the police officer.

THE COURT: Well, there is no objection to it. I assume it is by consent.

THE WITNESS: This is in the detective bureau  
ing  
in Jersey City, in this man's (Indicat defendant) presence

MR. WASSERVOGEL: Yes sir. He was present at the time.

BY MR. WASSERVOGEL:

Q Proceed? A "So this man Hansberger ~~was~~ told me that he didn't know where Hennessy was. He asked me if I knew him, asked me what was up about Hennessy, and I told him. He says, "He couldn't tell me nothing really, where he was, that he worked here and he was gone, and mentioned a few of his friends. There was one lady out in Harrison, New Jersey and another lady in Newark that he knew and he said he had a friend or a pal name Allen. I asked him what kind of a looking man Allen was, and he told me a man about five feet nine or ten, kind of stocky build,

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dark complected, with rather large dark eyes, very neat dresser?

BY MR. LeBARBIER:

Q Do I understand the defendant was present? A All the time this conversation took place in headquarters, Jersey City, to the Chief of Police, Captain Larkins, and this defendant and Mrs. Fair were thre in Police Headquarters on the 9th of December.

Q But now you were speaking of Hansberger? A I am talking to the chief about the case in the presence of the defendant.

BY MR. WASSERVOGEL:

Q Go right on? A "So he desribed this man Allen. He says if you find this man Allen, if you can see this man Allen, you will find out something about Hall. So it was then around 6 o'clock at night and I went out," I told him. "I cane back the next day to Jersey City and I found out that a man names Allen had worked for the Doll Piano Factory on Newark Avenue. I went down there and I met a man named Ginsley, I think his name was, and I asked him if he knew a man named Allen. He says Yes, that he worked here. I said would you recommend him to be appointed for a Casualty Bond & ~~Risks~~ Fidelity Company."---

MR. LeBARBIER: Objected to as incompetent.

MR. WASSERVOGEL: This is all part of the conversation which he had with the police chief of Jersey

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City in order to have him hold this man.

THE COURT: What is the ground of your objection?

The defendant was there.

MR. LeBARBIER: Is he still present.

MR. WASSERVOGEL: Still present.

MR. LeBARBIER: No objection.

Q Proceed? A "So that this man Ginsley says why, that is Wissner's man. I said Who is Wissner? He said the store down the street. I said I don't know, I am a sort of investigator, I wouldn't know Allen if I saw him. Do you know him? He said Yes, he took my place here. I said do you know if he is working now? He said I pass there and as I pass there from my lunch to here I saw him there.

"I went over then to New York not knowing that Miss Frazier who was away at the time had left the City. I went inquiring at 16 West 60th Street and instead of meeting Miss Frazier I met Mrs. Fair. I explained the situation to her. She came over with me to Jersey City and I instructed her when I went into that store ---"

MR. LeBARBIER: Objected to as incompetent, immaterial and irrelevant.

THE COURT: Did you say this to the chief?

THE WITNESS: We were all standing there talking,

yes.

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THE COURT: Objection overruled.

BY MR. WASSERVOGEL:

Q Go on? A "We went into the store. At least I went into the store and there was a clerk standing near the door. I said is Mr. Allen in there? He says Yes 'Oh, Allen' and this defendant came up from the rear of the store. Then I asked him when he saw Hall. He said Hall? I says Hennessy? I lifted my hat which was a ~~ring~~ signal to Mrs. Fair who was across the street to come over. She came over and shook her head Yes (Indicating by an affirmative nod of the head). I said is this the man? She says yes. I says Who is it? She said that is Drexel. Then we went and got his hat and went to the corner."

The chief says "I will hold him but you will have to bring something stronger than that for the Judge in the morning." He said "I will hold him now for you." All right. He ordered him back to the detective bureau and the officers there proceeded to search him. That was the last ---the defendant then was taken and locked up. That was all of the conversation that he heard at the time.

I came to New York in company with Mrs. Fair, after we had went down to 39 Mercer Street with two Jersey City Police Officers. We searched the room at 39 Mercer Street. We came back and went over to New

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York and I left Mrs. Fair at 23rd Street and 5th Avenue to send a telegram to Miss Frazier who was in Atlanta Georgia. I went over to Madison Square Garden where the Bicycle Races were going on and met Detective Daly. I said "Joe, I have got Drexel in Jersey City. Has there been any warrant out?" He says "Yes, there is a copy of ~~ix~~ an indictment and a bench warrant."

Detective ~~ix~~ Daly came with me to 22nd Street and Fifth Avenue. There we met Mrs. Fair and all three went to Jersey City and placed the bench warrant with the chief there.

The next morning we appeared in the aSecond District Court, 8th and Grove Street, Jersey City---I dont remember the Judge's name, but the Judge agreed to hold him for examination until Monday the 13th of December. We came back to New York and on the following day which was Saturday I was sent for by Inspector McCafferty. There were two women waiting at headquarters for me. When I got down there I met Miss Frazier and a friend of hers. We went to Jersey City, to the Second Precinct, and spoke to the Lieutenant there, told him who we were and wanted this man to see if this woman Miss Frazier could identify him and let us have a "stand up"---

MR. LEBARBIER: There is no question as to the identify. It appears ~~xxxx~~ they knew each other. I

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cannot see any reason for all this testimony. They were known to each other. Why should they go through this and make it appear as if it was a criminal standing out, when they all knew each other?

THE COURT: There is nothing before me on which I can predicate a ruling at this time.

MR. WASSERVOGEL: I think it is proper to let the officer continue?

MR. LeBARBIER: I object to it as incompetent, immaterial and irrelevant, on the ground that any question of identification---

THE COURT: Ask a question.

MR. LeBARBIER: They all know each other. It is incompetent, immaterial and irrelevant, needlessly filling up this record.

THE COURT: You may answer.

A (Witness continuing) There was seven men and this man Allen stood in line. The woman and myself were hid away. Miss Frazier came out and picked Allen out. I asked her who he was. She said that is Drexel. All right. Drexel was taken one side. I said do you know this woman? He says "No, I never saw her before in my life. I said all right. He was taken back and locked up in the Second Precinct.

I came over to New York then and made arrangements to be in the Second District Court, which was the fol-

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lowing Monday, the 13th, and the Judge said there with the warrant that he would hold him, awaiting extradition here.

We came over to New York, saw Mr. Trowbridge about extraditing this man Drexel, but there was a slight change on account of this man saying his right name was Archibald L. Allen. That was on the 13th of December.

MR. LeBARBIER: Objected to as immaterial on the ground that all extradition was waived.

THE COURT: Objection sustained.

BY MR. WASSERVOGEL:

Q Well, after he was brought over here did you ever have any further conversation with him? A I went over on the 15th of December when the papers were returned from Albany for Governor Fort's signature, ~~and~~ at Trenton, and missed him and had to come back on the 17th of December. I went from Trenton to the Hudson County jail where Mr. Allen was detained at the time, handcuffed him there and brought him to New York, brought him to our office in the new building and from there I left him, which was Saturday, in the Tombs with the Governor's warrant.

The following week Miss Frazier came down---

MR. LeBARBIER: I suggest that this examination proceed by question and answer.

MR. WASSERVOGEL: He is continuing with the same question.

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THE COURT: The trouble is that with the continuation you get in a lot of testimony that I cannot rule on, nor can counsel object to it.

Q Did you meet him after that? A A week after Miss Frazier brought a young girl down who said her name was Katherine Shea.

Objected to as incompetent, immaterial and irrelevant.

Objection sustained.

Q Was the defendant there? A 17 men on a tier of the Tombs, across here in the Tombs, this Miss Shea picked this man Allen out.

MR. LeBARBIER: I move that that be stricken out as not responsive.

THE COURT: Motion granted.

Q Did you have any conversation with anybody else in the presence of this defendant at any time? A No.

Q Did you have any conversation with him in the presence of Miss Shea that you speak of? A No.

Q Were you present at the time that he was searched? I understand you to say you were? A I was there at the time he was searched.

Q Did they find anything on him at all? A Yes, I have got the stuff here, jewelry, property, letters, and a few things, that's all. There was a rouge box and a powder

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box---a little round rouge box and a powder puff, and I asked Allen about it and he said it belonged to some lady friend of his, and they kept it there until I brought him back in New York and he says to me "it caused undue notoriety" and I let him have it back thinking it had no bearing whatsoever on the case.

MR. LeBARBIER: I move to strike out what his thoughts were?

THE COURT: Motion granted.

MR. LeBARBIER: I move that all testimony in relation to any property found upon the defendant be stricken out.

THE COURT: Strike it out.

CROSS EXAMINATION BY MR. LeBARBIER:

Q What is the full name of Hall? A Well, I don't know really his full name.

Q Well what do you know him by? A Hall, Carr, and Hennessy.

Q Hennessy is a first name, do you know? A Sir.

Q When you speak of him as Hennessy what first name do you give him? A Frank.

Q Carr, what first name? A William.

Q When you speak of him as Hall what first name do you give him? A Harry.

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Q An old pickpocket and thief? A Arrested on the 7th of August 1907 for assault and robbery by officer O'Connor of the 22nd Precinct; served a term in Elmira Reformatory for it.

Q August 1907? A The record shows that, if I remember.

Q Do you know from the record what court it was? A No, I do not.

Q Court of General Sesssions, what part? A No sir, I do not.

Q But it was then upon a plea or upon a trial? A Upon a plea I understand.

Q Plea to assault and robbery? A Yes.

Q What date in August was that? A August 7th was the date of his arrest.

Q And the day of his conviction? A I don't know anything more in reference to his convictions, trials or anything else.

Q That is to say you don't know the date? A No.

Q But you do know that he went to Elmira? A Yes.

Q And he came out when? A Some time in June, I understand.

Q 1908? A 1908.

Q Now in all the testimony that you have given here do you know whether the defendant knew anything about the

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character of anything about the conviction of Hennessy ~~xxxxxx~~  
under these alias? A I don't know.

Q In all the investigation that you made in the history  
of the case and what you did and in all that was said before  
the Police authorities in Jersey City, and all what you learn-  
ed from these women, is there anything ~~xxxx~~ any fact or circum-  
stance from which you can, so to speak, place your finger and  
say that the defendant here knew the character, knew the  
conviction of Hennessy alias these other names? A Can I?

Q Yes or no? A No, I don't---

Q Have you endeavored to find this man Hall? A I cer-  
tainly have.

Q Have you been able to find him? A No sir.

Q Has any one been able to find him? A No sir.

Q When you went to Jersey City you made the arrest  
of the defendant here you found him engaged at work, did  
you not? A Yes sir.

Q You found that he was an employee of the Wissner  
Piano Company? A Yes sir.

Q Did you find that he had also worked for the Doll  
Piano Company? A I did,

Q And you found then that he was a man of apparent-  
ly steady habits? A In what way?

Q Working? A Yes.

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Q Earning his living? Is that so? A Yes.

Q No matter what you personally may think? A I am not thinking. I am answering your questions.

Q Well you probably like myself, no matter what we may think of Hall (Because it is known now from what you state that he is an ex-convict)---you found the defendant Drexel working? A Yes.

Q And had been working? A Yes.

Q And was earning his livelihood at ~~work~~ work? A I don't know whether he was doing that, but he was working.

Q If you are working it is apt to follow that you earn your livelihood? A Well, it is according to what way you live.

THE COURT: I think you have facts enough to go to the Jury with on that point.

MR. LeBARBIER: Yes sir.

Q When you made the arrest, if I have understood you correctly, there were a number of other clerks right then and there about? A Yes.

Q You did not at any time have to say to the defendant "I have learned that your name is Archibald L. Allen" but he told you that that was his name didn't he? A I asked him---

Q Didn't you hear my question? A No, I did not. Not properly, no.

Q (Question repeated by Stenographer as follows) You

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did not at any time have to say to the defendant "I have learned that your name is Archibald L. Allen," but he told you that was his name, didn't he?

MR. LeBARBIER: Yes or no.

A Repeat that again, please.

Q (Question repeated by Stenographer as follows) YOU did not at any time have to say to the defendant "I have learned that your name is Archibald L. Allen," but he told you that was his name, didn't he? Yes or no. A Yes.

Q He did however say to you that he did not know Mrs. Fair? A Yes, he said he didn't know her.

Q Have you stated substantially all that you know about this case? A Yes, I believe I have.

Q Did you at any time say to the defendant that he was charged with assaulting ~~and~~ a woman? A Yes sir.

Q What did he say? A He said he didn't know anything about it.

Q Was that said in the Piano store before Mrs. Fair came in? A No sir.

Q Afterwards? A In the street.

Q After the arrest? A Yes sir.

Q You did put that question to him? A Yes sir.

Q And he did answer you by saying that he didn't know anything about it? A Yes sir. He didn't know anything about

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it.

Q And then the answer is yes, for the record? A Yes sir I said yes.

Q Did you at any time ask the defendant how long he had known Hall? A Yes.

Q What did he say? A He said he was in the Army with him in the Spanish American War.

Q In the Phillipines? A Yes.

Q You didn't tell us on the direct, did you---is it Lieutenant Toner? A No, just officer Toner.

Q Did he tell you how long he had served in the Army?  
A No.

Q In the Phillipines? A No.

Q That he was a United States volunteer? A No sir.

Q Of the 27th Regiment, Company D---did he tell you that? A No sir.

Q Did he say anything about the service and war out there? A He said that he was in the army with him, that is all he knew about him.

Q That's all he knew about him. That he was in the same regiment and in the same company? A Yes, he said that.

Q That was where he had met him? A Yes.

Q He said that, did he? A Yes.

Q And if you had met a person under similar circumstances

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in the same company and regiment, wouldn't you feel friendly towards him?

MR. WASSERVOGEL: Objected to as improper.

MR. LeBARBIER: Question withdrawn.

MR. WASSERVOGEL: People rest.

MR. LeBARBIER: I respectfully move, may it please your Honor, that the charge of robbery in the first degree be withdrawn, on the ground that the people have not made out facts sufficient to substantiate the crime as alleged in the indictment.

Motion denied. Exception.

MR. LeBARBIER: Also on the further ground that there is no proof of value other than the statement of the complainant?

Motion denied. Exception.

MR. LeBARBIER: I respectfully move that your Honor advise the Jury to acquit on the ground that the people have failed to substantiate the facts as alleged in the indictment?

Motion denied. Exception.

Mr. LeBarbier now opens to the Jury on behalf of the defendant.

L I L L I E F . C L A R K S O N, called as a witness

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on behalf of the defendant, being first duly sworn, testifies as follows:

DIRECT EXAMINATION BY MR. LeBARBIER:

Q Where do you live? A Orange, New Jersey.

Q You are 21 years old, Miss Clarkson? A A little over.

Q And over? A Yes sir.

Q Do you follow any profession or calling? A I do.

Q What do you do? A I do trained nursing.

Q You earn your livelihood by that, do you not? A I do.

Q Do you know Mr. Archibald L. Allen? A I do.

Q Have you known him for some time? A I have known him five years at least.

Q Do you know other people who know him, A I do.

Q Do you know what his reputation is for truth and veracity? A I have always found him honest, reliable.

THE COURT: Strike that out.

BY THE COURT:

Q Do you know ~~what~~ his reputation is the question--- the speech of People? A I do.

BY MR. LeBARBIER:

Q Is it good or bad? A Good.

Q Do you know what his reputation is for peace and quiet? A I do.

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THE COURT: She has answered that.

CROSS EXAMINATION BY MR. WASSERVOGEL:

Q Where did you first meet this man? A In a business way in New York.

Q What business? A Piano business.

Q Were you in the Piano business?at the same time? A No.

Q Where did you meet him?A At a friends house.

Q You say you met him in a business way? A She was doing business with him.

Q Where? A At her home.

Q She was doing business with him, the piano business, at her home. A At her home.

Q Who was this friend? A A Miss Wills.

Q Did she have a piano establishment at her home? A No, she was buying a piano from the Wissner people through him.

Q You had no business with him yourself at all? A I met him in that way at her house.

Q You called on your friend Miss Wills and happened to meet this defendant there, is that the idea? A Yes sir.

Q You were calling there socially? A Yes.

Q How long ago was that? A That was five years at least ago.

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Q And that was the first time you ever met him? A The first time.

Q You didn't have a very long conversation with him then? A I met him.

Q You didn't have a very long conversation with him then, did you? A No.

Objected to as immaterial.

THE COURT: She may answer the question.

Exception.

Q When did you next see him? A Well I cannot give you the exact date but I have seen him several times in those years. I can't give dates because I have seen him off and on during those years.

Q How did you come to meet him after that? You are not particularly friendly with him, were you? A Not particularly, no.

After

Q How did you come to meet him? A The first time.  
A I met him several times at this friends house. I went there and she would give him sales.

Q She always gave him sales is that the idea? A She was so well satisfied with her piano that she tried to get sales for him.

Q What do you mean by sales? A For pianos. When she knew of people who wanted pianos she would then let him know and he would get the sale.

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Q They were working together in the sale of pianos,  
do you mean? A In that way.

Q She was helping him sell pianos? A Yes.

BY MR. WASSERVOGEL:

Q Outside of Miss Wills, is there anyone else that you  
know that knows this defendant? A Yes sir.

Q How many people? A Four or five.

R O B E R T M. H O W E, called as a witness on behalf of  
the defendant, being first duly sworn, testified  
as follows:

DIRECT EXAMINATION BY MR. LeBARBIER:

Q Where do you live? A Hoboken, New Jersey.

Q How old are you, may I ask? I am <sup>2</sup>24 years.

Q Where do you live? A Hoboken New Jersey.

Q Are you a man of family?

THE COURT: Never mind that.

BY THE COURT:

Q What is your business? A I am shaipmaster by occupa-  
tion.

Q You mean a shipcaptain? A Yes, sir.

BY MR. LeBARBIER:

Q Do you know Archibald L. Allen? A Very well.

I have known him from birth.

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Q Do you know other people who know him? A Yes sir.

Q Do you know what his reputation is for truth and veracity? A I do.

Q Is it good or bad? A I should say good.

Q Do you say good? A I say good.

Q Inreservedly? A Unreservedly.

CROSS EXAMINATION BY MR. WASSERVOGEL:

Q You say that you are a ship captain? A Yes sir.

Q Of what ship are you the captain? A None at present. I am an ex ship master.

Q How long did you say you knew this man? A From birth.

Q How often have you seen him in the last twenty years? Have you any idea? A I couldn't answer that question precisely. Off and on I suppose every month or so.

THE COURT: Will one more character witness be satisfactory?

MR. LeBARBIER: Yes.

THE COURT: Very well. We will stop here. Do not talk about this case, gentlemen, nor permit any one to talk to you about it nor for nor express any opinion thereon until the case is finally submitted to you. Take your place here, gentlemen, in the box Monday morning.

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Adjourned to Monday, January 10th, 1910.

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New York January 10, 1910.

T R I A L R E S U M E D.

MR. WASSERVOGEL: If your Honor please, I request that the witnesses for the defense be excluded from the Court Room.

THE COURT: Yes.

MR. WASSERVOGEL: Mr. LeBarbier tells me it wont be necessary, that outside of the witness he is about to call now the others are character witnesses.

G E O R G I E S A W Y E R? called as a witness on behalf of defendant, being first duly sworn, testifies as follows:

DIRECT EXAMINATION BY MR. LE BARBIER:

- Q Where do you live? A Newark.
- Q Do you know the defendant? A I do.
- Q Have you known him for some time? A A very long time.
- Q Did you have occasion to see him in the early part of November 1909? A Yes.
- Q Do you remember on or about what date? A On the 5th.
- Q That would be a Friday, wouldn't it? A Friday.
- Q Where did you see him? A In New York at the Marlboro Hotel.
- Q Do you know other people who know him? A Yes sir.

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Q Do you know what his reputation for truthfulness and veracity is? A Very good.

Q Well, on November 5, 1909 where did you have occasion to see Mr Drexel? A I had an appointment with him through the mail to meet me at the Marlboro Hotel.

Q Did you ever meet a Mr. Hall? A Yes.

Q Did you ever know at any time subsequent to the arrest of Mr. Drexel that he was an ex-convict?

MR. WASSERMOGEL: That is objected to.

THE COURT: Whether or not this witness knew it does not seem to be important to this inquiry.

MR. LeBARBIER: Well, he was an acquaintance.

THE COURT: This is merely a character witness?

MR. LeBARBIER: No sir.

THE COURT: I thought not. Well whether she knew of Hall's conviction was a matter of no importance. I will sustain the objection.

MR. LeBARBIER: Exception.

Q Where did you see him on Friday November 5? A At the Ladies' waiting room of the Marlboro.

Q What did you do after meeting him. We went down stairs and had dinner.

Q Did you remain some time? A Yes.

Q After that do you recall what happened? A Well, we walked down Broadway to 23rd Street and we walked down

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23rd Street to some house.

Q Did you know that he had been staying that week in New York? A Yes sir.

Q Had he spoken about it at the time? A Yes.

Q Do you know whether or not he had intended giving up his room?

Objected to. Objection sustained. Exception.

Q Proceed, what happened then as you walked down 23rd Street? A Why, Allen excused himself---

Q When you say Allen do you mean the defendant? A Mr. Allen. And said he wanted to get a few things in his room as he intended going to Westfield next day and thought he would stay in a hotel in Newark that night.

Q Well, at all events---

THE COURT: What this defendant said is not competent evidence in his behalf. If the District Attorney wishes I will direct that it be stricken out.

MR. WASSERVOGEL:: I think it ought to be stricken out. I move to strike it out.

THE COURT: Strike it out.

Q At all events then did you stop at some place on 23rd Street? A Yes.

Q That was a house? A Yes.

Q Did you go into the house? A No. I waited on the corner.

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Q Did the defendant leave you? A Yes.

BY THE COURT:

Q Where did you wait? A On the corner.

BY MR. LeBARBIER:

Q How long was the defendant away from you? A Why I should judge it to be about ten minutes.

Q When he returned did he have anything with him? A He had a samll travelling bag.

Q From there when did you go? A We walked down to the 23rd Street ferry and took the boat to Jersey City.

Q At the time that you stopped, as you say, where you did and he left you and came back in about ten minutes with a travelling bag, did you know where he went? A Why, he said he was going to get some things in a room.

MR. WASSERVOGEL : I object.

Q Do you recall about what time this was about? A About between ten and ten fifteen.

Q At all events it was after ten o'clock? A After ten o'clock.

Q Do you know that at the time of the defendant's arrest he was employed with Wissner and Company in Newark?

Objected to. Objection sustained. Exception.

CROSS EXAMINATION BY MR. WASSERVOGEL::

Q Where do you reside? A Why, at Newark.

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Q Where? A At 18 Court Street.

Q Do you live there with your parents? A I board with my mother.

Q Are you in business? A No, I am not.

Q Have you ever been engaged in any business? A Yes.

Q What business were you engaged in? A I was a saleslady until three months ago.

Q Where? A In Halme's in Newark.

Q What is that, a department store? A A department store.

Q Where did you first meet this defendant? A At Wissner's 5 years ago.

Q Wissner's is a piano place? A Yes.

Q And you say you met him frequently during those five years? A Yes.

Q And you say you had an appointment with him at the Marlboro Hotel on Friday November 5th. What circumstance is there that recalls this to your mind so well? A Well, Mr. Allen had been away and that was the first I saw him.

Q But how do you come to remember this date very well?

A Well, I have a poor memory for dates and he emphasized Friday the 5th and put the claws around it in the letter.

Q And you say you met him at what time? A 8 o'clock.

Q In the ladies's room of the Marlboro Hotel? A Yes.

Q Who was there first? A He was there first.

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Q Waiting for you in the Ladies' room? A Yes.

Q And you immediately went down to dinner? A We talked about five minutes and then went down.

Q Which dining room did you go to? A The first one this side of the orchestra.

Q Not down to the Rathskeller? A Yes, in the Rathskeller; downstairs in the basement.

Q How long did you remain there? A We remained there until a few minutes of ten, until about ten minutes of ten.

Q And then you say you went to 23rd Street and Broadway?  
A Yes.

Q Did you walk down? A Yes.

Q Was that a fair night or was it raining? A No, it was fair.

Q You are positive of that? A I think I am positive, yes. It was getting cold I remember.

Q Do you remember having an umbrella up? A No.

Q Any question about it at all? A No.

Q Then you say you went down from Broadway and 23rd Street, and you went east or west? A We went towards the Ferry.

Q Towards which ferry? A West.

Q How far west did you go.

Q Why, we walked as far as 9th Avenue, I think it was.--I am not very well acquainted with those streets----

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where Mr. Allen left me.

Q You said he left you at the corner of 9th Avenue and 23rd Street? A Yes.

Q In which direction did he then go? A To some house near the corner, on the north side.

Q Do you remember the number of the house? A No, I do not.

Q Can you describe the house? A Why, I think it is a brown stone house. I couldn't see at night very well what it was, but it seemed to be brown stone.

Q Do you know how many steps there were to the stoop? A I should judge about six.

Q What was it---a high stooped house, what you would call a high stooped house? A No.

Q Was it what you would call a private house or a flat house. A Why, it looked like a private house.

Q And you say that he left you at the corner of 9th Avenue and went up to this house? A Yes.

Q How long were you standing on the corner before he returned? A About ten minutes, ten or fifteen minutes.

Q Then what did you do? A Then we walked to the 23rd Street ferry.

Q What did you do there? A Then we took a boat to Jersey City.

Q And did the defendant accompany you? A Yes.

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Q And where did you then go? A Then we took a train for Newark.

Q Then what did you do? A Then we walked to the Navarre Hotel, in Newark.

Q What did you do then? A We went in there and had some club sandwiches and a bottle of beer.

Q What time was this? A That was after eleven.

Q So you arrived in Newark at eleven o'clock although you left New York here at about twenty minutes after ten, is that correct? A Yes, I think it is.

Q Do you know what train you took? A I really don't know. They run so frequently.

Q It takes about twenty minutes, doesn't it, from Jersey City to Newark by train? A No, it takes 12 minutes from Jersey City.

Q After you had your club sandwiches as you say, what did you then do? A Then Mr. Allen took me home.

Q Took you home? You don't know what he did after that, do you? A Well, he said---

Q No, don't bother with that. You say ~~you~~ he carried a travelling bag? A Yes.

Q How large a bag was this? A Why, it was a small bag.

Q Was it a dress suit case? A No, a travelling bag.

Q Can you describe it in any other way except to call

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it a travelling bag---its color? A Yes; a tan.

Q Did he carry anything else? A No, that's all.

Q Have you spoken to anyone about this case, Madam? A  
No one, but Mr. LeBarbier.

Q Have you spoken to the defendant since his arrest?

A Yes.

Q You have? A Yes.

Q Have you visited him at the Tombs? A Yes.

Q When did you first hear of his arrest? A Why, I  
can't say positive. I think it was the 11th or the 12th.

H E N R Y O. A M E S, called as a witness on behalf of  
defendant, being first duly sworn, testifies as fol-  
lows:

DIRECT EXAMINATION BY MR. LeBARBIER:

Q Where do you live? A Westfield, New Jersey.

Q Are you a married man? A Yes sir.

Q Is your wife the sister of the defendant? A She is.

Q What is your business? A Stockbroker.

Q What is the name of your firm? A H. O. Ames & Com-  
pany.

Q Have you been in that business some years? A Five  
years.

Q Where do you live? A At Westfield, New Jersey.

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Q Was the defendant in the habit of visiting you at Westfield, New Jersey?

THE COURT: I wouldn't go into all that. Put the formal questions.

Q Do you know other people who know the defendant? A

A Great many.

Q Do you know what his reputation is for truth and veracity? A It is a very good reputation.

Q Well, you do know, do you not? A Yes sir.

Q What is it, good or bad? A A good reputation.

MR. LEBARBIER: On the general case may it please your Honor, I would like to show that the defendant was in the habit of visiting him at Westfield, New Jersey.

THE COURT: Oh no. You cannot prove specific acts of good conduct. You offer to show that he frequently visits and is good enough for his brother-in-law to have in his house; that is not competent proof.

MR. WASSERVOGEL: No cross examination.

CLIFFORD E. HOWE: called as a witness on behalf of defendant, being first duly sworn, does not testify.

THE WITNESS: My address is 1026 Hudson Street, Hoboken.

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MR. LeBARBIER: Well, may it please your Honor, Hall, it appears from the testimony of officer Toner is an exconvict, and it is in evidence he was convicted under the name of Carr, and I beg leave to offer that in evidence to show that it was on the complaint of a girl named Annie Russell, in a hotel, for taking diamonds.

THE COURT: Do not state it in the presence of the Jury.

MR. LeBARBIER: It is the same thing, and on that ground to show that----

THE COURT: Mr. District Attorney, what do you say as to this offer in evidence?

MR. WASSERVOGEL: I object to the introduction of these papers in evidence. I do not see---

THE COURT: Objection sustained.

MR. LeBARBIER: Exception, As part of the papers on file in that case---

THE COURT: Oh, you offer the indictment together with the complaint?

MR. LeBARBIER: And the information in the City Magistrate's Court.

THE COURT: Yes. Do not state the contents to the Jury. Otherwise it might have the same effect as receiving it in evidence. Gentlemen, this offer is not in evidence; it is not used. Therefore, you will disregard

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salary.

Q Is that the way in which you have earned your livelihood?  
A Yes sir, for the past five years.

Q Were you ever in the United States Army? A Yes sir.

Q Where? A In the Phillipine Islands.

Q What regiment and Company? A 27 Infantry, Company D.

Q 27th what? A That means an infantry Regiment,  
Company D.

Q How long did you serve there? A Not quite two  
years.

Q Are you a veterin of the Spanish-American---

THE COURT: Oh, you need not go into that.  
Techincally it is not competent evidence.

Q Were you honorably discharged? A Yes sir.

THE COURT: No no. Do not go further along that  
line because that is not competent evidence. Strike  
it out.

MR. LeBARBIER: I submit that character is very  
important.

THE COURT: No sir, this is not character at all.

MR. LeBARBIER: Exception.

THE COURT: Character in law is reputation.

Q Then you returned to the United States? A Yes si r.

Q And after that you went at work earning your liveli-

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hood? A Yes sir.

Q Where did you meet this man named Hall alias Hennessy, alias Carr? A In the 27th Infantry, in the Army.

Q Did you ever know he was an exconvict? A No sir.

MR. WASSERVOGEL: That is objected to.

THE COURT: It is already answered. I will let it stay.

Q Did you ever know he was an exconvict? A No sir.

Q In what way, will you please state ~~it~~ to the Court and Jury, were you friendly with this man? A Well, he was in my company all the while we were in the Phillipines. He was in the same tent with me all the while---I won't say all the while---for the last few months. When we were discharged in San Francisco he intended staying there---

MR. WASSERVOGEL: I object to that and ask to strike it out.

THE COURT: Strike that out "When we were discharged in San Francisco he intended staying there".

Exception.

Q Did you part company in San Francisco? A Yes sir.

THE COURT: Strike that out, that does not make any difference.

MR. LeBARBIER: Exception.

THE COURT: He cannot go into the old transactions.

MR. LeBARBIER: I am trying to show who this man

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Allen was.

THE COURT: We were never get through if we were going to fight the battles of his life over again here.

MR. LeBARBIER: Well, I must insist---

THE COURT: I won't permit it.

Q When did you see Hall after that? A About three years afterwards I saw him.

Q Did you see him in the year 1909? A Yes sir. I met him in Newark. He was with the Armstrong Piano Company.--- the first I had seen him in three or four years.

MR. WASSERVOGEL: I do not think that is material. I do not want to object every minute?

THE COURT: There is nothing harmful about it. I will allow it.

Q Did you meet him in New York in November 1909? A Yes sir.

Q Did you two have a room at 359 West 23rd Street? A Yes sir.

Q Where had you been before you took that room? A I had been down south on a vacation.

BY THE COURT:

Q Where had you been is the question? A South.

BY MR. LeBARBIER:

Q Where? A Arkansas.

Q When you took that room did you both take it together?

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A Yes.

Q Did you have any object in view in taking it?

Objected to. Objection sustained. Exception.

Q Did you pay for it in advance? A Yes sir.

Q How long did you stay there? A We took it on Monday and I left there Friday.

Q Do you know a Miss Georgie Sawyer? A Yes sir.

Q Did you see her on that Friday? A Yes sir.

Q Did you meet her at the Hotel Marlboro? A Yes sir.

Q Did you take dinner there? A Yes sir.

Q Afterwards did you walk down to 23rd Street? A Walked down Broadway to 23rd Street.

Q Then what happened? A Then we walked west until we reached 9th Avenue, this 359 I think it is just two or three houses east of 9th Avenue. While we were taking dinner---

Q Well, you walked west? A Yes.

Q Did you ever assault Miss Blanche Frazier? A No sir.

Q Did you ever see any diamonds upon her? A I have an idea I saw a diamond ring on her that night.

Q Did you take any diamonds from her? A No sir.

Q Did you aid and assist Mr. Hall in assaulting her?

A No sir.

Q Did you stuff a towel in her mouth? A No sir.

Q Do you know a Mrs. Fair? A Yes sir.

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Q On Election Day were you with Mr. Hall in an elevated train in this county? A Yes sir.

Q Did you meet Miss Blanche Frazier? A Yes sir.

Q Do you recall the incident? A Yes sir.

Q Did you meet Mrs. Fair? A Yes sir.

Q Please state to the Court and Jury what you know about this case, won't you?

MR. WASSERVOGEL: I object to the form of the question.

THE COURT: Yes. I cannot state whether that seeks competent or incompetent evidence.

MR. LeBARBIER: Mr. Wasservogel did it for nearly half an hour with officer Toner.

THE COURT: Very good, the question is objected to and I am ruling on the precise question before me.

Q Did you see them in the elevated? A Yes sir.

Q Who made the acquaintance? A Mr. Hall spoke to Miss Frazier.

Q Then what happened? A Then we walked off the car together. He walked with Miss Frazier and I naturally fell in the rear with Mrs. Fair. We walked down the elevated steps and up Sixth Avenue to 45th or 46th Street. They were going to a tailors and we took them to the tailors. I think it took about ten minutes to walk up there.

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Q Well was it you obtained the telephone number of these ladies? A No sir. Mr. Hall.

Q Was it you who obtained their address? A No sir. I was not interested in the young lady who was with me.

MR. WASSERVOGEL: I move to strike out the answer.

THE COURT: strike out all after the word "No sir".

MR. LeBARBIER: Exception.

Q Did you have any interest in Mrs. Fair? A No sir.

Q Did you have any interest in Miss Frazier? A Well, I wasn't talking to her at all. Mr. Hall was.

Q Did you at any time in the walk there, or at any time seek to obtain the telephone numbers of either? A No sir.

Q Did you see Mrs. Fair after that meeting? A No sir.

Q Did you see Miss Frazier after that time? A Yes sir.

Q Please state to the Court when and where it was? A It was on Friday evening after I had had dinner with Miss Sawyer. We walked down Broadway to 23rd Street---I imagine it was around 10 o'clock as near as I can remember, because I met her at 8 o'clock and we had dinner. We had lots of time for the train we were going to take to Newark so we walked West on 23rd Street to 9th Avenue.

Q Did you leave her at the corner? A Yes sir.

Q Did you go up into the room of 359 West 23rd Street?

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A Yes sir.

Q Did you intend remaining out the balance of the week?

A No sir.

MR. WASSERVOGEL: I object to that.

THE COURT: That is not germane. His intention of remaining out has nothing to do with the case. I will sustain the objection.

MR. LeBARBIER: Well, he left Friday night, with on day more paid for, and he went to Newark.

THE COURT: Strike out the answer.

Q When you went to Newark the next week did your employmentn begin? A I went to see Mr. Doll again on Monday afternoon and he offered me employment again.

Objected to. Objection sustained. Exception.

Q Were you employed by Mr. Doll? A I have been.

Q No, then? A No sir.

Q Did you see the Wissner people? A Yes sir.

Q Did you obtain re-employment from them? A Yes sir.

Q Did you leave Miss Sawyer on the corner of the street? A Yes sir.

Q Did you go up to the room at 359 West 23rd Street, A Yes sir.

Q Was the door open as you approached? A No sir.

Q Was it locked, if you know? A Yes sir.

Q What did you do? A I knocked.

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Q What happened? A After a few minutes the door opened by Mr. Hall.

Q Did you go in? A Yes sir.

Q Was there anybody in the room? A Yes sir.

Q Who? A Miss Frazier.

Q Please state what you observed in the room at that time? A Well, Mr. Hall opened the door. He was in his underclothes. Miss Frazier was in bed ~~with~~

Q Which bed? A The large bed.

Q Over near the window? A Yes sir.

Q Did you see any bottle of whiskey there? A Yes sir.

Q And a glass? A Yes sir.

THE COURT: There was a bottle with very little whiskey in it. n That was the testimony.

MR. LeBARBIER: Half a teaspoonful.

THE COURT: That was accurate then.

Q Did you go into the room? A Yes sir.

Q Did you observe the condition ~~of~~ of Mr. Hall? A Yes sir.

Q What was it? A Why,---

Q Drunk or sober? A He was inclined to be drunk.

Q Did you observe the condition of Miss Frazier? A Yes sir.

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Q What are you able to state with regard to that? A

(No answer)

BY THE COURT:

Q Tell us what you observed, not your opinion? A That she was under the influence of liquor?

Q How do you know that? A Her condition and her actions

BY MR. LeBARBIER:

Q What did you do with them. A Well, I was surprised to find them there because---

THE COURT: Strike that out.

Q What did you do? A They insisted on my having a drink. I came to pack my clothes up and go out, go to Newark.

Q Did you pack your clothes? A Yes sir.

Q How long did you remain there? A I should imagine about ten or twelve minutes.

Q Did you come down stairs then? A Yes sir.

Q Did you go out of the building? A Yes sir.

Q Did you meet Miss Sawyer? A Yes sir.

Q Did you then go to Newark? A Yes sir.

CROSS EXAMINATION BY MR. WASSERVOGEL:

Q How old are you Drexel or Allen? A 29

Q Where were you born? A In Jersey City Heights.

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Q Father and Mother living. A No sir, my mother is living.

Q When did you first come to New York? The first time you ever did come to New York? A This past year.

Q No, the first time you ever came to New York at all. A Oh well I formerly lived in New York as a boy.

Q You were born in Jersey City, lived here for a while and then moved back to Jersey City? A Yes sir.

Q Were you ever in any other business besides the piano business? A Yes sir, in the railroad business, purchasing department of the Lehigh Valley Road.

Q How long were you with them? A Three years.

Q When did you first go with them? How long have you been working, I should say? A Well, I went with them at the age of 21.

Q And you were with them three years? A Yes sir, till 24. And then you say you went with the Wissner Piano Company? A At the age of 24.

Q How long were you with them? A Three years.

Q That brings it down to 27? A Yes sir.

Q And you say you were two years in the army? A Yes sir. I went in the Army at 18.

Q When was that, 1898? A 1899.

Q So you were employed by the Doll company subsequent to your employment by Wissner? A Yes sir.

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Q When did you first enter the employ of the Doll People? A 1907.

Q And you stayed with them until when? A Till last Summer.

Q Were you discharged there? A No sir. I left on a vacation with Mr. Doll's permission, with the understanding that he was to take me back when I returned.

Q Just answer my questions.

MR. LeBARBIER: Let him finish his answer.

THE COURT: Proceed.

THE WITNESS: I left last Summer with the understanding that I was to have my old position back when I returned in the Fall.

Q Are you a married man? A No sir.

Q Ever been married? A Yes sir.

Q And you have been divorced? A Yes sir.

Q When were you married?

Objected to as immaterial.

Objection overruled. Exception.

A At the age of 21.

Q And your wife divorced you? A There was an understanding between the families---

Objected to.

THE COURT: Answer the question.

MR. LeBARBIER: Exception.

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A There was an understanding---

Q Just answer the question. Your wife divorced you?

A Yes sir.

Q Under what name were you married? A Allen, Archibald L. Allen.

Q How many other names have you ever been known by?

A None at all but probably once or twice going to a hotel.

Q Then you always assumed the name of Drexel? A (No answer)

BY THE COURT:

Q What do you mean by "going to a hotel"? A Well, several years ago I have been to hotels with young ladies.

Q Well those young women registered under another another name, that is what you mean? A Yes sir.

BY MR. WASSERVOGEL:

Q Has the name you have been known by always been Drexel, the other name? A No sir.

Q Then you have been known by other names besides Allen and Drexel? A In going to Hotels? A Yes sir. Registering at a Hotel.

Q And the fact of the matter is that when you met ~~Miss~~ Mrs. Fair you told her your name was James Drexel? A Yes sir,---the first name that occurred to me.

Q You also told her you came from Galveston, that that

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was your home? A No sir/

Q You didn't tell her that? A No sir.

Q You didn't tell her you were from the South when you heard she was from the South? A No sir.

Q What was your object in giving her a fictitious name?

Objected to as incompetent and immaterial.

Objection overruled. Exception.

A Well, under the circumstances, the way we met them, I wouldn't give them my right name.

Q Where did you live at that time? A 359 West 23rd Street

Q You were out of employment then, weren't you? A I was negotiating between---

Q You were out of employment at that time? A Yes sir.

MR. LeBARBIER: I submit he may answer that question. He was negotiating he says.

THE COURT: Proceed.

A (Witness continuing) being Jacob Doll and Sons and Wissner, Jersey City and Newark.

Q What do you mean by negotiating? A Mr. Doll offered me a position but not the one I had when I left because when I left he took on another man.

Q You had no particular employment on this election day, 1909, had you? A No sir.

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Q Well that week, you were out of employment, that week?

A No sir.

Q You did not vote on election day? You were not a resident of New York? A No sir.

Q How long had you been out of employment? A Since the latter part of last July, three months.

Q During that time you did nothing at all? A No sir.

Q Who engaged the room at 359 West 23rd Street? A We both did. I paid for it.

Q You paid for the room? A Yes sir.

Q Isn't it a fact that the two of you came there and told the proprietor or whoever ran that place that you were in the theatrical business?

MR. LeBARBIER: Objected to as incompetent, immaterial and irrelevant, no foundation laid, not brought out on the examination in chief.

THE COURT: Objection sustained. You may show whether or not this defendant said it, whether or not he made representations, but if third parties not connected made the representations of course that would not bind this defendant.

MR. WASSERVOGEL: I ask whether he did not state it?

Q Did you say that you were in the theatrical business, you and Hall? A I did not.

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Q Did Hall say it in your presence? A Yes sir.

Q He did say so? A Yes sir.

Q And you were there? A Yes sir.

Q Both of you came there with one grip? A I came there with a grip.

Q Hall had no grip? A No sir.

Q There was only one grip brought to that place that night? A That day, yes sir.

Q And you said you would bring your trunks later on? A No sir.

Q You never brought the trunk there, did you? A No sir.

Q And when you left there you owed \$1.00 for meals? A Not I. Mr. Hall had two meals there.

Q You never ate there at all? A No sir.

Q No question about that? A No sir, absolutely none.

Q You say that you left New York on the night of November 5th? A Yes sir.

Q At what time? A It was between ten and eleven, around ten thirty.

Q You heard the testimony of Miss Sawyer? A Yes sir.

Q She said that you arrived at Newark at 11 o'clock?

A It was in the neighborhood of eleven between eleven and twelve.

Q It was nearer twelve, wasn't it? A No sir.

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Q You had dinner with her, I believe, at the Marlboro Rathskeller? A Yes sir.

Q Then you went down to Broadway and 23rd Street? A Yes sir.

Q And from there you went where? A We walked west towards 9th Avenue, towards the Ferry. On reaching Ninth Avenue I asked her to wait a minute until I got my bag. It was understood I was to go to Newark that night, because I was to leave the room the next day. So she said she would wait and I walked upstairs and the door was closed and I started to open it and it was locked and so I knocked. In a few moments the door was unlocked and Mr. Hall stood there.

Q When you went into the house did you meet any one in the hall? A I believe I passed some woman down stairs. She stood in the rear of the hall.

Q Do you know Miss Shea? A Yes sir.

Q You met Miss Shea that night? A I believe it was Miss Shea.

Q You met her about ten minutes to ten?

MR. LeBARBIER: He don't say that at all.

MR. WASSERVOGEL: Well, I am asking him the question. A

A It was in the neighborhood of ten o'clock. Ten o'clock or ten minutes after, somewhere around that time as near as I can remember.

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Q You met her as you were going up? A No sir.

Q Isn't it a fact that you met her as you were going out and you saw her again about fifteen minutes later as you were coming back? A No sir.

Q That is not so? A No sir.

Q What floor was this room on? A Two flights up, from the parlor floor, back.

Q Two flights up? A Yes.

Q You went right up and knocked at the door? A Yes.

Q Did you try the door first to see whether it was open? A Yes sir.

Q Didn't you have a key to that room? A Not to the door. There was a key in the inside of the door.

Q And you mean to say that despite the conditions in which you described Hall and this Miss Frazier that they opened the door and let you in? A Mr. Hall did, knowing it was me.

Q Hall opened the door? A Yes sir.

Q Let you right in? A Yes sir.

Q Despite the fact that he was standing there in his underclothes? A Yes sir.

Q And you say the girl was in bed? A Yes sir.

Q Did you speak to her? A Yes sir.

Q You spoke to her also? A That is, she spoke to me and I answered.

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Q Spoke to him too? A Yes sir.

Q What did you say to them? A When I came in I said "I am sorry to disturb your people but I have got to pack up some of my clothes".

Q Did Miss Frazier say anything to you? A Not then at that time.

Q What do you mean "at that time"? A When I made those remarks.

Q How long were you there altogether? A I should imagine about ten or twelve minutes.

Q Did you have any conversation with Miss Frazier at all? A Yes sir.

Q What conversation did you have with her? A When I was packing up she asked me where I was going. I told her I was going out. That I had a friend waiting for me outside, and she said "You are going to have a drink before you go, aren't you?" And I said "Well, yes, if you are persistent enough".

BY THE COURT:

Q You said "Yes, if you are persistent enough, did you?" A Yes sir. Then she swung out of bed and ~~xxx~~ ~~xx~~ ~~the~~ ~~had~~ Hall had the bottle of whiskey which was half full, and there was one glass which we all had one drink from before I went. I told Hall if he wanted to see me again to write to me at either Jacob Doll's or Wissner Company in Jersey

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City. He said he would, so we shook hands and I went out.

BY MR. WASSERVOGEL:

Q Do you mean to say that that woman was in bed there and jumped out of bed and had a drink of whiskey with you?

A She swung out of bed and sat on the bed.

MR. LeBARBIER: Now only does he mean to, but he does say it.

MR. WASSERVOGEL: I object to the interruption.

THE COURT: Yes, go on.

THE WITNESS: She swung out of bed and sat on the side of the bed.

Q How was she dressed? A She had on some sort of a corset cover that reached to her knees, and a pair of stockings and an undershirt.

Q Then you say you went to Newark the next day? Or the same night and immediately entered the employ of the Wissner People? A No sir.

Q Oh, you did not? A No sir.

Q When did you enter their employ? A The following week. The following week I went over to see Wissner and they offered me a better position than Mr. Doll was offering and I started with them a week following Monday.

Q And you had no idea of any crime having been committed against Miss Frazier until you were arrested? A Absolutely none.

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Q And in spite of the fact that you didn't know that a crime was committed against her or that she claimed a crime was committed you denied you had ever seen Miss Frazier or Mrs. Fair when brought face to face? A When I was brought face to face with Miss Frazier I had nothing to say. I was in the line-up.

Q But when brought face to face with Mrs. Fair you told the officer you had never seen her? A I realized---

Q Did you or did you not? A Yes sir.

Q And you also told the officer that you had not seen Hall or Henessy for six months? A Because---

Q Did you say that or not? A Yes sir.

Q So you lied both to the officer and to Mrs. Fair?

Objected to as incompetent.

Objection overruled. Exception.

THE COURT: I think I will sustain the objection because the Jury are as capable of answering that as the witness?

MR. WASSERVOGEL: Question withdrawn.

Q What kind of a grip was it that you brought there, as you say? A It was a travelling bag, tan color.

Q Was it a dress suit case? A No sir.

Q A small bag? A Not very small. It was an 18 inch.

Q What did you put in there the night you say you left there? A All my clothes, those that I had unpacked. There

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was some in there that I had not taken out, underwear for instance and shirts.

Q At the time of your arrest you wore some jewelry, did you not? A Yes sir.

Q What kind of jewelry did you have on? A A diamond ring and a diamond stud.

Q What kind of a diamond ring was thing? A It was a tooth setting diamond ring.

Q What do you call a tooth setting---Oh, I understand what you mean. How large a stone was it? A Three and one eighth and one sixteenth.

Q And how large was the stone in the pin? A One and one eighth and one sixteenth.

Q How long did you have that jewelry? A Since last Spring; one last Winter.

Q Where did you get it? A In Newark.

Q Where did you get it? A Crystal Brothers in Newark. I exchanged there for J. Wissner & Sons in Newark, which I have the bills of sale.

Q This property is now in the hands of the police?

Objected to as incompetent, immaterial and irrelevant.

Objection sustained.

Q How much salary were you earning with the Doll people?

A \$36. a week.

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Q Adn with Wissner? A \$33.

Q For how long a period was that? A This past two years I was making \$36. a week.

Q How long were you living with your wife before the divorce? A Six months.

MR. LeBARBIER: Objected to.

THE COURT: He may answer that question.

MR. LeBARBIER: Objection withdrawn.

Q Did I ask you under what name you were divorced? A Archibald Allen, my own name.

Q Who was the manager of the Wissner Company? A Mr. Franklin.

Q Did you have Mr. Franklin come here to testify as to your character?

Objected to as immaterial and irrelevant.

Objection overruled.

MR. LeBARBIER: We were bound by your Honor's direction, in the first place.

THE COURT: You may answer the question.

, Exception.

A I was with Mr Franklin three years.

Q Did you ask Mr. Franklin to come here as a witness for you? A I? No sir.

Q Isn't it a fact that you did ask Mr. Franklin and he refused? A I have not seen Mr. Franklin since I have been

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in New York.

Q You say that Miss Sawyer was waiting down stairs for you? A Yes sir.

Q Did you tell her what you had seen in your room? A I told her Mr. Hall had a friend there.

Q What clothing did you put in your grip, that small grip that you speak of.

Objected to as incompetent, immaterial and irrelevant.

Objection overruled. Excepti on.

A Hairbrush and comb, razor and shaving strop and shaving soap and one shirt, if I remember right.

Q You had no other suit except the one you ~~were~~ wore? A None.

Q What were you doing on the afternoon of November 5th?

Objected to as immaterial and irrelevant.

Objection overruled. Exception.

A I don't exactly remember. Nothing I could say just where I was. I was in and out of the room.

Q You didn't do any work at all that day? A No sir.

Q And didn't you have dinner earlier in the evening alone? A No sir.

Q You had nothing to eat until 8 o'clock that night?

A No sir, because I had the dinner engagement.

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Q Do you mean to tell this Jury that Miss Frazier simply invents this story as far as you are concerned.

MR. LeBARBIER: Objected to as incompetent, immaterial and irrelevant, assuming a state of facts not in evidence.

THE COURT: It is cross examination. I will allow it.

MR. LeBARBIER: Here is a question that she invents the story.

THE COURT: I will overrule your objection.

Excepti on.

A I am not telling that to the Jury.

Q You cannot assign any reason for her making a charge of such a serious character against you, can you? A I don't know of any reason, no sir.

Q You dān't know the woman other than having met her once before? A No sir.

Q Never met her at any other time? A The reason I think---you want to know a reason---I say the reason I think why I was arrested, they told me that Hall is the man they wanted, if I could tell them where Hall was I would be turned loose.

Q Newe rtheless you denied that you had ever seen Mrs. Fair?

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Objected to as already answered and as immaterial.

Objection overruled. Exception.

Q In spite of the fact that they told you that they wanted Hall you said you had never seen Mrs. Fair? A I denied everything when I was arrested until I saw my lawyer--- the few questions asked me.

RE-DIRECT EXAMINATION BY MR. LeBARBIER:

Q Whose rouge was that in your pocket? A A young lady in Jersey City. I don't want to mention her name unless it is necessary.

MR. WASSERVOGEL: That was withdrawn.

MR. LeBARBIER: That's all.

D E F E N D A N T R E S T S .

B L A N C H E F R A Z I E R, recalled in rebuttal on behalf of the People, having been previous duly sworn, testifies as follows:

DIRECT EXAMINATION BY MR. WASSERVOGEL:

Q Did you hear the testimony of the defendant? A Yes sir.

Q The defendant said that he knocked at the door in which you were with Hall? And that the door was opened by Hall, is that true? A The door was always unlocked and it

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was opened by Hall.

MR. LeBARBIER: She previously testified that that door was unlocked while she was there. Now she says the door was locked and opened.

THE COURT: That is a matter for you to bring to the attention of the Jury in summing up. I allow the question, overruling your objection.

Exception.

Q The defendant said that when he came into that room Hall was standing in his underclothing, is that correct?

A He was not, no. He was not.

Q He said you were in bed, is that true? A I was not, no sir.

BY THE COURT:

Q At any time while you were in that room was he in his underclothes? A No, your Honor.

Q And the whole time you were there was the defendant there? A Yes.

Q The whole time? A Why he came in, <sup>shortly</sup> after I was in that room.

Q He came in shortly after you were in the room? A Yes sir.

Q Were you at any time in or on the bed in that room? A No, your Honor.

Q Sure about that? A I am quite sure.

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BY MR. WASSERVOGEL:

Q You are positive you were not in that bed? A I am quite sure.

BY THE COURT:

Q You say you lost consciousness at one time? A Well, I was thrown on the bed afterwards. I was thrown on the bed and when I regained consciousness I was lying right across the bed, the large bed.

Q And that is the only time you were on the bed or in the bed? A Yes.

BY MR. WASSERVOGEL:

Q He also said that you asked him where he was going, is that true? A I did not.

Q He said that when he came in there he started to pack a grip is that true? A It is not true.

Q He said that you said to him "Before you go let us have a drink", is that true? A Absolutely not.

Q He said that you then jumped out of bed, partly undressed, and that all three of you had a drink of whiskey, is that true? A It is not true.

Q You say it is not true? A Yes sir.

MR. LeBARBIER: No cross examination.

MR. WASSERVOGEL: May I recall the defendant for one question, if your Honor please?

THE COURT: Yes.

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ARCHIBALD L. ALLEN, the defendant herein  
recalled by the People for further examination, having  
been previously duly sworn, testifies as follows:

BY MR. WASSERVOGEL:

Q Is this the bag that you brought with you? A No  
sir.

Q To that house? A No sir.

Q This is not the bag that you brought to that room?

A No sir.

Q Did you ever see this before? A Yes sir.

Q You have seen it before? A Yes sir.

Q Whose bag is it? A Mr. Hall's.

Q You are sure this is not your bag? A No sir.

Q Did you bring any other bag there? A Yes sir.

Q When? A Two days following the Wednesday.

KATHLEEN SHEA called as a witness in rebuttal,  
on behalf of the people, being first duly sworn, testifies  
as follows:

DIRECT EXAMINATION BY MR. WASSERVOGEL:

Q Where do you live? A 95 St. Felix Street,  
Brooklyn.

Q In November 1909 where did you live? A 359 West  
23rd Street.

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Q Did you know this defendant Drexel? A Yes sir.

Q Did you ever have any conversation with him? A Not to any extent.

Q Do you remember his taking a room at 359 West 23rd Street? A Yes sir.

Q You rented the room to him? A Yes sir.

Q Under what name? A James Drexel.

Q Do you recall whether he carried anything with him at that time? A No, he did not.

Q Have you ever seen this bag before? A Yes sir, that was the bag they left in the room after the two gentlemen had left, had vacated.

BY THE COURT:

Q By one of the two gentlemen you mean the defendant?

A Yes sir.

MR. WASSERVOGEL: People rest.

MR. LeBARBIER: Defendant rests. And defendant respectfully moves that the charge of robbery in the first degree be withdrawn from the Jury on the ground that the people have adduced no facts to substantiate the crime as laid.

Motion denied. Exception.

MR. LeBARBIER: I make the same motion with regard to grand larceny, that it be withdrawn from the Jury on the ground---

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THE COURT: What do you want to submit to this Jury?

MR. WASSERVOGEL: The question of robbery mainly. I think the question of the grand larceny may remain.

THE COURT: Grand larceny in its first degree? It is grand in its first degree, isn't it?

MR. WASSERVOGEL: It is, sir, and I think the assault should remain.

THE COURT: What else is there to the indictment?

MR. WASSERVOGEL: One of receiving stolen property.

THE COURT: Strike that out. There is no proof under which I could properly submit that. The motion is denied in toto at this time.

MR. LeBARBIER: Well, this is my time, I submit, before we go to the Jury, and I respectfully except.

THE COURT: Of course I have the right to do it hereafter if I want, but I do not see any reason for depriving the people of any count in the indictment except the count of criminally receiving stolen property. That of course I could not submit properly.

MR. LeBARBIER: I respectfully move that the Court advise the Jury to acquit on the ground that the people have made out no facts sufficient to substantiate any crime as charged in the indictment under the count of robbery in the first degree or the count of grand larceny

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in the first degree.

Motion denied. Exception.

Mr. LeBarbier now closes to the Jury.

(The Jury is now duly admonished as usual and a recess declared until 2 P. M.)

After Recess, 2 P. M.

Mr. Wasservogel now closes to the Jury.

The Court now charges the Jury.

The Jury now retire, at about 2:45 P. M. and at about 5 P. M., being unable to arrive at a verdict, are discharged from further consideration of the case.

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