

START

1507

CASE

1507

I N D E X .

	D.	C.	R-D	R-C.
Michael Zadowny	2	12		
John F. Maloney	18	20		
Aaron Steinberg	25	38		

SECRET

1507

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

----- x
THE PEOPLE OF THE STATE OF
NEW YORK

against
AARON STEINBERG.

Before,

1819
HON. EDWARD SWANK, J.,
and a Jury.

----- x
New York, March 14th, 1912, etc.

Indicted for grand larceny in the second degree and receiving.

Indictment filed March 10th, 1912.

APPEARANCES:

For the People, ASSISTANT DISTRICT ATTORNEY BROTHERS.

For the defendant, ABRAHAM HAROWITZ, ESQ.

A jury was duly impaneled and sworn.

James E. Lynch,
Official Stenographer.

107

that I was going to buy a ticket off to go back to Europe.

Q Well, in what street, what was the name of the street?

A ¹²¹ ~~121~~ Norfolk street, City of New York.

Q City and County of New York? A Yes, sir.

Q Did you see this defendant Steinberg at any time? A I did.

Q Was that on the 7th of last December? A That was, I see him on the 6th and on the 7th.

Q Where did you see him on the 6th? A I seen him near the office, at the agency where I bought my ticket.

Q On the 6th of December? A Yes, sir.

Q Where was that office? A In Norfolk street.

Q Did you talk with him on the 6th? A Yes.

Q What did you talk about? A I was standing in the street and I was smoking a cigar and he came up to me and he told me "Give me a light from your cigar." He asked me then "Where are you going?" I told him "I am going to Galicia". He asked me "What county do you come from, from Galicia?" I told him "I come from a little town called Tanopol". He said "Well, I am coming from the same city, too."

Q What language did you talk? A Polish language.

Q Did you see him again next day, the 7th? A Yes, sir, I did.

Q Where did you see him? A At the same place.

Q Did you talk with him that day? A Yes, sir.

CASE # 1507

Q Tell us what was said on the 7th? A When he approached me the second time he asked me "Have you got your money with you?" I told him I have not. He told me "Then come on to the saloon" and he took me down to a saloon and he treated me to a glass of beer. I took that glass of beer and I told him "I have got the money". I had my money put into a little bag which I sewed myself, I had that bag on my shirt, between the undershirt and the overshirt, pinned in with a pin. He told me then to take out this bag and to show him the money, which I did. He took my money and he straightened it out and he added to it some of his money and he wrapped it around in a piece of paper, saying to me, this is a letter I am sending with -- that I want you to take to the people on the other side."

Q How much money did you have? A 410 Kronen.

Q How much is that worth in United States money? A \$85.
I had in United States money for it.

Q Where did you change your United States money into Austrian money? A I have the address in my pocket.

Q Well, let us have it? A This is the address (indicating).

MR. BROTHERS: (Reading) Auerbach, Goldberg & Heine,
129 Rivington street, New York.

Q Was this Austrian money in coin or paper? A Paper money.

Q How much of it did you hand to the defendant? A 410

CASE # 1507

Kronen.

Q And is this the bag that you speak of (indicating)?

A Yes, sir.

Q Was the money in this bag when you handed it to the defendant? A Yes, sir.

Q Why did you hand it to him? A I gave it to him because he came to me and told me he wants to send \$15 to some of his brother-in-laws in the town I came from. Then he went and unbuttoned my pants, he unpinned the bag I had pinned in my shirt, then he straightened out the money and added his money to it. Then he put the paper around it saying "This is the money and the letter I want you to take to the old country."

Q What happened after that? A At the time when I was talking to the defendant, when I gave him the money and he added his money to it and put a paper around it, two other Hebrews came into the same place where we were standing and he turned around and he says "I am going to turn around, I don't want the other people to see what I am doing." And he went and he replaced something in that bag.

Q Did you see what he did when he turned away? A I did not at that time. I seen that he was putting money into my money but I seen at that time when he turned around, I could not see any more what he was doing.

Q Well, tell us what else happened, now, tell all of it?

A And he told me then, "Get hold of your valise and go over to

CASE # 1507

your house and I am going to go home, I am in a hurry, I will get hold of my valise because I have to go to Chicago." I immediately went over to the office and I thought something was wrong when I got out.

Q What office did you go to? A To the same office where I bought the ticket.

Q In Norfolk street? A Norfolk street, yes.

Q Where was it that you and the defendant were when he took your money? A In a saloon.

Q Was the saloon in Norfolk street? A I don't know what the name of the saloon is.

Q Well, in what street was it, do you know that? A It is from Norfolk street but about two blocks away from there.

Q When you got to the office, or before you went to the office did you get your bag back from the defendant? A Yes, he himself pinned it on to me back again from the place where I took it out before.

Q When did you open the bag to see what was in it? A It took about ten minutes, when I returned, and I opened it immediately.

Q What did you find in it when you opened it? A Those papers that are in there.

Q Are those the papers (indicating)? A Yes, sir.

MR. BROTHERS: We offer the bag and the papers in evidence.

CASE # 1507

(Marked People's Exhibit 1.)

THE INTERPRETER: He wants to add to it "I ran immediately to the detective, to the station house and let them know."

BY THE COURT:

Q Where was that station house? A I have the address in my pocket. Detective Snyder, 13th Precinct.

BY MR. BROTHERS:

Q When you got to the police station, from then until what time was it that you again saw the defendant? Seen him again, in other words? A From the time he took my money away?

Q Yes. Yes, did you ever see him again? A No, sir, I was looking for him but I did not find him.

Q You went to the station house, you say, the 13th Precinct in this city and made a complaint about this, did you, yes or no? A Yes, sir.

Q Did you stay in New York or did you leave New York?

A I went to the place back again where I was working before.

Q In Pennsylvania? A Yes.

Q How much did you earn down there in Pennsylvania?

A I worked there two weeks. During the two weeks sometimes I earned \$26 and sometimes \$28.

Q Was the 410 Kronen or the \$85, was that all the money you had on the 7th of December? A Yes, sir.

Q When did you come back to New York? A The 6th of this month at 6 o'clock in the afternoon.

1507

Q On the 6th of March, 1912? A Yes.

Q Where were you going this time? A I wanted to go home.

Q To what place did you go in New York? A To Desbrosses street, I have the address here. It says "Steamship Passenger Transfer Company, 30 Desbrosses treet, corner of Desbrosses and Washington street, New York."

Q That is right here in this city and county of New York?

A Yes.

Q Did you buy a passage for Europe at that place? A Yes, sir.

Q Now, did you see this defendant again? A On the 7th in the morning I saw him there.

Q What time was it? A I don't remember, but I think it was seven or a little after seven.

Q Whereabouts was he when you saw him? A He and another man were right standing near the office or near the house.

Q You mean at this steamship company? A Yes, sir.

Q That is Desbrosses and washington street? Was he in the office? A No, sir.

Q Outside in the street? A Yes, sir.

Q What happened then? A When this agent wanted to take me and some other passengers to the steamship, when I passed out I heard a voice that was something familiar to me. As soon as I heard that voice I turned around and saw the defendant at the bar there.

CASE 1507

Q Then what did you and the defendant do? A As soon as I went to him I said to him "Hello, Mister". He says "Why, do you speak Polish?" I says, "Don't you know me, don't you know that you stole from me 410 Kronen? I want to have that money." He says "How much money?" I told him "410 Kronen." He says "All right, come with me, come with me and I will give it to you". I said "No, I will not go with you from this place, I want the money right here." He wanted to get away from me. He tried to drag himself away and the other fellow helped him along, and I commenced to holler there, and then a crowd gathered around. At this time when this conversation occurred his friend tried to put me away, and I wanted to step away so as to give the car place for to pass by. In the meantime the defendant jumped on the car and he went off. The clerk from the office seen that we had this conversation between us, and the clerk went out.

MR. NARADWITZ: I ask to strike that out.

THE COURT: Yes.

Q Well, what did you see the clerk do? A This clerk jumped into the street car and he made us stop. Then he got the defendant out from there.

Q Did a police officer come there? A Yes, sir.

Q Did he arrest the defendant? A Yes, sir.

Q And you went to the police station, did you, altogether?

A Yes.

CASE 1507

Q The policeman is here, is he? Is that the officer (indicating)? A Yes, sir.

Q Have you ever got your 410 Kronen back from the defendant? A No, sir.

Q Have you told us all that he said to you since he was arrested? A I told you everything.

BY THE COURT:

Q Who is this clerk that jumped aboard the street car and helped to arrest the defendant? A I don't know his name, but if you want to telephone to him he will come here immediately.

Q Well, where is he? A At this office, right there.

THE COURT: Are you going to produce him?

MR. BROTHERS: I did not intend to. It is the first I heard of him.

THE COURT: Well, we must produce him if we can.

MR. BROTHERS: All he did was to assist in the arrest. There is no dispute about the arrest.

MR. HAROWITZ: There may be no dispute about that.

THE COURT: About the arrest?

MR. BROTHERS: He merely ran and he stopped the car and held it until the officer came.

THE COURT: But he might have seen the defendant, and if the clerk saw the defendant, what he did might be very material, if he did as this man says he did; this man says

CASE 1507

he broke away and ran and jumped aboard a car.

MR. BROTHERS: Well, the defendant I understand will not deny that.

THE COURT: Well, flight, you know, might be taken by a jury as evidence of consciousness of guilt, and it is material if you can find that clerk, because this man is a foreigner and that clerk may throw considerable light on the case. Go on.

MR. HAROWITZ: I respectfully except to that portion of your Honor's statement wherein you state that it may be some evidence of the defendant's guilt.

THE COURT: What, flight?

MR. HAROWITZ: The question of the clerk there. There is no question that flight may be, but flight if explained properly may not be.

THE COURT: What did I say? Flight may be evidence of consciousness of guilt. That is a well known proposition of law, is it not?

MR. HAROWITZ: Under certain conditions.

THE COURT: Yes, certainly.

MR. BROTHERS: The officer says he cannot subpoena that clerk until 12 o'clock to night because he is night clerk there.

THE COURT: Mr. Brothers, have the officer write the name and address of that clerk.

CASE 1507

MR. BROTHERS: He does not know his name but he knows his address.

THE COURT: Well, if you will just write the address I will have someone telephone immediately and see if he is there, and if he is there we will have him come up immediately, but of course if he is night clerk we will have to wait.

MR. HAROWITZ: If your Honor please, I may concede what the District Attorney wants to prove as to this witness. There may be no dispute as to the fact that this defendant jumped upon a car, if that is what he wants to prove.

CROSS EXAMINATION BY MR. HAROWITZ:

Q Have you ever seen this defendant before the 6th day of December, 1911? A No, sir.

Q And where did you meet him on the 6th day of December?

A In Norfolk street.

Q How long had you spoken to him that day? A About fifteen minutes.

Q And did you have any money with you that day? A No, sir, I did not.

Q Now, this money that you say you had in this bag, when did you put that money in that bag? A On the 6th day I drew that money and I put it into that bag and I went in there to have

CASE 1507

a drink and I put that money in there and I pinned it into my shirt.

Q Where did you sleep that night? A In a hotel.

Q What hotel? A I don't know.

Q Where did you go next morning after you left the hotel?

A To the office, to the agent.

Q When did you next see your money before you gave it to the defendant? A In the morning in the saloon when he added his own money to mine.

Q From the time you put it under your vest on the 6th of December, and the night you spent in the hotel, until the time you handed it to the defendant, you did not look at that money, did you? A Yes, sir.

Q Did you lock your money in the hotel, in the safe, or did you keep it with you when you slept in bed? A No, sir, I had it right with me.

Q What kind of room did you have at the hotel? A It was a room, one bed for me, and I laid down and slept there.

Q Was it a room, or was it in a general ward, were there other people there? A No, it was one room.

Q There are other rooms there, aren't there? A Yes, there are more people there.

Q Other people sleeping there? A Yes.

Q Did you sleep with your clothes on or did you take your clothes off? A No, sir, I did not have my suit on. I was

CASE 1507

undressed but my money was right on my undershirt.

Q What did you say to the defendant and what did the defendant say to you the first time you met on the 6th of December? A I was standing smoking a cigar and this defendant came to me and he says "Give me a light". I did give it to him and then he spoke to me in Polish. He says "Where are you going?" I told him "I am going to Galicia" He says "What county?" I says a little town by the name of Tanapol. He says "Oh, I know, that is the town where I come from."

Q You say this man here sitting in court now, it was this defendant spoke to you in Polish? A Yes.

Q When did you see him next day? A At that time when he took my money away, right in Norfolk street near the office.

Q Are you sure now that you saw him twice? A Yes, the 6th and the 7th.

Q Before you were placed on the stand here did you tell this gentleman here, Mr. Brothers, who is trying the case, the story that you told on the stand? A Yes, sir.

Q And you told him everything that happened to you on the 6th day of December and on the 7th day of December? A Yes, sir.

Q And you told the District Attorney that you saw this defendant twice? A Yes, sir.

Q And that is as true as everything else you have said here? A Yes, sir.

CASE 1507

Q Now, how many minutes had you spoken to him on the 7th of December before you gave him the money? A Well, it took us about fifteen minutes because we were drinking beer, we were in a saloon.

Q How many glasses of beer did you drink? A One glass each. On the 6th we had one glass of beer each and on the 7th we had one glass of beer each.

Q Is that all you had, one glass? A One glass.

Q Did you have any whiskey? A No.

Q Was the defendant, or did the defendant have his hat and coat on when you spoke to him on those two occasions?

A Yes, sir.

Q And what kind of coat did he wear? A It was a gray overcoat and a gray hat.

Q A gray hat, a slouch hat or derby hat? A It was a soft slouch hat.

Q He did not have a hat like this on, had he (indicating)?

A No, sir.

Q What kind of hat did he have on when you had him arrested? A This one.

Q Are you sure that the day he took your money he had a hat something like this, that is, what you mean by a slouch hat? A Yes, sir.

Q And what kind of overcoat did he have on when he was arrested? A It was the same as his hat was, gray, a long one.

CASE 1507

Q At the time he was arrested? A He had a black coat and black hat.

Q And the man that you gave your money to on the 7th day of December had a slouch hat and light coat? A Yes, sir, he did have a gray hat and gray overcoat.

Q And this defendant on the day you had him arrested had a derby hat and black coat, that's right? A Yes, sir.

Q Now, you have not seen this man since the 7th day of December -- (Question withdrawn.)

Q You had not seen him from the 7th day of December until the 6th day of March, is that right? A Yes, sir.

Q A period of three months? A Yes, sir.

Q Now, from that time until this time you have seen thousands of people, haven't you? A Yes, sir.

Q Now, you say you were going -- in what street do you say you saw this man? A Desbrosses street.

Q That is near Washington Market, isn't it?

MR. BROTHERS: I do not think he knows where Washington Market is.

A I don't know what it is there. I know simply there it is written there on that envelope, that's all I know.

Q Do you know what street this saloon is on that you say you were in? A What do you mean, where he took my money away?

Q Yes. A I don't know, but it is somewhere around Norfolk street.

CASE # 1507

Q Well, it is on Norfolk street, you said before, didn't you, in the police court? A When he came, and he spoke to me, that was on Norfolk street, but to the saloon where he took me in, that was some couple of blocks away from Norfolk street.

Q Which way in Norfolk street, going towards the East river or going towards the Bowery? A Norfolk street runs this way (illustrating) and this side of the street is the office, and where the saloon is, where we turned around, that is where we went in.

Q What is going east, towards Suffolk and Clinton? Now, didn't you state at the time you grabbed hold of this man that he only took \$35 from you? A I saw that he took away 410 Kronen.

Q You did not use the words "Thirty five dollars" in American money, did you? A No, sir.

Q Now, do you remember a gentleman there with a red mustache at the time you grabbed hold of him? A I did not look to the other because I got hold of this one.

Q Who gave you your umbrella back? Do you remember having an umbrella there? A It was a man that was going to the old country.

Q Now, what kind of car did this defendant jump on, was it a horse car or cable car? A It was an electric car.

Q Not a horse car? A No, sir, it was an electric car.

Q A Grand street car, wasn't it? A I don't know what

1061 7
CASE 1507

car it was.

Q Which way were you going when you say you heard a familiar voice? A We were standing there where the agent gathered us to take us over to the ship.

Q And where did you hear this voice? A When they were standing there and having a conversation, him and someone else.

Q Were you facing him at the time or was your back towards him? A I didn't see him, I only heard the voice of his that was familiar to me.

Q Had you passed them before you heard the voice? A Yes, sir.

Q So you passed them by and then you heard a voice? A Yes, sir.

Q So it was the familiarity of the voice that made you identify this defendant? A Yes, sir.

Q That is all.

JOHN F. MALONEY, called and duly sworn as a witness on behalf of the People, testified as follows:

DIRECT EXAMINATION BY MR. BROTHERS:

Q Are you a member of the Police Force of the City of New York? A Yes, sir.

Q And were you on duty on the 7th of March, 1912? A Yes, sir.

Q At what place? A Washington and Vestry street.

1007
CASE 1507

Q In the City and Cojnty of New York? A Yes, sir.

Q Where is Desbrosses treet? A One block north.

Q And on that occasion did you see the complaining witness? A Yes, sir.

Q And also the defendant? A Yes, sir.

Q What drew your attention to them? A The crowd running after the Grand street car, going east.

Q Did you overtake the car? A No, the car was coming down towards me.

Q The car was coming towards you? A Yes.

Q But you waited until it got to where you were? A Yes, sir, it comes up Desbrosses, you know, and down Washington and around Vewtry.

Q What happened when the car got to you? A I jumped on the car and went inside. The defendant stepped off the front of it. I stepped off after him and he stopped and we got an interpreter and he explained just what the trouble was. This clerk in the office came there, he was on the car.

Q There was the clerk there? A Yes, he was there.

Q Did he speak Polish? A Yes.

Q He spoke some foreign language to the defendant and to the complainant? A Well, he said nothing to the defendant. He spoke to the complainant.

Q What did the defendant say? A He said he was on his way over to Jersey and this man started to chase him.

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Q Which way was this car going? A East.

Q East? Is there a ferry there for Jersey? A Yes, sir, foot of Desbrosses street.

Q That is the Jersey Central? A No, that is the Pennsylvania.

Q Is that all the defendant said in your hearing? A He said nothing, or that is all, yes, sir.

Q That is all.

CROSS EXAMINATION BY MR. HAROWITZ:

Q Officer, you say you stepped on the car and when the defendant saw you he stepped off and stopped? A Well, he was stepping off the front of the car when I was going through from the car.

Q And when he saw you he stopped? A He stood there.

Q And walked over with you to the complainant? A No, the complainant got off with me.

Q Oh, the complainant was on the car, too? I see. Did you explain to the defendant what the complainant charged him with? A After we had got an interpreter and he explained what it was.

Q The defendant did not speak Polish? A I don't know whether he did or not. He said nothing in Polish there.

Q What did the defendant say about him being the man?

A Well, he said he didn't want his friends to see him and that's

CASE # 1507

the reason he got on the car. He said he was a business man.

Q And he denied he saw the man, he denied that he knew anything about this? A Well, he didn't say nothing then to me about that.

Q What do you mean, he didn't want his friends to see, to see what? A Him, I suppose, the crowd chasing him.

Q He said he wanted to get away from the crowd? A Yes.

Q He told you he had a lot of friends around the market there? A The market is eight or ten blocks away from there.

Q From where? A From Vestry and Washington street.

Q Washington Market is ten blocks away from there?

A Well, it is seven blocks, anyhow.

Q Why did you say ten? A Well, it is seven.

Q Isn't there a market right near Desbrosses street?

A No.

Q An apple market? A Apple market? Not that I know of.

Q A fruit market? A No, not that I know of. If he means the Pennsylvania docks where they come at 2 o'clock in the morning, they have a market there from two until about half past six sometimes.

Q Well, that is the market I mean? A Well, I didn't know what you meant.

Q There is a market there? A Yes, there is another one down at franklin street, too.

Q You say the defendant told you he was going to Jersey?

CASE 1507

A Yes, sir.

Q Sure about that? A Yes, sir.

Q Didn't he tell you he was, that he was going to go to Jersey and afterwards said he wanted to go back to Suffolk street? A No, he said he was going to Jersey to look after some place over there, he was going in business.

Q Did he tell you anything about his partner being there in the market? A Partner?

Q You didn't ask him any of those questions? A I didn't ask him anything.

Q Where did you take him before you took him to the station house? A I brought him back up there to the agency office. He had to go back with this man, the way he could, he was going away to Europe that morning, this complaining witness, and his baggage was on the sidewalk there and we had to go back to have the manager of the office take care of his baggage for him until we came back.

Q And you also went around there to inquire from people whether they knew this man? A Inquire where?

Q People around the office there? A No, I didn't ask anybody there.

Q Did you ask the boss whether he knew this man? A No.

Q The owner of the ticket office? A No.

Q That is all, officer.

MR. BROTHERS: That is our case. We reserve the right

1091
CASE 1507

to call the clerk if he comes. Otherwise we rest.

MR. HAROWITZ: If your Honor please, I move to dismiss the indictment on the ground that the indictment charges the commission of a crime on the 17th day of December, 1911, and the proof shows that the crime, if committed at all, was committed on the 7th day of December.

MR. BROTHERS: That is only the copy, that must be a typographical error. The complaint is here.

THE COURT: What does the indictment say, the 17th?

MR. BROTHERS: My copy says the 17th. The original says the 7th. It is a mistake by the stenographer and we move to amend the indictment to conform with the proof.

THE COURT: Yes, well, amend the indictment by striking out the words "seventeen" and insert the word "Seven".

MR. HAROWITZ: To which the defendant objects.

MR. BROTHERS: Do you claim surprise?

MR. HAROWITZ: We do not. We object to the amendment.
Objection overruled. Exception.

MR. HAROWITZ: I move to dismiss the complaint and that your Honor direct the jury to acquit, on the ground of the improbability of the story, and evidently, according to his story the alleged crime was committed on the 7th of December and he didn't see the man until the 7th of March, almost three months after, and his testimony is that he passed him and saw him and did not identify him but he heard

CASE 1507

a voice and then identified him. In other words, he did not identify him by his appearance but identified him by his voice, and I submit it would be dangerous --

MR. BROTHERS: He says the voice directed his attention to him and he looked at him and spoke to him and the defendant said "If you will come with me I will give you your money".

MR. HANFMAN: I asked him on cross examination "Did you first pass the defendant?" and he said "Yes" and then he said it was the voice.

THE COURT: It is ^a question entirely for the jury. Motion denied.

MR. BROVITZ: Exception. I now ask your honor to instruct the jury at this time that your Honor's denial of my motion does not mean that the Court has any opinion regarding the innocence or guilty of the defendant.

THE COURT: No, that is not correct. You mean to say that I do not purport to express any opinion. I have an opinion on every case I try, just as you have and just as the jurors have, but the jury must form their own opinion, and not take my opinion, and I am not permitted to express to them at any time what I think as to the guilt or innocence of a defendant. The jury are the ones to say that upon their own good judgment.

107

AARON STEINBERG, the defendant, called and duly sworn as a witness on behalf of the defence, testified as follows:

(Residence 163 Norfolk street.)

DIRECT EXAMINATION BY MR. HAROWITZ:

Q Mr. Steinberg, are you married? A Yes, sir.

Q Are you living there with your family? A Yes, sir.

Q How old are you? A I am 29 going on 30.

Q How long are you in this country? A About 14 or 15 years.

Q What was the first business you went in for yourself?

A In the livery business.

Q Where was that? A Bath Beach.

BY THE COURT:

Q What street and number? A 8777 Bay 21st street, they call it.

Q 1877? A No, 8777. They run the numbers, 8777 Bay 21st street. They call it 19th avenue. I had a partner there.

BY MR. HAROWITZ:

Q How long were you in that business? A I was with a partner there about five or six months.

Q What year was that in? A That's about three years ago.

Q Did you have a bank account while you were there?

A When I paid my partner out I have a bank account with a trust company.

1091
7
CASE 1507

Q Is this the bank book (indicating)? A Yes, sir.

MR. HAROWITZ: I offer that in evidence.

THE WITNESS: I was buying horses.

MR. BROTHERS: What does that prove, that he had a bank account? I object to the introduction of any bank books.

THE COURT: Well, let him put it in.

(Marked Defendant's Exhibit C.)

Q After you left that business where did you go to?

A I moved to New York.

Q What business did you first go in to? A When I moved to New York I was looking around first, that I shall get a business. I moved into 75 First street.

Q How long did you live there? A I was living there about six or seven months.

Q What business did you finally go into? A I went in with a partner right across the way, 12 First street, a saloon, Mr. Ornstein.

Q The gentleman that was on the stand before you? A Yes, he was my partner.

Q How long had you been in business with him? A About -- I can't remember for sure, about four months or a little longer.

Q When you left him, why did you leave him? A Well, the place is a corner there and the place don't pay for two. I says to him "Either you pay me out or I will pay you out."

Q And he paid you out? A He paid me out and gave me a

CASE 1507

release and he took me down to the brewer.

THE COURT: I would not go into that so much.

Q Then you went into business where? A Then I was going a little around.

Q Never mind. You then waited around a little and then you went into what business? A Then I went into 146 Orchard street. I bought a place from Mr. Alf Finger.

Q How long were you there? A I was there until december.

Q Was that a saloon in your own name? A Yes, the license in my wife's name. The revenue license in my own name, but the license from the brewer was in my wife's name.

Q I show you this revenue license and ask you if that is the license for that place? A Yes, sir.

MR. HAROWITZ: I offer it in evidence.

(Marked Defendant's Exhibit D.)

BY THE COURT:

Q Did you pay for that or did the brewery pay for that?

A The revenue license I paid.

Q Did you get the money from the brewery? A No, we don't get that, we have to pay that ourselves.

Q The question is, did you pay it out of your own money or did the brewery give you the money to pay it? A No, I paid it out of my own money.

BY MR. HAROWITZ:

Q Did you have a bank account in New York at the time you

1507

were in business in Orchard street? A When I went in business, I went to a friend of mine, Mr. Jacob Wolf, a saloon keeper and he gave me a recommendation to the Germania Bank, that they shall take me.

Q And you are a depositor of that Germania Bank? A Yes, I am there yet.

Q Is this the bank book (indicating)? A Yes.

MR. HAROWITZ: I offer it in evidence.

(Marked Defendant's Exhibit E.)

Q Now, Mr. Steinberg, when you were in the livery business, as you testified, did you give a horse and wagon to this witness that was on the stand here? A Yes, sir.

Q And after that had you been as partner in the peddling business? A Yes, sir.

Q What arrangement did you have with him? A I told him "Natahan, I got here a horse and wagon, a bargain I bought and I know you come from the same country I come, I know you are a poor fellow, here is a horse and wagon, you got to work and pay me \$8 a week and I will be in the saloon business, and in business, after I sell my business I am going to go in with you together."

Q You sold your saloon business in Orchard street around what time, do you remember? A Well, in December.

Q December, what date? A I think about the 20th.

Q It was the 20th? A I think about the 19th or 20th,

1091507

I aint sure.

Q And you took this peddling license what date, do you remember? A I took the peddling license because I told my wife "Rosie, I am going to sell this saloon, I am going to get a license."

Q I did not ask you that, that was December 16th? A Yes.

Q Four days before you sold the saloon? A Yes.

Q Where was your partner's basement at that time? A 246 East 2nd street.

Q Do you remember the morning you were arrested? A Yes, sir.

Q When your partner would buy wagon loads who would supply the money? A I would.

Q And after you sold it you deducted the money you paid out, is that it? A After I sold the business I was a partner. When I had business he only gave me eight dollars a week.

Q At the time you had the saloon he gave you \$8 a week? A Yes.

Q And when you sold the saloon out in December, you went in partnership with him? A Yes.

Q Have you still got the horse and wagon? A Yes.

Q Where is your stable? A Witkin's Stable.

Q Where is that? A Ludlow and Division.

Q That is on Division street corner Ludlow? A Yes.

Q Whose name is it in? A It is in his name there.

1091
1507

Q Do you remember the day you were arrested? A Yes.

Q Did you meet your partner that day? A Yes.

Q What time, about? A I met him in the stable there about half past five. I don't know for sure because -- sometimes between five and six.

Q Early in the morning? A Yes.

Q Where did you go with him? A Went down to the market.

Q Did you take your horse and wagon? A Yes.

Q Where did you leave him? A I left him right there.

I went over there with him, you know. He left the horse stand there and I says "Nathan, I am going to buy a little stuff."

You know, in the market, there is stuff right on the street and people wear long jackets and I ask them the price and they tell you this and this.

Q You buy for cash? A Cash, there is no trust.

Q All for cash? A Yes.

Q What time did you leave him, how long before you were arrested did you leave him? A I left him about half an hour, I think, or three-quarters of an hour.

Q Before you were arrested? A Yes.

Q What did you do after you left him? A When I left him he says, "Nathan, I am going home, either I will go somewhere else and you go around to the basement or either I will meet you there."

Q Which basement, on Second street? A Second street. I

CASE 1507

went over, I thought to myself, maybe I will go away a little to Jersey, maybe I will look for a little place to buy for myself there. I change my mind. I walked down to Desbrosses street there. The Grand street car runs there. I stopped right on the corner there where the car turns around, I stopped on the corner and was waiting for the car. There was a big mob there and there was another fellow there, a peddler from Orchard street, he used to come to my saloon. He asked me what I bought and I said "I bought this and this." He says "I could not buy, it was too ^{high} for me." So I was talking to this man and a man come over and got me like this (illustrating).

Q. You mean the complaining witness? A. Yes, this fellow got hold of me like this and I didn't -- the other fellow went on the car. One fellow come along there.

BY THE COURT:

Q. What other fellow got on the car? A. That fellow I was talking with him, because he was holding me, the other fellow come along with a cap with a little red mustache.

Q. Go on. A. And the fellow held me. I says to him "Are you a Jewish fellow?" to him, asking what he wants of me. I am staying there, and he got hold of me, I don't know, he asks him in Polish. I says, "Can you talk to him in Polish?" He says yes. He asked him in Polish what he wanted with this man and he says "I think he robbed me of my money", in Polish, he says to him "\$35 three months ago."

7091
1507

BY MR. HAROWITZ:

Q Who told you that? A T is fellow told me.

THE COURT: He says "This fellow". That may mean any-body.

A This fellow with the red mustache, Mr. Ribner.

Q Who said "this fellow"? A Mr. Ribner says that this Polack says to that Ribner "This man, I think this is the man?"

BY MR. HAROWITZ:

Q "This man" meaning you? A He, that I robbed him of \$35, that he thinks, that he thinks. I said "I never seen that man in my life. I says tell him that because there is a lot of business people around that I know."

BY THE COURT:

Q Do you understand Polish? A No, sir.

Q Well, how could you tell what was said?

MR. HAROWITZ: He says that Ribner told him what the complainant charged him with.

MR. BROTHER : He is laying great stress on "I think".

MR. HAROWITZ: I will have Ribner here.

BY MR. HAROWITZ:

Q Well, never mind what Ribner told you, what did you do, did the car come along in the meantime? A After the car come along.

BY THE COURT:

Q Well, you tell the whole thing? A I says to that man,

CASE # 1507

I told him in English, "please take that man way, there is a lot of business people passing with wagons and they are all going to the market and I have business." I was ashamed, he got hold of me like this (illustrating) and the car come along and I went on the car. The other fellow took him and he gave him the umbrellas.

Q. Mr. Ribner? A. Ribner.

Q. Gave you the umbrella? A. No, that complainant. I went on the car, I seen the man runs on the car and the cop comes along and I ran down, I couldn't help myself.

Q. Did you stop? A. Yes, sure.

Q. You did not run away, did you? A. No, I ran down with him. He took me down to the office and he asked one big fellow there that come out "Do you know this young man?" and that fellow says "No".

Q. Go on. A. After they called over this fellow.

THE COURT: He says "This fellow". We cannot tell and the jury cannot possibly understand what he refers to.

MR. HAROWITZ: I realize that, your Honor.

Q. He took you over to some office? A. To the office there.

Q. And he asked or he spoke to whom? A. To the fellow, the clerk, the big fellow.

Q. The clerk? He asked if he knew you and he said no?

A. Yes. Then he took me with the other fellow to the station house.

CASE # 1507

Q When you say other fellow, you mean the complaining witness? A The complainant, yes.

THE COURT: Now, do you gentlemen know what he is telling you?

BY THE COURT:

Q Do you mean the clerk at the desk or the sergeant at the police station?

MR. TAROWITZ: No, he means the clerk in the ticket office.

BY MR. TAROWITZ:

Q The officer took you and the complainant to the ticket office? A Yes, he was outside.

Q And he asked the clerk in the ticket office whether he knew you? A Yes.

Q And he said no? A He said no.

Q Then he took you where, to the station house? A Took me to the station house.

Q Then you were arrested? A Yes.

Q That's all you know? A That's all.

Q Did you ever see that man before in your life? A No, sir, never saw him.

Q Did you take \$85 from him? A I never took no \$85, never saw that man.

Q Did you take him in a saloon in Norfolk street? A No, sir.

CASE 1507

Q Did you have a drink with him? A No, sir.

Q You heard his testimony on the stand here, you heard what he claimed about you? A Yes.

Q At the time you were arrested you had on a hat; is this your hat (indicating)? A Yes, sir.

Q How long have you been wearing that hat? A I wore that hat pretty near eight or nine months.

Q Did you wear a soft hat in the month of December?

A Never wore it.

Q Did you wear a light overcoat in the month of December?

A No, sir.

Q What kind of coat did you wear the day you were arrested?

A The same black coat.

Q Where is that? A Up in my cell.

Q In this saloon on Orchard street, what time did you usually get in that saloon? A Well, I always got there about ten minutes before six.

Q Did you open up? A Yes.

Q Who was there in the saloon with you? A Well, I opened it and my porter cleaned it up and my wife came down about half past ten or 11 o'clock and I went to sleep a little bit.

Q Your wife helped you out in that business? A Yes.

Q Is your wife in court? A Yes, sir.

Q Do you remember any morning in the month of December that you did not open that saloon? A No, sir, I always opened

1091
CASE 1507

it up because I didn't have any bartender.

Q Were you anywhere else on the mornings of December 6th and 7th than your saloon, that you remember? A No, sir.

Q Are you positive now that you never saw this complaining witness in your life? A Never seen him in my life.

BY THE COURT:

Q You say you jumped aboard this car when the complaining witness accused you of stealing his money because you did not want the people in that neighborhood to see you, as you knew a lot of business men in the neighborhood? A No, I says to the man, Mr. Gibner, "Here is all them peddlers going down to the market with their wagons and they will see he got hold of me, I am ashamed because they always stop off in my place of business in the saloon there. I always sold stuff to them people.

Q You were ashamed of the peddlers seeing you, but you were not ashamed of the business people, of the market men?

A Well, that was not near the market. There was only people was passing with wagons buying goods.

Q Were peddlers passing there down as far as that?

A Well, I did not see that time, I know --

Q What I want to get at is, were any peddlers passing there in that part of the town more than any other part of town?

A I don't understand.

Q Now, where was it? A It was right in Deebrosses street where the car is.

1507
CASE

Q Desbrosses and what? A Desbrosses and Washington.

Q Desbrosses near Washington? A Yes.

Q Now, did peddlers pass that way going to market? A No, peddlers waiting to go home with the cars. They buy goods and the boys take home the wagons.

Q How far is that from the market where the peddlers buy?

A It is about a block and a half. You turn around and you go down in the Belt Line car, just around about a block, it is right where the ferry goes over.

Q Desbrosses street? How many blocks is it south of the market? A It is right near the market.

MR. BROTHERS: Washington Market is bounded on the north by Vesey street and on the south --

THE COURT: But this is West Washington Market he means?

MR. HAROWITZ: It is bounded by the ferry there.

THE COURT: Does any member of the jury know where that is?

THE SEVENTH JUROR: It is fully seven blocks away, West Washington Market. There is never any fruit sold at retail there. The witness is probably referring to the market right near Desbrosses street where they deal solely in fruits. It is not a public city market like West Washington Market, but they all come in there, wagons and peddlers bring stuff in. I was formerly with Schwarzschild & Sulzberger, the beef people and I am familiar with mar-

CASE 1507

kets.

BY THE COURT:

Q Do you know any men in the market? A No, sir, your Honor.

Q Do you know any of those men that sell fruit and apples, specifically apples, oranges and potatoes in the market? A No, sir, your Honor.

Q You do not know any at all? A No.

Q How far was that saloon which you say was No. 146 Orchard street, how far was that from Norfolk street? A Well, there is Orchard, Ludlow, Essex, Norfolk; it is five blocks.

MR. HAROWITZ: The complaining witness testified that the saloon was several blocks below Norfolk. That would make it about eight blocks.

CROSS EXAMINATION BY MR. BROTHERS:

Q In what business were you engaged on the day of your arrest? A I didn't say -- I didn't have any ~~xxx~~ business.

Q No, I didn't ask you that. I say what business were you engaged in the day you were arrested? A I don't know what you mean.

BY THE COURT:

Q What was your business the day you were arrested, March 7th? A Well, I was in partnership in the fruit business with my partner.

1091-1507

BY MR. BROTHERS:

Q When you were asked in the police court what your business was you said you had not any, didn't you? A Well, I told them I was in the saloon business, I was a business man, but they didn't ask me anything else.

BY THE COURT:

Q Were you asked in the police court this question: "What is your business or profession?" and did you answer "None".

A I told them I was in the saloon business and I am buying stuff, and the sergeant started to holler at me "You said enough" and didn't give me a chance to explain.

Q Well, but that is not the sergeant, it is the judge there.

BY MR. BROTHERS:

Q Did you sign your name to that (indicating)? A Yes, sir.

BY THE COURT:

Q Did you read it? A No, I cannot read.

BY MR. BROTHERS:

Q You cannot read? A No, I only can sign my name in German.

Q Did you read this paper over before you signed it, this release? A The notary public read it over for me. I cannot read.

Q But you did not read it? A No.

BY THE COURT:

101-1507

Q Now, did the judge read that over to you? You say the judge allowed you to sign it without reading it?

MR. HAROWITZ: I object to the question. The procedure in the police court is, they never read these questions over. This is the formal taken by the clerk and the prisoner goes before the judge and he raises his hand and he swears to it.

THE COURT: Well, I never saw a case where a prisoner was allowed to sign anything without having it read over to him, or reading it.

BY MR. BROTHERS:

Q Now, how much of this is right -- the first question, "You were asked, "What is your name" and you said "Aaron Steinberg", did you? A Yes.

Q "How old are you" A "29 years." -- is that correct? A Yes, sir.

Q "Where were you born? A Austria." Is that correct? A I told them Bukawina.

Q Did you tell them Austria? A Well, Bukawina in Austria.

Q It is in Austria, isn't it? A It is far away from Austria.

Q Do they speak Polish there? A No, sir.

Q Do you speak Polish? A No, sir.

Q Don't know any Polish at all? A No.

Q "Where do you live and how long have you resided there?"

A 163 Norfolk street, seven days ". is that right? A What?

1041507

Q "163 Norfolk street, seven days." A I lived there, I told them I lived there.

Q Did you tell them how long you lived there? A He didn't ask me at all.

Q Well, how do they get "Seven days " down here? A Well, you know there was so many people there in the court and I don't know what they are saying there.

Q How long had you lived there? A What?

Q How long had you lived there? A I am living there since the first.

Q The first of what? A The first of last month.

Q The first of March? A Yes, this first it will be a month.

Q You mean the first of next month will be a month?

A Yes, the first coming will be a month.

Q And you had been there just seven days? Then they said what is your business or profession? A None." Now, that is not right, is it? A well, I told them, I says, I sold my business and I am now interested in the fruit business, I am a partner, that's what I told them.

Q They asked you how long you had been in this country and you said fifteen years? A Fourteen or fifteen years.

Q Now, what is your name? A Aaron Steinberg.

Q It is not sternberg, or is it Steinberg? A My citizens papers are the same way.

1091-1507

Q I notice this certificate says Sternberg, this paper is steinberg, and these two bank books are sternberg. Now, what is your name, Sternberg or Steinberg? A Well, in German they spell it this way.

Q Well, what do they spell it in this country? A In this country they spell it, the American, this way, the same as I got on the card there.

Q When you went to the bank you told them your right name?

A Yes, I got my citizen papers the same way.

BY MR. HAROWITZ:

Q Are you a citizen? A Yes, sir.

BY MR. BROTHERS:

Q When were you in business down there in Bath Beach, what year? A Where, what business?

Q You said you were in some business in Bath Beach? A I am in business at Bath Beach about three years ago.

Q This is 1912, you mean it was in 1909? A Three years ago.

Q Was it in 1909 you were there, answer the question?

A Well, I know it is three years, I don't remember.

Q Do you know whether it was 1908? A I don't remember.

Q Was it 1910? A Well, here is a note book.

Q Wait, I want you to tell us. I do not want your lawyer to tell? A Not the lawyer, I says I don't remember.

Q Well, was it in 1911 you were in Bath Beach? A I know

1051-1507

it was about three years I was there in business.

Q How long were you in business there? A Well, I was there about five or six months.

Q What month did you begin business there? A I can't remember that.

Q What month did you quit business in Bath Beach? A I quit, you know, that's already about two years ago.

Q What month did you quit Bath Beach? A I can't remember.

Q Why not? A Because I sold my business and I moved to New York.

Q You are telling us you remember distinctly everything that happened on the day of your ^{arrest} rest, even to the hour your left your house?

MR. HAROWITZ: Wouldn't you remember that if you were arrested?

MR. BROTHERS: Is counsel interrupting or objecting?

MR. HAROWITZ: Well, go on.

Q What business were you in before you went in the livery business in Bath Beach? A I used to buy a little jewelry in pawn shops. I belonged in a couple of societies.

Q Where did you live before you went to Bath Beach?

A What?

Q Where did you live before you went to Bath Beach?

A Where I was living?

Q That is the question? A When I was going to Bath Beach?

ASE 1507

Q Before you went there?

BY MR. HAROWITZ:

Q Before you lived in Bath Beach is the question.

BY MR. BROTHERS:

Q Where did you live before that? A 302 East 2nd street.

Q How long did you live there? A Well, I lived there about a couple of months.

Q Before that, where did you live? A Well, I was living in Seventh street.

Q How long did you live in Seventh street and at what number? A Well, I don't -- I know it was near Second avenue.

Q What business were you in when you lived in second street? A That is what I say, I used to buy in the pawn shops fifty cents a pennyweight watches and chains and I used to sell them to my friends belonging to lodges and societies.

Q What business were you in when you lived in Seventh street? A The same way.

Q You went from the jewelry business into the ~~lth~~ livery stable business? A I moved first to Bath Beach on account my wife, she was sick.

Q Is that the only reason you went to Bath Beach, because your wife was sick? A I went to Bath Beach because my wife, she didn't hear so good and I was living there a year.

Q Did she get well in five or six months? A No, she didn't get well.

CASE # 1507

Q Well, you came back from Bath Beach? A Because I sold the business. I says "Rosie, we are going to go in another business."

Q What business were you in then? A In the saloon business.

Q Where? A 12 First avenue.

Q Well, you were in the saloon business at First avenue at No. 12, were you? A Yes, sir.

Q And there you were only three months in the business?

A I was about three or four months.

Q That was last year? Now, you left Bath Beach three years ago, according to your testimony. What did you do after you left Bath Beach until last May when you went in the saloon business at 12 First avenue? A I told the gentlemen, I says, at I used to buy ~~xxx~~ pawn shops.

Q No, you told us you did that before you went to Bath Beach. What did you do after you came back from Bath Beach?

A I told you I was looking around to get --

Q Did you look around for two years before you went in business? A No, I was buying little things too, buying little jewelry in pawn shops and selling them to my society brothers. I belong to the independent order of --

Q (Interrupting) You did that for two years? A Well, I used to buy and sell.

Q For two years? A well, I can't remember for two years,

CASE 1507

or a year and a half.

Q Where did you live when you came back from Bath Beach?

A I told you, 302 East 2nd street.

Q No, you told us you lived there before you lived in Bath Beach. Where did you live when you came back from Bath Beach?

A I says before when I lived at Bath Beach, when I came back from Bath Beach --

Q When you came back here, I want to know where you lived?

A 75 First street.

Q How long did you live there? A Well, about four or five months.

Q What year was that? A I can't remember what year.

Q Was it this year or last year? A Well --

Q Was it the year before?

BY THE COURT:

Q When did you move from 75 First street? A I moved from 75 First street, well I moved from there just a month before I moved to Fort Hamilton avenue, Brooklyn.

Q Now, you moved from 75 First street when? A A month before this.

Q A month before what? A Before this month. Here is the receipt here (indicating).

Q That is the month of March, and did you move away from there in February? A It was cold. Here is the receipt, your Honor. I was living there, because here is the receipt, and I

CASE 1507

was living there one month and it was too cold. I move back to 163. Here is the receipt for the rent.

Q Can you not remember even the month, because your memory as to those things is very important? If you cannot remember the month you moved from 75 First street, or any month within a month of these things, how can you remember the very day, the 7th of December, what you did early in the morning?

MR. HAROWITZ: He does not say he remembers it.

THE COURT: Does he not?

MR. HAROWITZ: No, he does not say that. He simply says he remembers he used to go to the saloon every morning.

THE COURT: Very well. All right. Now, it is an hour past the time and we have to adjourn now, but before we adjourn I want to ask him again --

BY THE COURT:

Q Can you either speak the Polish language, or do you understand the Polish language? A No, sir, your Honor.

Q Now, the District Attorney has asked you, and I ask you that again, you testified that you cannot speak or understand the Polish language, is that right? A I don't know, I cannot talk that language. I only can talk English, German and Jewish, them three languages.

Q And you cannot understand the Polish language? A No.

Q You cannot understand anything said to you in Polish?

CASE # 1507

A No, sir.

BY MR. BROTHERS:

Q Did you know when this man accosted you on the street when you were arrested, when he came up to you and spoke, did you know what he was saying? A No.

Q Why then did you ask to have somebody come that could speak Polish? Did you ask to have somebody come that could speak Polish? A I says to that fellow "Ask him what he is talking about". He says to me "He talks in Polish, he says he thinks that you took \$35 away from him."

MR. HAROWITZ: Can we not finish the case tonight?

THE COURT: No, if you cannot go on tomorrow we will have to set it down for some other day if you are engaged. We cannot go on probably until two o'clock.

The Court thereupon admonished the jury in accordance with Section 415 of the Code of Criminal Procedure, and adjourned the further trial of the case until Friday, March 15th, 1912, at 2 o'clock P. M.

Disagree not

CASE # 1507

START

1508

CASE

CASE 1508

I N D E X .

DIRECT CROSS RE-DIR. RE-CROSS

Walter J. Dunn	6	
Robert K. Bethel	6	7
Walter J. Dunn	7	
Robert K. Bethel	13	
Walter J. Dunn	14	19

CASE # 1508