

START

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CASE

CASE #1361

COURT OF GENERAL SESSIONS OF THE PEACE

City and County of New York, Part V.

-----X
THE PEOPLE OF THE STATE OF NEW YORK, :

: Before:

-against-

: HON. THOS. C. T. GRAIN,

: Judge, and a

FRANK SCHROELL. :

: Jury.

-----X
New York, April 25, 1911.

Indicted for attempted robbery, first degree; attempted
grand larceny, first degree; assault, second degree,
and receiving.

Indictment filed April 8th, 1910.

APPEARANCES:

For the People: JAMES O'MALLEY, ESQ., Assistant District
Attorney;

For Defendant: MORRIS JACOBS, ESQ.

A jury is duly empanelled and sworn.

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SAMUEL SINGER, called as a witness on behalf
of the People, being first duly sworn, testifies
as follows:

DIRECT EXAMINATION BY MR. O'MALLEY:

Q Where do you live? A 690 Westchester avenue, Bronx.

Q What is your business? A Iron work.

Q Are you in business for yourself, or do you work for
some one? A I want a man to explain to.

Q You want an interpreter? Now, see if we cannot get
along without an interpreter. Do you work for yourself,
or for somebody else? A I don't know.

BY THE COURT:

Q Can you answer that question? Who is your employer,
who employs you --- for whom do you work? A I am working
for a boss.

BY MR. O'MALLEY:

Q What is your boss's name? A Stoller & Cook.

Q Where is his place of business? A Robbins avenue.

Q How long have you worked for him? How many years?

A Oh, I worked about one year.

THE COURT: I think we had better have an
interpreter. Withdraw this witness for the present
and put the officer on.

(Witness withdraw temporarily.)

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EDWARD J. STAUFFER, (68 Precinct), called
as a witness on behalf of the People, being first
duly sworn, testifies as follows:

DIRECT EXAMINATION BY MR. O'MALLEY:

Q You are a member of the Municipal Police Force, are
you? A I am.

Q How long have you been a member? A Two years.

Q To what precinct were you attached on February 19,
1910? A 39th.

Q Where were you on the evening of February 19th, 1910?
A East 110th street.

Q And were you on duty? A I was.

Q Did you see this defendant that evening? A I did.

Q And where did you see him? A I see him on East 110th
street, running east.

Q East 110th street, between what avenues? A Between
Park and Lexington avenues.

Q Which way did you say he was running? A East.

Q And on which side of the street when you first saw
him? A On the north side, crossing over.

Q Crossing over to the south side? A Yes, sir.

Q Was he coming towards you or going away from you?

A Towards me.

Q What, if anything, did you do or say? A I called to
him to stop and he didn't stop, and I ran after him and I

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overtook him at 109th street and Lexington avenue.

Q Did you have any conversation with him? A I asked him where he was running.

Q And what did he say? A He said he was running home.

Q Did he say where he lived? A He didn't say at the time, no, sir.

Q Then what did you do, if anything? A I brought him back to East 110th street.

Q To what part of the street? A It was about in the middle of the block, between Lexington and Park avenues.

Q And who, if any one, did you see there? A It was quite a crowd of people there, and one man in the centre of the crowd who seemed to be hurt, you know, and I brought him over there, and four or five of them identified him as the man that had been in some mix-up.

THE COURT: Now, we will strike all that up and the jury will disregard it. When you got over there what did you see?

Q Whom did you see? A A crowd of people.

Q Do you see anybody in court here beside the defendant, to whom you referred? A Yes.

Q Who? A Two or three people.

Q Who are they? A Singer, back there; that one there (indicating), and a couple of women also --- that woman was there too (indicating).

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Q You saw this man here that stood up on the centre (referring to samuel Singer)? A Yes.

Q And the man alongside of him who is his brother, Morris Singer? A I believe that is the person.

Q And the lady (indicating)? A Yes, sir.

Q Did you have the defendant with you at that time?

A yes, sir.

Q What, if anything did you say in the presence of the defendant to these people, or what did they say to you?

A I didn't say anything. I just brought him up and as soon as I did they said, "That's the man, that's the man"; pointed him out as the man.

Q Who said that? A Four or five --- the Singers and the women altogether --- identified him as the one they had seen sometime before in the evening.

Q Samuel Singer was there at the time --- the complainant, was he? A He was there.

Q What, if anything, did you notice about Samuel Singer?

A Well, a little blood on his face and coat.

Q And did the complainant say anything at that time?

A Well, he wanted this defendant arrested.

Q The complainant wanted the defendant arrested? A Yes, sir.

Q Did you arrest him? A I took them all down to the station house.

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Q Who went to the station house with you? A Well, the defendant, the complainant, and his two brothers, and a couple of sisters and his wife, I believe --- quite a fleet of them.

Q Did you leave the defendant there? A Well, they identified him in the station house, and they got an ambulance then from the Harlem Hospital.

MR. JACOBS: I move to strike out the statement that they identified him. Let him state what was done there.

THE COURT: Yes.

Q When you say "they identified him", what was done, what was said? A Well, there was nothing more said then, only the prisoner's name was taken, that was all.

Q In the presence of these people whom you took down?
A In the presence in these people that made the complaint against him, yes.

Q You said something about an ambulance? A Yes, there was an ambulance got then, from the Harlem Hospital.

Q Did it come there? A It came there, yes.

Q Was there a physician in charge of it? A Yes, sir.

Q What, if anything did you see the physician do? A He dressed a small wound on the back of this complainant.

Q At what part of the complainant's back was the wound?

A On the right shoulder.

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Q Did you see the wound?

MR. JACOBS: I object to all this on the ground that there is no connection made with the defendant.

THE COURT: I am receiving it subject to being connected.

A Yes.

Q Will you describe to the jury the nature of it, as you observed it? A It was a small --- about half an inch --- stab wound; seemed to be, and a little blood.

MR. JACOBS: I move to strike out the designation of the kind of wound.

Q Well, it was a cut about half an inch through the skin?

A Through the clothing and through the skin.

Q And there was blood? A There was blood there, yes, sir.

Q And it appeared to you to be a cut caused by what?

A By a small knife.

Q Do you know whether the complainant was taken to the hospital or not? A He was not, no, sir.

Q After the ambulance surgeon dressed him he left?

A He went home.

Q Did you appear in the Magistrate's Court when the defendant was arraigned? A I did.

Q And the complainant appeared there too? A Yes, sir.

Q Did you know any of these parties before that night?

A No, sir.

CROSS EXAMINATION BY MR. JACOBS:

Q Where were you Officer, when you first saw the defendant? A On East 110th street.

Q Where? A Between Lexington avenue and Park avenue.

Q That is a whole block, isn't it? A Yes, sir.

Q Where were you at the time? A I was about in the centre of the block.

Q When did you first see the defendant? A Turned the corner of 110th street and Park avenue.

Q Turning the corner at 110th street and Park avenue? A Yes, sir.

Q Which way did he turn? From 109th street or 111th street? A From 111th street.

Q Park avenue and 111th street is elevated --- the trains--- the New York central tracks are elevated there, are they not? A Yes.

Q And that is the part of Park avenue where the New York Central trains are elevated, coming down from 111th street, is that right? A He come around from the west side --- from the east side of Park avenue.

Q From around from the east side of Park avenue? A yes, sir, from the east side of the elevation on the avenue.

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Q What did he do after you first saw him coming from Park avenue, on the east side of Park avenue, down 110th street? A He crossed over to the south side of 110th street, and ran east to Lexington avenue.

Q What side of the street were you on? A North side of 110th street, walking west.

Q You were in the centre of the block? A About, yes.

Q And you saw him running? A Yes, sir.

Q You didn't stop him? A I took up the chase immediately. I crossed right over and followed him.

Q You saw him coming down from Park avenue? A Yes, sir.

Q Made no attempt to stop him then, did you? A Well, I see him running, you know, and he got opposite to me and I called to him to stop, and when he didn't stop I followed him around Lexington avenue.

Q You waited till he got opposite to you before you asked him to stop? A Almost opposite.

Q Was anybody else running? A No, he was about the only one I seen running.

Q At the time you saw him coming down from Park avenue and 110th street did you see anybody else running? A Not at that time, no.

Q Did you see anybody else running at the time you asked him to stop? A Only him.

Q Are you in the habit when people run down through a

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street to tell them to stop? A Oh, yes.

Q All boys? A Yes.

Q Is that a rule of the Police department? A Well, at that time of the night, yes.

Q What time of the night was this? A About half past nine. If you see any one running, -- somewhere around there.

Q And it is a rule of the Police department if a boy runs down through the street at half past nine --- A Well, he looked like a man to me, running.

Q You had seen him before? A Well, I may have seen him.

Q Didn't you know him before this? A No, sir.

Q Didn't you know he was Frank Schroell then? A Of course he may have been living in the street or running through there.

Q Didn't you know he lived in 106th street, Officer?

A No, I did not.

Q Never saw him before this evening? A I may have seen him --- I see all the people on my post.

Q Did you see him? A I may have seen him.

Q When did he tell you that he was running home? A When I took hold of him at 109th street and Lexington avenue, and I asked him why he was running, and he says "I am running home." I said, "You had better come back." That is all that took place.

Q Then what did you do? A I brought him back to 110th

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street.

Q What for? A To see why he was running; to find out why he was running. I brought him back to where he was running from, in case there might be somebody wanted him there.

Q Did you take him to 111th street and Park avenue? A Afterwards, yes.

Q When you got to 111th street and Park avenue, what did you see there? A There was a couple of more officers there, and they went into a saloon and brought out another young fellow who was in the toilet.

Q Who was this other fellow? A Why, he was discharged--- I don't know his name.

MR. JACOBS: I move to strike that out.

THE COURT: Motion granted.

Q Who was this other fellow? A I don't know his name.

Q He was placed under arrest, was he? A Yes.

Q Together with the defendant here? A Yes.

Q You testified before the Magistrate, did you not, in this case? A Well, merely that I had made the arrest, that's all.

Q Did you testify you had made any other arrest?

A No.

Q Had there been another arrest arising out of this same encounter? A Yes, this other man that I told you we

got at 111th street.

Q Were you looking for others to arrest out on that same encounter? A No.

Q What else did you find when you got to 111th street?

A Well, there was a large crowd of people there, that was all.

Q A large crowd of boys? A Boys and men, and women --- thickly populated neighborhood there, you know. A lot of people there on a Saturday night.

Q Did Samuel Singer, the complainant, say anything to you while you were at 111th street and Park avenue, with reference to the defendant? A No.

Q He was there, was he not? A He was there, yes.

Q Did the other persons that were with him who I understand were his brothers, say anything to you with regard to this defendant? A No.

Q Nor the women that were there? A No.

Q You had made another arrest at the time you brought him there, did you not? Or, rather, you had him in your custody? A I had him in my custody, yes.

Q You know that boys congregate in that district, do you not? Around that neighborhood? A Yes.

Q Officer, you stated that the defendant was identified as a person that Samuel Singer had seen prior or at a time before you brought him back, as you have testified to? A I

said what?

Q That some time before in the evening Samuel Singer said he had seen the defendant? A Yes, sir; it was very evident that he had.

Q They have a candy store in 110th street, do they not, the Singers? A I don't know anything about that.

Q Some relative of their family has a candy store in 110th street? A I couldn't say, I don't know.

Q There is a candy store, is there not, in 110th street? A Several of them.

Q And foreigners conduct this candy store? A I couldn't say what they were. There are several candy stores there, I know that.

Q And you don't know when you say that some time before in the evening the complainant had seen the defendant, whether they meant that they had seen him in their store, or at any other time, do you? A I don't know where they had seen him, no.

Q Now, where was this blood that you have testified to seeing? A On the front of his coat, like what he would get from a bloody nose, - down the front of his coat, next to the collar.

Q Were there any cuts on his face? A No, I didn't notice any cuts on his face.

Q Was his nose bleeding? A There might have been a

little scratch. Well, it was not then.

Q Not when you saw him? A The blood was there but it was not bleeding then.

Q He was not bleeding when you saw him? A No.

Q Not from his nose? A No.

Q Where was the blood --- on his face, at the time you saw him? A On his lip here, skin and coat --- just the way it would drip down from a nose bleed.

Q A good heavy nose bleed? A I wouldn't say it was a good heavy one.

Q He was all full of blood? A He had blood on his mouth, collar and coat --- I don't know how much there was.

Q When you saw him his nose was not bleeding? A No, I am pretty sure it was not bleeding then.

Q The blood looked as though it was dry? A Dried up, yes.

Q And that was when you brought the defendant back to 111th street? A Yes.

Q After you had caught him running down through 110th street? A Yes.

Q Did you call an ambulance? A I took him over to the station house, and they called an ambulance from there.

Q Do you know what caused this cut that you say you saw on the back of the complainant? A Do I know?

Q Yes. A No, I don't know what caused it.

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Q Did you find any knife anywhere? A No.

Q Did the complainant say anything to you about a knife?

A No.

Q Was there any mention at all made when you brought the defendant back to 111th street, at the time that you say you saw Mr. Singer, about this defendant going anything, by these complainants? A Was anything said, did you say?

Q Yes. A Well, there was said "That is the man, that is the man."

Q And that was when you had him in your custody? A When I had him in my custody, yes.

Q Did Mr. Singer say that? A They all said it --- Mr. Singer and his brothers and sister and wife, and all of them.

Q Did they say that about the other fellow too? A No, they were not sure about the other fellow.

Q But they nevertheless made a charge against him?

A Well, they wanted him arrested all right, but they were not sure.

Q Didn't they want somebody arrested besides these two?

A Not that I know of. I suppose if we brought some more there they might have wanted them arrested, but that was all we had.

RE-DIRECT EXAMINATION BY MR. O'MALLEY:

Q You say you were on the north side of 110th street when

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you first saw the defendant? A I was on the north side.

Q And you saw him at the corner of Park avenue and 110th street? A Yes, sir; he was crossing over to the south side.

Q Well, now, when you say crossing over, you saw him going to the other side, east? A He was running southeast, took a short cut across.

Q Where did you see the complainant and his brothers and sisters when you first brought the defendant up to them?

MR. JACOBS: I think we have gone over that.

A They were about fifty feet west of Lexington avenue, on the north side of 110th street.

Q And that is where you had the conversation with the complainant in the presence of the defendant? A Yes, sir.

Q And that is where they said, "That is the man"? A That is where they said "That is the man."

Q When you got up to 111th street you said nothing else was said? A Nothing else was said.

Q There was no reason for them saying anything else up there, was there?

Objected to. Objection sustained.

RE-CROSS EXAMINATION BY MR. JACOBS:

Q Didn't you tell me that was at 111th street and Park avenue where this conversation took place? A No, I didn't.

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SAMUEL SINGER, recalled, having been previously duly sworn, testifies as follows (through Official Interpreter Rosenthal):

DIRECT EXAMINATION BY MR. O'MALLEY:

Q Where do you work? A Iron worker, Stollert & Cook, Robbins avenue, in the Bronx.

Q What is your house address? A 690 Westchester avenue.

Q How far uptown is that --- what cross street? A It is in the Bronx.

Q Well, is it near 200th street or 100th street, or what?

A Near Jackson avenue subway station.

Q Do you remember the night of February 19th, 1910, being on 110th street? A Yes.

Q And who was there with you that night? A My wife with me --- I had gone with my wife to call on my brother.

Q Who else was with you? A Only I and my wife --- we had gone to my brother's house.

Q Where does your brother live? A My brother lives in 110th street.

Q What number? A 225 -- either 125 or 225.

Q Well, between what avenues is it? A That is Madison avenue and Park avenue.

Q What is your brother's name? A Alexander Singer.

Q How long did you stay at your brother's? A I came to my brother's house about seven o'clock and I left about nine

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o'clock, - perhaps a little bit before or after nine ---around there.

Q Who left the house with you, if anybody? A I, my wife, my brother and his wife, and another brother --- Alexander Singer, Morris Singer; my brother's --- we were all together, and we went down together.

Q Onto the street, is that right? A Yes, towards my house. He accompanied me to my house.

Q Which way did you go after you got down to 110th street, east or west? A I went towards the subway, towards the subway at 110th street, in order to go home.

Q And did you go towards Madison avenue? A Yes, I had to cross Madison avenue.

Q Then you went west. On which side of the street were you, uptown or downtown side? A Towards the Bronx.

Q Who walked with you? A I and my wife and the wife of my brother.

Q Were you on the outside, or in the middle or where? A I was in the middle, and my wife at one side of me, and my brother's wife at the other side.

Q Were your brothers ahead of you or behind you? A No, they were behind me.

Q Now, what, if anything, occurred while you were walking along the street, walking along the north side of 110th street towards Madison avenue? A While I was walking with the two

ladies, I received a blow with a knife in the back.

MR. JACOBS: I move to strike that out.

THE COURT: Strike out "With a knife".

Q You received a blow in the back? A Yes.

Q On what part of the back? A This shoulder (indicating right shoulder, back).

Q When you felt the blow did you feel anything? A When I received that blow I turned around immediately, and I caught him.

Q Whom did you catch? A This man (indicating defendant).

Q You felt the blow, you turned around and you grabbed the defendant. Now, what occurred after you grabbed the defendant? A When I caught him I wanted to hold him but he struck me a blow in the face and I got dizzy, and had to let him go; I fell down.

Q You fell down. Now, did you see your brothers then and there? A No, sir.

Q Did your brothers come up there while you were wrestling with the defendant, or when the defendant hit you? A No.

Q What did the defendant do then, after you fell? A I don't know. I fell down and he ran away.

Q Now, then, did you afterwards see the defendant that night after he ran away? A Yes, he was brought there soon after.

Q Who brought him? A The policeman who was a witness

before me, and my brothers.

Q Where were you at that time, if you remember? A I had gotten up half way, and my sister-in-law had helped me to get up. Then the policeman came up, and a lot of people came around.

Q Who was with the policeman? A My two brothers.

Q Was the defendant with the policeman? A Yes.

Q Was he the same man that you turned around and grabbed on 110th street and after he hit you and you fell down?

A It was the same man.

Q Now, then, did you afterwards go to the station house?

A Yes, I was taken to the station house.

Q Did you see a doctor there from the ambulance? A Yes, sir, he dressed my wound, the doctor.

Q And did you see the wound yourself? A I couldn't see it, it being in the back.

Q Now, you didn't go to the hospital? A No, I wanted to go home.

Q And you did go home, did you? A Yes.

Q And did a doctor attend you after that? A No.

Q Well, --- A I have my own doctor, a lodge doctor; I belong to a lodge.

Q Well, did any doctor attend you after that? A Yes, my lodge doctor; I being a member of a lodge, I went to a lodge doctor; I wasn't so very sick I couldn't walk around---

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the next day I was in Court.

Q Did you notice your coat, or shirt, or vest, on your back? A Yes. All the things are still in existence.

Q Tell the jury how they looked? A I had an overcoat and a vest and suspenders --- it happened to be through the suspenders and a shirt, and a warm shirt, and then it came to the body.

Q Did you know the defendant before that night? A No; I don't live there, no.

Q You had never seen him before? A No, never in my life.

Q Do you know any reason he should have attacked you the way he did? A I don't know.

CROSS EXAMINATION BY MR. JACOBS:

Q Where were you before you started to walk towards the subway? A I was at my brother's house.

Q Where does he live? A 110th street.

Q What avenue? A Between Madison and Park avenue.

Q Where were you before you walked towards the subway?
A At my brother's.

Q Where is that? A 125 East 110th street.

Q And that was the same place that you were going to when this incident took place? A No, from my brother's I went to the subway; I went back.

Q So you were leaving your brother's house in 110th street going towards the subway when this thing took place?

A Yes, at that time this happened.

Q And where did this happen? A On the sidewalk.

Q On the same block where your brother lives, is that right? A A little further away, towards Madison avenue.

Q So you hadn't crossed Madison avenue at that time?

A No.

Q Had you been drinking anything that night? A Yes, I had a drink at my brother's, but not in a saloon.

Q How many drinks did you have at your brother's? A One drink of whiskey, perhaps two.

Q Was the 19th day of February, 1910 a Jewish holiday?

A I don't remember. What kind of a holiday could it have been? Tell me and I may remember.

Q What day was this, - what day of the week did it take place? A Saturday.

Q When you left your brother's house - you said you were going towards Madison avenue? A Yes.

Q How many people were around you at that time that you were going towards Madison avenue? A My wife and my brother's wife.

Q And how many other people were there at the time that this incident took place? A Only I, my wife, and my brother's wife.

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Q Where were your brother's at that time? A Behind me, walking.

Q How far back? A I can't tell exactly, but I think about ten or fifteen steps away --- paces.

Q They were in the back of you, were they? A Yes, in back of me.

Q Was there anybody else on the street at that time?
A Oh, yes; people were walking there.

Q Lots of people? A Not very many. It was about nine o'clock already, but quite some people.

Q At nine o'clock on a Saturday night at 110th street there are very few people walking on the street, is that right? A I wasn't interested in the people, and I didn't observe them.

Q I asked you if you knew that there were lots of people in 110th street on a Saturday night at nine o'clock? A I don't know that, and if there should be a lot of people there it is none of my business.

Q Your brothers were fifteen feet in back of you, and somebody came up in the back of you and hit you, is that right? A Yes.

Q And did you fall down a cellar stairway? A I?

Q Yes. A No.

Q Where did you fall? A On the sidewalk.

Q How did you fall? A I received that blow; I turned

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around and grabbed the man and he gave me another blow in the face and then I fell.

Q Did you fall on your head? A Yes; I fell backward on my head.

Q You got up immediately, did you? A No, I was lying there and held on fast to my watch, and I was hollering.

Q You were not unconscious, were you? A No.

Q You knew your brothers were in back of you? A Yes.

Q And that's the reason you held on to your watch?

A When I saw that he had hit me, I thought he maybe perhaps wants to rob me.

Q As soon as he struck you what did he do? A I fell down and he ran away and the ladies made an outcry.

Q Did he run away before you fell down? A After he struck me the blow I fell down.

Q Did he run away before you fell down? A No, as soon as he struck me I fell down, and I don't know then what happened.

Q Were you unconscious? A No, I was not unconscious, but having received that blow in the face, my whole face was covered with blood.

Q There was blood in your eyes? A Sure.

Q Blood on both sides of your face? A One half of my face was covered with blood.

Q What happened to the other half?

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Objected to. Objection sustained.

Q Was the blood on the other half? A Yes.

Q Blood in the back of your head? A No.

BY THE COURT:

Q So far as you know, had you ever seen the defendant before that night? A No, I hadn't seen him.

BY MR. JACOBS:

Q Do you frequent a candy store in 110th street? A No; when my brother lived there I used to go there, but otherwise I don't go there at all.

Q On the 19th day of February, 1910, your brother lived there, did he not? A Yes.

Q And at that time you frequented that candy store? A I never was in the candy store.

Q Did you not state that you did frequent that candy store when your brother lived at 110th street --- a minute ago? A No.

Q Have you ever been in that candy store? A No, never.

Q Do you know the store that I am referring to in my question? A I am being asked whether I was in 110th street in that candy store.

Q I asked you if you knew which store I referred to in my question? A No.

Q What are the store that are in the building that your brother lived in in 110th street? A I don't know that. Once

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in five months I come to him. I don't know that.

Q Wasn't it your custom to at least see him on Saturdays? A No. On that Saturday I only was at my brother's house because there was a little party at my brother's house-- the relatives came together.

Q Wasn't it a holiday that caused you to congregate there, other than a Saturday?

MR. O'MALLEY: Objected to as all gone over.

THE COURT: You have been all over that.

MR. JACOBS: I withdraw that question.

Q When was the time that you went there before this Saturday to visit your brother? A Perhaps six or seven weeks before that.

Q And the time before that? A I don't know that. It may come out in a month or six weeks --- months.

Q You say you were at this party and all that you drank was perhaps a couple of drinks at the most? A Yes.

Q How long a time were you there? A About an hour and a half or two hours.

Q There is a candy store in the building where your brother lived. Do you know who conducted that candy store on February 19th, 1910? A I do not.

Q Do you or do you not know that they were of your nationality up at the party that you attended?

Objected to. Objection sustained.

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Q Do you know or do you not know whether the persons who conducted the candy store were at the party in your brother's house?

THE COURT: How is this material? I do not see that it has any bearing at all.

MR. JACOBS: The District Attorney made a point of the fact that he had not seen the defendant before. He did see him before, and saw him in this candy store, and was well acquainted with the people who conduct this candy store.

BY THE COURT:

Q Did you ever see the defendant who is now on trial in that candy store, referring to a candy store in the house in which your brother lived? A No, I was never in any candy store and I didn't see him.

BY MR. JACOBS:

Q Did you ever see the defendant's father in 106th street in front of his home?

THE COURT: The father will stand up.

MR. JACOBS: Stand up, Mr. Schroell.

(A man arises in the Court room.)

A I saw this man in the Court in 121st street, on a Sunday, when the trial took place.

Q Did you see him in front of his home in 106th street in my presence, in the presence of his wife and daughter? A No, I didn't see the man except in Court.

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A L E X A N D E R S I N G E R, called as a witness on behalf of the people, being first duly sworn, testifies as follows:

DIRECT EXAMINATION BY MR. O'MALLEY:

Q Where do you live? A 1949 Amsterdam Avenue.

Q You are a brother of the previous witness are you?

A I am a brother of Sam Singer.

Q Were you with him on the night of February 19, 1910

A Yes sir.

Q Where were you? A The first thing, about quarter past 7, Sam Singer and his wife came up to my place. That time I was living at 125 110th Street, and the number of the house was 125.

Q You lived at 125 East 110th Street? A 125 East 110th Street.

Q Between what Avenues is that? A That is between Lexington Avenue and Park Avenue.

Q That is east of Park Avenue? A East of Park Avenue.

Q And Madison Avenue is the next street to west? A Yes we have got to pass---first you got to come in Madison.

Q Now go ahead and tell the jury what happened that night? A The night was about a quarter past 7, that time happened that my wife just came from London to me, and exactly that time I only just moved in in 110th Street, and all my brother and his wife, Morris Singer, was there. We all had

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a conversation. Missus went down on the ship---she came over and we all had a conversation, and certainly at that timewe had only about one or two glasses of whiskey, because we never come to be drunk there---only to have conversation, to see each other. About wuarter past nine---

Q Don't tell all the conversation you had up there. You are home, up there in your home? A Yes.

Q You stayed there until nine or half past nine. A Quarter past nine.

Q Tell the jury what you did about half past nine? A From that time we went right down towards 110th Street--- towards the Subway.

Q Who went? A Morris Singer, Sam Singer with my wife, with his wife---one in the front,,---I with Morris Singer went in the back from here to the table there (Indicating about fifteen or twenty feet).

Q About from here to the table? A May be a little further (Indicating about fifteen or twenty feet;) I can't imagine exactly how much that way, but I know for sure we were far away from him, but not so far---well, about fifteen feet behind.

Q Your brother Sam and the two women walked ahead? A Yes.

Q And you were walking on the north side of the street? A We were walking on the side to go to--in the 110th Street

Subway.

Q Did you cross Park Avenue? A When we crossed Park Avenue we went over but say a little further up towards Madison Avenue. In the same time when we walked with my brother Morris Singer somebody come in the middle towards me, pushed me away one side and ran straight up. At the same time we run, say about two or three seconds---I hear a scream. I went towards exaactly---I saw that fellow. My brother laid on the floor and that feller runs away. I was so excited I was standing looking at my brother and he runs away.

Q This defendant? A This defendant.

Q You say somebody pushed between you and your brother?

A I say somebody pushed me away to make room to go through.

Q Did you fall down? A Over there I held on this exactly (indicating). When I fell down aI hear a scream and I went to my brother and my brother was on the floor and all his face covered with blood, and that feller when I came there---he had a light gray hat, like a soft hat like this, and a gray overcoat, and ran away.

Q Which way did he run? A For instance this Madison---we were standing like this--Madison Avenue.

Q That is towards the west as you were facing on the north side of the street? A He ran, I imagine myself---I was so excited that night---I think he ran to Park Avenue.

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Q - Did he run to the direction from which you came? A I think he ran the direction that we came because I was so excited----

Q Did your Morris ~~get up~~ come up too? A I saw brother Morris come up with a policeman. When the policeman did that we recognized that is the same feller.

Q And the policeman brought him up where you were? A And Morris Singer and his wife and Sam Singer's wife were standing there.

Q You are sure this is the man you saw running away? from where your brother was (Indicating defendant)? A Yes.

Q Did you see anybody else? A No sir.

Q Then you went to the station house? A We went altogether to the station house.

Q And there you saw the ambulance come? A Yes.

Q Did you see your brother's wound dressed? A Yes.

Q Did you see that wound? A Yes, I seen it.

Q Where was it? A That was on this side through the cut and through the clothing.

Q Did you see the blood there? A Oh yes, there was blood. The shirts and waistcoat and everything, the braces---everything was blood.

Q Do you live at 125 East 110th Street now? A No sir. I live at 1949 Amsterdam Avenue.

Q Did you ever run a candy store there in East 110th

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Street? A I never run a candy store---I never was here long enough---I just come that time from London.

Q Were you in the candy store? A Never, because I never have no occasion to go into the candy store.

CROSS EXAMINATION BY MR. JACOBS:

Q You were having a party on the 19th day of February 1910 were you not? A You can call it a party. I only call it a conversation together of old friends. Don't say a party.

Q Weren't you all relatives? A Yes, my brother certainly is a relative to me.

Q And you had bottles of wine? A No.

Q You had bottles of whiskey? A You can say what you like.

Q I am asking you if you did? A I say no.

Q That is all I want to know. And still your wife was coming from Europe and you had no wine or whiskey there, or liquor, to celebrate; is that right? A If my wife come from Europe she never come to drink wine

Q What kind of a store was conducted on the base of ground floor of this building? A There was a candy store conducted but not by me.

THE COURT: Strike out the last part of the answer, "not by me", you pay attention to the question,

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Mr Witness; you answer it slowly, respectfully and use just as few words in answering it as you know. Do you understand me now?

THE WITNESS: Yes, your Honor.

THE COURT: Another question now, counsellor.

Q There was a candy store conducted in the building in which you lived in 110th Street? A Yes sir.

Q How often did you go in there? A All the time I was living there I can assure you I never was in more than two or three times.

THE COURT: The answer is "two or three times."

Strike out the balance.

BY THE COURT:

Q Who conducted that candy store? A I don't know.

I saw the person there but I don't know the name.

BY MR. JACOBS:

Q Do you know the people? A I know them but I don't know the name.

Q Do you know the people, yes or no? A No.

Q When you say no, do you mean you don't know their name, or you don't know the countenance or face. A I know the face if I see it.

Q They talked German, did they? A When I went in they always spoke---

Objected to- Objection sustained /

THE COURT: What do you propose to show. What is

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the point.

MR. JACOBS: I want to show the friendship between these people.

THE COURT: He says he doesn't know them. He knows them by sight, that's all.

Now, proceed.

Q You have spoken to them, have you? A When I went in to buy some cigars, cigarettes, I spoke.

Q What language did you use? A English.

Q Were you in there on the 19th day of February 1910?

THE COURT: Referring to the Candy store?

A No sir.

Q What time was it you left your house that evening?

A About quarter past nine, between quarter past to half past nine.

Q Where were you going? A Towards Madison Avenue, to 110th Street, to the Subway.

Q Which side of the street did you walk west on? A I walked on the right side, this side, towards Madison Avenue.

Q On the right side going--- A This is the pavement (Indicating); I walked straight up to Madison Avenue, through 110th Street.

Q On the same side of the street that your house was on? A Yes sir.

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Q You had crossed Park Avenue? A Yes sir, I had crossed Park Avenue.

Q You were near Madison Avenue? A The middle. We only crossed Park Avenue, we were so far from Park Avenue--- it had been like the middle where all the shops are in 110th Street, on Saturday night, that was their time on the pavement.

Q How far from Park Avenue had you gone when this incident took place---how many feet? A I don't know how many feet

Q How long a distance? A This happened---

Q How many houses had you passed? A I don't know It was between Madison and Park, I can't tell you because I never reckoned houses.

Q Do you know what kind of a house or what store there was in front of this place where this affair took place? A I can't tell you, I never know where the store, I never looked in the store.

Q How far in back of your brother were you talking? A I answered that question.

Q Were you as far back of him as where you are to this rail, is that the answer? A About so far (Indicating 15 to 20 feet).

Q And while you were walking west on 110th Street, on the north side of the street, somebody came running past you, throwing you down, and ran and hit your brother; is that right? A Yes sir.

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Q How near to the curb were you walking? Were you walking near the gutter? A Yes.

Q How near the gutter were you walking? A Oh, you mean how far out from the other side?

Q You fell into the gutter? A I beg your pardon.

Q You fell the other way? A No, I never fell in the gutter. That is a very wide street where the pavement was. They was walking three together and I only was walking with Morris Singer---we had more room; I only fell like this (Indicating in a stooping or crouching position, with left hand on the ground).

Q How near to the gutter were you walking? A The gutter was so far away (Indicating about two feet); the edge was here and I was over here. We will take this, the edge of the street and I was here (Indicating).

Q Which foot was walking there? A This foot.

Q Which way did you fall? A I fell like this, on this hand (Indicating left hand). My hand was so much from the edge (Indicating about one foot).

Q You fell down between where you were walking and the edge of the gutter? A When he pushed me I was like this

Q Between where you were and the edge of the gutter?
A I was falling like this.

Q With your fingers down like that? A Might be the fingers or the hands, I don't know, I couldn't recognize.

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Q Had you at another instance been walking on the other side of the sidewalk, towards the houses? A I don't know what you mean.

Q You were not intoxicated, were you? A I told you before we only had three drinks---I never was drunk.

Q Were you at any time in 106th Street? Standing alongside of a railing in front of Mr. Schroell's home?

MR. JACOBS: Stand up, Mr. Schroell (Senior)

(Mr. Schroell Sr. arises)

A I beg your pardon, I never was.

Q Answer the question yes or no? A No, you were in my place.

Q Answer the question yes or no. You didn't see me in 106th Street? A No, I only saw him in 110th Street, in my house.

Q Were you ever in Mr. Schroell's house, in his home?

A No sir.

Q And you had no conversation with Mr. Schroell? A I had a conversation when we went up to 121st Street, to the Magistrate's, I don't know the gentleman's name---he came to me and said "Don't be so hard on my son".

Q After you had the conversation in 121st Street did you have any further conversation with Mr. Schroell? A No sir.

Q And you never saw him after that until you saw him in

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court? A No, I only saw you.

RE-DIRECT EXAMINATION BY MR. O'MALLEY:

Q Did you ever see the defendant himself after that night? A When the fight was? Only when I was leaving 110th Street, I saw him walking through 110th Street.

Q Never talked with him? A No.

Q But you say the father was at your house? A This young gentleman, (Indicating Mr. Jacobs), the lawyer, he was in my house; he was in my house and told me "Look here, I am a young friend to this lady, and I want you to do a favor--- not to be hard against this fellow, because his mother's heart will be broken". That is what the young fellow (Mr. Jacobs) told me in my house on May---

THE COURT: Strike that all out, and the jury will disregard it.

M O R R I S S I N G E R, called as a witness on behalf of the people, being ~~first~~ duly sworn, testifies as follows:
(Through official interpreter Rosenthal).

DIRECT EXAMINATION BY MR. O'MALLEY:

Q Where do you live? A 69 East 11th Street.

Q You are a brother of the complainant Samuel Singer, are you? A Yes.

Q Were you with him on the night of February 19, 1910

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on east 110th Street between Madison Avenue and Park Avenue?

A Yes sir.

Q Your two brothers and two women were with you, is that right? A Yes.

Q And you were walking on the north side of the street towards Madison Avenue? A Yes sir.

Q Now tell the jury what happened there, if anything?

A My brother went with the two ladies in front and I with my brother in the back of them. I received a blow and I fell into a cellar at the right side of me. When I fell into the cellar my hat fell down, I got my hat and came out of the cellar again. Then I saw this man (Indicating the defendant) as he was running. When I was running I saw the police man was also running. I caught him and the policeman had thrown his club and he stumbled over the club and he fell and fell together and I caught him by his coat and I said "Oh I caught him".

Q You say you fell into the cellar? A Yes, I fell down the cellar.

Q When you got up did you see this defendant? A Yes, he ran away from my brother.

Q Did you go up to near where your brother was or did you see him running away from your brother? A No, he ran away and I ran after him.

Q How was was he from your brother when he started to

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run after him? A When I came out of the cellar he was only a short distance from me running.

Q You are sure this is the man whom you saw running away from where your brother was? A Yes, this is the man.

Q How far did you following him. A Up to Lexington Avenue, and there I and a policeman caught him and then other people gathered around.

Q When you got to Park Avenue you saw the defendant still running, did you? A I saw him at 110th Street and he ran to Park Avenue, from Park Avenue to Lexington Avenue, and there I caught him.

Q He ran through Park Avenue, across Park Avenue, is that right? A Yes.

Q Did he run across Park Avenue? A Yes.

Q Did you follow him? A Yes.

Q How far behind were you? A As far as from the width of this chair to the table here (Indicat about six feet).

Q You saw the policeman arrest him? A Yes.

Q Is the same man that you saw running away from your brother? A Yes.

BY MR. HACOBS:

Q This man (Indicating and assistant)? A No, that man (Indicating defendant).

BY MR. O'MALLEY:

Q You went to the police station too did you? A Yes.

Q And you saw your brother there? A Yes.

Q Did you notice anything about his back? A I saw there a cut and there was blood and the doctor washed the blood off.

CROSS EXAMINATION BY MR. JACOBS:

Q What is your business? A Tailor.

Q Were you at this party this night? A Yes sir.

Q How many drinks did you have? A One.

Q Only one? A Yes.

Q Whom did you have that with? A With Alexander Singer.

Q You didn't have any with your other brother? A No.

Q How long did you take to get down in the cellar. A While I was talking with my brother a man came right between us, pushed us aside and I fell into a cellar at the right side of me.

Q Where were you walking, so far as the curb is concerned? Were you walking near the curb on 110th Street? A Well, I was walking on the right side.

Q Were you both walking near the curb at 110th Street between Park and Madison Avenue, or were you walking near the house line? A In the middle of the sidewalk.

Q How far were you walking, as you say, in the middle of the sidewalk, from the house line? A Say, why--(Indicat-

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ing a foot or a foot and a half).

Q And Mr. Singer, your brother was walking along side of you while you were walking along a foot or a foot and a half from the stairs, is that right? A Yes, we walked together, sir, side by side.

Q And when this person came running, he ran in between answer yes or no you and your brother? A Yes sir, right in the middle .

Q And pushed your brother to the gutter---pushed you down in the cellar is that right? A Yes; I fell immediately into the cellar.

Q You saw this person hit your brother in the back, didnt you? A No, I didn't see that.

Q You didn't see that? A No.

Q How many people were there? A When I came out of the cellar I only saw this man, the defendant, running.

Q Didn't you see anybody else running? A No, nobody else was running after him.

Q Did you see somebody running up park Avenue toward a saloon in 111th Street, some boys? Did you, yes or no? A No.

Q Did you see anybody around there? A No, I only ran after him, the defendant.

Q Had you been in a candy store is 125 East 110th Street on the night in question? A No.

Q Do you know the people who conduct that candy store?
A No.

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Q Never been in there? A Never.

Q Do you know Mr. Schroell the father of the defendant?

A Yes, I saw him in the court., in 121st Street.

Q Did you see him in 106th Street? A No.

Q Ben in his home? A No.

Q Had any conversation in his home? A No.

Q Have you had any conversation with me in my presence
along side of the railing in front of his house in 106th
Street? A No.

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S A D I E S I N G E R, called as a witness on behalf of
the People, being first duly sworn, testifies as
follows:

DIRECT EXAMINATION BY MR. O'MALLEY:

Q Where do you live? A Amsterdam avenue, 1949.

Q Who is your husband? A Alexander Singer.

Q On this night, February 19th, 1910, you lived with
him at 125 East 110th street? A Yes, sir. I was only
for a few weeks in that house, because I came from London ---
because I wasn't long here in this country.

Q You say you had just come over? A Yes; I must have
been about four or five weeks in this country.

Q Do you remember when your brother-in-law, Sam Singer,
and his wife, were at your house that night? A Yes, sir.

Q Do you remember that you left to go out on the street
with him? A Yes.

Q Whom did you walk with? A With my sister-in-law;
that is, Sam Singer's wife, and Sam Singer. Sam Singer held
my arm on one side, and his wife on the other --- he was
in the centre.

Q You went to the subway west on 110th street? A Yes,
sir.

Q Will you tell the jury how far you had gone --- did
you go as far as Madison, or between Madison and --- A We
were half to Park avenue --- just behind --- we passed Park

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avenue.

Q You had passed Park avenue? A Yes, sir, and it was before Madison avenue.

Q And before you reached Madison avenue? A Yes, sir.

Q Were you two ladies in front? A They were behind, my husband and Morris Singer.

Q Tell the jury what happened when you were walking along in that way? A I was walking along with my sister-in-law and brother-in-law in front and they were behind us. All at once I heard Sam Singer holler, and of course when I looked around he fell down on the ground, - he got up and I saw this fellow (indicating defendant) strike him in the face, and of course he was smothered with blood. So I started hollering, I got so excited I started hollering, "Oh, murder, please; murder;" I was awful excited.

Q You say you saw this fellow. Whom do you mean by "this fellow"? A This fellow, he sits here (indicating defendant).

Q The defendant? A Yes, sir. When they brought him to Court I certainly recognized him then.

Q You say you heard your brother hollering? A Hollering "Oh". I looked around, -- I was with him, and I can't make out what it was, he was walking with me and all at once he dropped down.

Q Then when did you see this defendant for the first time? A That was the first time when I saw him, when I

looked around. I looked around and I started hollering .

Q Did you see anything in his hand? A No, sir.

Q And you are sure this is the man you saw? A Yes, I am positive that is the fellow.

Q Then what did he do? A I don't know, sir; I can't say nothing, because I hollered so much, "Please, Murder", that I can't say anything more, because I didn't see him any more. I saw him for the minute, just when I didn't see him no more. I can't say what happened after, but when the policeman brought him to the police court I said, "This is the fellow."

Q Did you see him again that night? A In the police court I have seen him.

Q Did you see him when the policeman first brought him back? A Yes, sir, when he fetched him to the police court I saw him.

Q You mean to the police station, don't you? A Yes, sir.

Q You didn't see him then, from the time you saw him hit your brother-in-law until he was brought back to the police station? A Yes, sir, that's right.

Q Didn't you see him on the street when the police officer brought him up? A No, sir, I didn't notice, I couldn't say for sure, because I didn't notice so far.

Q You don't know this man, do you? A No, sir.
I am only about a month to five weeks in this country,

besides, I don't like to interfere with nobody when I don't see ---

CROSS EXAMINATION BY MR. JACOBS:

Q You say that when your brother-in-law hollered "Oh" ---

A I hollered "Oh".

Q When your brother-in-law was hit in the back he fell down, didn't he? A Yes.

Q Fell right down? A When he was hit in the back? I didn't see that. I only saw him when he struck him in the face. When he hit him in the back he hollered "Oh".

Q But you didn't holler "Oh"? A Yes, I did. He hollered. I hollered out "Oh," when he struck him in the face.

Q But I am talking about when he was hit in the back, he fell down? A Oh, then he hollered out himself --- Sam Singer.

Q And he fell down? A Yes, sir.

Q Then he got up? A Yes, sir.

Q And he didn't fall down after that, did he? A When he struck him in the face then he dropped down again.

Q Fell down twice? A Yes, sir; then he struck him in the face.

Q How many boys were there? A I couldn't say. There were plenty of people.

Q How many boys were there? A I really couldn't say

whether there was a dozen or two or one.

Q Well, you know if that was boys? A There was plenty of people but I didn't notice whether men or boys.

Q How many ran away? A A good many, but I don't know, sir.

Q A good many? A Yes, sir, but I don't know, sir; I can't say that; I was so excited I screamed something terrible.

Q Did you see anything of those men or boys that you saw that night shortly afterward? A No, sir.

Objected to. Objection sustained. Exception.

Q I asked you if you saw people running away when this thing took place? A No, sir.

Q You saw nobody? A No, sir, I did not.

Q The defendant stood there, did he? A Yes, he stood there for the minute, for the minute I saw him and then he ran away.

Q He stayed right there? A Yes, sir.

Q Did you see this boy brought from 111th street? A I saw him in the police court, yes, sir.

Q Another boy? A Another boy.

Q Didn't you say he was the one that was in this fight?

A They asked me if this was the one and I said "I can't say about this fellow, but I can on this one"(indicating defendant.) That was my answer.

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Q Well, you say you saw this boy (the defendant) there?

A Yes, sir.

Q And you couldn't say whether you saw any other boys there or not? A No, sir, I couldn't say.

Q Were you in a candy store that evening? A No, sir; I don't have any business there.

Q Were you, yes or no? A No, sir.

Q Do you know the people that --- A I really don't know them.

Q Never conversed with the woman in the store there?

A Nothing whatever there, no, sir.

Q You never bought anything there? A I may go in the morning for a penny paper to read, that's all.

Q You don't work, do you? A Well, I used to go out to work; now I don't.

Q I mean in 110th street? A Oh, no.

Q You had plenty of time in the morning? A I had plenty of time, surely.

Q When you went down for your paper you conversed with the storekeeper? A That was about half past six in the morning before my husband went to work; I went down for the paper and got it for him.

Q When you went to the police station you said he was the man that did it? A Yes, I said that was the man.

Q You saw him when the policeman brought him back, didn't

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you? A Yes, sir. When the policeman came to the police station ---

BY THE COURT:

Q Just yes. Is that so? A Yes, sir.
BY MR. JACOBS:

Q When the policeman brought him back did you see him?

A Yes, sir, I did.

Q And did you then go with him to the police station?

A I saw this fellow first in the police station, I say that I saw him when he struck him, and then I saw him again in the police station.

Q Didn't you go with the policeman to the police station?

A We went in front and they were behind us. I didn't look behind, but as soon as I saw the fellow I said, "This is the fellow."

Q You never looked at him? A I looked at him when he struck Sam Singer.

Q But you never turned around to see if that was the same person that struck him, although you were walking from 110th street and Park avenue to 104th street?

MR. O'MALLEY: Objected to.

THE COURT: She has answered you. Please proceed.

Q Had your brothers-in-law and husband been drinking?

A No, sir, he had a glass and then I made tea for us, tea from England, - tea to drink.

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Q They didn't drink any liquor? A No, sir.

Q Did you see your brother-in-law in the store? A No, sir.

Q Did you see your brother? A My brother?

Q Or your husband, this night, down on the street? A I saw my husband on the street, yes, sir.

Q How long was he down there? A Oh, I can't say that.

Q That is the brother-in-law --- I mean that was in the back of you? A Oh, I didn't see my brother-in-law until he got that fellow. He ran away, he ran after this fellow --- I couldn't see him, I only saw Sam Singer.

Q One of your brothers-in-law was in the back of you walking? A Yes.

Q Did you see Sam Singer when he had his hand down near the curb? A Yes, sir.

Q What is the name of the brother-in-law that was walking in the back of you? A Morris Singer.

Q Did you see Morris Singer with his hand down near the curb when he was thrown down? A I didn't notice that.

Q Or the other one in the cellar? A Well, one I saw in the cellar was my husband. I saw him lying in the road; but I haven't seen Morris Singer, where he was --- in the cellar or where.

Q Who was the man you were walking with? A With Sam Singer and Sam Singer's wife.

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MR. O'MALLEY: People rest. If your Honor please, I wish to withdraw from the count of the jury attempted robbery in the first degree, and attempted grand larceny in the first degree, because there is no evidence here supporting those counts. It is simply upon assault.

THE COURT: Yes, assault. Proceed.

THEODORE SCHROELL, called as a witness on behalf of defendant, being first duly sworn, testifies as follows:

DIRECT EXAMINATION BY MR. JACOBS:

Q Where do you live? A 115 East 106th street.

Q You are the father of the defendant? A Yes, sir.

Q Do you recall the Singers coming to your home in 106th street? A Yes, sir.

Q State to the Court what was said by you and what was said by them?

MR. O'MALLEY: Objected to.

THE COURT: No, when was it.

Q When was this? A A year ago. I can't be quite certain within a day or so. I know it was a very warm, sunny Sunday morning. I just happened to come out of church across the way and stood on the stoop when ---

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BY THE COURT:

Q Was it after or before your son was arrested? A A year afterwards.

Q That is to say, a year after your son was arrested?

A No, sir, I beg your pardon.

Q When was it? A Last May --- this April a year ago.

Q That what happened? A That this man come to me at my house to talk to me when I was standing on my stoop.

Q How long was that after your son was arrested? A Three months.

Q So that you say three months after your son was arrested the complaining witness came to your house and talked to you while you were on your stoop? A Yes, sir.

BY MR. JACOBS:

Q State what was said by them and what was said by you at the time that you said that the people who were there were present?

MR. O'MALLEY: He has not laid any foundation for this, if your Honor please.

THE COURT: How is it material?

MR. JACOBS: I want to show that these people came around to his house ---

THE COURT: You intend to show that the complaining witness made to this witness who is now on the stand some statement regarding the occurrence,

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inconsistent with something that he testified to on the trial, is that so?

MR. JACOBS: Yes.

THE COURT: I will allow you to show it. Proceed.

Q Who was present at the time of that conversation?

A At the first conversation I had? Nobody but the gentleman and me.

Q Where was that? A Right in front of my stoop.

MR. O'MALLEY: If your Honor please ---

THE COURT: The complaining witness has denied that he had any talk with this witness at any time.

MR. O'MALLEY: I think the complaining witness simply denied he saw him. I don't think he was asked if he had a conversation.

MR. JACOBS: I asked him if he had any conversation with Mr. Schroell, the father of the defendant.

(By direction of court the witness is temporarily withdrawn.)

SAMUEL SINGER, recalled, testifies as follows:

BY THE COURT:

Q Did you about three months after the defendant was arrested have a talk with the gentleman who was sitting a moment ago in the witness chair (Mr. Schröell, Sr.) at 106th street? A No.

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Q Did you talk to him at any time in 106th street? A No.

THEODORE SCHROELL, resumes the stand, and further testifies.

DIRECT EXAMINATION BY MR. JACOBS (Continued):

Q Mr. Schroell, did you have a conversation with the gentleman who was just on the stand (Samuel Singer)? A No, sir, I have not.

Q With whom did you have such conversation? A With a tall man that was --- I forget his name.

Q The tallest one? A The tallest one. If he would stand up, I would recognize him.

MR. JACOBS: Morris Singer, stand up.

(Morris Singer arises.)

A (Continued) That is the one.

THE COURT: This is only receivable if you interrogated the witness whom this present witness says he saw, that's all.

MR. O'MALLEY: I know he did ask one of the witnesses but which one it was, I don't know.

(Witness temporarily withdrawn.)

MORRIS SINGER, recalled, testified as follows:

BY THE COURT:

Q -Did you, about three months after the defendant was arrested have a talk in 106th street with the gentleman who

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has just left this witness chair (Theodore Schroell)? A No.

Q Did you talk with him at any time in 106th street?

A Never.

THEODORE SCHROELL, resumes the stand and
further testifies:

DIRECT EXAMINATION BY MR. JACOBS (Continued):

Q Did you have a conversation with Mr. Morris Singer in
106th street? A Yes, sir.

Q When was that? A That was on a Sunday morning. I
happened to come out of church and stood on my stoop.

Q State what you said?

BY THE COURT:

Q You had it in 106th street? A Yes, sir.

Q About three months after your son was arrested? A
Yes, sir, and he stopped in front of me and looked at me,
and he says, "You don't know me?" The moment he spoke I
recognized the man. And he said, "It is too bad about
this case. Can we do something with it?" I said, "I have
nothing to do with it. If you want to have anything to say
you have got to see my counsel." Well, he says, "I will tell
you, I will be around again. I will make believe --- you
know that I get my friends and will come around and will
make believe that we just meet you by accident, and see if we
cannot come to some understanding." I say, "I have nothing
to settle." Well, he says, "I will bring them around any-

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how". He says, "Will you be on the stoop?" I says, "Yes, I will be on the stoop." About twenty minutes after that three of them, the gentleman --- the two I see in the chair, and another man what sets over there (indicating in court room), they come along and they said --- well, he says, "Can we get an understanding about this case?"

BY THE COURT:

Q Which man said this? A This tall fellow that just left the chair (referring to Morris Singer).

Q Who was with him? A The fellow that left the chair before him; (Samuel Singer) and another man that sits back there (indicating in court room); the three of them.

BY MR. O'MALLEY:

Q Do you mean the three Singer brothers? A The three Singer brothers.

BY THE COURT:

Q You just told me a moment ago that you had no talk with the first man? A Your Honor, you misunderstood me. He said he would bring around his friends, and we would have a talk together, if I would be out on the stoop. I told him I would. He went away and brought those two friends or brothers with him --- I didn't know they were brothers.

Q You say that the three witnesses --- that the three men, the three Singer brothers, talked with you about three months after your son was arrested, while you were on

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106th street? A Yes, sir.

Q You say that, do you? A Yes, sir.

THE COURT: Proceed.

BY MR. JACOBS:

Q Go ahead? A He said, "Can we settle this case?".

Q Who said that? A That tall fellow (Morris Singer)..
That is the gentleman (indicating Morris Singer); then the
other fellow, he said to me, "Now", he says ---

BY MR. O'MALLEY:

Q Which fellow? A That little fellow there in the centre (indicating Alexander Singer). He says, "You know I am able to tell my witness it was the boy, and I am able to tell my witness it is not the boy." Well, now, I say, "That is a fine way you are trying to do. You want to swear --- whether you want to get money you want to swear either way." He says, "You don't trust us?" I said, "No, I don't trust you." Now, I say, "If you want any business done you have got to see my lawyer." So he says, "Well, can we see that little friend of yours?" They were not aware that Mr. Jacobs, that little friend, was my counsel. I told them I could call him up, so they said they would be around again if I would call him up and see him.

BY THE COURT:

Q How did they know about a little friend of yours?
You were alone, you were standing alone there? A I know,

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but that little friend he has been previous to them in their house. That is how they came to know him by the name of little friend.

BY MR. O'MALLEY:

Q You mean that Mr. Jacobs had been to their house before? A Yes, sir, but unknown to me. They told me they would be back if I would call him back, they would want to see him, they would be back in twenty minutes. I went in the next house, my neighbor, to Mr. Winn, and he telephoned for me to Mr. Jacobs, to come down, that such-and-such was the case; and in the meantime they come around again and I told them that Mr. Jacobs had not come yet but I expected him very soon.

BY THE COURT:

Q That was on the same day they came the third time?
A On the same day, your Honor. They said they would be back in a short while. In the meantime Mr. Jacobs come and sat in the front room in my apartment on the ground floor, and I stood outside waiting for them parties to come. They come along and I went in to tell Mr. Jacobs I saw them coming. Mr. Jacobs said "Tell them to come inside". When they got on the stoop I told them to come inside. "No, no," they said, they wouldn't come inside. If my little friend wanted to have anything to say he should come outside. So Mr. Jacobs come outside --- we stood right alongside the

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window there on the railing, and Mr. Jacobs said, "Well, what is it you want?" They didn't come out --- they didn't say yes or no. Mr. Jacobs said, "What is it? Is it money you want?" So that tall fellow (Morris Singer) says, "Yes." Mr. Jacobs says, "How much do you want?" Well, he says, "You know we had a loss of time, and the pain and one thing and another, \$100." Mr. Jacobs says "What, one hundred dollars for each of you?" "Oh, no," they said, "\$100 for the three of us." So Mr. Jacobs turned around to me and said, "How is it?" I told him I had no money to give, and if the Aunt of the boy was willing that lived over in Astoria --- this was only, I should say a fake, you know --- was willing to put up the money for the boy, I had to see her first. So they said they would call around the next day to see me. The next day, on a Monday evening, a rap came on the door, and in walked the tall fellow (Morris Singer) and the little feller (Alexander Singer) --- walked in my room --- and my wife says, "Oh, you are coming for the money?" "Oh, no, we are coming not for the money." They said, "We want to see that little friend of yours", and with that they walked out, and they haven't come in the house again until last October when they came in the house and they said ---

BY MR. O'MALLEY:

Q Who came in the house in October? A The three of them. They said, "We got summoned from the Court, but we won't

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appear and you needn't go. There is nothing of that case. You needn't go to Court. We won't go to Court either, there won't be nothing of it." And that is the last I seen of them until I seen them here in Court.

BY MR. JACOBS:

Q Did you then notify the District Attorney of that fact, about them asking for this money? A (No answer).

Q Did you on the day that the case was on for pleading, inform the District Attorney's office of these facts?

MR. JACOBS: Mr. Vidiver, I believe was then in court.

MR. O'MALLEY: This case was on for pleading April 11th, 1910.

Q April 11th, 1910 ---

(Question withdrawn.)

Q Did you know that Mr. Vidiver was informed of these facts on the day this case up for pleading? A I was not.

Q You didn't know about that? A No.

Q Was your wife at home at any of these times that these people came around to your house? A Every time.

Q Was there anybody else that saw them at any time?

A On the first occasion my daughter was present.

BY THE COURT:

Q Let me see if I understand you. You pay careful attention to me. You say that about three months after your

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son was arrested --- A Yes, sir.

Q (Continuing) On a Sunday, Morris Singer came around to your house, or came into 106th street, and you were standing at your house? A Yes, sir.

Q That you had a talk with him? A Yes, sir.

Q And he went away and on the same day came back with another man? A With two companions.

Q With the other two Singers? A Yes, sir.

Q And you say that the three Singers came to your house again on that same day? A On the Sunday, yes, sir.

Q Later? A Later on.

Q And then you say that two of the Singers came to your house sometime the following October? A No, on the following day, on that Monday evening and after that again last October.

BY MR. JACOBS:

Q You told the District Attorney in this case of these facts before this case came to trial, did you not? A I did.

BY THE COURT:

Q What is your business? What do you do for a living?

A Painting.

Q Where is your paint shop? A I am out of business now, I am too old to attend to business any more.

Q Do you work at any time? A Yes, right straight along yet for myself.

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Q In other words, you do painting jobs from time to time? A Yes, sir.

Q And you live where? A 115 East 106th street, and being taking care of property there, what I get paid for.

CROSS EXAMINATION BY MR. O'MALLEY:

Q Whom do you work for? Who pays you? A Who pays me now? Mrs. Elizabeth Deal.

BY THE COURT:

Q How long have you been in charge of that property?

A Six years.

BY MR. O'MALLEY:

Q How much salary do you get from it? A Well, I get all the work what is attached to it, and I get eight dollars a month, regular salary.

Q Now, to the best of your recollection it was in May that this Morris Singer first came to see you? A Well, it was either the latter end of April or --- I am almost positive it was the latter end of April.

Q Well, had they seen Mr. Jacobs before that time? A That I don't know, where they seen Mr. Jacobs, but when the case first comes on, I understood that Mr. Jacobs had been to their house to see them people.

Q Who represented your son at the Magistrate's Court? A I had a lawyer up in 120th street.

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Q It was not Mr. Jacobs: A No, sir.

Q So that so far as you know the complainant, or his brothers, had not seen Mr. Jacobs up until the time that they came to you? A Not to my knowledge.

Q And they said that they wanted to see your little friend? A Yes, sir.

Q Did they tell you that he had been to their house?

A No, sir.

Q Did Mr. Jacobs ever tell you that he had been to their house? A Yes, sir, he told me afterwards.

Q Did he tell you why he went there? A No, sir, he didn't tell me what he went there for.

Q Now, then you said there was some talk about seeing your aunt --- the boy's aunt? A Yes, sir.

Q Where does she live? A That was all a fake.

Q Has he an aunt? A He has not.

Q He has no aunt in Astoria? A No, sir.

Q Who suggested the aunt? A It was my thought.

Q When did you think of that? A The moment it struck me, that is the only way I could get them over so as to make them believe that they would get the money.

Q Before Mr. Jacobs came down, and then shortly after that the three men came back. Now, before they came back, did you and Mr. Jacobs have any talk about what they wanted?

A No, because we couldn't have no talk, because I didn't

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know myself what they wanted ---- they didn't tell me they wanted money.

Q Then they said they would come around the next day?

A They would come around the next day.

Q Were you there? A I was.

Q And did they ask you for money that day? A They did not.

Q They didn't ask you whether you had been to see the boy's aunt? A They asked for my little friend and if he had seen the aunt.

Q Had they talked about this money in the presence of Mr. Jacobs the day before? A They had.

Q They had mentioned this one hundred dollars in the presence of Mr. Jacobs? A Yes, sir.

Q And did you say in the presence of Mr. Jacobs that you would see the boy's aunt and see if you could get the one hundred dollars? A Yes, sir.

Q And that conversation took place in the presence of the three brothers and Mr. Jacobs and yourself? A Yes, sir.

Q And where was it? A Right in front of my window on my stoop, where I am living, 115 East 106th street.

Q Well, it was you that had the talk about the one hundred dollars, wasn't it, with the brothers? A No, it was Mr. Jacobs that had the talk about the one hundred dollars. I didn't mention anything about money.

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Q You suggested the aunt, you and he, didn't you? A That was after the proposition was made that they wanted the one hundred dollars.

Q Well, it was all talked over between the three of you, and Mr. Jacobs? A Yes.

Q And then you suggested this aunt, did you? A I didn't say anything after that.

Q Who suggested going to the aunt for the money? A I did.

Q When did you say that? A After the mention was made of money matters.

Q When did you say that you would find out if you could get it? A I would go over that Sunday afternoon.

Q You said you would go over that Sunday afternoon and find out? A Yes, sir.

Q And then they came back the next day? A The next evening.

Q The three of them? A Two of them.

Q Who was in the house at that time? A My wife, my daughter and myself.

Q Were your wife and daughter present when they came in? A Yes, sir.

Q Who said anything about money? A My wife did.

Q What did they say? A They said, "We didn't come for the money. We want to see your little friend."

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Q Did they ask about your having gone over to see the ---

A QYes.

Q The boy's aunt? A Yes, they asked me.

Q What did you tell them? A I told them that she had been going out automobile riding, and I couldn't see her.

Q Then they did mention something about the conversation --- they mentioned the conversation you had the day before? A Yes, sir.

Q What did they say? Will you tell us? A Well, that's all they said. My wife says, "You got to have the money?" And I told them that his aunt had been going out automobile riding, and I had no chance to see her, and I told them to come around again.

Q Didn't you say they said they didn't come after the money? A That is what they answered my wife, yes.

Q Who brought up this conversation about your having seen the aunt? A I brought it up. I had to tell them you know.

Q They said they didn't come after money, didn't they?

A I don't know what they come after.

Q They said they didn't come after money? A They said they didn't come after money.

Q Why did you bring up the conversation about having gone over to see the aunt? A Because I had told them the previous day I was going over to see his aunt.

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BY THE COURT:

Q Who spoke about the aunt first on that second occasion, you or they? A I did.

Q Now you understand me, when they came back and your wife and your daughter was there, who was it that spoke about the aunt, you or they? A I did, your Honor. I told them that the aunt had gone out automobile riding, and I had no chance to see her.

BY MR. O'MALLEY:

Q But prior to that time they had told your wife they had not come for money? A Previous to that, yes, sir.

Q When was the next time that you saw these brothers --- in October, you say? A I guess it was around October.

Q Did they come back to see Mr. Jacobs or yourself?

A They never come back to see me no more.

Q Do you know whether they ever went to see Mr. Jacobs after that? A I don't know.

Q But they said at that time that they wanted to see your little friend? A Yes, sir.

Q Now, the next time they came to you was in October?

A Was in October.

Q And as I understood you to say they said they had received subpoenas for Court? A Yes, sir.

BY THE COURT:

Q All three came in October? A (No answer).

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BY MR. O'MALLEY:

Q Did all three come together again in October? A I wouldn't swear all three came together.

Q Well, were there two? A The tall fellow and the ---

Q (Interrupting)? Morris Singer and Alexander Singer, is that right? A Yes, sir.

Q What did they say again at that time? A They told me it was not necessary for me to come down to Court, that they wouldn't go to Court themselves, and the case would be all dropped.

Q Did they say anything about the money that time?

A No, sir.

Q Who was present at that conversation? A My wife; it was in the evening.

Q Who else? A My family, my wife and daughter, and my boy was lying on the lounge, - on the couch, asleep.

Q The defendant? A Yes, sir.

Q Did they mention money that time? A They did not, sir.

Q Did they say what they had come to see you about? A They come to tell us that we need not go down to Court.

Q But still they did not mention money that time? A They didn't mention any money.

Q So far as you know, have they ever since mentioned money to anybody? A Not to my knowledge.

Q Have you ever seen them since? A I have met them in the street, never spoke to them.

Q Did they ever speak to you? A No, sir.

Q About the case? A No, sir.

Q That is the last time you ever saw them? A That is the last time that I saw them in my house. I met them several times after in the street, but I never spoke to the party.

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T I L L I E S C H R O E L L, called as a witness on behalf
of defendant being first duly sworn, testifies as follows:

DIRECT EXAMINATION BY MR JACOBS:

Q Where do you live? A 115 East 106th Street.

Q You are the mother of the defendant? A Yes sir.

Q Did you ever see Morris Singer in 106th Street, or in
your home? A I did.

Q Tell the court about what was said, if anything, by him
to you? A Well, they called to the house.

Q I asked you about Morris Singer? A Oh, about Morris
Singer.

Q Just state what he said, if anything? A Well,
he called to the house.

BY MR. O'MALLEY:

Q When was it ? A On a Sunday afternoon about 2 o'clock
and he said he would like to see---he would like to see Mr.
Schroell's little friend, which he just was sitting in the
front room. Mr. Schroell, he came in and said "Here they
come, Mr. Jacobs, they won't come in." Mr. Jacobs said "Then
I will have to come out". There were three gentlemen, Mr.
Schroell and Mr. Jacobs. I stood at the front room window
when Mr. Jacobs says "What do you want? He said "Now, lis-
ten"---

BY MR. JACOBS:

Q Did you hear them or did your husband tell you this?

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A No, I heard that at the window---I was standing with my daughter by the front room window when the five men were standing together. Mr. Jacobs says "What do you want?" He says "Well, now, we can settle this matter." He says "What do you want, money?" He said "\$100." He said "\$100. for each of you?" He said "No, not \$100. for each; \$100." he says. And then I walked away and I didn't hear anything more that was said an that occasion.

BY THE COURT:

Q You say that was said on the sidewalk in front of the window at which you were standing? A Yes sir, at the window where I was standing.

BY MR. JACOBS:

Q The window is about even---there is no stoop in that house, is there? A Only a little short step, that's all.

Q About how many? A Three.

Q And the window is right off the street, is it not? A Yes sir.

Q There is a short railing in front of the window? A Yes sir.

Q And was it up against this railing that these people were standing that you have testified about? A Yes sir.

Q Which side of the railing, toward the stoop or on the street? A They were standing on the stoop ---on the

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you
street railing and ~~we~~ were standing there too.

Q There is a bend in that railing, is there not? A
Yes sir.

Q Were they standing on that bend? A Well, leaning
against the bend like.

Q Right along the bend? A Yes sir, they were leaning
against it.

Q Did you see Morris Singer at any time after that? A
Yes sir. I seen him twice after that---they were right in
my house.

Q In your house? A Yes sir; I was speaking to them in
my dining room?

Q Where is your dining room? A Right off from the
kitchen, and they knocked on the door Monday night.

BY THE COURT:

Q When you say "they" whom do you mean? A I don't
know their names.

Q Can you point them out in the court room? A Yes.
The tall gentleman, and one man a short man.

Q Are those the two (indicating Morris Singer and
Alexander Singer) A Yes sir/ You know I can't see very good
from a distance, but there is a tall man and a short man. I
can't see very good, I didn't take my glasses; my eyes
isn't so good.

Q Can you see this man now? A Yes, that was the man

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came in first (Indicating Alexander Singer), and (Now indicating Morris Singer)---I guess that is the two---they are the two.

Q They are the two? A Yes. (Indicating Alexander Singer and Morris Singer).

BY MR. JACOBS:

Q State what was said in your dining room at that time

A They come in, knocked at the door and I told them to come in. The tall one (Morris Singer) comes in and he says--- I says "You are coming for the money?" He says "Oh no, not in a hurry about the money." I says "Come in, " He said "I have got my friend here." I said "Come in ". He said "We are not in a hurry for the money, but we wish to see Mr. Schroell's little friend." I said "He is here now, you must call around." and Mr. Schroell was speaking then to them and they went out. The two men called then, I think--- I couldn't just tell you the month---but they called, I think, in October.

Q The same two? A Yes sir, the same two. One talks good English there. He comes in and I told him to come in. He came in, walked through the kitchen into the dining room where I was clearing the table. My daughter was ^{sitting} sewing. He says "Listen here, we got summoned to court but don't you go to court, it is all over." I said "Don't you know my son is under a thousand dollars bail?" I have to go.

Q What else was said, if anything? A That is all that was said.

Q Have you seen them after that? A I didn't see them after October, no sir; not till to-day.

Q Was the defendant there at any time when these people were there that you can recall? A Yes, I almost forgot. My son didn't feel very well---

Q Was he there? A Yes sir.

Q And did they say anything in regard to the defendant lying there ~~xx~~? A Well, when they were there in October the two men, my son didn't feel good and he was lying on the couch, my son Frank, and they looked over at him and they said "Don't go in court, we can't swear that is the boy." That is what it was.

Q Was that before he went to the hospital or after?
A That is before he went to the hospital. Frankie has been sick all along.

Q Is that all that was said? A That is all that was said. And they said "Good evening" and walked out.

CROSS EXAMINATION BY MR. O'MALLEY:

Q On Monday following the Sunday you say they came there again? A Yes sir.

Q Morris and Alexander? A Yes sir.

Q And they came in and the first thing you asked them

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was "Have you come for the money?" A Yes sir.

Q When had you talked about the money? A Only on that evening?

Q With whom? A Only the two gentlemen that come for the money.

Q Well had you talked with anybody else about it? A No sir.

Q You hadn't talked with your husband about raising money? A Oh no; I wouldn't talk about anything like that.

Q You hadn't talked? Was there some talk between you and your husband as to raising \$100. to pay these people? A No, my husband said he didn't see why he should give them \$100. when he didn't do it.

Q How did you come to mention the \$100. when they first came in? A Well, I heard them tell Jacobs they wanted \$100.

Q Was your husband there? A Yes sir, and Jacobs and my daughter.

Q You hadn't talked with them about the \$100. before that? A No sir, that was the first time I seen them when ~~xxx~~ they were in my house, but I seen them at the railing, but I didn't speak to them.

Q Why didn't you permit your husband to mention about the \$100. A I don't know. My husband was busy there, you know, doing something.

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Q So you thought you ought to open the negotiations

A Well, they were so quick talking about it, saying "We aint in a hurry about the \$100.; we want to see your friend".

Q But you said it as soon as you saw them? A Yes, I said "You are coming for the \$100.? We can't give it to you tonight." "Oh, we aint in a hurry," he returned; "we want to see Mr. Schroell's little friend." I said "He is busy just now".

Q Was Mr. Jacobs there that night? A No sir.

Q Did they ask if he was there? A They wanted to see him.

Q Did they ask you what he was busy at? A No sir.

Q Did they ask you where they could find him? A No sir.

Q They simply took your explanation that he was busy?

A Yes sir.

Q And went out without any further talk? A Yes sir.

Q Did they make any appointment to meet him? A No sir.

Q Did they ask where they could find him? A No sir.

Q Simply came there and you asked them if they came for the \$100. and they said "No, they just wanted to see the little friend"? A They said they were in no hurry about it they would like to see the little friend.

Q But they didn't say they didn't want it? A No sir.

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Q They didn't say they hadn't come after it? A No, they said they were not in a hurry about it, did he have the \$100. But I said "Mr. Schroell aint got it".

Q You heard your ~~wife~~ husband when he was on the stand say that when they came in you asked them if they came after the \$100. and they said "No, we came to see your little friend;" is that so? A Yes, they mentioned the money and said they were not in a hurry about the money but wanted to see the little friend.

Q Did they say they were not in a hurry for it or hadn't come after it? A They said they were not in a hurry for it, they wanted to see the little friend.

Q So what your husband says is not correct?

Objected to; objection sustained.

Q They never came back after that time until October? A Until October, the two gentlemen came and sat in my dining room.

Q And they came back at that time and made no demand for money? A No, they did not.

Q Simply said "you need not go to Court; the case is over". A The case is over.

Q Did they say that they had seen Mr. Jacobs in the mean time? A No sir.

Q Did they ask where Jacobs was? A No.

Q They ask where your little friend was? A No sir.

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Q Do you know of any reason why they should have come over when the case was on the calendar and told you that you need not go to court? A No, I didn't know what they thought about it, I didn't know what they meant by it.

Q You hadn't given them any money? A No.

Q Had you promised to give them any? A No.

Q Had you ever promised? A Just as I told you before, when they come after it, I told them we didn't have it and they said they weren't in a hurry.

Q So far as you know was there ever any agreement between your husband or between Mr. Jacobs and these complainants that this case would be dropped on the payment of \$100.? A Well, I don't know; I guess that is what they wanted. They said they could get---

Q You don't know whether there was any arrangement to that effect? A No, I don't think so.

(The Court now declares a recess till 2 P. M., first duly admonishing the jury as usual)

After recess

TILLIE SCHROELL, resumes the stand and further testifies.

CROSS EXAMINATION BY MR. O'MALLEY: (Continued)

Q I want to ask you just one question. How far is this window, at which you and your daughter stood from

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the sidewalk? A I guess about---I am not sure but I guess about two feet or something like that; you know, just like a stoop in between it like.

Q How far up above the sidewalk, is it? A Just something like I am sitting.

Q About the sidewalk? A Yes sir.

Q Where is that stoop? Where is that stoop---at the door? A Yes sir.

Q How far from the sidewalk is the wall of your house? Does it come right up flush to the house? A Yes sir.

Q Or come right up flush to the sidewalk? A Yes sir.

Q How many windows in the front of your house? A Only one.

Q Was that opened or closed? A It was open.

Q Open? A Yes sir.

Q And how did you come to step to the window? A When I seen Mr. Jacobs going out speaking to the gentlemen I wanted to hear what it was and I come, standing at the window, to listen to it.

Q Did you call your daughter to go too? A Yes sir, I says "Here is the three gentlemen now".

BY THE COURT:

Q What is your daughter's name? A Anna Schroell.

BY MR. JACOBS:

Q When you say it was one window in your house, what you do

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mean? A Just on our side; a bay window.

Q One window to your apartment? A Yes sir.

Q Is there a window to any other apartment on the same floor as this? A Yes sir.

Q On the other side of the stoop? A On the other side of the stoop.

Q One window? A Yes sir.



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ANNA SCHROELL, called as a witness on behalf of defendant, being first duly sworn, testifies as follows:

DIRECT EXAMINATION BY MR. JACOBS:

Q Where do you live? A 115 East 106th Street.

Q Are you a sister of the defendant? A Yes sir.

Q Did you at any time see any of the three gentlemen sitting back there known as Singer---

MR JACOBS: Will you kindly stand up (Addressing the Singers in the back of the Court room)
A I did see that gentleman (Indicating Morris Singer).

Q The other Mr. Singer? A I seen the three of them at one time and seen those two.

Q Where did you see the three of them? A On a Sunday afternoon late, around two or three o'clock--if I am not sure.

Q Where? A In the front of our stoop.

Q What street? A 106th Street.

Q Who was there? A We were there at the time and my father.

Q And the three? A And the three gentlemen.

Q Did you hear any conversation? A My mother and I was at the open window.

Q Did you hear any conversation that was held? A I did hear part of it.

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Q What part of the conversation? A I heard the part of it when they asked for money, and when they asked for the \$100. you said "For three?" They said "No, the \$100. between the three of us".

Q Did you hear any further conversation? A And then I heard my father say about the aunt, and my mother and I walked away from the window to laugh, because I knew I had no aunt.

Q When did you see them again? A On Monday night, the following Monday.

Q Where did you see them? A They come and knocked at the door and mamma says "Come in".

Q Well, did you see them in the house? A In the house of course.

Q What door? A Out kitchen door.

Q Is the door opened up on the kitchen? A No the door is closed until we ask them to come in and then they opened it.

Q Does the door enter upon your kitchen? A What do you mean by the door.

Q In other words when you pass through the door are you inside of the kitchen? A Yes sir.

Q You pass through from the outside and the first room you get into is the kitchen? A Yes sir.

BY MR. JACOBS:

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Q Have you any other room? A After you get into the kitchen you go into the dining room.

Q Where was it that you saw them on this Monday night?
A In the kitchen, and of course mamma asked them to sit down. They come into the dining room then and been seated

Q Who else was there at the time? A At the time there was papa and I and my mother.

Q Was your brother there? A On the first time, no sir.

Q What was said by you, your father or mother in the presence of these people? A I said nothing at the time.

Q Did you hear them say anything? A My mother spoke first.

Q What did she say? A She says "I haven't got the money", that was the first word she spoke to them.

Q What did they say, either of them? A The one man, the tallest man (Indicating Morris Singer) said, he says he was not in a hurry for the money, that they could wait.

Q That is what you recall as the substance of the conversation, is that the idea? A Yes sir.

Q What else was said? A Well, that was all that I paid attention to at the time, because I went on with my work which I was doing.

Q What were you doing? A Clearing the table.

Q Was there any further conversation they then had that

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you can recall? A Not that I can remember about.

Q When did you see them again? A Some time after-
ward they called again. I see him also I was saying at the
present time.

Q Where was this? A This was in the dining room, at
the same place.

Q Who was present? A My brother was lying on the
couch, asleep; my mother was there and my father and my-
self.

Q What was then said, if you can recall, ~~about~~^{by} either
of the Singers, and name each one? A They both talked at
once like and they said they were to Court that day and
that they says the court was all over they were going to drop
the case.

Q Sort of a relay conversation---one would say something
and then the other add on something? A That is just the
way they went. And mamma said the boy was under a thousand
dollars bail and they could'nt miss the court because the
bail would be taken away, that she was going to attend the
court, and they said it was all over, that she should go
no more. Then they looked over and the boy was lying on the
couch and they said we can't swear whether that is the
boy or not".

Q Who said that? A That tall gentleman there. (In-
dicating Morris Singer)

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Q Morris Singer? A Yes sir. He said he couldn't swear whether it was the boy or not.

Q What else was said, if you can recall? A That is all I can remember. That is all I seen of them until I come to court.

CROSS EXAMINATION BY MR. O'MALLEY:

Q At the time they were there this last time, when they said the case was all over, ~~he~~ did they say why it was all over? A No, they didn't make any answer---because they was too much bothered with it and they dropped it.

Q They said it was too much bother? A Yes, that they dropped it as much as to say that they didn't appeal to the boy.

Q Did they say they had been to court that day? A No, they weren't to court that day. They said it was all over.

Q I thought you said they had been to court that day? A They got summoned that day.

Q Did they say they had been there? A They said they had been there, that theyncompletely threw it out of court themselves.

Q Did they say the case had been dismissed? A Yes.

Q Did they say why? A Didn't say why or nothing.

Q Didn't ask for any money at that time? A No sir.

Q You never saw them come back to ask for any money

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after that Monday they came there, did you? A That was the only time. I heard they asked for money on that Monday night.

Q Do you know of any reason why the three should come back voluntarily and say the case was over? A No.
BY MR. JACOBS:

Q Did you hear them talk about money? The first time you saw them outside of the house? A On Sunday you mean?

Q Yes? A Yes, I did.

FRANK SCHRÖELL, the defendant herein, called in his own behalf, being first duly sworn, testifies as follows:

DIRECT EXAMINATION BY MR. JACOBS:

Q Where do you live? A 115 East 106th Street.

Q You have got some trouble with your tooth? A Yes sir.

Q Talk so the juryman in the furthest corner can hear you. Where were you on the night of February , 19, 1910?

A I was coming from a show, Keith and Proctors, in 125th Street.

Q Where did you then go? A Passing 110th Street I went in the candy store.

Q Where did you go? A To 110th Street. On my way home I bought a package of cigarettes.

Q Where did you buy that package of cigarettes? A In the candy store, 110th Street, 125.

Q And when buying that package of cigarettes did you see any of these three gentlemen known as the Singer Brothers there? A I seen two of them inside.

Q Which ones? A The tall one and the short one.

Q Mr. Alexander and Mr. Morris---

MR. JACOBS: Alexander and Morris Singer, kindly stand up.

(Alexnader Singer and Morris Singer arise in the Court Room).

Q Those two (Indicating Alexander and Morris Singer)?

A Yes sir.

Q Tell the Judge and the Jury what took place there at that time? A Well, I have been going into the candy store for years.

Q Who owns that candy store? A Mrs. Rosenblum and Mr. Rosenblum. I went in and got a habit of always fooling, so I asked her to let me have a box of cigarettes and the lady give me the cogarettes and I says "All right" and I started to talk to them and the first thing I know I got a slap in the jaw.

Q Who did that? A The big tall man.

Q Morris Singer? A Yes sir. Slapped me in the face and the other one pushed me out. I says "All right, wait

till I pay for the cigarettes and I will go out". Then I got pushed out and I walked home and I suppose somebody seen me getting the slap in the jaw went down and told some boys around there that know me well----

MR. O'MALLEY: I move to strike that out.

THE COURT: Motion granted.

A (Witness continuing) and I was walking home. I went down Park Avenue, coming back, I didn't see nobody around to talk to coming back. I went home on a slow trot. The first time I got over in 109th Street he said "You are under arrest." I said "What for?" That's all I know.
BY THE COURT:

Q Where were you when you were placed under arrest?

A 109th Street, on my way home, on Lexington Avenue.

Q You say you were on 109th Street when the officer arrested you? A Yes sir.

Q Between what avenues? A On Lexington Avenue between 110th and 109th ~~Street~~ Street.

Q You were on Lexington Avenue between 109th and 110th when the officer arrested you, is that so? A Yes sir.

Q Did you at any time strike the complaining witness that night? A No sir.

Q Did you knock him down? A No, your Honor.

CROSS EXAMINATION BY MR. O'MALLEY:

Q You live at 115t East 106th Street? A Yes sir.

Q Where is your House? A Between Lexington and Park Avenues, near Lexington?

Q On which side of the street, north side or south side?

BY THE COURT:

Q Uptown or downtown side? Do you live on the uptown side of the street or downtown? A nUptown.

BY MR. O'MALLEY:

Q How far from Park Avenue? A Well, it is nearer Lexington Avenue than Park Avenue.

Q How many houses from Lexington? A From Lexington Avenue it is seven houses.

Q How many houses in that block? A I wouldn't be--- I don't know, I never counted.

Q Seven houses---about twenty feet to the house, isn't it? A Yes sir, something like that.

Q That is about 140 feet you live from Lexington Avenue. Now do you know how wide that block is? A It is the widest block in Harlem.

Q How do you know that? A Because it is a wide street.

Q I mean the distance between Lexington Avenue and Park Avenue, how wide is that block?

THE COURT: He wouldn't know that.

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Q How long a block, between Park Avenue and Lexington Avenue? A It must be over 400 feet.

MR. JACOBS: It is about 350 or 400 feet.

Q You live, seven houses you say, from the corner of Lexington Avenue? A Yes sir; private houses, come before our house.

Q You say you had been where that night? A Keith & Proctors, 125th Street.

Q Who was with you? A A young boy.

Q Where is he? A He lives in 109th Street.

Q Did he come down with you? A Yes sirm he come down and went home because he lives near Park Avenue and 109th Street.

BY THE COURT:

Q What is his name? A Baker.

BY MR. O'MALLEY:

Q What is his first name? A Eddie.

Q What is his first name? A That is what I couldn't tell you.

Q How long had you known him? A Four years. I used to get my rolls every night, you know from off his mother.

Q What street does he live on? A 109th Street.

Q Between what Avenues? A Near Park; Lexington and Park.

Q In the same block that you live? A No, he lives in

109th Street and I live in 106th Street.

Q In the same corresponding block? A Yes.

Q And he had been to the show with you? A Yes sir.

Q And he came down from 125th Street, down Park Avenue with you? A Yes sir, and left me on ~~the corner~~ of Park Avenue and 110th Street.

Q Where did he go? A Home.

Q Where did you go? A In the candy store and right home.

Q How far is that candy store from the corner of Park Avenue and 110th Street? A About twelve houses, double houses.

Q Did you tell him where you were going? A Yes sir.

Q What did he say? A He says "I am tired, I have been out the night before and I want to go home and take a good rest".

MR. JACOBS: Objected to; I do not see the materiality of it.

THE COURT: I am going to allow it.

Q At the corner of 110th Street and Park Avenue, you said you were going to get a box of cigarettes, is that right? A Yes sir.

Q And he said he was going on home? A Yes sir.

Q And he went down Park Avenue and 110th Street? A Yes sir.

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Q And he knew you lived in 106th Street? A Yes.

Q And did he know you would have to go with him? A
No sir.

Q He knew you were going down that way later? A Yes sir

Q But he didn't wait for you? A No sir.

Q So you went over to this store alone? A Yes sir.

Q And what time was it? A About nine o'clock.

Q What time did you go to this show? A 6 or half past 6

Q You went to the show between 6 and half past 6? A
Half past six.

Q What kind of a show is it? A It is ten cents and
fifteen cents and twenty five cents; moving pictures.

Q How long did you stay there? A Stayed there till
seven o'clock.

Q Did you work that day? A No sir.

Q Did you work the day before? A Yes sir.

Q What were you doing? A Working on a railroad---the
Interborough Rapid Transit Company.

Q You say you went to the moving picture show at 6
o'clock? A Yes sir.

Q He was with you? A Yes sir.

Q And then you came down and went to the store? A
Yes sir.

Q How did you happen to go into that store? A Because
it is the only place I deal in in the neighborhood.

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Q You lived down in 106th Street? A That's all right.
I always dealt in that place.

Q You lived down in 106th Street, didn't you? A Yes sir

Q And this store is up in 110th Street? A Yes
sir.

Q And all you wanted was a package of cigarettes? A
I passed there---

Q You were on 110th Street and Park Avenue, weren't
you? A I come from 125th Street.

Q And this store was up on 110th Street, between Park
and Lexington Avenues? A Yes sir.

Q Weren't there some stores on the way down home? A
No sir, not on Park Avenue.

Q Weren't there on any of the other corners? A No
sir, not on the corner.

Q Do you mean to say that that is the only place you
could get cigarettes on the way down? A On Park Avenue.

Q So you left your pal on 110th Street and Park Avenue
and went up there alone to get a package of cigarettes? A
Yes sir.

Q And you always patronized that place? A Yes sir,
always.

Q And went up there alone to get a package of cigar-
ettes? A Yes sir.

Q Do you buy cigarettes any other place? A No sir, un-

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less I am up in the Bronx.

Q And that is four blocks from your Home, isn't it? A Yes sir.

Q You went into that store and who do you say was there---Mr. and Mrs. Rosenblum? A No, the man wasn't there, the lady was in the store. The man was over in Brooklyn.

Q And you knew Mr. and Mrs. Rosenblum, didn't you? A Since I was a little boy.

Q And she was there that night? A She was there that night.

Q And Morris Singer and Alexander Singer were in the store? A Yes sir.

Q Did you see the complainant Morris Singer there? Was he in the store? A No, I seen only those two in the store; they were in there before I came in.

Q Did you see the woman there? A No sir, I didn't see nobody.

Q You went in and bought a package of cigarettes? A Yes sir.

Q Now tell us exactly what occurred? A Well, I went inside and bought a package of cigarettes, started to fool with the lady like we always do.

Q What did you do? A I told her, I was talking with her and I says---

Q What did you say? A I said give me a package of

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cigarettes, and she handed me the cigarettes.

Q What did you say? A I was saying to her "Where is Sam gone tonight"? She said "He has gone out sporting." Well, that is the only place a married man can do---go out sporting like a young feller." She got mad and said "Get out of here." I said "Wait till I pay for the cigarettes". The first thing, she told me to get out, I got a slap in the face and I didn't know what struck me, and they grabbed me by the collar and pushed me out.

Q Did she slap you? A No sir.

Q Had you ever seen these men before you went into the store that night? A No sir, never in my life.

Q You had never seen them in that store? A No sir.

BY THE COURT:

Q Which one of those two men slapped you? A The tallest one (Morris Singer).

BY MR. O'MALLEY:

Q Did you hit back? A No sir.

Q What did you do? A The officer just past the candy store then.

Q You were both in the candy store, you and these two men? A Yes sir.

Q And he hit you in the candy store, didn't you?

A Yes sir.

Q And the door was then closed? A The door was closed.

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Q What did the other man do, if anything? A That man, he grabbed me by the collar and pushed me out, the two of them butted in and shoved me out of the door.

Q And you didn't do anything? A No, I didn't lay a hand on them, didn't say a word.

Q When you got at the door you say you saw the officer?
A I saw the officer?

Q Where? A Coming down the street, coming down towards Lexington Avenue.

Q From which way? A From Lexington Avenue.

BY THE COURT:

Q Was that the officer that afterwards arrested you? A The officer that you saw walking past the door of the candy store, was he the officer that afterwards put you under arrest? Was it the same officer? A I couldn't exactly ~~remember~~ remember, your Honor.

BY MR. O'MALLEY:

Q When you came out and saw an officer---A I saw an officer coming down, he didn't have nothing to say, just looked in and passed.

Q Did you complain to him that you had been assaulted in the store? A Yes sir. I told the officer I got slapped in the face for nothing.

Q Did you tell the officer who had slapped you? A Yes, and the officer told something to him and that was all and he

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said to me "Go home, that was only just a little bit--
run home, don't mind that."

Q Was this the officer that you spoke to? A I couldn't
exactly---- I think the officer was off duty.

Q Was he in uniform? A He was in uniform, yes.

Q What makes you think he was off duty? A He didn't
have any belt on.

Q But still he had his uniform on? A Had his uniform
on.

Q What did you do when you got shoved? Then you say
you spoke to this officer. Was he near the store. A The
officer was going towards Park Avenue.

Q Wellm he talked to these two men? A Yes.

Q Did they come out on the sidewalk? A No sir, he
went inside to talk to them.

Q Did you go in? A No sir.

Q Did you hear what he said to them? A No sir.

Q How do you know what he said? A Because he was
saying something to them.

Q You don't know what he said? A No sir.

Q They were still in the store? A Yes sir.

Q You were then in front of 125 East 110th Street.

What did you do? A Going home.

Q Which way? A Started from Lexington Avenue way.

Q Which way did you go? Did you go on the north side

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of the street?

THE COURT: That means the uptown side?

BY THE COURT:

Q When you left the candy store did you walk along the sidewalk in front of the candy store and on the same side as the candy store? A On the other side on a slow trot.

BY MR. O'MALLEY:

Q You crossed the street? A Yes sir.

Q When did you begin to trot? A About twenty minutes after---not quite twenty minutes after.

Q You left this store and came out and you talked to this officer, is that right? A Yes sir.

Q Then you started home? A Not exactly. I talked to a girl friend of mine that lives in 127 East 110th Street--Mrs. Stanagler.

Q You talked with her on the street? A Yes sir.

Q What is her full name? A Annie; 127 West 110th Street.

Q Is she here to-day? A No sir.

Q Is the boy that you went to the show with here to-day?
A No sir.

Q Did you ever ask them to come here, either one of them either that girl that you met on the street or this boy, to come here to-day? A The boy was willing to come.

Q Didn't you ask him to come? A Yes sir. He was will-

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ing to come if he got a subpoena.

Q Did you subpoena him? A No.

Q Did you subpoena this woman? A No.

Q How long did you talk to this woman? A About ten or fifteen or twenty minutes, I will say twenty minutes it was.

Q Twenty minutes you talked with the ~~man~~ woman on that block? A Yes sir.

Q What did you talk about? A Just something about the show.

Q Talked with her about the show? A Yes sir.

Q Anything else? A Asked her when would she want to come up, that's all I asked her.

Q Did you make an engagement to go to that show with her? A I didn't make an engagement, she said she was going to go out some place so she wouldn't want to come.

Q She had time to spend twenty minutes with you on that sidewalk? A Yes sir.

Q Did you start home first or did she start to leave you? A I started, she went upstairs.

Q And you started to run? A Yes sir.

Q Now what got into your head that you wanted to run about that time? A I will tell you. Nothing got into my head, I was just taking it on a slow trot---I had to be home at ten o'clock and I was late?

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Q What time was it then? A About half past nine or twenty minutes to ten.

Q You had four blocks to go? A Yes sir.

Q You had to be home at ten o'clock? A Ten o'clock sharp.

Q Did you feel you had to run four blocks to get home at ten o'clock? A I didn't feel exactly I had to run, but I took it on a trot.

Q You started to run off home? A Yes.

Q When was the first time you saw the officer after you started to run? A I didn't see no officer.

Q Didn't you hear the officer holler at you in that block and ask you to stop running? A No sir, I didn't see no officer holler at all.

Q You ran up to Lexington Avenue on the south side of the street? A Yes.

Q Turned south on Lexington Avenue and started south still running, weren't you?

BY THE COURT:

Q When you got to Lexington Avenue you began to run down town? A Running home, yes sir.

BY MR. O'MALLEY:

Q That was running down town? A Yes sir.

Q You were running on 110th Street? A Yes sir.

Q When you left the store you started on a trot? A

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Yes sir.

Q You continued that trot until you got into Lexington Avenue? A Yes sir.

Q And you were running when the officer came up to you?
A At 109th Street somebody tapped me on the shoulder and said I was under arrest. That was the officer.

Q What did you say to the officer? when he asked you why you were running? A I told him I was going home.

Q Did you tell him why you were running? A No, I didn't. I told him I was going home, that is why I was running

Q He took you back with him? A Yes sir.

Q And then you saw the complainant? A No, I didn't see the complainant then.

Q You didn't see the complainant? A No sir.

Q Did you see him at all that night? A I did.

Q Whom did you see when the officer took you back?

A I only seen two men.

Q Who were they? A A talk man and a short man there.

BY THE COURT:

Q They were the same men that you had seen in the candy store? A In the candy store, yes sir.

BY MR. O'MALLEY:

Q Did you see any women? A No, I didn't see any women at all.

Q Didn't the officer take you up where these men and

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women were? A No, only took me in the middle of the block of 110th Street between Lexington And Park Avenue.

Q Then you were taken to the police station? A Then I was taken to the police station.

Q And then there you saw the complainant? A I saw the two men.

Q And the other two men. A I wouldn't say I seen him or not.

Q Did you see the women? A I didn't see no women at all.

Q Didn't you see any women in the police station? A No, none at all.

Q Weren't there any women there? A I couldn't tell you.

Q Didn't you see this lady here with the red bow on her hat (Indicating Sadie Singer)? A No sir.

Q Wasn't she in the police station? A No sir.

Q Didn't you see the complainant's wife, Mrs. Singer there in the police station? A No sir.

Q Do you see all those three Singer brothers there?

A I might have seen the three but I only saw those two speak

Q Those were the two men who seemed to be after you? A Yes sir.

Q Now did you make any complaint in the police station about these men having assaulted you in the cigar store? A Te They didn't give me a chance to talk.

Q You were in the police station were you not? A
Yes sir.

Q You were there how long? A Just got me name
taken and all.

Q How long did you stay there that night, or did they
take you to the Night Court? A I stood all night in the
police station.

Q And at any time during that evening did you make a
complaint to anybody that you had been assaulted in a cigar
store? A No sir.

Q Did you make a complaint to the officer who arrested
you? A No sir.

Q Did you tell him anything about it? A No sir.

Q When was the first time you ever told anybody that
you had been assaulted by these two Singer Brothers in that
cigar store? A 121st Street Court. Told the magistrate.
He said in court---he says "Hearing from this court;" he
sent me down here.

Q What day was this? A I got bailed out on Sunday,
and Monday morning---

Q You complained to the officer who was passing along
the street in front of that store, didn't you? A Yes
sir.

Q And you tell me you don't know who that officer is? A
No, but I think I remember his face though.

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BY THE COURT:

Q In other words if you saw him you think you would remember him? A Yes sir.

BY MR. O'MALLEY:

Q Have you ever seen him since? A No, I don't get around that neighborhood any more.

Q You don't see him in court? A No sir.

Q But the man who arrested you, did you ask him why you were being arrested? A Yes sir.

Q And did he tell you? A Well, I will tell you, he didn't have a chance, the man started to hit me when the officer had me.

Q Who started to hit you? A The tall man there (Indicating Morris Singer).

Q Started to hit you when the officer had you? A Yes sir.

Q Where was that? A 110th Street, right near Lexington Avenue, right by the private house there.

Q Did he hit you? A He did. Right in the face, scratched me like.

Q Was the officer there? A Yes sir, and another officer was there.

Q What did the officer do? A Stopped him, took me away. He said "Do you want him locked up?" Come down to the station house?

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Q Did he say anything to him? A He stopped him and he said "Come down to the station house. You will do no hitting here."

BY THE COURT:

Q How long had you been working at the Interborough?

A Nine months.

Q What kind of work were you doing for them? A Pipe fitters' helper.

Q Who was your foreman, what was his name? A Murphy, Thomas Murphy.

Q Whereabouts had you worked on the day before you were arrested? A On 129th Street shop.

Q Where is that? A 129th Street, on the L; it is on the structure.

Q What kind of work were you doing? A Pipe fitter's helper.

Q And you had been working there for nine months? A Nine months.

Q After your arrest did you keep on working there? A Yes sir.

Q Are you employed by that company now? A No sir, I just only come out from the hospital after an operation.

Q When did you leave the Interborough Company? A May 25th, last May 25th.

Q Why did you leave them on the 25th of May? A Reduced

force---reduce of ~~force~~ force.

Q How long were you out of work? A I have been out of work ever since I was sick, that is a couple of months ago; I had an operation and just came out.

BY MR. O'MALLEY:

Q You went to work for somebody after May 25th? A Yes sir.

Q Whom did you go to work for then? A Plumber's helper.

Q Employed by whom? A Keith and Murphy, 79th and 80th Streets on Lexington Avenue.

Q Were you working for them? A Not long till I fell sick.

Q When did you go to the hospital? A I went to the hospital ----

Q About when? A I aint got my card with me.

Q About how long ago did you go to the hospital? A About February 5th.

Q Did you work for that firm of plumbers? A Until Feruary? A No sir, I worked four months for them and I got laid pp.

Q When you came out of the hospital did you go to work for anybody? A I couldn't work, I didn't have strength enough.

BY MR. O'MALLEY:

Q You haven't worked since? A No sir.

Q Who was your boss up there when you worked for the

railroad? A Murphy.

Q What is his first name? A Thomas Murphy.

Q Is he here to-day? A No sir.

Q How long had you worked for them? A Nine months.

Q Where did you work before then? A Before that I worked for a grocery store.

Q In a grocery store? A Yes sir.

BY THE COURT:

Q What grocery store? A Up in the Bronx.

Q Whereabouts? A John J. Dolan, 1665 Westchester Avenue.

Q How long did you work for him? A I only worked three days a week---Wednesday, Saturday and Friday.

Q For how long a time did you do that? A I can't remind how long I worked with him.

Q About how long? A That was before I ever worked on a railroad.

BY MR. JACOBS:

Q How long? The Court is asking you, can't you tell?

BY THE COURT:

Q About how long did you work for him? A About a year and a half.

Q When you left him did you go to work right away for the railroad? A Right away for the railroad.

Q For the Interborough? A Yes sir, I worked one month

and went to the Intero borough and got a job as a helper.

BY MR. O'MALLEY:

Q You worked a year and a half for this grocery man, about three days a week? A About a year and a half.

BY THE COURT:

Q How old are you? A Eighteen.

Q When were you eighteen? A Eighteen October 15th.

BY MR. O'MALLEY:

Q Have you ever been convicted of a crime? A No sir, never been convicted.

Q Sure of that? A Yes sir.

RE-DIRECT EXAMINATION BY MR. JACOBS:

Q You recall the policeman in this case who was on the stand throwing a club at you? A No sir.

Q Was there any club thrown? A No sir, never a club thrown at me.

MORRIS JACOBS, called as a witness on behalf of defendant, being first duly sworn, testifies as follows:

EXAMINED BY THE COURT:

Q Where do you live? A 134 Euclid Avenue, Brooklyn.

Q You are an attorney and counsellor at law? A I am.

Q Duly admitted to practice in the Supreme Court of the State of New York? A I am.

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Q Your office is where? A 56 Pine Street. Borough of Manhattan.

Q You are the attorney for the defendant in this action? A I am.

BY MR. JACOBS: (Direct examination)

Q At any time did you see Morris Singer in 106th Street in front of the home of the defendant? A I did.

Q Who was he with, if anybody? A He was with his brothers Alexander and the other one, I forget his first name.

Q When was this? A This was shortly after I was retained by the defendant's father.

Q Was there any conversation held? A Yes.

Q What was said? A Mr. Jacobs asked "What do you want?" And the substance of the conversation was that they wanted \$100. Morris Singer, I believe, was the spokesman---asked for \$100.

Q For what? Did he say at that time why he wanted the \$100. A Well, if I recall, substantially it was to be in a position not to identify the defendant.

BY MR. O'MALLEY:

Q Please tell us what was said?

THE COURT: Strike that out and the jury will disregard it.

A (Witness continuing) As I recall, he said that he wanted the \$100. not to go to court.

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Q Did he ask for \$100. for compensation for the personal injury alleged to have been sustained by him in that as he stated he was struck by this defendant? A No, I don't believe it was that. It was with reference to testifying in this criminal action, as I understood it, not to go to court.

THE COURT: Strike that out and the jury will disregard it.

BY MR. O'MALLEY:

Q Can't you tell us what was said, because it is very important the jury should know what was said, for future purposes? A As I recall it---that is just why I am very careful--as I recall it, he wanted \$100. "What do you want?" I remember saying. Well, he says "\$100." I says "What, for each of you?" And he says "No, \$100." And that was substantially the conversation as I recall it.

BY THE COURT:

Q What did they do then? Did they stay, go away or say anything further? A They went away. I believe I went back into the house with Mr. Schroell. I had been in waiting for them---I had been in the house before that and then I was called out by Mr. Schroell the father when he said "They are here".

Q And the conversation that you have told us about is the conversation in which two of the Singer brothers participated? A I believe all three were present at the time. There

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were three parties there, I recall, if I am correct.

Q Three besides yourself? A And Mr. Schroell. And this conversation took place in front of the stoop. There are two railings---there is a railing or a semi-circle---the railing is a semi circle and they were leaning up against one of those semi-circles directly in front of the house. There is a very low stoop there and we were standing right there, not in the street but in between by that semi-circle as the railing branches out on either side of the house.

BY MR. O'MALLEY:

Q Had you seen either of these three men before that time? A I had.

Q Will you tell the jury under what circumstances

A As soon as I had been retained---

Q Tell us when you were retained? A Well, I can't tell you exactly the exact time, but I know it was after the police court proceedings, in the magistrate's court. Charles Winn recommended me to the father of the defendant, and Charles Winn lived right adjoining in the first private house to the house of Mr. Schroell.

Q The magistrate's court's proceedings took place in March, didn't it, early in March 1910? A I don't know.

Q This took place on February 29th or February 19th? So the magistrate's proceedings ~~must~~ must have been late in February 1910. A Well, I guess I was retained shortly after

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the proceedings in the Magistrate's Court. I recall that it was I who appeared for him at the time he was allowed to be discharged on bail.

Q Was that immediately after the magistrate's court proceedings? A I couldn't say. I know I saw him attorney at the time he was in the Tombs but I never saw him there. We procured bail.

Q He pleaded here on--- A I was ~~at~~ his attorney at the time he pleaded.

Q He pleaded April 11, 1910 how long before that had you been retained? A Well, if I can recall, I should judge a month or more, I am not sure about that, I think it was more than that.

Q Was this conversation before or after he had pleaded? A It was before he pleaded in this court.

Q Before he pleaded in this court? A Oh yes.

Q So that would be prior to April 11th? A Yes, if ¹⁹¹⁰ that was the date he pleaded, yes. As soon as I was retained I went to 110th Street to see these people to find out what the facts were and investigated the case myself. I have no investigators except myself.

Q How long prior to the day he pleaded guilty---give us your best recollection on that? A Well, as I say, I believe it was shortly after the magistrate's proceedings. If you give me the time he was discharged, he was out on bail---

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THE COURT: He was before the magistrate on February 20th, 1910; that was the day of the making of the complaint.

MR. O'MAILLEY: Would the papers show when he was bailed, your Honor, in this court?

THE COURT: Bailed on February 25th.

A I had been his attorney then.

Q How long after February 25th was this conversation?

A I think a short while after that, because I think I took Schroell with me to point out the house that these people said they lived in, so he must have been out then at that time.

Q So then it was between February 25th and April---

A And the time he pleaded? Between those times.

Q Was it in March? A Well, I think it was shortly after he was bailed.

THE COURT: He pleaded on April 11th in this court.

THE WITNESS: Oh, it was long before that that I had this conversation up there. It was shortly after he was out on bail.

Q Is that the only conversation that you had ~~in~~ in which these complainants took part up on 106th Street? A No, I was in their house in 110th Street.

Q Afterwards? A Oh, long before.

Q What--- A As soon as I was retained I went up there

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Q You never had any other conversation on 106th Street except the one you have told us about? A That's all.

Q What took place shortly after the defendant was bailed? A Well, one conversation that I have testified about was the only one I held with them, in 106th Street.

Q What day of the week was it? A That I couldn't recall I believe it was a Sunday morning.

Q Where is your home? A My home was then---I lived then in the Victoria in 138th Street and Lenox Avenue.

Q How far is your home from this place. A Well, 138th Street and 106th Street. I came dwn, I presume, on the Lenox Avenue car and transferred .

Q Don't you remember which way you came down? A No.

Q You think it was Sunday morning? A I think I stopped in somewhere at first before I got down to their house.

Q Why did you come down? A Because I was asked to come down.

Q Who asked you? A I believe Mr. Schroell ^{or} ~~ask~~ Mr. Winn asked me---I believe Mr. Winn telephoned.

Q When, that same day? A Well, I don't know, I am not sure about that. I believe Mr. Winn did before that morning, ---or had phoned before and tried to get me, if I can recall it.

Q The same day? A I don't know. I know---I wont be

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sure about that---he may have phoned before--- I believe it was that morning, I am not sure about it.

Q Is your telephone number in the book? A No.

Q How did they get your telephone? A Not that telephone number.

Q How did they get your telephone number? A Well, Charlie Winn knew my number.

Q But you don't know or recall who telephoned for you or whether they telephoned that morning or not? A Well, I believe ---I will tell you, I believe the phone came from Charlie Winn's house because that is the nearest phone to Mr. Schroell, and it was through Mr. Winn I came into this case.

Q But you don't remember whether it came that morning or not? A Well, I am not positive about that now, no. If I were to recall all the incidents of telephone calls to my house I would have quite a job.

Q What time did you leave your house? A Well, I ~~want~~ ~~say~~ ~~think~~ am not sure about that. I got there, I think, about 1 o'clock, if I can recall it.

Q Was it morning or afternoon? A I think it was after-dinner time, about 1 o'clock. I don't know whether after dinner or not, but about 1 o'clock, I believe everybody had gone out to Church across the street at the time. I recall that there was some boys playing ball in the street--- it was quite a sunny day, a very nice day, I recall that.

Q When you got into the house you had a talk with Mr.

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Schroell, did you? A Yes.

Q What did he tell you? A He told me he expected those people to come around there, that they wanted to get some money to settle the thing so they wouldn't have to go to court and I told him "Why, it is a case of extortion". I said "The best thing to do is to try to get the District Attorney or get some police official in communication and give them marked bills".

Q Did you do that? A No.

Q Did you make any effort to do that? A No, I did not. Well, I made an effort in that I suggested it.

Q Well, you didn't call up any police officer? A No.

Q Or the District Attorney? A No.

Q Did you do it at any time after they made this proposition to you? A No, except I told the Assistant District Attorney down here that it could be done at the time and I suggested it to him at the time we pleaded. The chances are I told him they were willing and he could get them to accept \$100. in marked bills. Well, he said "You have to go upstairs, I am too busy, I can't bother with that now".

Q Do you know how it was that these defendants referred to you as Mr. Schroell's little friend? A Why, because I was in ~~there~~ their house. When I investigated the facts I did not tell them I was an attorney. It may not have been the wisest thing for an attorney to do, but it was the way

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I did it. I am not familiar with the practice of the criminal law and I believed if I got the facts direct from the people myself by my own investigation I would be able to defend the case better than if I had not seen them and conversed with them before I went to trial.

Q To whose house did you go? A I went to him in 110th Street.

Q That is to Morris Singer's place? A If that is where he lives. I know I went upstairs.

Q Did you go to the complainant's home? A Where was that? I only went to one place in 110th Street.

Q You never went to Samuel Singer's home? A I only went to one place.

Q How did you come to go to Morris Singer's? A I took Frank Schroell with me and asked him where the candy store was that he was in and he pointed that out and I found out that those were the people that lived right upstairs over the candy store.

Q How did you ascertain that? A Because that is where the Singers lived. He knew who the Singers were.

Q The defendant had known who the Singers were? A He knew they lived up---this is all after the police court proceedings.

Q Did Schroell, the defendant, go up with you? A No.

Q Whom did you see up there? A I saw, if I recall

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correctly, Morris Singer and Alexander Singer and this lady.

Q What conversation took place then? A I asked them how this occurred. I told them I was a friend of the Schroell family and they said that they were walking out, that they had a very good time and was enjoying themselves and they ~~walked~~ walked out and they were assaulted.

Q They walked out? A Yes, they went out.

Q And the woman was there at the time, the wife? A This lady that was on the stand, yes, she was there.

Q What did she say? A Oh, she was very indignant over the fact that they were assaulted, and she expressed herself that way. And she said if you want to know, if I can recall now, she said that such things "Don't occur in other countries".

Q That it was an unprovoked assault? A Well, she said it is a thing that doesn't happen in England. And she was very indignant.

Q Your visit there was simply to ascertain the facts in regard to their complaint? A That is all. That was my object in going there, the same as I would in any proceedings.

Q It may have been wiser, of course, to disclose the fact to them that you were an attorney? A Well, I don't know that it would have been. I admit I am not familiar ---I have only tried one other case in my life in the criminal court; I prefer much to try civil cases.

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Q Is that the only time you ever saw them? A I have seen them here around the halls.

Q You have never talked with them about it, have you, any other time that you recall? A No, except on those two occasions when I was at his house in 110th Street and when I was there in 106th Street.

Q Did you know they were coming back the following Monday? A I didnot, I don't recall that I did.

Q Didn't they say they were coming back? Wasn't there some talk there about that? A There was some talk, I remember about coming back, but I don't know whether I knew they were coming back Monday or not.

Q Don't you recall Mr. Schroell saying he would see an an aunt? A I recall his saying that but I don't recall now.

Q You don't recall that they said he told them to come back next day? A I don't recall that. As far as to recall everything that takes place, I didn't intend to take the stand to testify.

Q In any event you never made any effort at that time to call it to the attention of the authorities except at the time of pleading? A Yes, and I further believe if it was done at that time the situation could have been cleared up then. I was candid and I had Mr. Schroell tell you the story when I knew you were in the case, without any objection. There is no question in my mind and I know I was in my right senses

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that Morris Singer was in 106th Street at a conversation that I took part in and Mr. Schroell was there with the other two gentlemen,

Q Morris Singer? Well, that is what you have already testified to, that they were all there? A Yes, there is no question about that.

Q There was one conversation in which you took part in 106th Street? A Yes, that is the conversation. I asked them what they wanted.

Q Are you sure it is the same conversation that the father of the defendant is referring to? A I believe it is the same conversation, because it is the only conversation that I attended so it must be the same conversation. And there isn't any doubt in my mind because I know I was there.

D E F E N D A N T R E S T S

MR. JACOBS: Is it necessary, if your Honor please, for the satisfaction of the Court to make a note of my remarks to your Honor before I took the stand in the case?

THE COURT: It is not necessary, no.

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SAMUEL SINGER, recalled by the People in rebuttal, testifies as follows:

DIRECT EXAMINATION BY MR. O'MALLEY:

(Witness testifying through Official Interpreter Rosenthal.)

Q I want you to pay strict attention to what I say and the questions that I ask you so that you will understand them. It has been testified here by two or three witnesses that you and your brothers Morris and Alexander, some day after this defendant was held, and before he pleaded, went to the house of the defendant's father up on 106th street, and had certain conversations there with him in the presence of his attorney, Mr. Jacobs, in regard to this case, and I want to ask you specifically about this. Do you understand my question? A I was never there.

THE COURT: Just ask him whether he ever talked with the defendant's father in 106th street.

Q Did you ever talk with defendant's father, Mr. Schroell, at his house in 106th street, or at any other place in 106th street?

MR. O'MALLEY: Stand up, Mr. Schroell.

(Mr. Schroell, the defendant's father, arises in the Court room.)

A No, I spoke to him in 121st street in the Court, at the time of the trial.

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Q That was the only time you ever spoke to him? A Yes.

Q Did you ever go to Mr. Schoell's house with your brothers Alexander and Morris, at any time? A Never.

Q Did you ever go with your brothers Alexander and Morris to the house of the defendant's father, at 115 East 106th street at any time since this defendant has been arrested? A No, never.

Q At no time? A Never.

Q Did you ever have a talk with the defendant's father at any place outside of the Court in which the defendant was arraigned? A The only time in the Court.

Q Did you ever have any conversation on 106th street, or at any other place with the defendant's father in the presence of Mr. Jacobs the attorney for the defendant? A I didn't know this lawyer, and I don't know him, and I haven't seen him.

Q (Question repeated) A No, I didn't speak at all about the case.

BY THE COURT:

Q No, about anything? A I had no occasion to speak about it at all with anybody.

Q Did you ever talk to the defendant's father in the presence of this lawyer, Mr. Jacobs? A No.

BY MR. O'MALLEY:

Q Were you ever present at a conversation in which your

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brother Alexander Singer or Morris Singer took part, between the defendant's father and your brothers in the presence of Mr. Jacobs? A No.

Q Have you or your brothers, either one of them, ever at any time, or together, or when either of them were alone ever said anything to anybody about accepting one hundred dollars for not going to court in this case? A No, I had no occasion to talk to anybody about it.

BY THE COURT:

Q Was the sum of one hundred dollars mentioned by you or in your presence at any time in connection with the defendant? A No, in my presence nothing was said about money.

BY MR. O'MALLEY:

Q You yourself never entered a cigar store on East 110th street, that night, when you came out of your brothers, did you? A No, sir.

Q Did either your brother Alexander or Morris go in there? A This I don't know, because I walked in front of them, and they walked behind me.

Q You didn't see them go in there? A I didn't see them.

CROSS EXAMINATION BY MR. JACOBS:

Q At the conversation that you had in the police court with Mr. Schroell was there anything there said in regard to money? A No. The father only told me that I should have

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sympathy with him, it was his child --- although he may have done it, but I should be merciful.

Q What did you say to that? A How can I forgive him, look at my face and look at the stab. How can I forgive him? How can you expect that.

Q After that did you then have a conversation with your brothers about this case? A Yes, sir, my brothers were also in the court.

Q What conversation did you then have with your brothers about this case? A We had no conversation. We were examined before the judge and then we went away, went home.

Q After you had the conversation with Mr. Schroell did you talk to your brothers about this case? A My brothers told me as I don't know much about the proceedings in this country, - my brothers told me that this case wouldn't be ended here, it would have to go to some other court for trial.

Q Where did that conversation take place? A While we were walking out of the court room.

Q Was that all that your brothers had to say to you at that time? A Yes.

Q Did you tell them what Mr. Schroell had said to you?
A When the old man Mr. Schroell told me that, my two brothers were present, and the sister-in-law was also there, we were all together there.

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5 Q After you had this conversation with your brothers,
where they told you that it would have to go to some other
court, did you hold any conversation with them at any time?

A No.

Q So after you were informed by your brothers that it
would have to go to another Court you never heard any
further conversation at all with regard to this case? A No.

Q Never mentioned the case, yes or no? A No, nothing.
We were waiting until the time would come for the other
court.

A L E X A N D E R S I N G E R, recalled in rebuttal, by
the People, testifies as follows:

DIRECT EXAMINATION BY MR. O'MALLEY:

Q When you left your own home that night, 125 East 110th
street, did you go downstairs with your brother Sam and your
brother Alexander, and the two women? A Yes, sir.

Q And you all went down together? A Yes, sir.

Q Did you go into that store that night? A No, sir.

Q Did you see this defendant in that store? A No, sir.

Q And you didn't slap him in the face there? A No, sir.

Q Nothing of that kind took place? A No, sir.

Q Did you follow your brother Sam and the two women
right up? A Yes, sir.

Q How far did you keep behind them as you went up the
sidewalk? A Whenever I got from here to there ---

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Q About the same distance as you testified this morning, about fifteen feet? A Yes.

Q And you saw or spoke to no one until this thing occurred up near Madison avenue? A Yes, sir.

Q Were you in that store at all that night? A No, sir.

Q Did you and your brothers Al Morris and Samuel ever go to 106th street, to the home of the defendant's father, and have a conversation there with him in the presence of the attorney for the defendant, Mr. Jacobs? A No, sir.

Q Did you and your brother Morris ever go to the home of the defendant's father? A No, sir.

Q And have a conversation at any time with the defendant's father in the presence of his wife and daughter? A No, sir.

Q Were you and your brother Morris ever in the defendant's -- or in the home of the defendant's father at 115 East 106th street? A No, sir.

Q Did you ever have a talk with the defendant's father?
A No, sir.

Q In the presence of the defendant here, or alone with the defendant's father in regard to one hundred dollars for the settlement of this case? A We had a conversation at that time. That was on a Sunday, when we all had spoken together.

Q Answer the question yes or no? A No, sir.

Q (Question repeated) A Never, no, sir.

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BY THE COURT:

Q Did you ever have any talk with the defendant's father about the payment by him of one hundred dollars? A No, sir.

Q For any purpose at all? A No, sir.

Q Were you ever present when the sum of one hundred dollars was mentioned in the presence of the defendant's father? A No, sir.

BY MR. O'MALLEY:

Q You never heard a conversation between either of your brothers Samuel or Morris with the defendant's father in regard to one hundred dollars? A No, sir.

Q And you were never present when any such conversation took place? A No, sir.

BY THE COURT:

Q Were you ever inside of the house 115 East 106th street? A No, sir.

BY MR. O'MALLEY:

Q At any time did you see Mr. Jacobs? A Yes, sir.

Q Will you tell the jury when and where you saw him?

A I saw him --- that was on a Sunday after about two weeks or three weeks, when that case went down on the police court.

Q Two or three weeks after the case --- A After the case went down in the police station --- when the case went down over there.

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Q Down here, you mean? A Down here. At that time I was just having my rest on Sunday, because I come home about three from my work on Sunday. At that time I was living in 110th street, and I had to work in Amsterdam avenue, and had to be there on Sunday until half past one, or one o'clock, dinner time, and I had to be there this same Sunday till two o'clock, and I came and I had my dinner, and I had a rest on the couch. It was about three o'clock when my Missus woke me up and say "Look here, here is some young gentleman who speaks to me about my case."

Q Where were you living at that time? A 110th.

Q 125 East 110th street? A Yes, sir.

Q Where was your store? A In Amsterdam avenue, 1949.

Q And you had your store open on Sunday? A I am working there for another gentleman, but I have got to be there to shut up the store and open the store.

Q Tell what took place? A Every Sunday before I could reach 110th street, that was about two or half past two, when I could reach home to my dinner. Of course, I have got to be every Sunday there in Amsterdam avenue, and the same Sunday when my Missus woke me up and say, "Here is a gentleman," that man, I don't know what name --- he is the lawyer, this gentleman sitting here (Mr. Jacobs), he was speaking to my brother.

THE COURT: Just talk up now, and not as fast

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as you are talking. That means talk a great deal slower, and talk a good deal louder, so that those gentleman won't have to lean forward to hear you. Now, take your time.

A. (Witness continuing) That was exactly on a Sunday that Mr. Jacobs come up in my place, two or three weeks before I moved out to Amsterdam avenue; he came up, so my Missus waked me up, that was about three or half past three, but between this time, she said, "Mr. Singer, here is some gentleman speaks to me about a case --- I shall tell him all about this case." That gentleman said, "You Mr. Singer?" I said, "Yes, sir." "What you saw in the case?" I say I saw, it was a case, I never expect in my life there would happen such a case, because I just went by my brother with my wife --- with the two wives, and I am with the two brothers, that a feller ran after us, pushed us away, this was the way I spoke, and struck my brother, and after that the case goes in a further court. He said, "Look here, you must recollect that the old father has got good children and bad children. Maybe the boy done it, only one thing, don't break the old mother's heart; it will be a big favor if you never break the old mother's heart. Don't go so hard." I said, "I will speak the same thing that I spoke in the police Court." That was the only conversation, and at that time he left, and when he left he said, "Do you know who I am?" He

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said, "I am engaged to the young lady that is a sister to the defendant". After he went away in the same time when that man was, my brother Morris had just come up, when that gentleman went away from my house --- he come up just the same time to my house --- that was about four o'clock this gentleman went away and I with my wife and Morris Singer went to the park for a walk. That is all the conversation.

Q That was the only time? A The only time I saw this gentleman.

Q That was the only time that you ever saw Mr. Jacobs, is that right? A Yes, sir. I spent a lot of time here in Court before we could come to the case, and when we come to Court he point out to the two ladies, "This is the gentleman what is the witness." This Mr. Jacobs pointed out to the stout lady and the daughter and say, "This is the gentleman".

Q I understood you to say that you never were in the house of Mr. Schroell at 115 East 106th Street? A Never.

BY THE COURT:

Q Did you ever stand in front of that house? A No, sir.

Q Up at the railing, and talk with Mr. Jacobs, or with the defendant's father? A No, sir.

CROSS EXAMINATION BY MR. JACOBS:

Q When I came in was there not another man there besides yourself?

BY THE COURT:

Q At the time that Mr. Jacobs called at your house was there another man there besides yourself and Mr. Jacobs, yes or no? A No.

Q At the time that your wife woke you up and you went into the room in which Mr. Jacobs was in your house, was there any other man there except Mr. Jacobs and yourself?

A No, sir, only I with my wife and Mr. Jacobs, and after the time, just when Mr. Jacobs wants to go out from the room Morris Singer stepped in, and I told him "This is the friend that comes here to have a conversation about the case".

BY MR. JACOBS:

Q Was Morris Singer inside the room when I was there?

A No, sir.

Q Do you understand the question? A I understand that question. No, sir.

BY THE COURT:

Q Was your brother Morris Singer in the room where Mr. Jacobs was at any time while you and Mr. Jacobs were there, referring now to a room in your house? A Mr. Morris Singer, when Mr. Jacobs was in my house?

Q When Mr. Jacobs was in your house, and in a room in your house was Mr. Morris Singer there at any time?

A Yes, sir. He come just at the time when Mr. Jacobs wasn't

in my place, and he just come up. 132

Q Your brother Morris Singer was after that time in the room that you and Mr. Jacobs were in? A Yes, sir.

Q Referring now to a room in your house? A In my house, yes, sir.

Q So that during a part of the time, between you and Mr. Jacobs, you were alone with Mr. Jacobs, and during a part of the talk your brother Morris was there also? A Yes, sir.

Q Is that so? A Yes, sir.

BY MR. JACOBS:

Q And this lady was there, referring to your wife?

A Yes, sir; my wife was there.

Q And we were in the dining room, were we? A In the front room.

Q Have you a sideboard? A No, sir, we haven't got no sideboard.

Q Did you have a dresser, or a bureau? A I only got --- I don't know what you call her --- only a thing like --- a thing with drawers; that was standing exactly to the wall.

Q And it was in front of that that you and Brother Morris and your wife were there when I came in, was it not? A No, sir, I was sleeping.

Q You were sleeping? A Yes, sir.

Q When I came in you were sleeping? A Yes, sir. My

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wife woke me up.

Q How long was I there? A I can't tell so long when my wife wakes me up. You were there fifteen or twenty minutes.

Q Your wife had her hat on when I was there? A I can't remember. I can't say that, because after you left our house we went over to the park for a walk, I and Morris Singer and my wife. What she had on at that time, I had my rest at that time on Sunday, and I couldn't remember.

Q And I asked you how this came up, did I not, this that had happened? A Yes, you asked me.

Q Did you tell me? A Sure I told you.

Q Did you tell me that there were a lot of boys in 110th street at the time? A No, sir, I beg your pardon.

Q Did you tell me about any other person than the defendant at that time? A No, sir.

Q Did you not pick out another boy, Slabrick? A I picked out? No, sir.

Q As one of the boys that hit your brother? A No, sir.

Q He was arrested, was he not? A I can't tell you because when the case came to the Magistrate in the Court on a Sunday, I say strictly in the other fact, that feller I never saw, only what I saw, I saw this young feller (indicating defendant), and the other feller the magistrate discharged, because I couldn't see the other feller, only this

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feller (defendant).

Q The parents of this other boy were in the Magistrate's Court, talking to you, weren't they? A I can't tell you.

THE COURT: We won't go into that.

Q Did this boy Slabrick speak to you in Jewish? A No, sir.

OBJECTED TO/

THE COURT: Yes, we won't go into that at all.

Q Well, all I asked you was to have you tell me what the facts were in this case? A You asked me, if you allow me to speak, when I woke up you told me, "I just come to know what happened, two weeks or three weeks" --- I don't remember how many weeks after when you came up in our place, I can't tell you exactly, "Because" you say, "I am so near to these people, I am engaged, I want to know what happened. I can't believe a boy shall do such a thing." But we told you all the story that happened, and after my wife and I told you every thing, you say, "Do a favor, really that will break my mother's heart if you go to tell such a thing in the Court, don't be so hasty, don't go, because you know a father has good children." That you said to us in our house, that's all I know.

Q Did you tell me anything about one or two boys at that time? A No, sir.

MR. O'MALLEY: Objected to.

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THE COURT: We won't go into that any further.

THE WITNESS: You want to twist me around?

THE COURT: You may interrogate him in regard to the alleged conversation in front of the house in 106th street.

MR. JACOBS: I will do that, your Honor.

Q After you had met at the house, did you see me again?

A No, sir.

Q You are sure about that? A I saw you here in the Court.

Q After you saw me at your house? A No, sir; only in the Court, when you point out with the finger, "This is the man, that is the witness", to the two ladies.

Q Do you recall being in my presence in 106th street?

A No, sir.

Q Directly across the way from a church? Do you remember that church in 106th street? A Can you tell me what time that was?

Q About one o'clock on a Sunday? A If you prove me that at one o'clock I can be away from Amsterdam avenue before I shut up the shop you can do anything you like. I can't be here. I was living on Amsterdam avenue, I couldn't be here.

Q Say two o'clock. A I never was there.

Q Could you be there at two o'clock on a Sunday? A I never have been there.

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Q Could you? A I never been there.

THE COURT: Proceed with something else now.

Q Do you know that there is a church in 106th street?

A I never know because I never was much in the east end of America, because I only come over not long ago, and if you kill me now about 106th street I never find it now.

Q Did you ever pass through 106th street in your life?

A Maybe I did. I don't know what streets I passed.

Q Do you know if there is a church in 106th street between Lexington and Park avenues? A No, sir, I don't, I never took no notice because I always worked in Amsterdam avenue.

MORRIS FRISINGER, recalled in rebuttal, on behalf of the People, testifies as follows: (Through Official Interpreter Rosenthal)

DIRECT EXAMINATION BY MR. O'MALLEY:

Q When you left your brother's home that night at 125 East 110th street with your brothers Samuel and Alexander, and the two women, did you go into a cigarette or cigar store or a candy store on 110th street? A No.

Q Did you go into any place after you came out of your brother's home and started towards the subway? A No.

Q Did you see this defendant at any time before you saw him running away from your brother up near Madison

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avenue? A No, sir.

BY THE COURT:

Q Did you strike him with your hand on the face while you were in a candy store that night? A No.

Q Were you present in the candy store while this defendant had a conversation with Mrs. Rosenblum, or any woman, in which he asked her where her husband was? A No.
BY MR. O'MALLEY:

Q Now, then, were you ever at 115 East 106th street, the home of the defendant's father, with your brother?

THE COURT: Ask him first if he was ever there?

Q Were you ever there? A No.

Q Did you ever go there in company with your brothers, samuel and Alexander? A No, sir.

BY THE COURT:

Q Did you ever have a talk in front of that house and while you were standing on the sidewalk in the presence of Mr. Jacobs, the defendant's attorney? A No, sir.
BY MR. O'MALLEY:

Q Did you and your brother Alexander ever go to that house at any time and have a conversation with the defendant's father in the presence of the defendant's mother and sister? A No.

Q Did you at any time have a conversation with the defendant's father in which you said you would take one hundred dollars to drop this case? A No.

Q Did you ever talk about one hundred dollars or any sum

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with the defendant's father, or with the attorney for the defendant, or in the presence of the attorney for the defendant, with the defendant's father? A Nothing, didn't speak at all.

CROSS EXAMINATION BY MR. JACOBS:

THE COURT: Confine yourself to the question of his presence in the candy store and to the question as to whether he did have a talk at the time when you were present at 106th street.

(The following questions are put and answers given without the aid of the interpreter.)

Q Do you know Mrs. Rosenblum? A No, sir.

Q Did you ever see her? A No.

Q Never spoke to her? A No.

Q Were you in the candy store of Mrs. Rosenblum on 110th street on the evening of February 19, 1910? A No.

(The following questions are put and answers given thereto through the official Interpreter Rosenthal.)

Q Were you present at a conversation between your brother and myself at your brother's house? A I arrived while the attorney was there.

Q Did you hear what I said? A Yes.

Q What did I say? A That we should have sympathy

with the old father.

Q Did I ask you to tell me the facts of this case? A You didn't speak to me at all, you spoke to my brother.

Q Didn't you hear the conversation? A Yes, he said we should have mercy with the old father.

Q That is all you heard me say? A Yes.

Q Did your brother have his overcoat on at that time?

A No.

Q Did his wife have her hat and coat on at the time?

A No.

Q Did you ever go through 106th street in your life?

A Yes, sir.

Q Do you know where the church is in 106th street?

A I never go in the church.

Q Do you know where the church is between Lexington and Park avenues? A I pass there every day.

Q You know the little box of fish that is in Mr. Schroell's window? A No.

Q You pass there every day don't you? A I don't look into the window.

Q But you know ---

THE COURT: Come right down to the particular day.

Q On a Sunday were you ever present at a conversation where your brothers, Mr. Schroell and Mr. Jacobs were present

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in front of 115 East 106th street? A No.

Q Standing right in front of the vestibule, in the entrance to the sidewalk, that goes right onto the street, right in front of the house? A No.

Q You never were in that house? A Never.

THE COURT: Now, Mr. O'Malley, the evidence in this case is in such shape that I shall feel constrained under Section 410 of the Code of Criminal Procedure to advise the jury to acquit. I advise you to acquit, Mr. Foreman.

The Jury now returns a verdict of not guilty.

THE COURT: Now, I direct that the entire matter, the testimony in this case, be submitted to the grand jury by the District Attorney, for such action as may be proper.

MR. O'MALLEY: Very well, your Honor, that shall be done.

MR. JACOBS: In behalf of the defendant, I thank your Honor.

THE COURT: (Continuing) In order that there may be a careful investigation. Some persons here seemingly have committed deliberate perjury, and I am going to leave no stone unturned to find out who it was.

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Gentlemen, you are excused until to-morrow
morning at half past ten.

The Court adjourned until Wednesday, April
26th, 1910, at 10:30 a. m.

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