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0207

New York, October 18th, 1915.

I N D E X.

Witness

Direct Cross Re-Direct.

WILLIAM F. MARTIN,

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CASE #2105

COURT OF GENERAL SESSIONS OF THE PEACE.

City and County of New York, Part II.

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

-against- ;

OWEN MADDEN. ;
----- x;

2562

New York, October 7th, 1915.

Indicted for Murder in the First Degree.

Indictment filed 16th day of December, 1914.

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

For the People:

ASSISTANT DISTRICT ATTORNEY EDWARDS, and

DEPUTY ASSISTANT DISTRICT ATTORNEY DEUELL.

For the Defendant:

CHARLES E. COLLIGAN, ESQ., and

MISS ANNA MOSKOWITZ.

Before: HON. CHARLES C. NOTT, Judge.

PROCEEDINGS ON MOTION FOR A NEW TRIAL.

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MARGARET EVERDEEN, (400 Fourth avenue, Astoria,
Long Island), called as a witness on behalf of defendant, Owen
Madden, testified as follows:

BY THE COURT:

Q Before you testify I want to warn you of your rights and
liabilities. You have hitherto been on the stand and examined,
sworn and examined under oath. I understand from this affidavit
you now state that you committed perjury upon that trial?

A Yes, sir.

Q And you now are taking a second oath? A Yes, sir.

Q The same as the first oath you took, to be examined under
oath again? A Yes, sir.

Q Now, do you understand the consequences of perjury com-
mitted, that it is a criminal offense, punishable by imprisonment
in States Prison up to a maximum of twenty years? A Yes, sir.

Q You understand that anything you say here can be used
against you? A Yes, sir.

CROSS EXAMINATION BY MR. EDWARDS:

Q Is this signature on this affidavit yours? A Yes, sir.

Did you swear to that? A Yes, sir.

Q Where? A In the office of Miss Moskowitz.

Q Where was that? A In the Woolworth Building.

Q Do you remember the day? A I could not exactly remember
the day and date, no, sir.

Q Do you remember the month? A September.

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Q It is dated september 22nd; was that the date? A Yes, sir.

Q Where are you living now, did you say? A 400 Fourth avenue, Astoria, Long Island.

Q Who are you living there with? A Mrs. Coughlin.

Q How long have you been living there? A We have been living there since last Friday.

Q Where were you living before that? A 163 West 145th street.

Q Who was living there with you? A Freeda Horner and Lawlor.

Q Any one else? A No, sir.

Q When did you leave there? A We were there about six weeks ago.

Q Six weeks ago? A Yes.

Q About what month would that be in? A The latter part of August.

Q You were living there when you made this affidavit? A Yes, sir.

Q You swore in the affidavit, did you not, that you lived at 23 6th street, Woodside, Long Island? A Two days after the affidavit was made out, we went there to live, but at the time of the affidavit I was away from home, just one day.

Q Well, the affidavit was made on the 22nd of September; when did you last live at home, - that is your home, isn't it, 23 6th street? A That is my mother's home.

Q How long since you left there at the time you made this affidavit? A It could not have been more than three or four

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days.

Q You were not living there at the time you made it, were you?

A No, sir.

BY THE COURT:

Q In the affidavit you swore you did live there? A That was the address of my people I gave.

Q You swore you resided there? A I was not there at that time.

Q How long since had you lived there? A I really haven't lived with my people at all. I have been there on and off from time to time.

Q Have you lived there for a year? A No, sir.

Q Then why did you swear that you lived there? A That was my address. I always gave my mother my address.

Q You swore you lived there, why did you do that? A For no reason whatsoever.

BY MR. EDWARDS:

Q As a matter of fact, you did not live there? A I never lived with my mother any length of time.

Q Since you left the Waverly House, on the 3rd of June, following the trial of Owen Madden, you have not lived at home? A I have been home on and off.

Q But you have not lived there? A For a week or two at a time.

Q But never more than that? A No, sir.

Q You say in this affidavit that you have received no promise

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or inducement to make it? A No, sir, no inducement.

Q When did you first get into communication with Madden's friends? A About six weeks previous to the affidavit, to the signing of the affidavit.

Q Who did you get into communication with? A Through Joe Dean I got into communication with them.

Q You looked for them? A Yes.

Q How long was it after you got out of the Waverly House on the 3rd of June that Madden friends began to approach you? A That I could not say. I only know I was told about their looking for me.

Q Told by whom? A By people, different people.

Q Don't you remember coming to the District Attorney's office on the 3rd of June, with Freeda Horner? A Yes, sir.

Q And you coming to see me? A Yes, sir.

Q And telling me that you wanted police protection? A Yes, sir.

Q Because you were being threatened and hounded by Madden's friends to change your testimony? A I did not mention any names in your office, whatsoever.

Q Didn't you make that statement in substantially those words? A Yes, but not mentioning any names.

Q Didn't you say Madden's friends were coming down to Woodside, Long Island, where you had been staying for a few days with your family and threatening your father and brother? A Mentioning no names.

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Q Didn't you make that statement to me? A Yes, sir, mentioning no names.

BY THE COURT:

Q Who did you say were coming down to threaten your father and brother? A The boys; people came to tell my father, different fellows he would meet on the cars.

Q Told him what? A Saying they wanted to get help off me, but did not mention any names. In fact, I did not see the people myself. I only knew what I was told.

BY MR. EDWARDS:

Q I took you down to see Mr. Perkins, didn't I? A Yes, sir.

Q And you went in to see Mr. Perkins? A Yes.

Q You told him you wanted police protection? A Yes.

Q And he assigned two police officers to investigate what you said? A Yes.

Q Do you remember coming down again to the District Attorney's office? A Yes, sir.

Q When was that? A I just don't remember the day or date, but I know I came down there.

Q About what month was that in? A The latter part of July, or the first part of August.

Q It was about the 5th or 6th of August, as my recollection served me; that is about right, isn't it? A Yes, sir.

Q You saw Mr. Deuel? A Yes.

Q And afterwards you saw me? A Yes.

Q You told us both that Freeda was about to leave home,

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didn't you? A Yes.

Q And you told us you were still being threatened, and urged to change your story? A No, sir; I didn't mention any names.

Q I didn't mention any names in my question, did I? A No.

Q Didn't you state to me just what I repeat, that you were still being threatened and urged to change your testimony as told on the trial? A No, sir; I never said I was urged to change my story.

Q You asked to have the District Attorney's office send you out of town? A No, sir, positively not. It was the District Attorney's office that kept coming to me home every week since I have been out and urging my people to send me out of the city.

Q Didn't you ask to be sent out of the city in Mr. Deuel's presence? A No, sir; it was Mr. Deuel's suggestion.

Q Didn't you ask it, your own idea? A No.

Q As a result of that talk you did go out of town? A Yes.

Q And you stayed away for about ten days or two weeks? A Yes.

BY THE COURT:

Q What was your purpose in going to the District Attorney's office on that occasion? A Your Honor, the District Attorney's office sent detectives to my home several times, from the time we went down and mentioned that.

Q What was your purpose in going to the District Attorney's office on the second occasion you went there? What did you go there for? A I went down and showed him a letter.

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BY MR. EDWARDS:

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Q You told us at that time, did you not, that Freeda Horner was going to change her story? A I did not say anything whatsoever. It was in the letter.

Q Didn't you say to me and to Mr. Deuel that Freeda Horner was about to leave home? A Yes, from what was in the letter.

Q You told us that her mother didn't know where she was going, didn't you? A I don't remember saying that.

Q You don't remember that? A No.

Q You told us you didn't know where she was going to get rooms, didn't you? A No, sir, I don't remember saying that.

Q You told us she was receiving correspondence from Willie Mott? A That you knew; you didn't have to be told that.

Q And you handed us a letter which you said Freeda had shown to you, and which you had retained, and which you gave to us, didn't you? A The letters you had also; one I had.

Q You handed us that letter on that day? A Yes.

Q That letter is this letter which I now show you? A Yes, sir.

MR. EDWARDS: I offer it in evidence.

(Letter marked in evidence as People's Exhibit 1.)

Q Didn't you tell us at that time that you would not change your story, as your story was true? A Why did I say that?

Q Did you say that? A That I did not, no, sir.

Q To us on that day? A No, sir.

Q You never said that? A No, sir.

Q Do you recollect talking to Mr. Perkins before you took

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the stand to testify in the Madden case? A Before, no, sir. 9

Q Coming down to his room with Freeda and talking to him?

A Before I took the stand?

Q Before you testified in the Madden case? A Before I didn't speak to Mr. Perkins.

not

Q I am talking about the McArdle case; I am talking about the Madden case that was tried last May? A To my knowledge it was the Madden case.

Q Before you took the stand in the Madden case? A After I took the stand.

Q While you were still in the Waverly House, but before you testified? A Not until after, Mr. Edwards.

Q Don't you remember Mr. Perkins taking each one of you girls by yourselves in the rear office, behind his office and talking to you? A Yes.

Q Do you remember his asking you then whether or not this statement that you had given to Mr. Deuel and myself was a true statement? A Yes, sir.

Q And whether you were telling the truth and nothing but the truth in this case? A He did ask us.

Q And you assured him that you were? A I assured him anything I said was said to save myself. I positively told him that.

Q Didn't you assure Mr. Perkins that you were telling the truth in everything that you said? A The things I said I done to save myself.

Q Did you tell him that or not? A No, sir.

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Q You were with Freeda most of the time after you got out of the Waverly House, weren't you? A Yes, sir.

Q You knew that Freeda was corresponding with Willie Mott?
A Yes, sir.

Q You knew they had become very intimate together? A Yes, sir.
BY THE COURT:

Q How long were you in the Waverly House after the end of the Madden case? A Why, only just the one day.

Q You were discharged the next day? A Yes, sir, I am pretty sure the 3rd of June we came home.

BY MR. EDWARDS:

Q The Madden verdict was brought in on the night of June 2nd, and you were discharged the following day? A Yes, sir.

Q You remember going down to talk with Mr. Perkins before your discharge? A Yes.

Q You and Freeda both? A Yes.

Q Do you remember telling him then that ^{what} you had testified to was the truth? A I said it was all over. I had nothing to say about it.

Q Do you remember telling him in words or substance, just what I have said that all you had told him was the truth? A No, sir.

Q Will you swear you did not say it? A I will swear I never told Mr. Perkins; I told Mr. Perkins it was all over.

Q Will you swear you never said that? A I have answered so many questions that you got me sick answering them.

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MR. EDWARDS: Will your Honor direct the witness to answer.

THE COURT: This motion is made with you as a witness and you are here to answer questions and to answer them truthfully.

THE WITNESS: The things were choked down my throat so that I could not answer them.

THE COURT: They are not being choked down now. You can answer the questions.

BY MR. EDWARDS:

Q Will you swear you never said that? A I said the thing is all over. I have nothing to say.

Q Yes, or no, did you say what I have repeated, to Mr. Perkins, that it was the truth you testified to? A No, sir.

Q Now, who told you what to say on the Madden trial?

A Q Who told me what to say?

Q Yes. A When I was telling the truth in regard to this thing?

Q Please answer. A Mr. Deuel.

Q What did he tell you? A He told me that unless I said as he suggested, that I would go away myself.

Q What suggestions did he make to you? A He suggested I say that Owen Madden was on the corner the night of the trouble. I said that at his bidding.

Q Did you ever say that in your life? Did you testify to any such fact in the Madden case? A Yes.

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Q Didn't you testify you didn't see anybody on that corner, and you ran into a man and did not know whether he was black or white? A Yes, I did.

Q You never said you saw Madden on the corner outside of the saloon? A Outside of what he said himself.

Q Did you ever say you saw Owney Madden on the corner? A No.

Q You never said it in any testimony, did you, on any trial? A No, sir.

Q What else did Mr. Deuel tell you to say? A He told me if I did not say just what he told me, - just what was ordered. He said Owen Madden was there and that somebody had to say it; Willie Mott or I; that we were there.

Q You never said it anyway? A I said it.

Q You never testified to that in any trial, did you? A Yes, sir.

Q What, - that you saw Owen Madden on the corner? A Yes, sir.

Q You did testify to that? A Yes.

Q Are you sure of that? A I will swear my life on it, that I know I said something similar to that.

Q Did you ever testify on either the McArdle or Madden trial that you saw Owen Madden on that evening at or near Nash's cafe?

A I said that Owen Madden told me it was him that I bunked into as I ran across the street.

Q You never said you saw him there to recognize him? A As I ran across the street I said I did.

Q That you saw him and recognized him? A Yes.

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Q You did say that? A Yes.

Q Are you sure of that? A I said something very similar.

Q Didn't you say you ran into somebody and didn't know who it was, and would not know whether it was a black person or a white person? Didn't you say that to me? A Yes, I did say that.

Q You never said you recognized Owen Madden on that evening at all? A No, sir, *Owney* he told me himself, he was there.

Q What else did Mr. Deuell tell you to say? A Most everything.

Q What else? A Everything that was said.

BY THE COURT:

Q You stated in your affidavit a great many things that you testified to that you now say were not true. The question is who asked you to say those different things? A It was Mr. Deuell.

Q Did he make them all up and tell them to you, about the different people that came into the saloon and went out, and into the restaurant and went out? A No, when I was telling the truth, he stated I was lying, and that unless I changed that and said what he said, he suggested those things himself. He said these things, he said that I knew they were true. I said I could not swear to them. He said, "All right, if you cannot swear to them, you will go down in the Tombs yourself, through indictment, because it was through you the thing happened." He said, "It was through you the whole thing happened. You went down and gave the signal", and what he did not say, Mrs. Goldman done, what he did not tell me. He even put the things down and told Mrs. Goldman, and she came up to the Waverly House.

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Q She also told you? A She came with the things on paper, telling me to write them down, or I would forget them, and that it was my last chance, or I would go to the Tombs myself.

Q Did Mrs. Miner also send you? A No, sir, she did not have anything to do.

BY MR. EDWARDS:

Q What did Mrs. Goldman tell you to say? A Things Mr. Deuel suggested.

Q What did she tell you to say? A Different conversations with Owen Madden, things that happened in Stein's apartment.

Q Who suggested to you to say about the note? A No, that was true.

Q Who suggested that you say you took it down to the restaurant? A That was true.

Q Who suggested to you who you saw? A Mr. Deuel; he said he was there.

Q What did he suggest to you? A He said to say that Owen Madden was there.

Q He told you to say that? A Yes, he said he must be convicted.

Q Did you ever see Owen Madden down at the restaurant? A Several times.

Q Did you see him that night at all? A No.

Q He was not there? A No, not until after the affair.

Q When did you see him after the affair? A Not until after one o'clock.

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Q Where did you see him then? A In the restaurant.

Q Where did you go with him? A To Arthur Stein's apartment.

Q ~~That is the first time you saw him?~~ A That evening, yes, sir; I didn't see him that afternoon.

Q You didn't see him that entire time that evening? A No.

Q You did not see him before one o'clock? A When I went down with Laura I seen him.

Q That was the first time? A Yes.

Q No one suggested that to you? A No.

Q What else did Mr. Deuel suggest give us a few more facts?

A I guess you have got them all down. You know them as well as I do.

Q But you are the one who said he suggested them. A Well, it was all fixed before I ever went to you.

Q Go on and tell us about it. A Everything that was down there, that is all. I lied, white, black and blue, every way to save myself.

Q Why did you come to the District Attorney's office then, back here in August, and bring this letter of Willie Mott's?
A Simply for the reason I wanted to keep away from it. I was afraid of Mr. Deuel and Mrs. Goldman.

Q You read that letter of Willie Mott's? A Yes.

Q Why did you bring that to the District Attorney? A For no other reason in the world, they knew I had it.

Q Why did you tell the District Attorney that Willie and Freeda were going to change their stories? A I didn't know what

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they were going to do.

Q Why did you tell us that? A The officers were in Freeda's home.

Q Why did you tell me that? A I answered questions.

Q Why did you tell me that? A I didn't tell it to you; I told Mr. Deuel.

Q You told it to Mr. Deuel, and me, both, in the Homicide Bureau? A Because I did not want to have anything to do with it.

Q How was that going to keep you out? A It would in every way.

Q How? A Because I did not want to be mixed into it.

Q You are mixed in it now? A I mixed in of my own free will.

Q Tell me why you came to the District Attorney's office with this letter that showed Willie and Freeda would change their story? A Because I was being watched day and night.

Q Who was watching you? A The men from your office.

Q There has not been a man near you from our office since you left the Waverly House, excepting at your request? A Mr.

Goldman was there.

BY THE COURT:

Q Why did you turn that letter over? A Because I did not want to have anything to do with it.

BY MR. EDWARDS:

Q Explain to us how turning that letter over kept you out of it? A I thought it would at the time.

Q How did you think it would keep you out? A Because I

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did not want to have anything to do with it.

Q If you wanted to keep out of it why did you bring down the letter? A I thought it would clear myself. I was scared of my life, that I would get indicted myself, that if Owen Madden's trial was brought up and they found him innocent, that I would get indicted.

Q How did you think it would bring it up? A Because I knew it would come up sooner or later, if they didn't start it themselves, I would start it.

Q How did you get that idea, and where? A I am subject to ideas.

Q Was there any foundation for that idea in your mind?

A No, sir.

Q Did any one say anything at that time to you? A What?

Q Just what you have been saying here, that you would get into trouble if Owen Madden made a motion for a new trial? A Yes.

Who said that to you? A I was told to keep out of the city by Mr. Deuell, and by Mrs. Goldman, and the officers that and said came to my mother's house, to keep out of the City and to stay far away from everybody.

Q That was after you told Mr. Deuell that you were afraid of your life, because of the Madden's? A No, I was afraid of what I had heard.

Q That was why you were told to keep out of the City by the District Attorney, to be safer? A Yes, to be safe.

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Q Well, now, go on with your statement about Madden; who told you to say you saw him when you took the Mott note down to the restaurant that afternoon? A Mr. Deuell told me.

Q Who did he tell you to say you saw there? A He said to say Owen Madden was down there.

Q Is that all he told you about that? A Yes.

Q At any time, -- I mean from the time you were first picked up as a witness until the time you finished testifying at the trial, about who you met down there when you took the note down to the restaurant? A That was all.

Q No one suggested that you say Willie Mulhall and Marty Ellis were there? A I didn't know those boys' names even.

Q Nobody suggested them to you? A Their names were all mentioned.

Q By whom? A By Mr. Deuell. I knew those boys by sight.

Q Deuell suggested those two? A Yes.

Q Who suggested the conversation which you said you had with Mulhall, Ellis and Madden? A The conversation I had with those boys I said of my own free will, but Owen Madden was not present with Marty Ellis.

Q The conversation was true, was it? A Yes, Martin Ellis.

Q You say it was Martin Ellis that told you to get the boys up to your room? A That was not said.

Q Who suggested the conversation? A The conversation was altogether different.

Q Who suggested it? A Mr. Deuell.

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Q He made all that up, did he? A Yes, sir.

Q Every word of it? A When I told the truth, he told me I was lying.

Q Did he suggest all the conversation? A Not all of it.

Q The part that I have repeated, did he suggest that to you?
A No, sir.

Q Who did? A It was not suggested at all.

Q Who suggested that you say that? A The boys down there never said it.

Q Can't you listen to the question? Who suggested to you that you say it was said? A Mr. Deuell.

Q Did he make up that conversation? A Yes, sir.

Q He told it to you? A Yes, sir, framed it.

Q What else did he suggest? A You have it all down there.

Q Tell me what he suggested? A I could not think, unless I am asked a question.

Q Can't you think of everything Deuell suggested to you? A The whole story, he framed it up to perfection.

Q Every word of it? A No, not word by word. When I told him the truth he said I was lying. For three days I told him the truth.

Q What did he tell you to say? A You have it nearly all down there.

Q Tell me, Margy, what he suggested you say? A I want to know what you want to know.

BY THE COURT:

Q He wants to know what Mr. Deuell told you to say? A He

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suggested that I say that Owen Madden told me that he was there that night when I said I bunked into a party. He said, "Wasn't it Owen Madden?" I said, "I don't know." He said, "Well, you say it was him, there must be a conviction." And he said, "If he does not get convicted, it is up to you and Freeda, both of you will get it."

BY MR. EDWARDS:

Q Who suggested that you say that you went to the King's flat? A We went there; there was no suggestion.

Q Who suggested that to you? A No one told me.

Q Who suggested that you say Owen Madden was there with you? A He did go with us.

Q Who suggested that you say that? A I own up to that.

Q That was true? A Yes, sir.

Q Did any one suggest to you the conversation had before you went there, had between you and Owen, mentioning Owen Lawlor, before you went to the King's flat? A Yes.

Q Who suggested that? A Mr. Deuell. When I said that Owen Lawlor took the telephone to call up Fitzsimmons, Doty Fitzsimmons, and said to come over to talk to him, Mr. Deuell said to say it was the defendant that called him up, and I said so. When I repeated the conversations I was told to direct them to the defendant.

THE COURT: It states here in the affidavit that you testified that Owen Madden said that Fitzsimmons when he came there said, "We will have to lay low for a few days;

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we dropped a guy up in 41st street near Eighth avenue." That
is what you testified to, did you? A Yes, sir, I did.

Q Was that suggested by anybody? A That was the suggestion
from Mr. Deuell's own mouth; he said it himself.

Q He said that? A Yes, sir.

BY MR. EDWARDS:

Q He put it in those words? A Yes, sir, if not then they
are similar to it.

Q Those were the words you used? A To my recollection I had
them things written down in a book for months, studying them, for
fear I would forget them.

Q Have you got the book? A No, you have the book.

BY THE COURT:

Q Who did you give the book to? A Mr. Deuell visited the
Waverly House one morning to see me, and asked me for the book
that I had written thing down in and I gave him the book. On
the day I was discharged from the Waverly House we went to his
office and Deuell said to me, "I will keep this book." I said
I would like to read it. He said, "I am going to keep it,
and I want you to sign your name for it." I signed my name and
that is the last I seen of it.

Q Is that the little black book? A Yes.

Q Did Freeda have a book? A Yes, but she was not a fool
to turn it over; she destroyed it.

Q She kept it? A She destroyed it to my knowledge.

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BY MR. EDWARDS:

Q You say you signed that book for Mr. Deuell? A Yes.

Q Don't you remember when you were down in Mr. Perkins's office after the Madden trial was all over, you told him that you had written a history of your life in a book? A No, not my life.

Q Did you tell him you had written your history from the time you were married in a book? A Yes, by Mr. Deuell and Mrs. Goldman's bidding.

Q You told him that? A Yes, but I wish to explain that.

Q Who asked you to give him the book, Mr. Perkins? A I don't remember Mr. Perkins having anything to do with the book.

Q You signed that book on that day, didn't you? A I am pretty sure it was the day that I was leaving that I signed the book.

Q And you gave it to Mr. Perkins? A It was in your hands the last I seen of it.

Q Did you give it to Mr. perkins? A No, sir, I don't remember.

Q Didn't Mr. Perkins ask you for it, and didn't you say he could have it, to keep it? A I don't remember that.

BY THE COURT:

Q You do remember you gave the book to Mr. Deuell? A I don't know whether it was Mr. Deuell or Mr. Edwards said they were going to keep it.

Q You said Mr. Deuell asked you for it at the Waverly House?

A That morning, yes, but said he would return it to me.

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Q You gave it to Mr. Deuell at the Waverly House? A Mr. Deuell got it first at the Waverly House.

Q Did you see it again? A Yes, I seen it the next time the day I was leaving, which was in Mr. Edwards's office.

Q Did you give more than one book to anybody to sign? A There was some papers, and some things I have forgotten, Mrs. Goldman put me in mind of, she told me to write them down.

Q Did you give more than one book to anybody? A No, not to my knowledge. I signed for some papers.

Q I am talking about a book? A No, sir.

BY MR. EDWARDS:

Q This is one of the papers you signed, isn't it, handing paper to the witness? A Yes, sir.

Q And that you signed also on the 3rd of June? A Yes, sir.

Q That was just before you left the office? A Yes.

Q That was also after your conversation with Mr. Perkins, wasn't it? A I don't remember whether it was before or after.

MR. EDWARDS: I offer that for identification.

(Paper marked People's Exhibit 2 for identification.)

At this point the Court takes a recess until 2:15 p.m.

TRIAL CONTINUED, 2:15 p. m.

MARGARET EVERDEENE, recalled, for further examination, testified as follows:

BY MR. EDWARDS:

Q When was it that Mr. Deuell made all these suggestions to

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you? A Which do you mean, in regard to whom?

Q The ones you were speaking about, in regard to what you were to say? A Well, on the day after I was taken downtown, after I was detained.

Q When was that, do you remember? A About the 7th of December. After the first days I went down I denied knowing anything, and I told the truth what I did know about it. It was then that Officer Webber mentioned the different names of the people who were up there and said I knew for a positive fact they were there.

Q You were first arrested on December 4th, 1914? A Yes, sir.

Q And you went to the Waverly House December 7th? A It was the day before I went to the Waverly House.

Q When was the first time Mr. Deuell made any suggestion to you? A In that day. In fact, the first day I was taken down he told me I knew for a fact that those were the ones I knew were up there.

Q Did he say anything about these details you say he coached you on? A Not that present time.

Q When? A By degrees.

Q When was the first time? A The first day I went down he told me I know there were three fellows were there, mentioning the three names.

Q When was it he told you to say these specific things? A That I could not answer, unless you tell me which one it was.

Q You are the one who knows. Let us take up the question

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of going down to the restaurant with Mott's note. When was it that he first told you to say anything with respect to your conversation with Madden there? A Any conversations with Owen Madden, I did not make any sworn statement about at all until after the McArdle trial.

Q Neither you or Freeda told anything about Owen Madden until after the trial was over? A Yes, we did say some things.

Q But not about Owen Madden? A That we knew him.

Q But not about the conversation you had with him? A To my knowledge we did not, no, sir.

Q Do you remember when the McArdle trial was? A It was in March, sometime.

Q March 1915? A Yes, sir.

Q You did not tell anything about your conversation with Owen Madden until after that time? A No, sir.

Q Do you remember when you wrote this little book you speak of? A I don't know how long it took me to write it. I did not write it all in a day.

Q You know when you began to write it? A No, sir.

Q When were those suggestions by Mr. Deuell about the things Owen Madden said to you, made, before the McArdle trial or after, or when? A Mr. Deuell was telling me all about these things the very first day.

Q We are talking about the specific conversation with Owen Madden? A Those questions I cannot explain or answer without an explanation.

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Q I want you to tell me, did he suggest that to you before or after the McArdle trial? A From the first day I went down he was suggesting things about Owen Madden, but never took a statement of them until after the McArdle trial.

Q When did you begin to write these things down so that you would remember them? A I was writting them down all the time.

Q Before or after the McArdle trial? A Before and after, both.

Q When did you give this book to Deuell? A I don't remember.

Q Before or after the McArdle trial? A I don't remember whether it was or not.

Q You cannot remember that? A I wrote a big yellow pad of conversations with Owen Madden afterwards.

Q Is this the book (handing book to witness)? A Yes.

Q You recognize that? A Yes.

MR. EDWARDS: I offer that for identification.

(Book marked People's Exhibit 3 for identification.)

Q You dated this when you began it, didn't you? A I may have; I don't remember.

Q Don't you recollect whether you did or not? A No, sir.

Q And you wrote this at the Waverly House, didn't you? A Yes, sir.

Q And this is the book you turned over to me or Mr. Deuell?

A Yes, sir.

Q You now remember your talk about this book with Mr. Perkins after the Madden trial, on the last day, the day you were dis-

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charged? A I don't remember speaking about the book with Mr. Perkins.

BY THE COURT:

Q Is that the book you referred to, in which you put down the things you were to say? A I just put a few things in that. The conversations I had with Owen Madden were written on a yellow piece paper.

Q You said before that the things you were to swear to you wrote out in a black book and signed it? A No, that was written on paper.

Q That is what you said a little while ago, before recess. Is that the book you were then referring to? A No, your Honor. There may have been some things written in that, but the conversations that I speak of were after the trial.

Q You said before recess that what you put down to refresh your recollection, to swear to, you put in a book; that is what you swore to before recess, and that book you gave to Mr. Deuell, do you remember that? A I remember saying that.

Q Was that true? A That was not the book I was speaking of.

Q Was that true? A I wrote somethings in a book.

Q And you signed it? A Yes.

Q You said you only wrote in one book and only signed one book? A Yes.

Q Is that the book? A That is one of the books.

Q What do you mean by "one of the books"? A Because there are some things I wrote on a yellow sheet of paper.

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Q What do you mean by one of the books; was there more than one book? A No.

Q That is the book, then, you refer to? A Yes.

Q Take it and show me the things you wrote in there that you were to refresh your recollection upon?

BY MR. EDWARDS:

Q This signature you signed on the last page, right across the page, on the 3rd of June, didn't you? A Yes, sir.

(Witness looking at People's Exhibit 3 for identification.)

A (Continued) Here are some of the conversations with Owen Madden. (Witness handing book to the Court.)

THE COURT: Let these pages be marked by the stenographer.

(Pages are marked People's Exhibit 4 for identification, consisting of four pages.)

BY MR. EDWARDS:

Q As a matter of fact, you began this book with a history from the time you were married, didn't you? A Yes.

Q Wrote it all the way through chronologically? A Yes.

Q Were you afraid you were forgetting your early history from the time you were married? A No, sir.

Q So that was not the reason you wrote that? A No, sir.

Q And in this book you also give Freeda's story to you, don't you? A Yes, sir.

Q That is all written out as Freeda told it to you? A Yes, sir.

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Q You ended this story at the time you went into the Waverly House? A Yes, sir.

Q How long have you been living with Owen Lawlor? A For six weeks.

Q For the last six weeks? A No, the last week I was over with Mrs. Coughlin; six weeks previous.

Q Six weeks from a week ago? A Yes, sir.

Q You were living with him at the time you made this affidavit on the 22nd of September? A No, sir, I did not go to live with him until a couple of days after that.

Q That was the 22nd of September, and this is only the 7th of October. A To my recollection. I don't think I was with him then.

Q It is less than three weeks ago you made the affidavit?

A Then I was with him.

Q How long had you been living with him at that time? A I had been with him since the first Saturday I met him.

Q When was that? A About six or seven weeks ago. I just can't remember days or dates.

Q He was a great friend of Owen Madden's wasn't he? A Yes, sir.

BY THE COURT:

Q Is that the same Lawlor that testified as a witness on the trial? A Yes.

BY MR. EDWARDS:

Q On the Madden trial? A Yes.

Q How often did you discuss this change of testimony with

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Owen Lawlor? A That was my intention in seeing him, in being with him to talk about it.

Q You talked about it right along? A Yes.

Q Did Owen Lawlor tell you what to say? A No, sir.

Q Did you discuss with Owen Lawlor what you were going to say? A No, sir.

Q You saw that letter of Willie's to Freeda in which he said he wanted to see the Madden crowd and find out what they wanted him to say to help Madden, didn't you? A I seen that letter, yes.

Q Was that why you got in touch with the Maddens through Owen Lawlor, so that he would tell you what to say? A No, sir.

Q What did you talk about to Lawlor? A When I seen Lawlor I told him I wanted to get through with the whole thing, because he knew himself I had lied, because I was with him at the time of the thing, and he knew I lied at the trial, so I just told him I wanted to tell the truth.

Q If that was the way you felt about it, why did you go down to the District Attorney's office and say that Mott said he was ready to meet the Maddens and say anything they wanted him to? A I don't think it was said that way, Mr. Edwards. By saying that, I mean I didn't think it was in that letter that he was ready to say or do anything they told him. The way I understood it, he was willing to do anything to help Owen Madden, but not to do everything they told him to.

BY THE COURT: Q That affidavit of Mr. Edwards says you came

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down on the 6th of August, asking protection against Madden's friends? A Yes, sir.

Q How long was it after the 6th of August that you went to live with Madden's friend Lawlor? A It was either the first part of September, I could not just remember the date. It was not very soon after. It was after I came back from the country.

Q Where were you living when you met Lawlor? A I was home with my people until that day, after I came from the country.

Q You mean on Sixth avenue? A On 6th street, Woodside.

Q You were living with your people when you met Lawlor? A Yes, sir, I was.

Q How soon after you met him did you leave your people and go to live with him? A I did not go back after I met him. I went back for a few hours to get my clothes and came back.

Q What induced you to go to live with him? A Nothing. I had been living with him before this thing ever happened.

Q But after the trial you had been coming and asking for protection: what induced you to go and live with him? A Ever since the time I came out, when I heard from different people that they were looking for me, I asked two or three people on the East Side, would they go over and find out what was their idea in looking for me, and how they felt towards me. They told me that the boys over there refused to speak to them, the boys did not want to talk to him about it at all, so then I seen this party there and told him to get a definite answer, that I wanted to see Owen Lawlor. So he went there and came back and told me

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a few days after that if I wanted to see Lawlor, he would come over to the ^{East} West Side that very Saturday, and when I met him I found out he was not angry with me.

Q Where did you meet him? A Corner of 35th street and second avenue, with Joseph Dean.

BY MR. EDWARDS:

Q Joe Dean is a friend of Freeda? A And a friend of mine too.

BY THE COURT:

Q When you met him that day, you went to live with him and sent for your things at home? A I went there to get them on the following Monday. I stayed with him until Monday, and the following Monday I got my clothes.

BY MR. EDWARDS:

Q Did you make any arrangements with Dean to get Lawlor to meet you there? A Yes.

Q When did you do that? A On the night before I met him, but I had been asking previous for him.

Q You were trying to get in touch with Lawlor, one of the men you were afraid of when you came down to the District Attorney's office and asked for police protection? A I never said I was afraid of him. I said there were people looking for me.

Q You said you were afraid of the Madden crowd? A Mentioning no names.

Q I didn't say you were mentioning names? A Yes, sir.

Q Lawlor was one of the Madden crowd? A Yes.

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Q And you were looking in August for a chance to get back and live with one of the Madden crowd? A Not exactly that.

Q Do you remember coming to the District Attorney's office, and telling us that there was to be a meeting at 155th street and Eighth avenue between McArdle's brother and the Madden crowd, and Freeda, and that you were to be there and arrangements were to be made about changing your testimony? A No, sir. I remember the subject, but I don't remember as many people as that.

Q Do you remember telling the District Attorney's office that such a meeting was contemplated? A Yes. We would see McArdle.

Q And that you were afraid to go there? A No, sir, I was not afraid. I said I would not go.

Q Do you remember talking to your mother while you were in the Waverly House? A Yes, sir.

Q She used to come and see you very often? A After I was there four months.

Q She saw you very often? A Yes.

Q Do you remember telling her that everything you were saying in the Madden case was the truth? A No, sir.

Q Do you know your mother's signature? A Yes, sir.

Q Is that her signature? A Yes, sir.

Q Your mother says in this affidavit that during each of her visits to Waverly House she urged her daughter to tell the truth, and was assured by her daughter that she would tell the whole truth, and that her daughter had told her this several times, and the last time was shortly before she was released from

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Waverly House. Is that true, Margie? A I told my mother most anything.

Q Is that true? A Yes, I told her that.

Q Did you ever see any other letters from Willie Mott to Freeda than the one you brought to the office? A Yes.

Q You knew Freeda was receiving a good many of them? A Yes, sir

Q You have known Mott for seven or eight years? A Yes, sir.

Q This letter that I show you now, will you look at it and tell me whether that is one of those from Mott to Freeda that you are familiar with? A That was a letter that was written when we were in Butler, New Jersey.

Q That is a letter from Mott to Freeda? A Yes.

Q That is Mott's handwriting? A Yes, sir.

Q You have seen him write and you have received lots of letters from him, and you are familiar with it? A Yes.

Q That is his handwriting, isn't it? A Yes.

MR. EDWARDS: I offer this for identification.

(Paper marked People's Exhibit 5 for identification.)

Q I show you another letter? A In any of these letters, I do not see that they have anything to do with this case.

Q I am not saying they have. I am asking you if that is a letter you have ever seen before? A Yes.

Q That is in Mott's handwriting also? A Yes.

MR. EDWARDS: I offer that for identification.

(Letter marked for identification, People's Exhibit 6.)

A Those letters between Freeda and Willie have nothing to do with this case.

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Q I show you again People's Exhibit 1 on this motion and ask you if that letter which you brought to the office is in Willie's handwriting. A Yes sir.

Q I show you another letter and ask you if that letter is not from Willie to Freeda, and in his handwriting? A Yes, sir.

MR. EDWARDS: I offer that for identification.)

(Letter marked People's Exhibit 7 for identification.)

Q I show you another letter, that is also in his handwriting is it not? A Yes, sir.

MR. EDWARDS: I ask that it be marked for identification.

(Letter marked People's Exhibit 8 for identification.)

Q I show you another one? A Yes, sir.

Q Is that also in his handwriting? A Yes.

MR. EDWARDS: I ask to have it marked for identification.

(Letter marked People's Exhibit 9 for identification.)

Q I show you another one: is that also in his handwriting?

A Yes.

MR. EDWARDS: I ask to have it marked for identification.

(Letter marked People's Exhibit 10 for identification.)

A You did not show me Mr. Flood's picture with them, though.

Q I want to find out in detail just who told you to say what would be the testimony you gave on the Madden trial. Referring now to the time when you came out of the Family Entrance of Nash's saloon on 41st street? A Yes, sir.

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Q On the trial this question was asked you and you gave this answer: "Q Where did you go to? A Why, I started to walk right out straight. Q And what, if anything, did you see?

A I met the three boys. Q What three boys? A Willie Mulhall, Arthur Bieler, and Hoppo McArdle. Q What is his real name? A John McArdle, I believe." Did any one suggest that part of that testimony to you? A Yes, Mr. Edwards.

Q Who? A I didn't know the boy's names until I was told by Mr. Weber.

Q You saw them afterwards McArdle and Bieler on the trial?

A Yes, sir.

Q Were they the boys you saw? A No, sir, I didn't see them at all. The only one I seen there was Artie Bieler.

Q I am talking about Arthur Bieler and McArdle: Did you see either of those men there that night? A Yes, one of them.

Q Which one? A Arthur Bieler.

Q Who was with them? A I don't remember seeing anybody.

Q Who told you to say that? A To say what? I didn't even know his name.

Q Who told you to say that those were the three men you saw?

A Mr. Weber.

Q Do you mean Officer Weber? A Yes.

Q In whose presence? A In Mr. Deuell's presence in the restaurant.

Q He told you to say, and he spoke to you of the three?

A I said one of them spoke to me. I said "Willie spoke to me."

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He asked me who it was. I did not know his name. He said, "Which one was it?" He told me and said "That is Mulhall."

Q You did not know Mulhall's name? A I had seen him but I did not know his name.

Q He was down with you on Thanksgiving evening at the Tammany Hall dance? A I was not out Thanksgiving Evening.

Q Well, Thanksgiving afternoon? A Well, this thing happened later on.

Q Who was there that you knew and saw then? A The boys were there at that time.

Q What boys? A I don't know their names.

Q What boys did you see there whose names you did know? A Madden, John Harris, Lawlor, and Willie Mulhall, but that time I didn't know any of their names, just Lawlor.

Q You knew Madden's name? A Yes, I had known him.

Q What name did you know Willie Mulhall by? A "Babe" and "Mul".

But you knew who the name of "Babe" and "Mul" belonged to?

A Yes.

Q You knew him when you saw him? A Yes.

Q Was Babe or Mul among those three you met going out of that saloon? A No, sir.

Q He was not there? A No, sir.

Q Was Bieler there? A Yes.

Q Was Hoppe there? A No.

Q Hoppe was not there? A No.

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Q You say Mulhall was not there because he was not yet arrested? A Oh, no.

Q What led you to put Mulhall's name in? A Because I did not know his name at the time. I corroborated Mr. Weber's story.

Q Mulhall was not arrested then, was he? A No, sir, to my knowledge.

Q How did you come to say that Mulhall was the one that spoke to you? A Because they were looking for him I said the tall fellow spoke to me.

Q Mulhall is not taller than Artie Bieler? A I don't know.

Q You knew Artie Bieler if you saw him? A No, sir. I never picked him out in the line-up, only I was told where he was.

Q You said Artie Bieler never spoke to you? A No.

Q Did he speak to you? A Yes.

Q You testified in the McArdle trial that Mulhall spoke to you? A Yes.

Q And in the Madden trial you testified that Mulhall spoke to you? A Yes.

Q And at that time, at both those trials, Mulhall was not arrested? A No.

Q But Bieler was? A Yes.

Q And Artie Bieler had taken the plea? A Yes.

Q He plead guilty? A Yes.

Q Now, you say that Artie Bieler, who pled guilty is the one who spoke to you that night? A Yes.

Q Who told you to say that? A I said it of my own accord.

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Q It never occurred to you before to say that? A No, I didn't know exactly the names at that time.

Q Did any one explain to you what difference it made to the District Attorney which one of the three spoke to you? A No, sir, nobody had to explain anything to me about the District Attorney. I had enough of them for six months every day.

Q When was the first time that you called the restaurant on the telephone after Patsy Doyle was shot? A It was when we came out of the house with Laura, to take her to the hospital.

Q Who did you speak to on the 'phone? A Owen Lawlor.

Q What did he say to you and what did you say to him? A I told him I wanted some money.

Q What else? A I told him I wanted some money to take Laura to the Hospital. He told me to come down to the restaurant.

Q What else? A I don't remember there is anything else said over the 'phone.

Q Nothing else was said at all? A Not to my knowledge, no. If you will refresh my memory in any way, I will tell you.

Q Did anybody suggest to you to say on the Owen Madden trial that anything else was said? A I could not remember until I know what you are talking about.

Q You are the one who gave the testimony. What did you testify on the Owen Madden trial was said over the 'phone? A I was the one that gave the testimony. The District Attorney's office was the one that suggested the statement. I could not remember.

Q Of course, you were cross examined for some two or three

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hours or so, and you stood up to the same story? A Why, should I not, when I was told I should go to the Tombs, if I didn't.

Q Who suggested that you put in any other conversation on the telephone? A I don't know.

Q The question is, with respect to the telephone conversation had by you with some one at the restaurant immediately when you were taking Laura down to the hospital? A I could not answer the question without explanation.

Q Did you have any telephone conversation at that time? A Yes, sir.

Q What time in the night was that? A It must have been after ten o'clock.

Q What was said about anything else besides money? A I don't remember, Mr. Edwards, unless you tell me what it is.

Q Was anything said about whether you would go down to the restaurant or not? A Yes, he said to come down; I could not get money otherwise.

Q Who told you to come down? A Owen Lawlor.

Q You did not speak to any one but Owen Lawlor? A No, sir.

Q Did any one tell you to change your conversation when you testified? A I don't remember, unless you told me what I testified to. I testified to so much, I don't remember.

Q Didn't you testify that the person you were speaking to said, "Come down, I could not say much over the wire"? A That was said.

Q That was said? A Yes.

Q What did that have reference to, "Come down, I could not say much over the wire"? A To the money, I suppose.

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Q Any reason why you should talk about money over the wire? A No.

Q There was not any? A No.

Q Certainly none that you know anything about? A No.

Q What was referred to? A Over the phone?

Q Yes. A The money. I said I wanted some money. He said, "Come down and I will talk to you."

Q When you said on the trial that the defendant that day on the phone said, "Come down, I could not say much over the wire." -- A I was liable to say anything at the trial.

Q Was that true? A Yes.

Q What was referred to when the man on the other end of the phone said, "I cannot say much over the wire."? A Well, Patsy Doyle's murder, I suppose.

Q You were very much excited about Patsy Doyle, much excited about it? A Yes.

Q You had not seen or talked to anybody in the restaurant about it? A No, sir.

Q Nothing was said about it over the phone? A No, sir.

Q What makes you think that that is what he meant when he said, "I cannot say much to you over the wire.", -- that he was referring to Patsy Doyle's murder? A You are the one that is thinking it.

Q You just told me that? A You are the one that is thinking it. I had no reason to think of it.

Q Why did you tell me of him? I said that he said,

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2w

"Come down, I cannot say much over the wire." What was re-⁴²

ferred to when he said that? A I don't know.

Q You told me it was the Patsy Doyle murder. A I suppose it is the matter you are talking about.

Q I am asking you. A I am answering you.

Q What did you mean by saying that it referred to the Patsy Doyle murder? A I said I suppose it did.

Q What made you suppose it? A I had no reason at all.

Q What made you think that they knew anything about the Patsy Doyle murder down there? A I didn't know.

Q That is the best answer you can give? A That is the best answer.

Q You went down there; who did you see? A I seen Owen Lawlor, the first one.

Q Who else? A We walked over to the cafe on the other side of the street, him and I, and then I seen Owen Madden and Mulhull.

Q Where did you see Owen Madden? A I came over to the cafe.

Q From where? A I don't remember.

Q Did Lawlor speak to you? A We all sat there and had a drink.

Q Did Lawlor speak to you before he came over to the cafe?

A I don't remember.

Q Did he come there with you? A No; we went there ourselves, and I think they were sitting in there.

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Q You think they were already over there? A Yes.

Q Who else was there? A A couple of other boys I don't remember.

Q What were their names? A I don't remember.

Q Who were they? A I don't know.

Q Friends of Madden's? A I suppose so, or they would not be with him.

Q Don't you know? A No.

Q Had you ever seen them before? A Yes.

Q Who were they? A I don't remember; I know Mulhull was one, and Owen Madden was there.

Q Mulhull was there? A Yes, sir.

Q Was Egan there? A I don't know Egan.

Q Was Spencer there? A Yes, Spencer was there.

Q And Mulhull was there? A Yes.

Q Are you sure of that? A Yes.

Q What did you call him that evening when you spoke to him? A I had no occasion to speak to him.

Q You did not speak to him at all? A No.

Q How long did you stay there? A We did not stay there long, just had a couple of drinks, and then Freeda and Lawlor came down. They were up the block waiting for me.

If I am not mistaken, they brought them in and had a drink, and then Owen gave me some money.

Q Owen who? A Owen Lawlor.

Q How much did he give you? A I don't remember.

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Q He was not working then, was he? A I don't know.

Q You don't know how much money he gave you? A No.

Q What did he give it to you for? A To take Laura to the hospital.

Q Do you remember talking to me after the last Madden trial? A Yes, sir.

Q Do you remember asking me what Owen Lawlor said you came down there for when he testified? A What?

Q Do you remember asking me what Lawlor said you came down there for when he testified? A Yes, sir.

Q Do you remember me telling you that he said that you asked him for money? A Yes, sir.

Q And do you remember how mad you got, and you said you always had money? A Why should I get mad? You said he got up on the stand and swore my life away, and I read the minutes, and he never said one word against me. You said he swore my life away, and he never said a word about me on the stand.

Q Do you remember how angry you got when I told you he said you got 50 cents from him? A Yes, I remember.

Q If it was the truth, why did it make you angry? A It made me angry, that is all.

Q What talk did you have in that restaurant; between you and the boys? A There was no restaurant.

Q Well, the cafe across the street from the restaurant.
A We did not have any talk there, only just took Laura to the hospital.

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5w

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Q What were you doing all the time you were sitting there?

A Drinking. We did not have any direct conversation about anything.

Q Who did you talk to? A Owne Lawlor.

Q Did you see Bieler down there? A I don't remember seeing him, no, sir.

Q Do you remember being at the Madden trial when you were asked who else was there, and you said, "Bieler was there."? A I may have said it; I was crazy enough to say anything.

Q Was it true? A No.

Q But you are sure Mulhull was there? A I am not positive he was there.

Q You just testified under oath a moment ago that he was there, and you were sure of it. A Well, they were there, then.

Q What? A Mulhull was there. I didn't know Spencer's name at the time, either. There was a gathering of six or seven. I don't remember the names.

Q When did you learn Spencer's name? A I never knew Dave Spencer's name until about seven weeks ago. I knew him by sight.

Q Was Bieler there that evening? A No, sir, I don't think he was.

Q Were you crying that night? A Yes, sir.

Q Was anything said about that? A Yes, sir.

Q What was that? A I was told to stop my crying.

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6w

Q Who told you? A Owen Lawlor told me to stop.

Q You said Owen Madden told you on the trial? A That is what Deuell told me to say.

Q You said that? A Yes.

Q Now you shift over to Owen Lawlor? A Yes.

Q Does Owen Lawlor now remember that you were crying?

A I didn't ask him.

Q Didn't you talk that over with him? A No.

Q What was said about the Doyle murder? A That night nothing was said in the cafe.

Q At that time nothing was said? A No.

Q You didn't mention it to Owen Lawlor? A Yes, I did.

Q I am talking about that conversation in the cafe with any of those men. A I spoke to Owen Lawlor alone. No one was present when I spoke to him.

Q Where did you speak to him? A Before we went in the cafe.

Q Whereabouts? A On the corner of Tenth avenue and 33rd.

Q What did you say to him? A I told him I was up there previous with a note, and that Patsy Doyle was shot. He said, that had nothing to do with them, to keep my mouth shut, and I did, and I told him I didn't want to go back to where I was.

Q Didn't Owen Lawlor tell you when you were talking this over that he testified on the Madden trial that you did not mention the Doyle killing, and he did not even know he was dead? Didn't he tell you that since you have been living

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with him in the last weeks? A Yes.

Q You did talk to Lawlor about it, and not to Owen Madden?

A Yes.

Q Who suggested that you had that talk with Owen Madden?

A Mr. Deuell.

Q How did he come to make that suggestion? A Because Owen Madden had to be convicted.

Q How did he come to know that there was any such talk down there? A I told him I spoke to Owen Lawlor. I told him the truth.

Q Owen Lawlor, or Madden? A Owen Lawlor. I told him the truth about the conversation between us. He said, "Are you sure it was not Owen Madden you spoke with?"; I said, "No, Owen Lawlor."; and he said, "Owen Madden has got to be convicted."

Q Was anything else said then? A I told Owen Lawlor I would not go back to where I lived in 43rd street. He wanted to know why, and I said I was afraid, on account of being there at the time of the shooting, some policeman would be looking for me.

Q When did you say that to him? A Down there that night, I don't remember whether it was at the time we took Laura, or whether it was after we came back.

Q Why can't you remember that? A Because I don't remember.

Q But you had that talk with Owen Lawlor? A Yes.

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Q Was there any other talk had in the cafe? A I could not remember.

Q Who was it said that if you don't stick, he would take you to the Hudson River and croke you? A Nobody said that.

Q Who made that up? A Mr. Deuell.

Q How was that suggested to Mr. Deuell? A I don't know.

Q Just out of the clear sky? A No, the way that came to me, Deuell told me that Freeda said that I was in the ladies' room at the time, and that I must have heard it; I said I didn't hear it. He said, "Well, you have to stick to it."

Q So you said it? A Yes.

Q And that was not said at all, then? A No.

Q That was all made up out of whole cloth? A Yes.

Q And it was Mr. Deuell's idea? A From what he said, he said Freeda told it to him.

Q Then what did you girls say; was anything else discussed in there at all? A I don't remember, Mr. Edwards... If you tell me what the question is, what you want.

Q Tell me what happened. I want to find out what the true story is. A We took Laura to the hospital.

Q Did you do anything before you went to the hospital?

A We just sat there and had a few drinks.

Q Anything said about a dance? A Yes.

Q Who said that? A I don't remember who suggested that, but I know some one of the boys gave Freeda a ticket.

Q What boy? A I don't remember.

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Q Why have you forgotten that? A Because I was not interested. I was talking to Lawlor at the time.

Q Didn't you testify on the trial that Mulhull gave it to her? A Because I was told to testify that.

Q Who told you that? A I was told that Freeda said that Mulhull gave her the ticket, that we must carry the same story. Mr. Deuell told me that.

Q You were living with Freeda? A Yes.

Q Right-at the Waverly House? A Yes.

Q In the house with her all day long? A Yes.

Q Why did Deuell have to tell you what she said? A I don't know, because he told me. Freeda was in the Waverly House four months before she gave a statement about Owen Madden, and was angry at me all the time. I was there because I was correcting to say what was said downtown. Every time I came home I would tell her something different, and she said, "You cannot say that."

Q Freeda was in there four months before she made a statement? A Before she gave anything but what people wanted her to give.

Q Before she made any statement about Owen Madden? A No, sir, *I did say about Owen Madden.*

Q It was the Saturday before Easter she made the statement? A I don't remember.

Q Don't you remember it was the day before Easter Sunday that Freeda made the statement? A It may have been.

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Q These conversations with Deuell were long before that?

A Yes.

Q Those conversations with Deuell in which he told you to say these things, were before Easter Sunday; long before?

A Some of them were.

Q But yet you say that Mr. Deuell told you that Freeda had told him that Owen Madden said he would take you up the river and croke you if you did not stick, before that time?

A Yes, sir.

Q Did you go to communion Easter Sunday? A None of us went on Easter Sunday.

Q You know Freeda went? A Not on Easter Sunday. We went a couple of days after Easter.

Q You didn't go on Easter to communion, then? A No, sir, I don't remember; I know we went Easter week, but we did not go on that day.

Q You went after you made the statement to the District Attorney's office, didn't you, about Owen Madden? A Yes, sir.

Q Did you go to Easter communion with a lie on your lips?

A Yes, sir, I told the priest. I told Father Humphreys.

Q He allowed you to? A Well, I am not going to repeat what he said.

Q He allowed you to go to communion? A It does not concern the court. That is the priest's business. I am telling you I didn't go to communion then.

Q You said you went a few days after? A But not Easter

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Day; that week.

Q After you had been with Laura to the hospital, where did you go? A We went to Moose Inn.

Q Where is that? A Up at 167th street and Jerome avenue.

Q What time did you get up there? A After 1 O'clock.

Q Then did you find any dance there? A No, sir, it was all over.

Q What did you do then? A I telephoned to Owen Lawlor.

Q You telephoned what number? A Greeley, 6779.

Q Who did you get on the telephone? A Owen Lawlor.

Q How long did you talk to him? A Just a few minutes.

He told me to come down to the restaurant.

Q Did he say anything else over the phone? A I could not distinguish. I could not understand very well. I put Freeda on the wire. I spoke a few words to him, but I don't remember the conversation.

Q What did you say to him; what did you call him up for?

A I wanted to know where they were.

Q You found them and then what did you say to him? A I don't remember what I said.

Q Did Freeda take the phone and talk? A Yes, sir.

Q And then you went down where? A To the restaurant.

Q When you got there, who did you find? A Owen Lawlor and Owen Madden. There were some more boys in there, I don't remember.

Q Who were they? A I don't know who they were, some

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boys from the neighborhood.

Q You knew at the last trial. A I don't know whether I did or not.

Q Who did you talk to when you got there? A Owen Lawlor.

Q What did Madden say? A He sat at a table with Freeda, talking.

Q Freeda and Madden were talking together? A Yes.

Q What did you say to Owen Lawlor? A I told him I was not going back in my house in 43rd street. I am not positive it was then I told him. I told him about Patsy. It was early before Laura went to the hospital. It was at either of them I told him I would not go back to the house on account of Patsy being killed.

Q What did he say about that? A He said he did not want to see me in the street all night, and he would take care of it, he told me to shut up, and did not want any of the boys to know I was up there at all.

Q Up where? A To the saloon.

Q Did he say why he wanted you to keep quiet? A He did not want to know I had others up there.

Q Did he say why? A No.

Q What did he do then? A He telephoned to Doty Fitzsimmons.

Q What did Madden do all that time? A He sat talking to Freeda.

Q Do you know what he said to Freeda? A No.

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Q Weren't you all at one table? A No.

Q Did you have newspapers in there? A No.

Q None at all? A No, sir.

Q Then what did you do? A Why, after Owen got finished telephoning, Doty came over with Arthur Stein and brought a taxicab, and we all went to the Kings' house.

Q What happened when Stein and Doty got there in the taxicab? A Nothing happened at all.

Q Did anyone say anything to anybody? A No, sir; Owen Lawlor talked to Doty Fitzsimmons.

Q It was not Owen Madden, of course? A No.

Q Did you hear what he said? A No.

Q You did not hear? A No.

Q What did he say over the telephone? A I don't remember what he said; he said something about coming over.

Q That was all? A Yes.

Q Did he say anything about bringing the King with him?

A He may have.

Q It may have been said? A It may have been.

Q When they all came there, did Owen Madden speak to Fitzsimmons at all? A No, Owen Lawlor spoke to him.

Q Madden didn't say a word? A No.

Q He was one of Madden's crowd? A Who?

Q Fitzsimmons? A I don't know.

Q Owen Madden did not speak to him? A He may have spoke to him, but when they pulled up outside in a taxicab, Owen

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Lawlor talked to him.

Q You remember testifying on the last trial that Dodo and the King came into the restaurant and it was Owen Madden spoke to him? A Yes.

Q And you remember Owen Lawlor testified that they did not come in, that he went out and spoke to them? A I don't know anything he testified to.

Q But you are telling the story he told on the stand?

A Because I am telling the truth.

Q And you have been living with him for six or seven weeks? A Yes, sir.

Q What happened next? A We went over to the King's house.

Q Where was the King's flat? A In 30th street some place.

Q What number? A I don't remember the number, 230, or something, two thirty something.

Q When you got over there, what happened? A We were drinking. We sat up drinking until almost daylight.

Q Who went into the flat? A The six of us; Freeda, Owen Madden, Owen Lawlor, Doty, and the King and I.

Q All six of you stayed there? A No; Doty and the King went out.

Q That left four of you there? A Yes.

Q Did you say anything about the Doyle murder that night?

A No, sir.

Q Not a word? A No.

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Q Freeda knew he was killed? A Yes, I told her.

Q Freeda had been living with him up to a week before?

A Yes.

Q And you had been right outside the saloon when he was shot? A Yes.

Q And in the saloon talking to him, not ten minutes before? A Yes.

Q Why didn't you mention it? A Because I didn't.

Q Why not; your mind was full of it? A Yes, I am full of it yet.

Q Why didn't you say something about it? A Because I was told to keep quiet.

Q Who told you? A Owen Lawlor. In the early evening when I had met Owen Lawlor, I told him I didn't want to go up there, and he said not to say nothing at all, and to keep quiet and to stop my crying and not bother. He said he would take care of me, that I would not have to stay in the street. That is the reason I didn't mention the fact again.

Q Didn't you tell me a moment ago, he told you not to say anything about it, he did not want the boys to know? A He did not know I was up there.

Q You knew he had no secrets from Owen Madden? A I did not know anything of the kind; anything between him and Owen Madden, I didn't know.

Q You knew Freeda knew all about it? A She knew; I told her, "Patsy is shot, Patsy is dead."

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Q You mean to say, for the whole evening you did not mention the Doyle killing? A No, sir.

Q Do you remember the testimony you gave about that on the other trial? A Yes, sir.

Q Do you remember any talk with Madden you told us about? A Yes.

Q Who told you to say that? A Mr. Deuell.

Q That never happened at all with anybody? A No.

Q That was made up out of whole cloth? A Yes.

Q Out of imagination, entirely? A There was no imagination of mine.

Q It was all imagination, anyway? A Yes.

Q And Mr. Deuell made it all up? A Yes.

Q You never told him a word about it? A I told him we were over there. He asked me did we speak about it, I said "No."

Q Then he told you all those conversations with Madden?

A Yes, sir, yes, he certainly did.

Q Do you remember this that you testified to on the last trial -- "We all went into the kitchen (the King's flat), the living room, and sat down by the table and started to talk."

"Q Who did the talking? A Owen Madden asked me who I had seen in there, in the saloon.

"Q Yes? A I repeated the three boys' names.

"Q As the three you saw there? A Willie Mulhull, Arthur

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Bieler and Hoppe McArdle; and he said, 'How sure are you that you had seen three of them come in there?'; I said, 'I am positive.' He said, 'Are you sure you did not see five come in?' I said, 'No, I only seen three.'. He said, 'Did you see me out at the corner?'; I said, 'No.'. He said, 'When you ran across the street crying, didn't you see me?'; I said, 'No.'. He said, 'Do you remember bumping into anybody on the corner?' I said, 'Yes.'. He said, 'That was me.'. I said, 'I did not see you.'; and he said, 'Well, are you sure that those are the three that you have seen going in?'; and I said, 'Yes.'. He said, 'Well, if you are as sure', he said, 'of saying that you did not see them, as you are of saying that you did see them, things will be all right. If you will stick to saying you did not see them, as good as ^{now} you did see them.'? A That is all untrue, Mr. Edwards.

Q Mr. Deuell made it all up? A Yes, sir.

Q Without a bit of help from you? A Yes, sir. In fact he told me to write it down and not forget it and read it over, and I did.

Q Do you remember this question: "Q Now, was anything else said? A Why, he asked us would we stay there in the flat for a week, in that apartment, and not go out, and that we could have everything we wanted and we could not want for anything, and we could stay there until the thing blew over, and we refused, saying no, that Laura was in the hospital and

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we was the only ones she had to visit her and we insisted
on going to see her. * * * * * A The defendant
said that if we went out and met anybody, that we should not
say anything, that we should return to the flat when they
told us to and be very careful where we went and who we
spoke to and what we talked about, and asked what religion I
was. I told him I was a Catholic. He wanted to know would
that make any difference in my statements, in case I was
taken as a witness, and I said no. I would do whatever he
told me, so he said, as before, to stick to saying that as I
came out of the door, I seen some people standing there, and
I did not know anything about them, who they were, or what
they were."? A I said all that, but it was all untrue.

Q That was all made up by Mr. Deuell? A Yes, every bit.

Q Isn't that exactly what you are doing now, what Owen
Madden, you said, on the last trial, told you, to do that?

A Sir?

Q Didn't you say on the last trial, Owen Madden told you
to say that? A No.

Q Didn't you say you went out and you saw three men you
did not know, excepting Bieler? A I didn't know any except
Bieler.

Q Bieler took a plea of guilty; you cannot help him any.

A I am not trying to help anybody.

Q You are now saying exactly what you said on the last
trial, excepting you said you recognized Bieler, as Madden

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W told you to? A No, sir. I don't know the way you put it. 59

Q You are telling us here today, just what you told us on the Madden trial Owen Madden told you to say, aren't you? A No, sir, I am not saying that at all.

Q How long had you known Madden at the time Patsy Doyle was shot? A I had known him by sight, known who he was, for about four or five years.

Q How long have you known him to speak to? A I have known him to speak to that length of time, but never had a direct conversation with him until the month of October, before the shooting.

Q Do you remember this question being put to you on the last trial: "Q Was anything said about the police? A That if I was taken as a witness, and I stuck to saying that I did not know anyone there, that I did not know him or anything concerning the case, that I would surely get out of it, no matter how long I was detained as a witness, I would get out of it; that I would always find a friend in him and in any of his crowd, meaning the boys at Tenth avenue and 33rd street, and I would always have a good friend down there, anything I wanted, and he knew if they took him, that he would get out of it, and that if I stuck to what he told me to say, that I might surely get out of it, no matter how long I was detained, and that money or anything else would be no object." Do you remember that? A I said it, yes, sir, but it was not true.

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Q Who told you to say that? A Mr. Deuell.

Q He made that up? A I could not say Mr. Deuell said those things exactly, but between him and Mrs. Goldman, they had me write that thing down.

Q When did you write it down? A At different times. I not only wrote that book, but also a lot of things on a yellow pad, and had them typewritten, and they were returned to me at the Waverly House where I kept them and read them.

Q What became of the yellow pad? A I don't know; I sent it to your office.

Q Who did you send it by? A By Mrs. Goldman.

Q That is all you know about it? A The copy was returned to me typewritten.

Q Nobody else wrote it down? A There was a few things Mrs. Goldman wrote down that she was speaking to Mr. Deuell about.

Q So that all this is made up by Mr. Deuell or Mrs. Goldman? A Yes, sir, every bit of it made up.

Q With no help from you? A I helped, yes, because I was afraid of my life.

Q What made you afraid of your life? A I was afraid of Mr. Deuell, that he would send me away.

Q For what? A For the murder.

Q You were not implicated in the murder? A I was as much implicated, and more so, than he was.

Q Did you have anything to do with the murder? A Yes,

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sir, I was up there at the time of the note.

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Q Did you do any shooting? A No, nor did Madden do it.

Q Did you get anybody else to do shooting? A No, sir.

Q Do you remember this question being asked you, and this answer being given by you: "Now, will you go back for a moment to when you were in the restaurant, before Madden called up Dodo Fitzsimmons and the King, what were you all doing in there at that time? A We were reading the papers about Patsy's death and the defendant said that we had better stop reading the papers and I had better stop my crying, because if anyone should come along and see me sitting in there with him and crying, -- he repeated the same -- that it would look suspicious, and especially reading the papers, and that we had better stop reading the papers, and get out of there." Do you remember that? A Yes, sir.

Q Was that true? A No, sir.

Q Who told you to say that? A Either Mr. Deuell or Mrs. Goldman.

Q That was all made up out of whole cloth? A Yes.

Q Just their imagination? A Yes; Mr. Edwards, I never had any conversation with Owen Madden regarding this thing, and any conversations is all untrue.

Q Do you remember this: "Q Was anything said either in the restaurant or in the King's flat with respect to any particular police officer? A Yes, sir, Mr. Flood.

"Q What was said about him? A He said he would meet

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with the same as Patsy Doyle, if he monkied about that bunch
much longer, and they would not tolerate with it." A That
was his own suggestion; that was at the beach.

Q That was Mr. Flood's suggestion? A Yes.

Q When did he make that? A The day we went to the beach.

Q When was that? A I don't remember.

Q Don't you remember when that was? A No, sir.

Q How long before the Madden trial was it? A I don't
remember.

Q That was made up out of whole cloth; he suggested that?
A Yes.

Q You and Mrs. Goldman and Mr. Deuell and Officer Flood
helping you about what to say -- did anybody else tell you
anything about it? A If you ask me the question, I will
tell you.

Q Can you remember whether anybody else suggested your tes-
timony to you? A The first one was Mr. Deuell and Mr.
Weber, they tried to persuade me about those three, and then
Mrs. Goldman copied those things and brought them up, and Mr.
Flood asked me questions.

Q Did Officer Blanche say anything to you? A No.

Q Did I? A No.

Q Mr. Perkins? A No.

Q Anybody else? A Not to my knowledge.

Q Isn't it a fact before you testified in the McArdle
case, and afterwards, before you testified in the Madden case,

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W I had a long talk with you alone in my room? A The day before the McArdle case. 63

Q Didn't I tell you before both cases that I did not want one word but what was true? A Yes, but you did not have nothing to do with the statements. They were all made to Deuell, and all I was to do was to answer your questions.

Q You never had sworn to them? A No.

Q As a matter of fact, no sworn statement was ever taken from you or Freeda, except in the court room, was it? A No, sir.

Q And before you went on the stand in both cases, do you remember distinctly I told you I wanted not a word on the stand that was not absolutely true; didn't I say that to you? A Yes.

Q You never asked me for any protection against Mr. Deuell, did you? A I would have been silly if I did.

Q Nor against Mrs. Goldman? A No.

Q You never breathed a word of this? A No. I had everything suggested and fixed up before I ever met you, before I ever went into your office; I knew everything that was to be said.

Q As a matter of fact, you testified in the McArdle trial without saying anything about Madden, didn't you? A I answered different questions you asked me.

Q But nothing was asked you about Owen Madden? A No.

Q At that time Freeda had not told about Owen Madden's

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connection with the killing, had she? A I don't remember. 64

Q In the McArdle trial? A I don't know whether she did or not.

Q Didn't you tell me a minute ago she made her statement only just before the Madden trial about Easter time? A I said, the way I understood, Freeda was there, I said, months before she made any statement whatsoever to anybody.

Q As a matter of fact, neither one of you would make a statement for a long while? A No.

Q You were the first one who made one? A Yes. I was the first one to get afraid.

Q Freeda would not tell anything for a long time? A No, neither would Willie Mott. He done it to save me.

Q As a matter of fact, you saw Willie Mott before you decided that you would tell what you knew? A Yes, I did.

Q And you gave as your reason for that, that you were afraid to get Willie Mott into trouble? A No, sir. I said to Mr. Deuell, if he would let me go over and talk to Willie.

Q Didn't you tell Mr. Deuell after you came back from talking to Willie, and began to tell what you knew about the Doyle killing, didn't you tell Mr. Deuell you kept your mouth shut because you did not want to get Willie into trouble? A No; Willie could not have.

Q You did not say that? A No.

Q Wasn't Willie in the saloon when the shooting took place? A Yes.

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Q And you knew Willie had fired some shots? A I didn't know it. I heard shots.

Q You thought Doyle had fired some shots? A Yes.

Q And you did not know whether Willie had or not? A I knew Willie had no gun. I could say he did not.

Q How long did you stay at the King's flat? A Until the following Friday. We went there Saturday.

Q You went there Saturday and stayed over until the boys were arrested? A Yes.

Q They were arrested on Monday? A Yes; on Tuesday or Wednesday we left there.

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Q Was anything said why Madden was living at the King's flat instead of going home? A No, sir, because he was with Freeda, that is all.

Q He had a home, didn't he? A Yes, sir.

Q He had a wife? A Yes, sir, he was not living with her for two years.

Q He had a home? A Yes.

Q He did not go home those nights? A No, sir.

Q Was anything said about why he stayed there? A Because he was with Freeda.

Q Do you know why Lawlor was staying there? A Because he was with me.

Q He had a wife, didn't he? A He has been away from her.

Q He had a home, didn't he? A And I had one too.

Q You had a reason for hiding? A I was not hiding, I was walking the streets every day.

Q What were you up there for? A Just because he did not want to live in 43rd street. I knew some one would be over there looking for me.

Q You knew it was not Lawlor's apartment? A No, I knew it was not.

Q You knew it was not Madden's? A No.

Q Were you going to stay there forever? A No.

Q How long did you plan to stay there? A We didn't know how long we would stay there.

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Q Was anything said between you and Lawlor about getting rooms? A Yes.

Q What was said about that and when? A I wanted to get a place of our own, because I had them before that.

Q When? A I don't remember when.

Q Was anything said about your finding room, when you went up there? A For him and I, yes.

Q Was anything said about the reason why you were going to the King's flat? A No, sir.

Q Didn't you tell Lawlor you were going up there to keep out of the way? A No, he is the one brought me.

Q You told him you were not going back to 43rd street?

A Yes.

Q Did you tell him why you were not going to 43rd? A Yes.

Q What? A That I didn't want to go up there, on account of being up there before the shots were fired.

Q Didn't you tell him your rent was due? A My rent was not due, till the following Tuesday.

Q Did you tell Lawlor that? A Yes.

Q Did you tell him your rent was due, or that you did not want to be seem go back there? A I didn't tell him about the rent. I told him I didn't want to go back there on account of being up there before the shots were fired.

Q You didn't tell him about the rent? A I don't believe I did.

Q Why did you tell him that? A Because I don't know.

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Q Isn't it because you know that he testified, that that is what was testified to; didn't he tell you in the past six weeks?

A No.

Q Didn't he know you changed your story? A Yes.

Q Didn't you tell him what you changed it to? A No, he was with me when I changed it.

Q Down at the lawyer's office? A Yes.

Q Who else was down there? A Freeda and Mr. Cavanagh and Jack Marron.

Q Jack Marron was Madden's brother-in-law? A Yes.

Q And Cavanagh was another member of the Madden gang? A Yes.

Q And Lawlor another member of the Owen Madden Gang? A Yes.

Q From the time you got that affidavit, you and Freeda had been living together? A Yes, sir.

Q Where? A 163 West 145th street.

Q Who besides Owen Lawlor lived with you? A Nobody.

Q He was the only member of the gang that lived with you?

A Yes.

Q He stayed with you pretty much of the time? A Not all the time.

Q He didn't let you go very far away? A He went away for two or three days at a time. I could go where I pleased.

Q What name were you living under there? A Parker.

Q Mr. Lawlor as Mr. Parker? A Yes.

Q What name was Freeda under? A Her own name.

Q She was there as your sister? A Yes, sir.

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Q Brady lived there too? A Who?

Q Doty Fitzsimmons lived there under the name of Brady lived there in the same house? A I didn't know him as Brady. They lived there.

Q He lived there with his wife? A Yes.

Q Don't you know he was living there under the name of Brady? A No, sir, I don't know what name.

Q He is another one of Madden's friends? A Yes.

Q The man who took you up to the King's flat on that night? A Yes.

Q Because you wanted to get out of the way, because you were at the Doyle killing? A Yes, sir.

Q Any one else of Madden's friends living in that house? A No, sir.

BY THE COURT:

Q Was any one living with Laura? A No.

Q She was living alone? A Yes.

BY MR. EDWARDS:

Q The next morning after you got to the King's flat what time did you get up? A I don't remember it; about 12 o'clock. We went up to the hospital to see Laura.

Q Who came there in there during the early morning or the night? A Nobody came in there.

Q Do you remember these questions and you giving these answers to them on the Madden trial: "Q Can you give us any idea of what time it was when you went to bed? A It was about

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3:30 a. m. Q Did anything happen to you that morning, that early morning, that you now recollect? A About between five and six, Arthur Bieler came in, came to the door, the defendant got up and let him in. Q Who got up? A Defendant. Q And what room did he go into? A Into the kitchen, through the back door." A Yes, sir, but that was not true.

Q Who suggested that to you? A Mr. Deuell, it was between Mr. Deuell and Mrs. Goldman.

Q Weber and Blanche and Flood had nothing to do with that? A No.

Q That was between Deuell and Mrs. Goldman? A Yes.

Q Which one suggested that he went through the back door? A I don't remember.

Q Which one suggested that he went into the kitchen? A I don't remember.

Q Which one was it that suggested that the defendant got up and let him in? A I don't remember which one, I didn't.

Q Do you remember this question: "Q That is, into this room that you call the living room or kitchen (indicating)? A The kitchen, yes, sir. Q And what did Owen Lawlor do then? A He got up and went out there too. Q And what did you do? A I got up and went into the other bed with Freeda. Q And how long did Bieler remain there talking to the others? A Oh, he remained there for the rest of the morning. Q The rest of the morning? A Yes, sir. Q Did you hear any talk between them,

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between the defendant and Bieler, or between the defendant and Lawlor and Bieler? A The defendant said to Bieler, 'She has seen you up there.' And he says, 'Did she say any more?' And he said, 'Yes, she has seen you all up there, but she didn't see me.' And he asked Arthur Bieler where he got the guns, and he told him that he got them, Jimmie O'Connell got them for him.

Q Who was Jimmie O'Connell, do you know? A Why, he is an errand boy for the defendant." Do you remember that? A Yes, sir.

Q Was that true? A No, sir.

Q Who made that up? A I don't remember just who did.

Q Who do you remember; it was, what is your best recollection about it? A Mr. Deuell.

Q If it was Mr. Deuell, it was Mr. Deuell that suggested all that conversation? A Yes, sir, when I told the truth, then he told me just what was what, and where to put these things in.

Q Did he suggest that it was Jimmie O'Connell, Madden's errand boy? A Yes, sir, he used that word, "errand boy". He told me distinctly to use it.

Q Jimmie O'Connell did errands for Madden? A I don't know whether he did or not. I would not know him if I seen him.

Q You saw him in the restaurant that night? A I don't remember seeing him at all. I don't know Jimmie O'Connell.

BY THE COURT:

Q Do you know where Mr. Deuell got Jimmie O'Connell's name

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from? A No, your Honor, Mr. Deuell knew all the names.

BY MR. EDWARDS:

Q You did not have to tell him any? A No, he knew the whole thing; the day I went down there he started telling me who was up there.

Q He knew more about it than you did? A He certainly did.

Q Do you remember this question: "Q Now, go on with this conversation between Owen Lawlor and Owen Madden, and Arthur Bieler, what else did you hear, if anything? A The defendant said something about Patsy being dead, and Arthur Bieler said, "Yes, we have got him right through the heart." He asked, 'Did you know he was dead?' And he answered, 'Yes, we got him right through the heart.' Q Now, then, what did you do when you heard that? A When I heard that I got up and walked out to the door between the bedroom and the kitchen and stood ---

Q When you say that what door do you mean? A This door (Indicating on diagram) Q The door that is right between the bed room next to the kitchen and the kitchen itself?

A Yes, sir. Q Now, tell us what happened when you walked out there? A I stood there a few minutes and the defendant came and told me to get back in the room. He said, 'I know you don't mean any harm by getting up and coming out', but he said, 'We would rather you would not be out there', and he said, 'Don't get sore', he says, 'Come in and don't ever do that again when we are speaking, don't ever intrude.' Q Was anything said to you about what you knew or did not know? A He said, 'It is

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too much for your size and it ain't doing you any good to know it." Is that true? A No, sir.

Q Who told you to say that? A Mr. Deuell.

Q He made that up? A He certainly did.

Q And that language is his language? A Yes, sir.

Q And not yours? A No, sir.

Q Or Owen Madden's? A No, sir.

Q Do you remember this question: "Q I suppose you slept all Sunday morning? A Well, we went back to bed then, and Arthur Bieler came and laid down in the same bed with Owen Lawlor and I." Do you remember saying that? A Yes.

Q Who suggested that part? A Mr. Deuell. Mr. Edwards, the whole thing was framed up.

Q It was Mr. Deuell suggested that to you? A Yes.

Q Do you remember this question: "Q Did you go to Tammany Hall? A Freeda and I left the house alone and went down, and the defendant said if he did not notice us while we were down there, not to get angry, that he did not mean anything by it, that it was simply to clear ourselves, that we would not be seen together, on account of what happened before, knowing that Freeda and I were friends of Patsy's, and of him also, and not to be angry if they did not pay any attention to us." Do you remember that? A I said it but it is not true.

Q Who suggested that? A Mr. Duell.

Q That was all his imagination? A Yes. That is the way he wanted things put, and he insisted on it.

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Q ~~And he insisted on it?~~ And he made it all up? A Yes.

Q Do you remember this question: "Q Where did you next meet him to talk to? A Our next meeting was outside of Tammany Hall, about -- after the dance. Q And who were with him when you met him, and who was with you? A Freeda and I were together, and the defendant was with Owen Lawlor, walking with Owen Lawlor and with Willie Mulhall, and his lady friend and Arthur Bieler, and his lady friend, were in the group, and they walked in front of us, so the defendant and Owen Lawlor turned around and walked with Freeda and I and then we took a car and transferred up Eighth avenue to the Kings house again." Did you say that? A Yes.

Q Was that true? A No, sir.

Q He made that up? A Yes, Mr. Deuell.

Q Who else? A Well, between him and Mrs. Goldman.

Q They made all that up? A Yes. They had me for days and days down there.

Q Do you remember this question: "When you got back to the Kings, did you have any conversation again with this defendant?

A I went over about the same conversation I had the night previous, about what I was going to say when I came downtown, if I was taken, and was I going to stick to what he told me -- about the same thing. Q What did you say to that when he asked you that? A I told him I would." Is that right? A No, sir.

Q Who suggested that to you? A I was told to say so by Mr. Deuell.

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Q That was Mr. Deuell's suggestion? A Yes.

Q And it was his imagination, and not yours? A Yes.

Q Owen Madden never said anything of the kind? A No, sir, never had any conversation with him.

Q Do you remember this: "Do you recollect whether anything was said, any question was asked by the defendant of you with respect to whether Willie had said anything about seeing him or not? A He asked me if Willie Mott had said anything to me about seeing him up there that afternoon on November 28th, and he said he passed him through the Bar, looking for a fellow with two gold teeth, meaning Patsy Doyle, and he failed to see him, nor did he see any one up there who he thought was a pal of Patsy's, in fact he did not see any one who knows him." Do you remember that? A I remember saying that.

Q Was that true? A No.

Q Who made that up? A Mr. Deuell.

Q Mrs. Goldman had nothing to do with that? A I don't know whether she did or not; they fixed the thing up together.

Q Did you ever see them talking it over together? A Yes, sir, lots of times.

Q And they fixed it up between them? A Yes.

Q And they told you what to say? A Yes.

Q All this I just read? A Yes, most all of it.

Q Between them they told you to say that? A Yes.

Q That is, you had nothing to do with it? A No, sir. I told the truth about it.

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Q Do you know why Mrs. Goldman should be interested in this case? A For my welfare, she told me.

Q Why was she interested in framing-up Owen Madden? A I don't know.

Q She is a worker at the Waverly House, isn't she? A Yes, sir.

Q Did she ever say anything to you about Madden? A Yes, sir. She sat for hours talking and told me I know these things were true that Deuell told me in Deuell's office. She told me they were true. I said they were not. She said, "It is up to yourself, if you want to save yourself." She said, "I will do anything I can for you to save you."

Q Did she say why she wanted to frame-up Madden? A No, sir; I suppose Mrs. Goldman knew Madden was being framed-up. It was through Mr. Deuell Mrs. Goldman got her story. She said Mr. Deuell said this and that. She said I should write them down and study them.

Q Then you think Mrs. Goldman thought it was true? A I don't know what she thought.

Q You told her it was not true, and she said you had to say it? A I didn't say a thing to Mrs. Goldman about it not being true; I said I could not swear to those things. I was sick for days and days up there, just from worrying. They sent me to hospitals and said I was diseased, and everything, and it was not true. It was just from worrying. I was in the City Hospital seven weeks, and in Bellevue about five weeks. The doctor that is stationed in Waverly House said it was only from

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worrying, that I was going out of my mind from worrying.

Q Do you remember telling me you were worrying about what would happen to you when you got out, the Madden's could find you again? A Yes, I did say that.

Q Why did you tell me that? A Because I knew I had lied about them all the way through, and that I expected them to do almost anything.

Q You knew if you told the truth they would call you a squealer, didn't you? A No, sir, I didn't get a chance to tell the truth.

Q You knew if you did tell the truth and it hurt any of their gang, they would call you a rat and squealer? A No, if I had told the truth it would not have hurt them.

Q It would have hurt Bieler? A Yes.

Q Then they would have called you a squealer? A They have done it anyway.

Q They would have done it then and have been calling you a rat and squealer now? A No.

Q What did you mean just now? A They said I lied.

Q Didn't they call you a rat and squealer? A No, sir.

Q What did you mean by saying that? A They told me I lied. They have told me I lied.

Q What did you mean by saying just now they called you a rat and squealer anyhow? A Yes, I mean they would.

Q Have they? A No, sir.

Q You just said a moment ago they have done it anyway? A No, sir.

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MR. EDEARDS: I ask the stenographer to turn back to that answer and read it.

(The previous question and answer referred to by Mr. Edwards is read.)

Q What did you mean by saying that? A They said I lied.

Q You know that a rat and squealer is not a liar necessarily?

A I don't know what it is.

Q What did you mean by saying they called you a squealer?

A By lying, by framing Owen Madden up.

Q What do you understand a rat and squealer to mean in the gang slang? A One that does a lot of talking.

Q One that tells tales on other members of the gang? A Yes.

Q And that is what they have called you? A No, sir.

Q That is what got you to change your story? A No, sir, I would not care what they called me, it was me went there and changed my story. I done it myself; they did not ask me to do it.

Q Was that when you went there and offered to change your story? Was that before or after Freeda and Willie Mott changed theirs? A I changed mine first.

Q Did you tell them at that time that you turned this Willie Mott's letter over to the District Attorney? A Yes, sir.

Q Did you tell them that you put the District Attorney in the way of getting their hands on Willie Mott's letter to Freeda? A Yes, sir.

Q Did you tell them that those letters showed that this was

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a frame-up? A No, this letter did not show a frame-up to my knowledge. He said in this, Willie said he would be willing to do anything to help Owen, but he did not see how he could do it without perjuring himself.

Q Did he say he could not help Bieler because he took a plea?

A Yes.

Q But he would help either Hoppo or Owen? A Yes.

Q Do you remember this question and answer, following what I read to you about looking for the man with the gold teeth:

"Did he say why he was looking for him at any time? A I can't

remember that he said anything then, but he did say it before he told me that he wanted to see Patsy Doyle, that he heard he was down there at Dewaney's cafe looking for him, and that Mary O'Donnell had carried a message to Patsy Doyle, to tell Patsy that he would -- that it was through him that he got out of that last -- he was in a fight with some fellow named Romillo, or something like that -- it was through him that Patsy got out, that he told "T" (P) not to rap." Do you remember that? A Yes.

Q Did you say that? A Yes, but it is not true. The first I ever heard anything about "T" was in Deuell's office.

Q Did Deuell make that up? A Yes, sir.

Q He suggested you should tell the story that Madden sent a message to Patsy to tell him that he, Madden, had pulled off on this case so that Patsy could get out, and he promised "T" that he would get Patsy? A Yes, sir.

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Q Mr. Deuell made that story up for you to tell? A Yes, sir.

Q Do you remember this: "Q He said he told 'T' not to rap?

A He said that he told "T" not to rap, and that the bunch would get Patsy, to let him get out, that they were looking for him, that he was a rat, and every little argument or fight he ever got into he always hollered cops, and they did not like that kind of a fellow around their neighborhood or in their company at all, and that he was just dying to get a whack at him." You said that? A Yes.

Q And that was not true either? A No.

Q Mr. Deuell made that up? A Yes.

Q Did Mrs. Goldman help him? A I could not say to that.

Q Did either Weber or Flood or Blanche help him? A I don't remember who did. It was at Deuell's suggestion, I know.

Q Do you remember this question: "Q. Now, did he say anything to you about your conduct in that connection? A He wanted to know if I was up to Times Square dance with Patrick Doyle and Marty and May O'Donnell, and I said, 'Yes, I was up there on the night of ^{Hony} Moore's benefit', and he said there was a lot of detectives up there that night, and I said, 'Yes.' 'Well, he said, 'I advise you to stay away from Patsy Doyle, and the Times Square Club and Willie Mott too, if he is a friend of Patsy's, for sooner or later we are going to crash in on that Times Square Club and clean up the place, and we will get Patsy Doyle in the meantime.'" Do you remember that? A Yes.

Q Was that true? A No, sir.

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Q Who told you to say that? A First I heard about that was in Mr. Deuell's office.

Q Who told you to say that? A Mr. Deuell.

Q It was made up by him? A Yes.

Q Did any one help him make that up? A I don't remember.

In Mr. Deuell's office one day Weber was there and he wanted to know if I was not up in Honey Moore's benefit dance, that he was up there, and he told me how he was dressed, and I said I remembered seeing him up there.

BY THE COURT:

Q seeing Weber? A Yes. It was from that time that Mr. Deuell got that idea in his head about THoney Moore. Then he started questioning me, and started asking me about Patsy's case. He asked me wasn't it through that, and didn't Owen Madden say this and that, and I said no. I could not blame anybody else but Mr. Deuel for it. I am telling the truth.

BY MR. EDWARDS:

Q Deuell made all that up? A Yes.

Q But you did not have any one else to help you in that?

A I don't know.

Q You remember your cross examination on this case, don't you? A Yes, sir.

Q Do you remember Mr. Colligan cross examining you by the hour?

You stuck to the same story? A Yes, sir, I had to.

Q Do you remember this part of the examination where Mr. Colligan said to you: "Now, be fair about this, just tell the

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jury, that is all I ask." And you said, "I am fair about it."

"I certainly am fair about it." Do you remember that? A Yes.

Q Then you told your mother you were telling the truth? A I don't like to answer those questions without explanations.

Q Did you tell your mother you were telling the truth?

A Yes.

Q Do you remember now telling Mr. Perkins you were telling the truth? A No, sir.

Q Do you remember telling me you were telling the truth? A Yes.

Q What time did you come to the Court House this morning?

A We didn't get down here until after ten o'clock.

Q Who did you come down with?

MR. COLLIGAN: I do not see how that is material.

A With Mr. Marron and Mr. Cavanagh, Owen Lawlor, Freeda and I.

Q That is Jack Marron, known as Madden's brother-in-law? A Yes.

Q Barney Cavanagh and Owen Lawlor? A Yes.

Q You and Freeda? A Yes.

Q And you came down in the car? A Yes.

Q In a taxicab? A Yes.

EXAMINATION BY MR. COLLIGAN:

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EXAMINATION BY MR. COLLIGAN:

Q With whom did you speak about this case after the trial? A I spoke to my folks home about it, and then I spoke to Joey Dean About it.

Q Who is Joey Dean? A A friend of mine from the East Side.

Q About what time was that? A That was very shortly after we came down. It was about a week after we came out.

Q That was shortly after you were released from Waverly House? A Yes, sir.

Q What did you tell him at that time? A Why, he asked me about it, and I told him I did not feel right about it, that I did not have the nerve to go over on the west side and explain circumstances to them, and that I was going to try to get away from it. He told me he would go over and explain the circumstances for me and see the boys.

Q What were the circumstances? A That I lied in the case. They all knew I lied.

Q Did you speak to Frieda about it at the time? A Yes, sir.

Q Who else did you speak to? A VinKelly.

Q Who was VinKelly? A A friend of Frieda's, a pal from the East Side.

Q What did you say to Kelly? A I told him the same as I told Joey.

Q Did you tell Kelly at the time that you committed perjury at the trial of Owen Madden? A Yes, sir.

Q What did Kelly say? A He said he would do anything he

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could to help us. He said he would go over to the West side and see the boys too, if we wanted him to. .83

Q When did you first see any of the boys on the west side?

A I seen them, but I didn't speak to them. The first one that I spoke to from the West Side, referring to this trial, was Owen Lawlor.

Q Where did you meet Owen Lawlor at that time? A 35th street and Second avenue.

Q Who was with you, if any one? A Joey Dean.

Q What did you say to Lawlor at that time, with relation to the evidence given by you in the trial of Owen Madden? A He asked me what I wanted to see him about, and I told him that I would like to see Owen's attorney. He said if I wanted to do so he would get in touch with Mr. Cavanagh and send Cavanagh to see you.

Q As a result of that conversation did you meet Cavanagh?

A yes, sir, I met him later that night.

Q To the best of your recollection what time during the summer was this? A First I met Mr. Marron, and we went cabareting; me and Frieda went cabareting, and the next morning about half past seven we went into a taxicab, and met Cavanagh on Tenth avenue.

Q Was that during July or August or September? A I think the early part of September; I could not remember the date.

Q Did you relate to Cavanagh at that time the circumstances of your trial? A No, sir, Mr. Cavanagh said that Owen had told

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him I wanted to see you, and to explain the things to you. That is all he said. He said, "I am glad you are willing to tell the truth.

Q You told him at that time you wanted to tell the truth about the trial? A Yes.

Q What did you do as a result of that conversation. Who did you come to? What did you do with regard to telling the truth? A We went to Miss Moskowitz's office.

Q Do you know when you went to Miss Moskowitz's office?

A Not for two or three days or a week after that.

Q It was about the middle of September, wasn't it? A I could not remember; it was after the first week, anyway, around that time; I could not remember the date.

Q You told Miss Moskowitz that you desired to tell her the truth about the Owen Madden case? A Yes.

Q And you made a statement of your own volition, that is, voluntarily? A Yes, sir.

Q And at that time you were told by Miss Moskowitz what the result might be? A Yes.

Q That is, that you might be punished for perjury? A Yes, sir.

Q And she explained that to you thoroughly, did she? A Yes, sir.

Q And notwithstanding that you made this affidavit? A Yes.

Q And you read the testimony all over, did you not? A Yes, sir.

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Q And Miss Moskowitz asked you questions and you answered them? A Yes, sir.

Q Now, when did you first mention to any one in the District Attorney's office that Owen Madden was connected with the murder of Patsy Doyle? A On my first three or four visits down there; the first few days they were asking me about it, and I denied I knew anything about it. Then they kind of dropped it, they didn't say any more about it for a while. They just questioned me on the McArdle trial.

Q Do you recollect at what time of the year the McArdle trial was held? A It was in March.

Q Now, up to that time, what conversation, if any, had you had with any one connected with the District Attorney's office, relative to any testimony you might give to Owen Madden, of any knowledge that you had in your possession, connecting Madden with the killing of Patsy Doyle? A I had quite a few conversations with Mr. Deuell and Mrs. Goldman, and talked it over several different times, but I never made a statement, with a stenographer. Just talked it over.

Q Up to the trial of McArdle, you gave no direct statement connecting Madden with the offense? A No, sir.

Q When, after the McArdle trial, did you state to any one in the District Attorney's office, or give any information to any one in that office relative to Owen Madden? A Soon after the McArdle trial, in Deuell's office. He went down, - he called down and spoke to me about it, and told me he must be convicted,

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and told me it was in order to save myself that I was doing that, that I was not doing it for him or any one else, but he wanted to save me, and there was a lot of notoriety about the thing, and it would be a great thing if Owen Madden would be convicted; that he was wanted on several charges and he must be convicted, or else it would be me.

Q Did any one connected with the District Attorney's office tell you that if you did not testify the way they wanted you to testify you would be sent away yourself? A Yes.

Q Who told you that? A Mr. Deuell and Mrs. Goldman told me.

Q How many conversations did you have with Mrs. Goldman, relative to any prospective testimony?

BY THE COURT:

Q All this conversation about Madden took place, you say, after the McArdle trial? A No, your Honor, some of it before, but the first statement that was made with the stenographer was after the McArdle trial. They never took a statement before about Madden.

Q When was it they told you you had to testify against Madden to save yourself? A All during before the McArdle trials.

Q It was before? A Both times, before and after.

BY MR. COLLIGAN:

Q Now previous to the McArdle trial, to the best of your recollection, how many times were you brought to the District Attorney's office, and how many visits were made to you by any one connected with the District Attorney's office, that is,

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visits to the Waverly House? A The first two or three weeks we were taken in charge, I was taken down most every day or every other day, and then maybe once a week, or twice a week, and then I was sent to the hospital, and then Mr. Deuell and Mrs. Goldman came to see me at the hospital.

Q At what time of the year were you went to the hospital?

A About a week before Christmas.

Q How many times after the McArdle trial were you taken to the office of the District Attorney? A I was taken down once, and then I was taken down again, about three times.

Q How many visits did Mrs. Coleman, or any one else, make to you at the Waverly House? A Mrs. Goldman made several visits and Mr. Deuell about six times, at the Waverly House.

Q Something was said to you by some one connected with the District Attorney's relative to the Baff murder case? A Yes, sir.

Q Who spoke to you relative to that murder? A Mr. Deuell, he wanted to know if I was not in the restaurant on a certain evening, November 24th when there was some conversation going on between Madden and some other boys concerning the Baff case, and I said I was not, and I refused to testify to that. He said, "Sooner or later Madden will be brought down again on that case."

Q something was said to you about being sent to San Francisco? A Yes.

Q Something was said to you about being sent to San Francisco? A Yes.

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Q Who said that? A Mr. Deuell said I could go easily, that everything would be all right as soon as the case was over, I could go to San Francisco if I wanted to. He would get me a ticket for both Frieda and I.

Q Who was to give you the ticket? A Mr. Deuell.

Q By the way, you went away this summer, did you not?

A Yes.

Q You went into the country? A Yes, sir.

Q You did not pay the expenses, did you? A No.

Q Do you know who did? A The District Attorney's office.

Q For your vacation this summer, after the trial? A For two weeks.

Q Did you know why you were being given that vacation at the expense of the city of New York? A That was in case of the trial Pete McArdle was supposed to get. To make me sign any papers in the McArdle trial. It was understood Pete McArdle was getting the trial; that is what I told the District Attorney, that he was getting the trial for his brother. He said if I wanted to be away at the time he would send me away. I refused to go, but about three weeks after, I went.

Q But you testified during the Madden trial you were given a little outing, were you not? A Three times.

Q Who took you away? A Mr. Blanch took us out; people took us out.

Q Those are officers, police officers? A Yes.

Q But this was before you testified, was it not? A Both

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times were.

Q Where did they take you? A One day we went over to the Navy Yard, and then another day we went to Coney Island with Mr. Blanch, the next time we went to North Beach.

Q You had some conversation with the officers at North Beach, did you not, relative to the Madden trial? A Yes.

Q Can you recollect that conversation? A Why, Mr. Flood told Willie that he heard me say in the District Attorney's office --

BY THE COURT:

Q Tell us what you heard in North Beach? A Yes, sir, while I was sitting there --

BY MR. EDWARDS:

Q Who told you this? A Mr. Flood told me.

BY MR. COLLIGAN:

Q Tell us all the circumstances connected with the trip to North Beach. You went, and Flood and who else? A Willie and Frieda.

Q You stopped at a Cafe on 23rd street? A Yes.

Q And second avenue? A Yes. And we stopped at 23rd street and second avenue, and Mr. Flood telephoned over to the Navy Yard, to get Willie to come over to meet us. We took a car and stopped over at Broadway and Steinway avenue, Long Island, and went into a Cafe there, after we met Willie. Then we took the car to the beach. We went into a couple of different shows over there and had our pictures taken.

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Q You had your pictures taken? A Yes, sir.

Q Who was in the picture? A Willie and Frieda and Flood and I.

Q Do you remember any other circumstance connected with the trip, any conversation relative to the Madden case? A Unless it was just what Mr. Flood said. He did not say it to me, he said it to Willie.

BY THE COURT:

Q What did he say to Willie?

BY MR. EDWARDS:

Q Did you hear this said to Willie? A Yes, sir.

BY MR. ~~CHILLEN~~ COLLIGAN:

Q What did he say? A He said to Willie "I heard in the District Attorney's office, that Margie is going to say Madden was up there that night; now, you say the same thing and get this thing over with."

Q Later you had a conversation with Willie about that same testimony? A Yes, we had a quarrel over that.

Q Over that particular part of the testimony? A Yes.

Q State just what that trial was? A I don't just remember, only that Willie was angry and asked me did I say anything like that, and I said I had to say it to save myself, so we had quite a quarrel over it, and he hit me.

Q At the time you were friendly with Willie? A Yes.

Q It was over that fact that you quarreled? A Yes, sir.

BY THE COURT: Q Why, didn't you say at the trial, as well

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as Willie, that you saw Owney Madden at the saloon where the shooting took place? A Because I made a statement that I ran across the street and bunked into some one and Deuell asked me, "Wasn't that Madden?" I said I could not say who it was. He said, "You say it was, if you want to get out of it."

Q But you did not say that that somebody was Madden? A No.

Q Why did not Deuell tell you to say that was Madden? A Because he had Willie say that.

Q He did not ask you to say it? A No, he told me to say that after I got into the flat that Owen Madden said he was there, and he told Willie to say he bunked into him on the corner, and I was there when he told him. He told me to say, after we got into the king's apartment, Arthur Stein was to say, "Yes, you did bunk into me on the corner", to let Willie say one part and me say the other.

Q Who has paid the rent for this place where you and Frieda were? A Owen Lawlor.

Q He is paying rent? A Yes.

Q He is giving you money to live on? A Yes.

Q Who is giving Frieda money? A Nobody; she lives there with us.

Q Who pays her food? A I bought food with money he gave me.

Q That is, Lawlor furnishes money that supplies food to you and Frieda? A Yes, sir.

Q And he pays the rent? A Yes, sir.

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Q Do you know why he is paying the rent for Frieda? A No, only she had no place to go.

Q He is paying that out of good nature? A I don't know.

Q He is paying her rent and furnishing her with food. Do you know why he is doing that? A She lived with me once before.

Q But why is Lawlor furnishing her with food? A I don't know.

BY MR. COLLIGAN:

Q You have had money given you and food supplied to you prior to the Madden case by the same man, or rather prior to the Doyle murder? A Yes, sir.

Q By the same man? A Yes.

Q Who was it told you that the three men did the shooting?
A The first time I heard their names mentioned was in Deuell's office, by Mr. Weber.

Q He showed you a picture, did he not, at that time? A Of John McArdle.

Q Did you know McArdle at that time? A No, sir, I don't know his name.

Q Was anything said to you about admitting that these three men were there? A Yes, sir.

Q Who said that? A Mr. Deuell said I had to admit it.

Q Did Deuell say if you did not admit it something would happen? A He said I would be indicted and Owen Madden would be taken out of the Tombs and I would be put in his place.

Q What else at that time do you recollect was said in Mr.

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Deuell's office? A That I was responsible for the death of Patrick Doyle, that it was through me that the signal was given, and of his telephoning, and they told me things I never done at all.

Q Was there anything being said to you about you being sent out of the House of Detention and sent to a private house, where you would have more privileges, if you made certain statements? A Yes.

Q Who said that? A Mr. Deuell.

Q Was anything said about a line up? A Yes, sir. I was asked could I pick them out. I said no. They asked me would I know them if I seen them. ^{I said} (I might know them, but I don't know them by name.

Q Did anyone at that time tell you that you must pick them out? A Yes.

Q Or you would be sent to the Tombs? A Yes. Mr. Deuell told me I had to say that.

Q Who? A Mr. Deuell said so.

Q You were taken to coroner Feinberg's office? A Yes, sir.

Q And there was a lineup? A Yes, sir.

Q Who did you pick out in the line-up? A Arthur Bieler.

Q You said that several times Mrs. Goldman gave you some sheets of paper on which something was written? A Yes, sir.

Q Will you explain more fully regarding that? A The different times she came up to Waverly House, and she said she had seen Mr. Deuell, and that Mr. Deuell told her to remind me

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of these things, certain things, I could not exactly say what they were, but they were concerning the case. She told me to write them down and study them.

Q That is, do I understand they were written down, statements written down for you to learn by heart? A For me to study and to know them.

Q In fact, evidence given to you to rehearse? Is that what I understand?

MR. EDWARDS: I object to that as improper.

THE COURT: I will allow it. This is not a jury trial.

A Yes, sir.

Q You committed it to memory? A Yes.

Q And then you wrote them down in your own handwriting?

A Yes, sir.

Q What did you do with the notes that were given you by Mrs. Goldman? A She told me, she dictated them to me. She kept them. She sat there. Once in a while she gave me a piece paper, and I noted them down. I don't remember what I done with the other piece.

Q Was there anything written down in the statement relative to the wearing apparel of McArdle? A Yes, sir. When I was downtown I said I don't know what any of them had on, and Mr. Deuell sent up word how they were dressed, that they had caps on them, and I think one of them had a sweater, something like that. I don't remember what they had on.

Q You were told as a matter of fact to say what they wore?

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A Yes, sir.

Q When you did not know what they did wear? A Yes, sir.

Q Was it before or after the trial of John McArdle that you were questioned about conversations? A I was questioned before, but never had a statement taken.

Q Conversations with Madden? A Not until after the trial.

Q But it was not until after the trial of McArdle that you made written statements concerning these conversations alleged to have been had between you and Owen Madden? A I wrote some things down, what the conversations were, after the trial.

Q Was there anything said to you as to your position on account of the note to be shown at 25th street and Tenth avenue?

A Yes, sir, Mr. Deuell said I was in a very bad position, that it was through me the whole thing was done, and once he said, as he told me to, that I would be the one that would suffer instead of Owen Madden.

BY THE COURT:

Q After the McArdle trial were you still afraid? A Yes, your Honor.

Q You were a witness in the McArdle trial, weren't you? A Yes.

Q Mr. Deuell, of the District Attorney's office, had used you as a witness? A Yes.

Q And you gave your testimony? A Yes.

Q The testimony you gave there did not show that you done anything wrong, did it, in connection with this murder? A About

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the note.

Q It did not show you knew he was to be killed, did it? A The way they told me it did. The way they told me the whole thing was *lying*, right on my shoulders. I brought the note.

Q Did you testify to any facts in the McArdle trial that showed that you knew he was going to be killed? A No, sir.

Q What you testified to there didn't show that you were guilty, did it? A Yes, sir, in some parts it did.

Q Were you afraid that after you had been a witness for him in the McArdle trial that they would still send you up? A Yes, sir. It was Madden they seemed, - they wanted to convict. They didn't say much to me about McArdle.

Q They used you as a witness? A Yes, sir.

Q On the McArdle trial? A Yes.

Q Were you afraid that after that they would still send you up? A Yes, sir.

Q What did Deuell say after the trial of McArdle and before the Madden trial? A That was when he took the statement from me with the stenographer, after the McArdle trial, and that was the time he said to me the most, with the Madden trial.

Q That was after the McArdle trial? A Yes, sir.

BY MR. COLLIGAN:

Q You had a conversation with Mr. Edwards before the trial of the McArdle case, did you not? A Yes, sir.

Q And Owen Madden's name was mentioned, was it not? A Yes, sir.

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Q And at that time what did you tell Mr. Edwards concerning Owen Madden's connection with the case? A I told Mr. Edwards I made several statements, but I could not swear to them. I did not have the nerve to do it.

Q Did you tell him about taking the notes to Marty Ellis?

A Yes, sir.

Q Just before the Madden trial you had a conference, you and Frieda and Mr. Edwards and Mr. Deuell, did you not? A Yes.

Q Will you state what you remember or recollect about that conference? A I don't know just which one you mean.

Q Was there any disagreement there what testimony was given?

A Yes, sir; Frieda disagreed.

Q What was said during that conversation by any of you four people? A I don't just remember which one it was.

Q Was Frieda told to say something relative to any evidence?

A Yes, sir.

Q Do you recollect what it was; do you recollect you refused to say it? A Well, there was quite an argument over it, I don't just remember what it was. I could not remember what it was, though.

Q Do you remember Mr. Edwards having a conversation with Mr. Deuell with reference to the fact that you or Frieda refused to give certain evidence in the trial? A I don't remember, Mr. Colligan.

Q You were arrested at one time during the summer for disorderly conduct, were you not? A Yes, sir.

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Q Did you see Deuell at that time? A I seen him about a couple of weeks after.

Q Did you have some conversation at that time relative to that arrest? A Yes.

Q What was that conversation? A Deuell wanted to know why I didn't send for him when I was arrested, and he would get me out, without paying any fine, if I had telephoned to him.

Q Was anything said about keeping the matter out of the papers, in case you had seen him? A Yes, that it would not have been in the papers. He wanted to know the name of the officer that arrested us.

Q You were advised about that time to leave New York, were you not? A Yes, sir.

Q And later you did go to Central Valley? A Yes, sir.

Q But you did not pay for that? A No, sir.

Q You had a talk with Mr. Perkins at one time relative to this case, did you not? A Yes, sir.

Q To the best of your recollection, when was that talk had?
A After the trial of Owen Madden, the day before we went home.

Q Who brought you to Mr. Perkins's office? A Mrs. Goldman.

Q Did she tell you why she was bringing you there? A She said Mr. Perkins wanted to see us before we were discharged.

Q What conversation did you have with Mr. Perkins relative to the Madden case? A Mr. Perkins took me into a room all alone and asked me was what I said the truth on the stand. I said it

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was all over now. I don't want to say nothing about it. He
said, "What are you worrying? Are you afraid of those boys?"
I said "Yes." He said, "You need never worry." I said "I am
afraid of them." He said, "You need not worry; any time
they bother you just come down and let me know."

Q Do you recollect reading an article in the newspaper, during
the summer concerning the Madden case? A Yes.

Q With threats against you? A Yes.

Q What was the substance of that article? A I was stopping
up at Frieda's house ---

MR. EDWARDS: Is this proper?

THE COURT: Have you got the article?

BY THE COURT:

Q Do you know what paper it was in, or what paper it was
published in? A No.

Q Was it a newspaper article? A Yes.

Q Do you remember what paper it was in? A No.

BY MR. COLLIGAN:

Q What substantially was in that article? A It read in
the paper that Frieda and I were threatened by some of the
boys from Owen Madden's crowd, our lives were threatened, and
that a party was offered \$150 to kill us.

Q As a matter of fact, did you make that statement to any
newspaper man? A No, sir.

Q As a matter fact, did a member of the Madden crowd at any
time threaten you? A No, sir.

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BY THE COURT:

Q I thought you said you came to the District Attorney's office in June, and again in August, saying you were afraid?

A When I was in Frieda's house stopping, those two boys came down to Frieda's house, and told Frieda there were two fellows in the saloon on the corner, and he had offered a certain fellow in that neighborhood a hundred and fifty dollars to kill us.

Q That was not in the newspapers? A No.

Q That is what the two boys told Frieda? A Yes, so we went down to the District Attorney's office, Frieda and I, and told Deuel and Edwards what the boys had told.

Q That was in June? A Yes. The next day this article was in the paper.

BY MR. COLLIGAN:

Q Do you recollect having a conversation the night before the Madden trial with some body connected with the District Attorney? A Yes.

Q Who? A Mrs. Goldman.

Q What was said at that time concerning your testimony?

A On the way home from the Court, Frieda and Mrs. Goldman had an argument about getting out. Frieda wanted to go out, to be taken out, and Mrs. Goldman did not approve of it, so Frieda said when she took the stand that she would not say anything that she had said in Deuell's office, that it was all lies, that she did not swear to any of those statements, and that she was not going to say them. So Mrs. Goldman took her and I both into

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the Waverly House, and she told Frieda if she repeated what she said, she would telephone to Judge Rosalsky, and have her committed to the Tombs and have her indicted. I told Mrs. Goldman not to do it. She took Frieda into the room, and then talked to her herself.

Q. Now, I want you to state finally why it was that you testified as you did during the Madden trial: were you afraid of any one? A Yes, sir, I was afraid of going down to the Tombs myself, as Mr. Deuell told me I would. I was afraid of being connected right with it as Owen was. I wanted to get away from it all. I told him I would do anything he told me, if he would get me out of it.

Q Were you at any time afraid of the Madden crowd? A No, sir. I was afraid after I left there, because I knew I had lied about them.

BY MR. EDWARDS:

Q Margie, how many of the old Madden Gang are in this court room, and have been all the while you have testified? A Three that I know.

Q Barney Cavanagh? A Yes.

Q And there is Jack Marron? A Yes, sir.

Q And Owen Lawlor? A Yes.

Q And your friend Joe Dean and Frieda's friend Kelly?

A Yes. It was your privilege to put them out if you did not want them here.

MR. EDWARDS: I submit this witness should be detained

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somewhere so that we can get her here again.

THE COURT: There should be some precautions taken to see that she is here. I have no doubt both counsel in good faith assure the Court she will be here, and they believe so. The trouble is, they have no control over her, and if she does not come, she is simply gone, that is all.

THE WITNESS: If I say I will come I will come. Miss Moskowitz told me when I was needed, she would bring me down, and I have been in touch with Miss Moskowitz every day for weeks.

MR. COLLIGAN: She surely understood the situation before she came here.

MISS MOSKOWITZ: I can have her taken to a home that I am connected with, the Brigadier's Home of Rescue on 15th street.

THE COURT: (Addressing the witness) If I do not commit you now to the House of Detention, do you agree to go where Miss Moskowitz tells you? A: Yes, sir.

THE COURT: If she does not do so, I shall expect you to detain her until you can get an officer, and then notify me and I will have her committed to the House of Detention.

MR. EDWARDS: Will your Honor also direct that none of these men here are to speak to her?

THE COURT: I do not want any of the witnesses to communicate with during this proceeding.

(RECESS until Friday, Octo. 8, 1915, at 10:30 a.m.)

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New York, October 8th, 1915.

TRIAL CONTINUED.

F R E E D A H O R N E R, (400 Fourth avenue, Astoria, Long Island.) called as a witness on behalf of the defendant, being first duly sworn, testifies as follows:

MR. EDWARDS: Yesterday, I understood that counsel did not want to take any direct examination, so I began with the first witness, with the cross examination. On his re-direct, he asked many questions that would have been perfectly proper on direct. It seems to me, if he has any direct, he should avail himself of that, so that I may have not only that, but the affidavit to cross-examine on. I think it will save time.

THE COURT: I do not think so. The witnesses are examined by the District Attorney, to be examined on her affidavit.

BY THE COURT:

Q Do you understand what this proceeding is? A Yes, your Honor.

Q You understand that in taking the stand here, you admit that you committed wilful and deliberate perjury on the trial? A Yes, sir.

Q Do you understand that you can be sent to prison for

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that? A Yes, sir.

Q You understand that if I can possibly do so, I am going to send you there? A Yes.

Q You understand, that if you were telling the truth then, that on this occasion you are committing deliberate perjury? A Yes.

Q And if I can send you to prison for that, I shall do so? A Yes.

Q And you understand that anything you say here can be used against you on the indictment for perjury? A Yes, sir.

CROSS EXAMINATION BY MR. EDWARDS:

Q Freeda, when were you discharged from Waverly House?

A June 3rd.

Q That was the day after the verdict in the Madden case, wasn't it? A Yes, sir.

Q When you left Waverly House, where did you go first?

A Home to my mother.

Q How long did you stay there? A Some time in July.

Q Did you live there constantly? A Yes, sir.

Q Where was that? A 214 East 70th.

Q When you left there, where did you go? A I was going to go to Sullivan County, but somebody took my valise, so I could not go.

Q When was that? A Some time in July.

Q That was in August, wasn't it? A I don't know, the last part of July, or first part of August.

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Q Who were you going to see in Sullivan County? A I was going to work in a sanitarium.

Q Isn't it a fact that when you first left Waverly House, you went to Camp Arcadia, the Waverly House camp? A Yes.

Q You and Margie went up and spent about two or three weeks? A One week.

Q After you had been living at home in 70th street, where did you live next? A 2915 Eighth avenue.

Q Who lives there with you? A My mother.

Q How long did you remain there? A About two weeks.

Q When did you leave that address? A Some time in August.

Q When did your mother leave there? A I don't know.

Q Do you know where your mother is living now? A Yes.

Q Where? A 210 East 88th street.

Q Do you know when she moved from 2915 Eighth avenue?

A No, sir.

Q When did you leave there, stop living there, at 2915 Eighth avenue; state as near as possible? A Some time in August.

Q You are sure it was some time in August? A Yes.

Q It was not in September? A No.

Q Where did you go to live then? A 163 West 145th street.

Q Who did you live there with? A Margie and Owen Lawlor.

Q Who else? A That is all.

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Q How long did you live there? A About six weeks.

Q When did you leave there? A About a week ago.

Q A week ago today? A Yes.

Q Why did you leave there? A Because the District Attorney men were always coming up and pestering us.

Q Because you saw one of the District Attorney's men?

A I did not see it, but I know it.

Q Then you went to Astoria? A Yes.

Q That was after you made this affidavit? A Yes.

Q Where were you living when you made this affidavit?

A 163 West 145th street.

Q Why did you swear in this affidavit that you lived at 2915 Eighth avenue? A Because my mother lived there.

Q But you did not live there? A No.

Q You swore in this affidavit: "Freeda Horner, being duly sworn, deposes and says that I reside at 2915 Eighth avenue, in the Borough of Manhattan, City and County of New York.". Why did you swear falsely in that affidavit, as to where you lived? A Where my mother lived, I call that my home.

Q But you were not living there. A Not that time.

Q You could not be found there? A No.

Q And you did not mean to be found? A No.

Q That was the reason you gave a false address? A No, that was not it.

Q Wasn't that the reason that Margie gave the false ad-

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dress also? A I don't know what Margie gave.

Q You were with her when she made her affidavit? A
Yes, sir.

MR. COLLIGAN: I object to this line of testimony,
as not legal evidence.

THE COURT: Allowed.

BY THE COURT:

Q Why did you object to stating in the affidavit that
you lived in this place on 145th street? A Because, your
Honor, I went home to my mother quite often.

Q When did your mother leave this address on Eighth
avenue? A I don't know. I stood away for a while.

Q When was the last time you saw her there? A It was
the Saturday before I signed that.

Q Is she living there now? A No.

Q Do you know when she left? A No, sir.

Q At the time you made the affidavit, then, you didn't
know your mother was living there? A No; I thought she
was living there.

Q You did not know? A No.

Q Then why did you object to giving the address in the
affidavit that you were living at? A I don't know. I was
always giving my mother's address.

Q Was it because you did not want it known you were
living with Owen Lawlor? A No, sir.

Q That had nothing to do with it? A No, sir.

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BY MR. EDWARDS:

Q Did your mother know where you were living on West 145th street? A No, sir.

Q So that she could not even have given your correct address if she had been living at 2915 Eighth avenue? A No, sir.

Q When did you first tell anybody that you were ready to change the story that you told on the Madden trial? A I was home a week.

Q Who did you tell? A Vin Kelly.

Q Where did you tell him? A He was at my house.

Q Did you write him any letters about that? A Yes, I think I did.

Q Did he write you any? A Yes.

Q When was the first time that you saw any member of the Madden crowd? A Some time in August.

Q Who did you see? A I met Owen Lawlor.

Q Where? A 146th street and Eighth avenue.

Q Who was with you? A I was alone.

Q Who was with him? A He was with some fellows.

Q What fellows? A I don't know them.

Q Anyone you knew? A One, I knew.

Q Who? A Charles Stewart; Charley Stewart.

Q Is that the only one you knew? A Yes, sir.

Q Had you made an appointment to meet them there? A No.

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Q Just met them by accident? A Yes.

Q What did they say to you? A I called Owen Lawlor, and he would not talk to me, and I kept pestering him.

Q Did he finally talk to you? A Yes.

Q What did he say? A He said, "Hello.". I asked him where I could meet Owen Madden's lawyer.

Q What did he say? A He said he would take me down to Miss Moskowitz's office.

Q When was that? A Some time in August.

Q That was the first time you got in touch with anybody?

A Yes.

Q Did you send anybody to them to get in touch with them? A Yes.

Q Who? A Joe Dean and Vin Kelly.

Q When was that? A When I first came home.

Q Do you recall coming down to the District Attorney's office with Margery, on June 30th? A Yes.

Q Do you recall seeing me then? A Yes, sir.

Q Do you recall what you told me? A Yes.

Q You asked for police protection, didn't you? A Yes.

Q From the Madden crowd? A Yes, sir.

Q You told both me and Mr. Perkins, who saw you after you saw me, that you were being threatened, and that you heard that \$150 had been offered for your life and Margery's?

A Yes.

Q And that you wanted police protection? A Yes.

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Q Because of those threats? A Yes.

Q And Mr. Perkins assigned two police officers to investigate what you said? A Yes.

Q Where did you go after that? A After what?

Q After you left the District Attorney's office? A Home.

Q Where was home then? A 214 East 70th.

Q How long after that was it before you got in touch, as you say, with Owen Madden's friends? A That was in June; I got in touch with them in August.

Q That was the last day of June? A Yes.

Q How much of July did you spend in trying to get in touch with them? A All of July.

Q Did you spend all in trying to get in touch with them, or trying to get out of their way? A Trying to get in touch with them.

Q Then why did you come to the District Attorney's office and ask for police protection from them? A At that time I thought they were angry at me, and a certain party told me that, and later on, he told me he was lying.

Q Why didn't you get in touch with them then and tell them you wanted to change your story? A There was no reason why.

Q What was it that made you change your mind suddenly and decide you would get in touch with the Madden gang and say whatever they wanted you to say? A I was to be married

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to Willie Mott, and I could not get married with the false
testimony I had made.

Q When were you to marry Willie Mott? A Just as soon
as I came home, then we put it off on account of this case.
BY THE COURT:

Q Why could you not get married with the false testi-
mony? A We would not feel right all through our lives.

Q Do you remember when you were a witness in the Madden
trial? A Yes, sir.

Q Do you remember telling me that you were going to com-
munion at Easter time? A Yes.

Q And that you could not go to communion at Easter time
with false testimony, so you told the truth? A Your Honor,
I did not go to communion Easter.

Q You sat here and said that to ease your soul, you were
going to communion, and you were telling the truth at that
trial. A Yes, sir, I told a lie at that trial.

BY MR. EDWARDS:

Q Do you remember telling me after you made that state-
ment on the Saturday before Easter when I asked you if that
statement was true, you said to me, "Mr. Edwards, it is
true, do you think I would go to communion tomorrow with a
lie on my lips?"; do you remember that? A Yes, I said it.

Q Do you remember what you said in answer to Mr.
Colligan's questions on cross examination when he asked you,

Q When first did you tell this story, when did you tell

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for the first time all these things concerning Madden in relation to the conversations he had with you? A The Saturday before Easter.

"Q That was in what month? A April.

"Q That was after the McArdle trial? A Yes.". Do you remember that? A Yes.

Q "Q Up to the time McArdle was tried you never told anyone in the District Attorney's office anything relative to an admission by Madden to you? A No.". Do you remember that? A Yes, sir.

Q That was true, wasn't it? A Yes, sir.

Q And this: "Q That is the truth, isn't it? A Positive."; do you remember that? A Yes.

Q "Q You knew Madden had been indicted? A Yes.

"Q You knew that McArdle was going to trial, and still during all that time you never told anything; now, will you kindly tell us what induced you to tell what you have now told? A I could not tell that, because I wanted to receive holy communion Easter Sunday morning, and I could not do that, but I cleared myself in my conscience.". Do you remember that? A Yes.

Q Then this question: "Q Cleared yourself of what? A Of everything I knew about this trial.". Do you remember that? A Yes.

Q When was it you were planning to go up to Sullivan County? A The last part of July or first part of August, I

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don't know which.

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Q Who were you going to see up there? A Servites
Menitis.

Q I thought you said you were going to work in a sanitarium. A He worked there, and he was going to get a position and he was in my house and asked my mother could he take me up there, and she consented.

Q He did not work in a sanitarium, did he? A Yes.

Q He keeps a jobber's place? A Yes, he has that on the outside, but he works in the sanitarium.

Q You have been writing to him? A Yes, sir.

Q Did you ask him for money? A Yes, sir.

Q Did he send you money? A No, sir.

Q But he invited you to come up there, and he said he would put off his vacation and meet you? A Yes, sir, and he met me in New York.

Q You got several letters from him? A Yes.

Q Do you remember the request you made at Waverly House just before you testified in the Madden trial, when you told them you would like to see Madden in the Tombs just once before you testified? A Yes, sir.

Q Do you remember why you said you wanted to see him?
A Yes, sir.

Q When they asked you why, you said you wanted to see him and tell him that he had promised that if the boys were arrested and got into trouble, he would come to the front

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and take all the blame? A No, sir.

Q And he has not done it, and that is why you are telling this story? A No, sir.

Q Telling what you knew about his case? A No, sir, I never said that. I said I wanted to see Madden, and I did.

Q Didn't you say just that? A No, sir.

Q When did you and Willie first begin to plan to get in touch with one of the Maddens so that they could tell you what to say and help Madden and McArdle? A The first letter he wrote to me, I think it was the first part of July, about the Madden case.

Q What is the reason that you told the story you did on the Madden trial, and which you say here now, is false? A Because I was made to tell it.

Q Did the Maddens tell you to say that? A No, sir.

Q Who did tell you to say that? A My own conscience told me to say that.

Q What was the reason that Willie testified as he did?

A I don't know.

Q Has he ever told you? A No, sir.

MR. COLLIGAN: Objected to.

THE COURT: Allowed.

Q You recollect getting several letters from Willie, don't you? A Yes, sir.

Q Do you know his handwriting? A Yes, sir.

Q You knew he was in the Philadelphia Navy Yard? A

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Yes, sir.

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Q Is this the letter you got from him? (Showing People's Exhibit 1 of Exhibit A on the affidavit.) A Yes, sir.

Q You recollect that letter, don't you? A Yes, sir.

Q You recollect that Willie wrote in that letter, these words: "But that reminds me I want you to see some of that Madden crowd, and if necessary, show them part of this letter, to show them I am in earnest." Do you remember that?

A Yes, sir.

Q Did you know before you got this letter what he meant by that? A Yes, sir.

Q And then do you recall this part of the letter in which Willie says, "I told you I would write that letter and leave it in a place not to be missed, -- in the letter, I mean to help McArdle and Madden, but I don't see any way to help Biehler, he took a plea." A Yes, sir.

Q Of course, Biehler admitted he was guilty? A Yes, sir.

Q So that the other two were the only ones you were planning to help? A Yes.

Q And this: "Now, what I want to find out from them is what to say in that letter that will get Madden and Hoppe a new trial." Do you remember that? A Yes, sir.

Q "I can deny all I said, but there is a little they will have to tell me as to what purpose both you and I had in lying at their trials."; do you remember that? A Yes sir.

Q Did you get in touch with the Maddens? A Yes, sir.

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Q Did you show them Willie's letter? A No, sir, not that letter.

Q You didn't see them until after you lost the letter?

A Yes, sir.

BY MR. COLLIGAN:

Q It was lost or stolen? A Yes, sir, stolen.

BY MR. EDWARDS:

Q Did you ask them what Willie should say as an excuse for what he said at the trial? A No, sir.

Q Did he tell you? A No, sir.

Q Did they go down and see Willie at Philadelphia? A Yes, sir. I asked him to go down. First we went down, and then Willie came.

Q You went down first? A Yes.

Q Who went down on that trip? A Margery, Owen Lawlor, Jack Marron, Barney Kavanagh and myself.

Q Is he the brother-in-law of Owen Madden, Jack Marron?

A Yes.

Q You all went to Philadelphia? A Yes.

Q Who paid the expenses of the trip? A Margie and I paid our own fare.

Q You did not pay the boys' fare? A No.

Q Did Owen Lawlor pay yours? A We paid our own.

Q Owen Lawlor has been paying your expenses since you have been living in 145th street? A Yes, sir.

Q Do you know where he got the money to pay? A He is

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working.

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Q Supporting both you girls out of his own earnings?

A Yes, sir.

Q Did anybody tell Willie down there, what to say?

A No, sir.

Q Didn't he ask them? A Yes, sir.

Q And they did not tell him? A All that was said, Mr. Kavanagh asked Willie was he ready to tell the truth, and he said, "Yes, take me where I can tell it."

Q So, he did not ask them anything about what purpose he had in telling the story he did on the trial, as he was going to in the letter? A Not that I know of.

BY THE COURT:

Q In this letter, it says they have to tell him; did they tell him? A No, sir, not that I know of.

BY MR. EDWARDS:

Q Do you remember this part of the letter: "As for Margie, you know better than to let her know a thing about this."? A Yes, sir.

Q Did you tell Margie about it? A Margie had the letter, she must have known about it.

Q Did you show her the letter? A Not that I know of.

Q You don't know she brought it to the District Attorney's office? A No, sir; furthermore, I don't care.

Q Is this the letter which I now show you, People's Exhibit 7 for identification that is also a part of Exhibit B

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on the affidavit, another letter that you got from Willie?

A Yes, sir.

Q Now, do you remember what Willie said in that letter when he wrote this: "You can tell the Madden bunch anything you want to, and I will do anything you want me to for them."?

A Yes, sir.

Q Were you ready to tell any particular story for the Madden bunch? A No, sir.

Q What did he mean by saying you could tell them anything you wanted to and he would do anything you wanted to for them? A I don't know what he meant by that, you will have to ask him that.

Q He wrote that to you? A Yes, but I didn't understand it.

Q You had written him before this? A Certainly.

Q Hadn't you written him, asking him to change his testimony to help Owen Madden out of jail? A No, sir.

Q So when he says that he will do anything you want to for him, you did not know what that meant? A No, sir.

Q Did you ever ask Willie what it meant? A No, sir.

BY THE COURT:

Q Is this the man you say you are thinking of marrying?

A Yes, sir.

BY MR. EDWARDS:

Q Now, this letter I show you, dated July 19th, on paper of the United States Battleship Brooklyn, is that another

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letter you got from Willie? A Yes, sir.

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Q Now, do you remember his saying this, in this letter:
"Now, be careful of your letters, and don't let her" (Margie)
"get an idea of this Madden stuff, or she will be down to
Deuell and Edwards with the whole thing.". Do you remember
that? A Yes, sir.

Q Did you follow that advice? A No, sir.

Q Did you think Margie was going to change too, at that
time? A No, sir.

Q Do you remember this in that same letter: "When that
crowd wants you to see Owen's lawyer, make sure you see him
and talk to him in front of nobody. It is all right to be
willing to help Madden, but it is a little different to let
them stick you away for spite and not let them do it any
good."? A Yes, sir.

Q Were you a little afraid that they just were trying to
get yourself in bad? A Who?

Q The Maddens were trying to get you in. A They were
not trying anything.

Q What did Willie mean by this: "When that crowd wants
you to see Owen's lawyer, make sure you see him and talk to
him in front of nobody."? A Of course, tell the lawyer
everything I knew. It was nobody else's business.

Q What was the reason for not letting anyone else hear
you? A I don't know.

Q He goes right on to say that it is all right to help

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Owen, but it is a different thing to let them put you away
for spite. Was he afraid they were going to get you and him
into trouble for spite? A No.

Q Did you talk to them about this letter? A No, sir, I
never had it to talk about when I seen them.

Q But you had read that, of course? A Yes. It slipped
my memory, that is why I laid it aside so I could talk to him
when I seen him, but they were gone.

Q Well, now, weren't you in communication with the Maddens
when you got this letter? A I don't remember.

Q As a matter of fact, weren't you in communication
with the Maddens early in July? A No, sir.

10 Q Do you remember this in that letter: "And whatever
you *wh told*, let me know all the details and tell them it
will only cost them four and a half to come here and back to
see me, if they want to, as long as they get in the Yard be-
tween 8 and 5 in the evening, they can see me any day in the
week, and they don't have to let every one know they came."?
A Yes, sir.

Q Did he tell you what he wanted to see you for? A Yes.

Q He told you in the first letter, he wanted to know
what you were to say? A No, not exactly.

Q Isn't that what he said in the first letter? A He
might have said it, but he did not mean it.

Q "If they tell the details of what we can do, tell them
who you are going to ask before you agree, and then they are

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forced to come and see me in Philadelphia, where I can tell
them just how far I am willing to go to help them.". Do you
remember that? A Yes.

Q Ever talk to Willie about that? A No, sir, never
spoke to him about any of his letters, because I did not
have them to speak to him about.

Q Do you remember this: "Write as soon as you can after
seeing that Vin of yours."? A Yes, sir.

Q That refers to Vin Kelly? A Yes.

Q He was the man you used to live with before you lived
with Patsy Doyle? A Never lived with him.

Q Well, you used to pall with him? A Yes.

Q You were going to see him for that purpose? A Yes,
seen him. I could not count how many times I went over to
see the West Side boys.

Q He was the go-between between you and Madden. He came
from the Maddens to you and from you to the Maddens? A Yes.

Q Willie was pretty anxious to see the Maddens? A Yes.

Q And he even went so far as to telegraph you about it?

A Yes.

Q Telegraph from Philadelphia on July 26th? A Yes.

Q Twenty-six days after you came to this office? A Yes.

Q He telegraphed and said, "Don't forget news of Madden."?

A Yes, why shouldn't he, he was going to commit suicide if
he did not see some of them and make amends for what he did.

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Q Did the Maddens ever pay Willie any money that you know of? A No.

Q Did they ever pay you anything? A No, sir.

Q During this time that you have been living under the same roof with Owen Lawlor, have you discussed this case with him at all? A No, sir, just that I lied.

Q Nothing else? A No.

Q He has gone over with you what you said? A No, sir.

Q Or what you were to say? A No, sir.

Q When you went down to the lawyer's office, who went with you? A Willie was with us, and Margery and Lawlor, Barney Kavanagh and Jack Marron.

Q Jack Marron and Lawlor and Kavanagh were very much interested in what you were going to say? A Yes.

Q You have seen the three of them since you got into touch with Madden's crowd to change your story? A Yes.

Q As a matter of fact, Lawlor lived right with you?

A Yes.

Q And you have seen Kavanagh and Marron? A Yes, about twice a week.

Q You were living in the house at 145th street where Doty Fitzsimmons lived? A He lived upstairs.

Q You lived there under what name? A My own name.

Q As Margery's sister? A Yes.

Q And Margery and Owen lived there under what name?

A Parker.

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Q They did not live under their own name? A No.

Q And you were Mrs. Parker's sister? A Yes, sir.

Q Now, how did you come to tell the story you told on the Madden trial? A When I told Mr. Deuell I was telling the truth about Owen Madden, he took me into a room, and would not have anything more to do with me, until I talked about Madden; Mrs. Goldman told me to tell all the conversations that took place in the King's flat; what was ever said about Madden, that Margie had said it, and I was to say the same, or else I would get twenty years for murder.

Q When was that said to you? A About two weeks before I said what I did say about Madden.

Q When did some one first come over to have you tell anything about Owen Madden? A When I first went downtown, when I was first arrested.

Q About December 4th? A Yes.

Q Who did that? A Mr. Deuell.

Q What did he say to you then? A He asked me about Owen Madden. I told him I don't know anything about him.

Q Did he make any threats then? A Certainly, he even made me sign a paper.

Q The waiver of immunity? A I don't know what it was.

Q He did that before you went before the Grand Jury?

A Yes.

Q That was when the indictments were found? A Yes, sir.

Q What threats did he make against you? A If I did not

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speak about Owen Madden or didn't tell what I know about the murder, he would put me in the Tombs.

Q When did he next threaten? A He kept on threatening me.

Q Who else threatened you? A Mrs. Goldman.

Q When did she threaten you? A After she was talking to Mr. Deuell.

Q About when? A When we first met the woman, about the 7th of December.

Q You went to the Waverly House on the 8th? A 7th.

Q How soon after that did Mrs. Goldman begin to threaten you? A Right after that.

Q Where? A The Waverly House.

Q What did she say to you? A If I didn't say what Margie had said, I would be put in the Tombs, or else she would take me to Judge Rosalsky and have me committed for murder.

Q Did you tell it then? A No, sir.

Q When were the next threats? A They kept on threatening me until at last I got sick and tired and I told what she told me.

Q When was that? A About two weeks before I told you; before Easter Sunday.

Q When did you first tell it? A Easter Saturday.

Q When you made the statement to me down here? A Yes.

Q On the 3rd of April, 1915, at 10 o'clock in the morning?

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A Yes, sir.

Q At that time you simply told your story and you were asked no questions, is that right? A Yes, sir.

Q You told the story yourself? A Certainly, I had it all memorized, and was told what to say.

Q You afterwards, before you were discharged from the Waverly House, signed a copy of that statement? A Yes.

After I asked you if I signed it, (I) could go home, you said yes, so I signed it.

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Q That was taken down by a stenographer? A Yes, sir.

Q And you read it afterwards? A Yes, sir.

Q Is that your signature (handing paper to witness)? A Yes, sir.

Q Is that the paper? A Yes, sir.

Q That is the paper which, after taking it I asked you if it was true, isn't it? A yes, sir.

Q And you said it was, and asked me if I thought you would go to communion with a lie on your lips? A Certainly, I lied all the way.

Q Did you say that to me? A Yes.

Q Who told you what to say in this affidavit? A Mrs. Goldman.

Q Told you all of it? A Mostly all of it.

Q How about these conversations you gave? A She said, Margie had said it, and I was present, and I must say so.

Q That was the way, after sticking out for January, February and March, you finally gave in? A Yes. If I would not have told it, I would have been down there yet.

Q Do you remember going down to see Mr. Perkins with me?

A Yes, sir.

Q Before you testified in the Madden case? A No, sir, after.

Q You never saw Mr. perkins before? A I saw him before, but never discussed the case with him.

Q You talked to him? A No, sir, afterwards.

Q Do you remember going in afterwards then? A Yes.

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Q Don't you remember his speaking to you in the anteroom of the court room at which Madden was tried and just before you went on the stand? A After I came out, he shook my hand.

Q Don't you remember speaking to him before you went on? A No, sir.

Q He was in the court room while you testified? A Yes.

Q Did he speak to you in the anteroom before you went on the stand? A Not that I know.

Q Do you remember seeing him after the trial? A Yes.

Q Do you remember his asking you if all you had testified to was true? A Yes.

Q Do you remember telling him it was? A Yes. He asked me did Owen Madden do the shooting, and then he asked me about the Baff murder, and I said nothing more. I said I had nothing more to say to lead me home.

Q Who had called you a rat and a squealer for your testimony? A Myself.

Q Who else? A Nobody.

Q You said you were a rat and a squealer? A I was.

Q Who did you tell that to? A When I was down in the District Attorney's office.

Q I mean since then? A No one that I know of.

Q When you used the terms "rat" and "squealer" you mean some one who gives up a story on a pal, don't you? A I don't know what that meant. I knew I was a rat.

Q Isn't that what it means when you say it? A Yes, sir.

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Q Who else has called you a rat and a squealer? A Nobody that I know of.

Q To whom else have you called yourself a squealer? A Different people I met.

Q Who? A None of the Madden's.

Q Who? A People from the East Side, "Birdie" Valders.

Q Anybody else? A Robert Dugan.

Q Any one else? A No, not that I know of.

Q You correspond with Vin Kelly, don't you? A Yes.

Q And have ever since you got out of the Waverly House?

A Yes, sir.

Q Do you remember receiving this letter from him? A Yes, sir.

Q Do you remember his saying in this letter, "You told me you were a rat and no good"? A Yes, sir.

Q Did you tell him you were a rat? A Yes, sir.

Q Did you mean by that that you were a rat for telling on Owen Madden? A No, sir, I was a rat for telling on any one.

Q Do you remember speaking about going ^{to} through DeVanny's with the boys one night, shortly before the murder? A Yes, sir.

Q Do you remember these questions: "Q And who went to DeVanny's? A Owney Madden, Owney Lawlor and William Mulhall and Laura and I and Margie."? A Yes, sir.

Q Was that true? A Yes.

Q Now this question: "Q Did you have any conversation there with the defendant, or hear any conversation with the defendant? A Yes, sir." Do you remember that? A Yes, I remember

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saying that but it was not true.

Q Did you have any conversation with him that night? A No.

Q You were in Owen Madden's company? A Yes.

Q Didn't you talk to him? A I spoke to Margie only.

Q What? A I only spoke to Margie.

Q Didn't say a word to Owen? A No.

Q All the time you were in DeVanny's? A Yes.

Q How long were you there? A About an hour.

Q Didn't you speak to any of the boys? A No.

Q "Q Tell us what that was? A Owney asked me if I was keeping Patsy Doyle, or if Patsy Doyle was keeping me, I said Patsy Doyle was keeping me." Do you remember that? A Yes. But that is not true.

Q Who told you to say that? A Myself.

Q Who suggested it? A Myself.

Q You just made it up out of whole cloth? A Yes; no reason whatsoever.

Q As a matter of fact that was just the time you left Patsy Doyle and went to live with Owen Madden? A Yes.

Q It was that night you first went with Madden? A Yes.

Q And you began to make plans of living with him? A I didn't make plans, to live with Owen Madden.

Q That was the first night you ever went with him? A Yes.

Q When you say you did not see where he was down in DeVanny's -- A No, it was after I came out of DeVanny's.

Q He did not ask you anything about Patrick Doyle? A No, sir.

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Q He knew you had been Patsy's girl? A I didn't know.

Q -Never mentioned the word? A No.

Q In fact he never mentioned Patsy's name to you? A No.

Q Do you remember this question: "Was there anything said there about -- anything more that you overheard -- either between you and the defendant, or between Margie and the defendant about Patsy Doyle? A May O'Donnell's name was mentioned.

Q Do you recollect how that came up, what was said about it? A Owney Madden asked Margie if Patsy ever told her anything about him, what he said"? A Yes.

Q "Q What did Margie say? A Margie said yes, she knew something."? A Yes.

Q "Was it mentioned what it was? A Yes, sir."

"Q What was it? A That Owney Madden told May O'Donnell to tell Patsy that they were leaving Patsy to get out of the trouble with "T", so that Owney Madden could get Patsy Doyle and hand it to him." Do you remember that? A Yes.

Q Was that true? A No, sir.

Q Who told you to say that? A Mr. Deuell told me that Margie was going to say it, and that I was to say so too, that I was present.

Q And you said it? A Yes.

That was the only reason? A Certainly. If I didn't say it I would be put in the Tombs.

Q That was all made up? A Yes.

Q Do you remember this testimony about when you went down to

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the restaurant, defendant saying, "Where did you go? A Into the restaurant. Q Who did you see there? A Jimmy O'Connell, Arthur Bieler, Hoppe McArdle, and Tammany's Brother and William Mulhall. Q You speak of Tammany's Brother, were there two Tammanys? A There was, and one was sent away, and this other one, I don't know his name; we call him Tammany's Brother." Do you remember that? A Yes, sir.

Q Was that true? A Yes, sir.

Q That was all true? A Yes.

Q No one suggested that to you? A No, sir.

Q Do you remember this: "Q Did you have a talk with any of them? A Yes.

Q After that where did you go? A I went to the Barber shop.

Q Where was the barber shop?" A I said that, but it is not true.

Q Who suggested that? A Duell told me that Owen Madden was going to say he had been in the barber shop at the time of the shooting, and I was to say I went to the barber shop and didn't see Owen Madden.

Q When was that said to you? A After the McArdle trial.

Q You gave that same testimony on the McArdle trial, didn't you? A I don't know. I don't know when I gave it.

Q On the McArdle trial you said all about Bieler and Mulhall and their going out of the restaurant, didn't you? A I am not denying that.

Q But you say Duell told you to say that? A To say I went to the barbershop.

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Q You said that also? A I was told to say it.

Q You say you were told to say it after the McArdle trial?

A I said I don't know when I was told to say it.

Q So Deuell told you what Owen Madden was going to say and told you to say that? A Yes. That whole conversation about the barbershop was all framed up by Mr. Duell.

Q Who framed it up? A Mr. Deuell.

Q No one else? A No, sir.

Q Mrs. Goldman did not help him in that? A No, sir.

Q Where was that barber shop? A I don't know where it is to this day.

Q Who told you where it was? A It was pointed out to me on a chart. I did not know where it was.

Q You did not even know where it was? A No.

Q Who pointed it out to you? A By Mr. Deuell's office.

Q By whom? A Mr. Deuell.

Q He pointed it out? A Yes.

Q He not only told you to say you were not there, but he told you to say where the barber shop was? A Yes.

BY THE COURT:

Q Did you tell him you had been over there and did not know where it was? A I never mentioned a word about the barber shop until Deuell told me about it.

Q He had to point out to you where it was? A Yes.

Q Then you told him you didn't know where it was? A Yes.

Q You told him you were never down there? A Yes.

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Q So that he knew that was not true about the barbershop?

A Yes, he certainly did know, and lots of other things that were not true he made me say, too.

BY MR. EDWARDS:

Q Do you remember saying that you looked in to see if you could see Owen Madden, and you did not see him there? A I am telling you all that about the barber shop is untrue.

Q Do you remember saying that on the trial? A Yes.

Q Who told you to say that? A Mr. Deuell, I told you once before.

Q Did he tell you to say there was nobody in the barbershop?

A No, I put that in. You can see I was lying there, what was said.

Q This telephone conversation with Nash's when Margie called you up, who suggested that to you? A I suggested that. I told her that is the truth.

Q You said about Bieler's telephoning to Patsy, that is true also, is it? A Yes.

Q What you said about Bieler's going out of the restaurant with his companions, that is true also? A Yes, sir.

Q Those companions were whom? A Hoppe McArdle and Mulhall.

Q Did they go out together? A Yes.

Q What did you do after they had gone? A I sat down at a table for about five minutes.

Q Do you remember your testimony on the trial about that?

A Yes, sir, I remember it.

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Q Do you remember this: "How long afterwards did you see this defendant Madden? A About twenty minutes or half an hour afterwards.

"Q Where did you see him? A In the restaurant; he rushed in the door.

"Q Did you notice anything about him as he came in? A Yes.

"Q What? A He seemed as if he was out of breath; he was breathing heavily." Do you remember saying that? A I remember saying it, but it is a lie.

Q It was a lie? A Yes.

Q Who told you to say that? A Mr. Deuell.

Q When did he tell you that? A The same time he told me about the rest of the barber shop.

Q That was all made out of whole cloth? A Yes.

He said, "Wasn't he out of breath?" I said no, and he said you ^{know} he was out of breath, well, say that he was.

Q Was any one there at the time? A No.

Q That was Mr. Deuell's story? A Yes.

Q Where was that, down at his office? A In his office.

Q Or at the Waverly House? A Deuell I never saw in the Waverly House.

Q Then this question: "Q What did he do when he came in?

A He sat down right by me. Q Did he say anything to you or did you say anything to him? A Yes. Q Who spoke first? A I

did. Q What did he say? A I said 'Patsy', and he said, 'Yes.'

Q What did you say to him then? A I told him about the tele-

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phone message. I told him Patsy called me up and called me a louse and called me a lot of pet names over the phone, and I told him Arthur Bieler also talked to Patsy over the phone, and that Bieler and Mulhall and McArdle left the restaurant." Do you remember that? A Yes, sir.

Q Is that true? A No, sir.

Q Who told you to say all that? A Mr. Deuell.

Q He made that up? A Yes, sir; I didn't see Owen Madden that night after the telephone until about 10 o'clock.

Q Mr. Deuell made all that up? A Yes.

Q All about that telephone conversation? A Yes, and told me Willie Mulhall came back and changed his clothes.

Q Do you remember this: "How long after that was it that you saw any of these other three, Mulhall, Bieler and McArdle? A About five minutes after that, after Madden came in. A I said that.

Q When was the next time you saw him? A I didn't see him until ten o'clock.

Q Did you see him then? A I went into the Cafe.

Q Who did you see there then? A Owen Lawlor, Dave Spencer, Margery, Burnsie and Owen Madden.

Q Any one else? A That is all.

Q I asked you when you saw there Bieler, McArdle and Mulhall?

A I thought you said Owen Madden; I didn't see them that night.

Q Mulhall was not in there that night? A No.

Q Didn't you hear Margie testify that Mulhall was there? A I

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could not help what she testified.

Q Mulhall was not there? A No.

Q Who else was there? A Dave Spencer and a fellow named Burns.

Q Do you remember this: "Which one of them did you see? A William Mulhall." Do you remember that? A I said it.

Q Do you remember this, to go back when you and Madden were along, before Madden came in: "What did he say to you about the barber^{shop}" A Wanted to know why the boys did not wait for him before they went up, and I told him he was nowhere to be found and he said yes, he was, that he was in the barber shop. I said no, that I was over there, and then he told me that the boys knew he was coming back for his overcoat was in the restaurant."

A I said that but it is not so.

Q Who told you to say that? A Mr. Deuell.

Q He told you to say that Madden told you all that? A Yes.

Q And he made it all up? A Yes. I don't know where he got it from, but he handed it to me.

Q After Willie Mulhall came in, do you remember this, - "Q Did he say anything to the defendant? A Yes. Q What did he say? A We got the prick." Did you say that? A I said it, but it is not true.

Q Who told you to say that? A That is also the conversation, the same words Deuell told me to say.

Q Those are Mr. Deuell's words? A Yes.

Q Made out of whole cloth? A I don't know where he got it

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from.

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Q He told you to say that? A Yes.

Q And then this question: "Q What did the defendant say to that? A He knew they would get him. Q What did he say?

A I knew you would get him." Do you remember that? A Yes, sir.

Q Did you say that? A Yes, but it is a lie. I got the same to say about that.

Q Who told you to say that? A Mr. Deuell. I told you that about nine times.

Q Who was present when you had all these talks with Deuell?

A I was alone with Mr. Deuell.

Q Always alone? A Not always, no, but this time I was.

Q Were you at all the times when he made suggestions to you, alone? A No; Mrs. Goldman was there most of the time. She copied it on paper.

Q Was Mrs. Goldman there at the time this was told you? A No, sir.

Q Was Mrs. Goldman present when he gave you those words to say that Mr. Melhall said? A No.

Q She was not there? A No.

Q Then you were alone with Mr. Deuell? A Yes.

Q Where was Margie? A Margie and I were never in Mr. Deuell's office alone being examined together. In fact we were always alone.

Q Do you remember before you took the stand in the McArdle case my having a talk with you? A Yes, sir.

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Q Do you remember me telling you then that I wanted you to tell nothing but the truth? A Yes, sir, I remember you told me I was kept back with Owen Madden because he is a friend of mine.

Q Do you remember me telling you I did not believe you told the whole truth? A And also told me I was not telling the truth, because I was afraid of Owen Madden.

Q Didn't I tell you I believed you told the truth as far as you had gone, but I didn't believe you too? A All you knew? A You told me did I tell the truth about Bieler.

Q Didn't I tell you just that in substance? A You mentioned Bieler's name.

Q That I didn't think you told all the truth? A I remember you said I told the truth about Bieler, because I knew Bieler had pleaded guilty. That is why I spoke to him.

Q At that time you refused to say you saw McArdle in the restaurant? A Yes.

Q You did not testify to that on the trial? A No.

Q Here this morning you say it was a fact that McArdle and Mulhall were out? A Yes. I told you I committed perjury there.

Q You didn't even tell that in the McArdle trial? A No.

Q So you were holding back? A In the McArdle, yes.

Q Do you remember this: "What did Mulhall do? A Went back in the restaurant to change some of his clothes. Q How was he dressed when he came in? A Had a cap, a red sweater and

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a blue serge suit. Q Have a coat over the sweater? A Yes.

Q Blue serge coat over the sweater? A Yes. Q You say he went in the back, just where do you mean by that? -- Taking this diagram, now point out to us where you mean he went in the back?

A In behind the lunch counter. Q Clear in behind where the kitchen is, or where they serve? A No, away through in. Q Away through in behind? A Yes, sir

"Q Indicating the passageway between the north wall of the restaurant and the north end of what is marked on the diagram as the serving counter, and indicating behind the counter upon which the diagram showed coffee urns -- when he came out from behind there, how was he dressed? A Slouch hat on, and an overcoat over his suit." Do you remember that? A I said it.

Q Was it true? A No, I told you before Mr. Deuell told me to say Willie Mulhall changed his clothes.

Q How about the place where he kept his clothes, in behind the counter, the lunch counter. Did Deuell tell you that? A No. When I was told it was in back, I had sense enough to point back there.

Q How long had you been hanging around the restaurant at that time? A Not long, two or three days.

Q You had seen the boys there, - did you? A Yes.

Q You knew their habits, did you? A No.

Q Did anybody else tell you where Mulhall kept his clothes?

A Deuell told me they were back there.

Q He described that costume to you? A Mr. Deuell told me he

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had a red sweater on.

Q Any one else present then? A No.

Q Who told you about the blue serge suit? A Mr. Deuell.

Q And the cap? A Mr. Deuell, all his clothing.

BY THE COURT:

Q Did you see Mulhall that evening? A Yes, sir.

Q Did he have a red sweater and a blue serge suit? A I don't remember the red sweater. I don't know what color suit he had on. He had no cap on, he had a slough hat.

Q You do not remember what kind of clothes he wore? A No.

Q And that Mr. Deuell told you to say? A Yes.

BY MR. EDWARDS:

Q Of course you knew Mulhall had not been arrested, didn't you?

A I didn't know, although I was told. Mr. Weber told me they had Mulhall down the cell one Sunday.

Q You know it now? A Yes.

Q You remember saying this: "What did he say? (Mulhall)

A He said, 'Jesus, I thought Arthur Mulhall was a runner, but I beat him to it.'" Do you remember that? A Yes.

Q Was that true? A No, sir.

Q Did you make it up yourself? A Yes.

Q Deuell did not suggest that to you? A No.

Q Do you remember this question: "After he said that what did you say? A I asked him who he got. Q What was said then?

A Owney Madden told me to leave the restaurant and never come back again." Did you say that? A Yes, but it is not true.

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Q It was not true? A The part about me saying "Who did you get", I made that up, but the part that Owen Madden told me to leave the restaurant, Mrs. Goldman told me to say that.

Q Told you to say Owen put you out of the restaurant before you got any answer to the question? A I got an answer to the question, but I was put outside after that.

Q Do you remember this: "Q After he said that, what did you say? A I asked him who he got.

"Q What was said then? A Owney Madden told me to leave the restaurant and never come back again." A I said the part about asking Billy Mulhall who they got and Billy Mulhall answered me Patsy Doyle.

Q You didn't say that on this trial? A I did.

Q I am reading you the testimony? A I said it down in your office, then.

Q Well, here is the question and answer, I show you it.

(Handing testimony to the witness) A I remember mentioning Patsy's name.

Q You made it all up? A No.

Q Patsy's name does not appear there? A I said it to some one down in your office.

Q Did anybody tell you to say Owen Madden sent you out?

A Somebody told me to say that.

Q Who? A Mrs. Goldman.

Q Where was it she told you that? A Going down to Mr. Deuell's office.

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Q When? A I don't know when. I could not remember when everything happened.

Q Was it before or after the McArdle trial? A I think it was before.

Q You did not testify to that on the McArdle trial, did you?

A I don't know what I testified to.

Q You know whether you said anything about Owen Madden, and anything he said to you, on the McArdle trial? A Yes.

Q Did you? A No, I did not.

Q You did not mention a thing that he said to you, did you?

A No.

Q Yet some one told you to say this before the McArdle trial?

A Certainly, lots of things were told me about Owen Madden before the McArdle trial.

Q You were told to say before the McArdle trial that Owen Madden sent you out of the restaurant? A Yes.

Q Before you ever told anybody you saw him in the restaurant? A I said I seen him in the restaurant in the McArdle trial.

Q You did? A Yes, sir, I did.

Q Now do you remember this question?

Q "Referring to the time when you came down with Laura and Margie to go to the restaurant, I think it was around ten o'clock, wasn't it? A Yes.

Q You did go down then, didn't you? A Yes.

Q Margie went over to the restaurant first, you say? A Yes, she went over."

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Q Is that true? A Yes.

Q And this answer: "A She stayed away so long I went up and inquired where she was, and Owney Madden told me she was over in the saloon and I should go over and he would be right over, and I told him I had Laura with me, and he told me to take Laura too." Did that happen? A Yes.

Q That is true? A Yes.

Q Nobody made up that conversation about Owen Madden? A No, I told that.

Q Then you were asked this: "Q Who was there? A Owney Lawlor, William Mulhall, Arthur Bieler and Owney Madden." Do you remember that? A Yes, sir.

Q Were they there? A No, sir.

Q Who told you to give those names? A Nobody, I told it myself.

Q You made them up yourself? A Yes.

Q Why didn't you say something about Dave Spencer being there?
A I didn't know the fellow's name.

Q You knew Mulhall's name? A Yes. I didn't know Mulhall's name; I knew him by "Babe."

Q You knew "Mul" and "Babe"? A Yes.

Q You knew it was Mulhall? A Yes.

Q Was that man in that saloon that night? A No.

Q Who told you to say he was? A Nobody.

Q That was long after the shooting? A I just mentioned their names.

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Q Who told you to say Bieler was there? A Nobody.

Q Who told you to forget to say Spencer was there? A Nobody.

Q Do you remember this question: "Q Did you have any conversation with the defendant yourself there in that saloon?

A Yes. Q What was that? A I told him that Margie said Patsy was dead, and Owney Madden asked me what else did she say. I said she said she saw Willie Mulhall, Hoppo McArdle and Arthur Bieler up at Nash's, and that he said 'Did she say any more?' and I said, 'No.' He said if he thought she would not stick he would take her and throw her in the river that night."

Do you remember that? A Yes, but it is not true.

Q That happened? A No, I had no conversation with Owen Madden about Margie.

Q Who told you to say that? A Mrs. Goldman told me that Margie said she was in the restaurant and overheard the conversation, and if she was in the Cafe and if I was there, I must have heard it.

Q That was Mrs. Goldman? A Yes.

Q Did Deuell have anything to say about that? A I think Deuell told Mrs. Goldman to tell me that.

Q Did he say anything to you about it? A No.

Q Do you remember this: "Q Did you hear any other conversation between the defendant and any one else? A Between the defendant and Margie. Q What did you hear said between them? A Margie told Owney Madden that Patsy was dead, and Owney

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asked her how did she know, and she said, "Well, she said she believed it by hearing the shots -- that she thought he was dead."

5 Do you remember that? A I remember saying that. The same applies to that. Mrs. Goldman told me to say that Margie had said it and I was to say it too.

Q Did Deuell have anything to do with that? A No.

Q Nothing at all? A No.

Q Nobody else? A No.

Q Do you remember this: "Q Was there any other conversation?

A yes. Q Tell us that. A Owney Madden and Willie Mulhall were going to a rackets away up town, at Moose Inn, and I asked Owney Madden if I could not go too, and so he said, yes, after I brought Laura to the hospital I could go up, and he had Willie Mulhall give me a ticket". A That was a conversation between Dave Spencer and Owen Madden. He told me I could go up, and Dave Spencer gave me the ticket.

Q He did tell you that? A Yes.

Q Who told you to say Mulhall gave you the ticket? A I said it myself.

Q That was after the shooting? A Yes.

Q And you said Mulhall of your own accord? A Yes.

Q Nobody told you that? A No.

Q You never mentioned at the trial that Spencer was there, did you? A No, sir.

Q Do you remember about going to Moose Inn, and finding no dance? A Yes, Moose Inn.

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Q Do you remember this: "Q Then what did you do? A Telephoned to the restaurant. Q Who called up the restaurant? A Margery. Q Did you talk on the phone at all? A Yes. Q Who did you talk to on the phone? A Owney Madden. Q You knew his voice? A Yes." Do you remember that? A Yes, Margery said she had Owen Madden on the wire in her testimony, and I said the same.

Q Did you speak over the wire? A Yes.

Q Who did you talk to? A Owen Lawlor.

Q Do you remember that that was what Owen Lawlor testified to on the Madden trial? A I don't know what he testified to.

Q Don't you realize that in this story that you are telling now, wherever Owen Lawlor testified to a fact, you and Margery are saying exactly what he said on this trial, and you have been living with him for seven weeks? A Well, he did not tell us what to say.

Q Do you say that still? A Yes.

Q In spite of the letters? A Yes, in spite of any one's letters.

Q Did you go to Moose Inn that night? A Yes.

Q Do you remember telling us you went down to the restaurant? A Yes.

Q Who did you see when you got down there? A Owen Madden and Owen Lawlor; that was all.

Q Was Jimmie O'Connell there? A No.

Q Was Tammany's brother there? A No.

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Q Do you remember this question: "What time did you get to the restaurant about? A About half past twelve or one o'clock.

Q When you got there who was there? A Owney Lawlor, Owney Madden and Jimmie O'Connor and Tammany's Brother." A I said that, yes.

Q Was that so? A No, Jimmie O'Connor and Tammany's Brother were not there.

Q How did you make up that story? A I said it because there were two fellows in there, I did not know their names so I said them.

Q So you don't know whether Jimmie O'Connor and Tammany's Brother were there or not? A No.

Q Nobody told you to say that? A No.

Q Do you remember this; "Q Now, did you have any talk with the defendant after you reached there A Yes.

"Q Won't you tell us if you can -- tell us what you did when you got down there? A Owney Madden asked me if I was going to go back to the flat in 43rd street. I said No, that I wouldn't think of going back there. He told me that was proper that I should not go back there, so he jumped up and went to the telephone." Do you remember that? A I said it, but it is lies.

Q Who told you to say that? A Mr. Deuell told me Margie was saying the same, that we could not go back to our flat, but it was not so.

Q Who told you that? A I told you Mr. Deuell told me to say that. I want to say I told Owen Madden that I would not go back

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to the flat. It was not him that told me not to go back.

BY THE COURT:

Q How did you come to speak to him about it? A Margery was up there at the time of the shooting, and she told me about it.

Q What did you say to Owen Madden about the flat? A I said, "I am going home." I said, "I am not going home tonight to 43rd street." He said "Why not?" I said, "Margery is not going up, and if she don't go up, I am not going up." So he said, "You cannot stay out all night." I said, "No, I don't intend to." With that Owen Lawlor called up Doty Fitzsimmons.

Q Did you tell him why you were not going home? A No, I said Margery would not go, and I would not go without her.

Q And he did not ask? A No.

Q Then Lawlor secured this man to take you to the flat? A He got Doty Fitzsimmons.

Q And Madden went to the flat with you? A Yes.

Q And you spent the night in bed with him, or part of the night? A Yes.

Q Did he not ask you at any time why you did not go home?

A No, the only reason I gave was that Margery would not go, and I would not go either.

Q He did not answer to that at all? A No.

BY MR. EDWARDS:

Q You knew Patsy Doyle was dead? A Yes, from what Margery told me.

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Q You knew he had been killed? A Only what Margery told me.

Q You knew about the telephone talk, didn't you? A Yes, sir.

Q You knew that McArdle and Bieler and Mulhall jumped right out of the restaurant? A I didn't know they went up to kill him.

Q You knew they went there? A Yes.

Q You knew they did not go there for peaceful purposes? A I didn't know; Arthur Bieler wanted to be introduced to Patsy Doyle, and didn't go up there to shoot him.

Q You don't know whether he did or not? A No.

Q You know those three had gone out after Bieler talked?

A Yes.

Q And you knew Margery told you Patsy was dead? A Yes.

Q And you had been living with Patsy within three days before that? A Yes.

Q Did you mention the fact that Patsy was dead when you got to the restaurant? A No.

Q Weren't you thinking about it? A No, it didn't concern me.

Q A man that you had been living with less than a week before? A Yes.

Q You only left him Wednesday? A Wednesday before Thanksgiving I left him.

Q And this was two days after Thanksgiving? A Yes.

Q Who told you to say that Madden went to the telephone?

A The same applies to that. Mr. Deuell told me Margery said Madden went to the telephone, so I said it too.

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Q Did he tell you to say it? A Yes, he said Margery said it and I should also say it.

Q Do you remember when that was? A No, I don't remember when that was.

Q Can you tell us whether it was before or after the McArdle trial? A I don't remember.

Q Do you remember testifying that Doty Fitzsimons and King came around? A Yes.

Q They did come? A Yes.

Q You say you were reading the papers? A Yes, sir, that is my own make-up.

Q Do you remember this: "Q Before that time had anything been said by the defendant with respect to your reading newspapers or anything? A Yes, sir.

Q What? A Owney Madden said if a cop should ever pass and see us reading the papers it would look very suspicious and I said "Why, no, we are only just reading the morning papers."

A I said that.

Q That you made up yourself? A Yes, sir.

Q Isn't that so? A No, I would have no papers.

Q Nobody told you to say that? A No.

BY THE COURT:

Q Did anybody tell you Margery had said that? A No, I made it up myself.

Q Margery did say so, about papers? A I didn't know it until it was all over.

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Q You did not know she said it until after you said it?

A No.

Q You and she said the same thing and you did not know she said that? A No, your Honor.

BY MR. EDWARDS:

Q Do you remember this question: "Q What happened next?

A Dodo and the King came in, and Owney went over and shook hands with the King, and then Owney Madden took Dodo Fitzsimmons to the far end and spoke to him all alone." A I said that, but it is not Owney Madden that spoke to him.

Q Who told you to say it was Owney Madden? A I was told that Margarey had said it, and I should say it.

Q Who told you that? A Mr. Deuell.

Q And you did it? A Yes.

Q Do you remember this question, going back again to the time you saw Madden in the restaurant, before Mulhall came back -- "Will you tell us what was said between you with reference to this letter? (This letter you wrote to Patsy Doyle)" Do you remember that? A Yes, sir.

Q Your answer was, "I told Owen Madden I sent up a letter to Patsy Doyle. I said I did not go home, and he said that was right, that was right for me to write that letter and send it up." A I made that up. Owen Madden never spoke to me about that.

Q How did it occur to you to make that up, what did that have to do with this case? A I don't know.

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Q Did any one else suggest that to you? A I don't know. I was asked the conversation I had with Owen Madden, so I made up that one.

Q You did write that letter to Patsy Doyle? A Yes.

Q You wrote it to Patsy Doyle, because you were palling with Madden? A No; I told Patsy Doyle I was not going home to my people. He said he would go up after me, and before he came up I thought I would write him a letter, telling him I was not home.

Q As a matter of fact you left Patsy Doyle and began to pal with Madden? A I didn't know Madden that night. I didn't leave Doyle to pal around with Madden.

Q You did go and pal with Madden? A Yes, sir.

Q And they were not very friendly? A I don't know about their affairs.

Q Didn't you say anything to Owen Madden about Doyle? A No.

Q Didn't he ask you whose girl you were before you came to him?
A No, what did he care?

Q After you got up to the King's flat and Dodo went away with the chauffeur Abe, - I think it was, wasn't it? A Yes.

Q Then were you asked this question: "After Dodo Fitzsimmons and the King had gone, was there any conversation between you and Margery and Owen Lawlor and the defendant", and you said "Yes." Was there? A There was a conversation, yes.

Q You two girls and two men were there in the apartment, going to stay all night and you talked? A Yes.

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Q Then this question was asked: "Q Tell us what you recollect of that conversation? A Owen Madden asked Margie what she saw when she was at the Cafe or saloon, and she said she saw the three fellows going in, and he said to her, Owen Madden said to Margie, "Are you sure there was not five instead of three"?

A I said that, but it is a lie. I was told to say that.

Q Who told you? A Mrs. Goldman came to me with papers. She said all the conversations that had taken place in the King's flat that Margie had admitted, and I was there and I had to admit them too.

Q Who told you to say that Owen Madden said to Margie, "Are you sure there ~~were~~ not five instead of three"? A Mrs. Goldman told me that Margie said that, and I was to say the same because I was there.

Q Mr. Deuell had nothing to do with that? A No.

Q Do you remember this question: "Did she mention who the three were? A Yes.

Q What names? A Willie Mulhall, Hoppo McArdle and Arthur Bieler. Margie said she was sure there were not five, that there were only three and Owen Madden said, ^{to her} "If you stick to the part where you are saying there were only three, if you stick to the part you did not see any one, everything will be all right." Do you remember that? A Yes.

Q That conversation took place, didn't it? A It didn't take place.

Q How did you make that? A The same way as I got to say

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any conversation that I was in the King's flat; that was through Mrs. Goldman.

Q Mrs. Goldman made that up? A She had it all on paper. She said she copied it from Margie's testimony.

Q She made all that up? A I will not say she made it up. I said she copied it from Margie's testimony.

Q That was the only source from which you got it? A Yes.

Q Was Patsy Doyle's murder mentioned among you that night?

A Never mentioned.

Q Of course Margie almost saw it? A Yes.

Q Just coming out of the saloon? A Yes, sir.

Q You had been living with him only the week before? A Yes, sir.

Q Didn't you two girls mention it at all? A No, sir.

Q When you got there? A No. The only time Margery mentioned it was when she came back to 43rd street and told me Patsy was shot. She said she heard shots.

Q Weren't you thinking about it? A No, I was too drunk to think about any murder.

Q Did you get drunk before you got to the Kings' flat? A I was half drunk.

Q Where did you get your drink? A Margery and I went to Moose Inn, and we had a few drinks up there.

Q That was another thing Owen Lawlor said on the trial that you girls drunk your selves drunk at the Kings' flat that night?

A I admitted that myself.

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Q You admitted you had something to drink? A I admitted I was intoxicated.

Q Do you remember this question: "Q Was there any other conversation besides that? A Yes.

Q What was that? A Owen Madden told Margery and I he never liked to have women in his troubles, because he knows what they are, but if us two sticks to him, say we just knew him from going around dancing, that everything will be all right, because he knows he will be picked up on suspicion of this murder, but he will get out of it." A I said that, and that also was told to me.

Q By whom? A By Mrs. Goldman.

Q Deuell had nothing to do with that conversation.

Q She made you say it? A Yes, or else I would have been brought down to Judge Rosalsky and committed for murder.

Q Nobody else up in Waverly House helped her? A No, sir.

Q Then did you ever discuss the case with any one else up there? A With Margery, yes.

Q Any one else connected with the matter? A Not that I know of.

Q Didn't you make a statement when you first went to Waverly House, and before you had seen Mrs. Goldman? A To whom? I didn't make any statement about this case about myself.

Q To anyone about this case? A No, sir.

Q Who talked to you first? A Mrs. DeBrenner.

Q Mrs. Coleman suggested to you that Madden said he would be

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picked up on suspicion, and you were to say you only knew him from going around dances? A She told me that is what she took from Margery's testimony and I was to say the same.

Q In this question: "Was there anything said in that conversation as to whether or not the defendant had been in Nash's saloon that day at all? A Yes, sir.

Q What was that? A Owney said he went up with Marty Ellis, twice that day, went all through Nash's saloon, looking for a fellow with two gold teeth, and I passed the remark I said, "Patsy only had one gold tooth", and I said, "Suppose you did get a fellow with two gold teeth, you would have ^{had} the wrong fellow, and what would you have ~~he~~ done?" He said, "He would have handed it to him right there and then, and I told him if he had the wrong fellow, would he do the same thing, and he said yes, to have any of them." A I said that, but that is not true. The first part of it Mrs. Goldman told me Margery had said the same about going up and around, seeing a man with the two gold teeth. She said I was to say I discussed it with Owen Madden.

Q Not that Margery had said it? A The first part Margery said, not the second.

Q Who made up the last part? A I don't know. Mrs. Goldman handed it to me on paper.

Q And that you were to say it? A Yes, sir.

BY THE COURT:

Q Did Mrs. Goldman ever tell you why she wanted you to give false testimony against Madden? A She told me Owney Madden had

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to be convicted, and if he was not to be convicted, either Margery or I would be.

Q Did she tell you why she was interested in convicting him on false testimony? A No, sir.

Q Did she ever tell you why she came into the case? A I don't know how she got into it.

Q She never told you what interest she had? A No, only she liked to see Owney Madden convicted.

Q She did not say why? A No.

BY MR. EDWARDS:

Q Did you ever ask her why? A That is a foolish question. I never ask people down here why.

Q Do you remember this: "You told us where you and Owen slept that night, the room back of the kitchen? A Yes.

Q And then Owen Lawlor and Margery were in another room? A Yes.

Q And after you had gone to bed I asked you this, "Did you have any conversation with this defendant after you went to bed? A Yes, sir.", and I said, "Tell us of that. A Owen Madden told me that he was standing in front of the cigar store, while the shooting was going on. I asked him what he was doing, superintending the job? He told me that was none of my business. Then I passed the remark saying I knew the boys could not do it without him knowing about it, or send them up. He said that was the leader part of it." Do you remember that? A Yes, that was also told to me.

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Q By whom? A Mrs. Goldman.

Q Mrs. Goldman made that up? A She told me Margery said to her that, and I said I could not be saying everything Margery said.

Q You know Margery didn't give any conversation between you and Madden after you had gone into bed? A No. She said Margery said she bunked into Owen Madden up there.

Q That has nothing to do with this conversation? A It has in a way. I would not have said that Owen Madden was up there, only Mrs. Goldman told me Margery said he was up there.

Q You were in love with Owen? A No.

Q Very fond of him? A Yes.

Q You thought a great deal of him? A Yes.

Q So that you were telling anything you were told to, were you? A Certainly to save myself, and you would too.

Q You were wearing his ring, when you were arrested? A Yes.

Q You were crying when it was taken away from you? A I never shed a tear in front of you people down there, and I would not give you the satisfaction, Mr. Edwards.

Q Answer the question. A I was not crying.

Q Do you remember when you heard what Owen Madden said about that ring in the trial? A I heard it.

Q Do you remember what he said to me? Do you remember saying, "It is a lie, nothing like that ever happened, I would like to throw the ring in his face"? A I never said that.

Q In my room, after the trial? A I said, "Nothing like that

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ever happened; that is all I said.

Q Now, you say it happened? A Yes.

Q In other words, you have changed to exactly the story that Madden told about the ring? A Which is true.

Q That he washed his face and cut his nose and you picked it up? A Yes, he never knew I had it.

Q Do you remember this: "Did he say anything else?", and you answered, "Then he said he was only fooling about everything, that he did say he did not mean a word of that." A Yes.

Q That was true? A That was suggested to me.

Q Who told you to say that, after he told you he was up there the time of the shooting, and then he told you it was a lie, he was not there at all? A I told Mrs. Goldman I would not testify that it was not true, and Owen Madden was innocent, then she told me to say he was only fooling, for later on she made me go back to the same statement.

Q That was a suggestion from some one else that Madden said he was just fooling? A Yes.

Q He never said that to you? A No.

Q You remember this question: "That was all the conversation you had with him that night in bed? A I asked him why did he tell me when he came to the restaurant that he was to the barber shop; he said he was so excited he did not know what to say. Then I told him he looked as though he was running. He said he did not do much running; he only ran from his mother's house to the restaurant." do you remember that? A About the

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running part I was told to say that.

Q Who told you that? A Mr. Deuell.

Q Told you about Madden saying to you that he did not run, much? A No, sir, that Madden was running, and that he ran into the restaurant, and why he lied to me, and all that stuff I was supposed to say.

Q Do you remember this, - "I asked him why did he tell me when he came to the restaurant that he was to the barber shop and he said he was so excited he did not know what to say." A I was told to say that.

Q By whom? A Mr. Deuell.

Q He made that up? A Yes.

Q (Reading) "Then I told him he looked as though he was running, and he said he did not run much"? A Deuell told me to say that.

Q (Reading) "He only ran from his mother's house to the restaurant"? A That is a lie, no one told me to say that.

Q That was just made up? A Yes.

Q And this: "Q Does that cover all the conversation that you had in bed that night? A That is before Arthur Bieler came in the flat. Q Did Arthur Bieler come in that morning? A Yes. A About what time? A About six o'clock. Q And where did he come in? A He came in through the parlor and went out to the kitchen."? A I remember saying that, but Mrs. Goldman told me to say that. She said Margery had said it and I had to say it.

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Q That never happened? A No.

Q And this: "Did anybody else go out to the kitchen with him? A Owney Madden and Owney Lawlor."? A That is not true that was said to me, and Mrs. Goldman told me that Margery said that and I was to say that.

Q (Reading) "Did you hear any of their conversations -- hear anything said about the shooting? A Yes.

Q Tell us what you heard about the shooting? A The first I heard was Owney Madden asked Arthur Bieler where did he get it, and Arthur Bieler said that he sent Jimmie O'Connell around to the Hayward Club, and then I heard Arthur Bieler say that he knew Patsy was dead, because he got him through the heart." A That also was framed up.

Q Who told you that? A Mrs. Goldman told me Margery said it, and I was there, so I must have heard it.

Q And that is why you said it? A Yes, to save myself.

Q You say Mrs. Goldman told you to say that? A All them conversations that ever took place in the Kings' flat Margery was supposed to have said them downtown to you people, and Mrs. Goldman copied them and told me I had to say so.

Q The conversation was had by you and Owen Madden in bed alone? A Yes, but they all led up.

Q Margery could not have given those conversations? A No. Mrs. Goldman told me those things in bed -- that he told me them in bed.

Q Mrs. Goldman told you to say those things? A Yes.

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Q And this: "What did Margery do then? A Margery came in to me and she said, "There, "I told you Arthur Bieler was in it.

Q What did she do after that, or the defendant? A Owen Madden told her she knew too much for her size, and to go back to bed."? A That was also told to me, and I said it.

Q Who told you that? A Mrs. Goldman told me that Margery said that.

Q That was her language, that Madden told her she knew too much for her size? A Margery was supposed to have said that to Mrs. Goldman, and Mrs. Goldman told me I had to say it.

Q "After that did you hear any more conversation? A No, sir, they spoke very low." Did any one tell you to say that? A Yes.

Q Who? A Mrs. Goldman told me Margery said it, and I was to say it.

Q Now, was there any of this that you told of your own initiative, without being told? A Not the conversations in the Kings' flat.

Q Was there any of the rest of the story? A Yes, a few things I admitted to.

Q What were those? A I said that Willie Mulhall and Arthur Bieler were in the Cafe with us that night. I said Willie Mulhall handed me the tickets.

Q Was there anything that was true, I mean; you said all those things were lies. Is there anything that was true? A That I said?

Q Yes. A Certainly. We all went to Moose Inn, that is true.

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Q That is all? A I was sitting in the Cafe with Owen Madden that night, that is true.

Q Is that all that there was true of your story? A I don't know.

Q Can't you think of anything else that was true? A The telephone conversation is true.

Q Anything else? A I don't remember.

Q And then this question, - "Now, did you have any talk with the defendant after he came back to bed, after Bieler's conversation? A Yes, sir.

Q What was that? A I asked him why he was so excited in Bieler's conversation when he said he was up there. He said he was not a close a witness as Margery was to the shooting." Do you remember that? A I remember saying it, but it is not true. That also was suggested to me by Mrs. Goldman.

Q Margery had not said anything about that? A No, she did not say Margery said that. She said I was to say that, but I was supposed to be arguing with Owen Madden about it all the time.

Q That was all made up? A Yes.

Q Do you remember this: "When you got up what did you talk about that day, if anything? A Margery and I decided about going up and getting our clothes in 43rd street, and I asked Owney Madden if he was going to go to Tammany Hall that evening. He said yes, but if he did go, that Margery and I were not to recognize him, or any of the boys, because in case any cops

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should be in there it would look very suspicious."? A He never said that, I said it, and I was told to say it because Margery had said it.

Q Who told you to say that? A Mrs. Goldman.

Q That was something else she told you to say? A All that conversation that took place in the flat, Mrs. Goldman told me to say.

Q Nothing was true of it? A Some of it was true.

Q Did he tell you not to recognize them? A He did not say that; we were sitting there and dancing with him that night.

Q Do you remember this question: "Q Was there anything said about that between you and the defendant, before you went?"

A Yes. Q What was it? A He told me not to say anything to Laura about the case whatever." A He never said it. I said it, because I was told to say it.

Q Who told you to say that? A I am telling you all those conversations that took place in the flat Mrs. Goldman told me to say.

Q This was told by Mrs. Goldman? A Yes.

Q Who did you dance with in Tammany Hall that night? A Owen Lawlor, Arthur Bieler and Willie Mulhall.

Q Did you dance with Owen Madden? A No, sir, he don't dance.

Q Then you were asked this question: "Q Was there any talk that afternoon about the possibility of you girls being picked up by the police? A Yes.

Q What was that? A Owney said he knew he would be picked up, and he was positive of Margie being picked up, but he was not so sure about me, but if Margie stuck and if I stuck to him, everything would be all right, that we would always have a friend in either him or his bunch."

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Q Did you say that? A I said it, yes, but I was told to say it.

Q Who told you to say that? A The thing applies to that, Mrs. Goldman.

Q Do you remember telling us about meeting Vin Kelly and Owen Madden down at Tammany? A Yes, sir.

Q Do you remember this question: "Q Did Madden speak to you at all that night? A He did not exactly address me, but he spoke about me as I passed him."? A Yes, sir.

Q Was that true? A Yes.

Q That was true? A Yes.

Q And this: "Q When was that? A That was about half past 11 when he was speaking to Vin Kelly."? A Yes, sir.

Q Then he did not talk to you that night? A He spoke, but he was talking of Vin Kelly. He was on the stoop when I passed, and he said, "Here is my new girl."

Q You said, "He did not exactly address me, but he spoke about me as I passed him." A I am talking about the time I was with Vin Kelly.

Q Is that the truth, that you did not speak to him?

A No, he spoke to me. I was right with him.

Q "Q Where did you see the defendant, Vin Kelly?"; and you answered, "In Tammany Hall, speaking."

"Q Did you hear anything said by either to the other?

A No, sir, only when I passed, Owney Madden said, "Here comes my girl." A Yes, that is true.

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Q Nobody told you to say that? A No, that is true.

Q "Q Who went home with you? A We met -- Owney and I made arrangements that we would meet at Irving Place and 14th street after the racket was over." A That is not true.

Q Who told you to say that? A Mrs. Goldman told me Margie was saying it, and I was to say it.

Q Then, after you got back to the King's flat, do you remember this: "Q When you got there, was there any conversation that evening? A Yes.

"Q What was it? A Almost the same conversation, that if we did get picked up, we were to stick, and I noticed the ring on Owney Madden's finger, and I asked him for it; he said, "No, in case I did get into trouble, everybody downtown knew O. M., and I told him if I did get in trouble, I would do away with the ring." Did you say that? A I said that, but it is not true. Mr. Deuell told me that Owen Madden gave me that ring. He even wanted me to say Owney Madden gave it to me because he confided in me and would not talk about him if I was picked up.

Q Deuell told you to say that? A Yes.

Q All of it? A Yes.

Q Then this question: "Q Did anything more happen on that day? A After Owney and I went to bed.

"Q What was that? A He told me that he was convinced now that I would stick to him, so everything he told me about

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his being up there was true.". Do you remember that? A I
said that. Nobody told me to say that. That is my own makeup.

Q You said that yourself? A Yes. I stuck that in.

Q "Did he say why he was convinced you would stick? A
He said Vin Kelly told him I would stick." AI said that, but
it is not true.

Q Who told you to say that? A Myself.

Q No one else? A No.

Q What was your purpose in saying it? A I don't know
what my idea was. He was being framed up, so I just put in
a few little remarks too.

Q I do not see how that would influence you to say it;
explain it a little better to me. A Because I was lying so
much that everything that came to me, I just spoke out.

Q This was some month or more after you had made your
statement of Easter Saturday, wasn't it? This testimony was
given on the trial that began on the 24th of May, and you
made your statement on the 3rd of April, didn't you? A Yes.

Q Easter Saturday? A Yes.

Q This testimony was just what was in your statement,
wasn't it? A I think it was.

Q When you came down to my office and made that state-
ment, you sat there and said it in your own way, and the
stenographer took it down just as you told it? A Yes, after
I was memorizing it for two weeks.

Q That is a fact? A Yes.

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Q Then a month and a half or nearly two months later, you came into court and testified about it? A Yes. Anyone might tell. I told Mrs. Goldman I would not testify. She said if I didn't she would bring me down to Judge Rosalsky and have me committed for murder.

Q This paper that you identified here, as the one you signed and made by you on April 3rd, you never saw that from the day you dictated it to the stenographer, until you saw it on the 3rd of June, when you signed it? A I don't remember seeing it. I remember going over a few questions.

Q But you never saw that paper again? A No, not that I know of.

MR. EDWARDS: I offer this in evidence.

(Paper marked in evidence as People's Exhibit 11.)

Q You signed it after you were down and talked to Perkins?

A I don't remember when; before or after seeing Perkins.

Q You went into his office from my room and signed it?

A I don't remember that.

Q Don't you remember talking to him, and then you signed it? A No, I remember I signed it. I asked you the question if I could go home if I signed it, and you said yes, that is all I signed.

Q Do you remember this: "Q Now, was there any conversation that night between you and the defendant in which you spoke of Patsy? A Yes, sir.

"Q What was that? A Well, I said to him, I told him,

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'Just think, I was speaking to Patsy Friday night, and now he is dead.', and Owen said, 'Yes, it was quick work, he did not expect it that soon himself, but he knew it was coming off. I had telephoned to him a week before the murder, and he says he knew then that it was already planned, and I said, 'What was planned?': he said, 'To croke Patsy Doyle.'" Did you say that? A I said that, yes, that was also told to me.

Q Who told you to say that? A Mrs. Goldman told me that Margie said that Owen Madden said she should keep out of Times Square, because Owen Madden was going to get Patsy Doyle up there.

Q This conversation between you and Owen in bed? A Yes, he said that is the way I was to put it.

Q The language in it, is that her language? A I don't know, she explained it to me.

BY THE COURT:

Q Did she tell you to say that that conversation took place while you and Madden were in bed? A Yes. She told me not to say Margie was there.

Q Did she tell you to say it took place in bed? A I don't remember whether she said that, but she did say I should say it.

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BY MR. EDWARDS:

Q Do you remember saying this: "Q Did he say anything about Margie that time? A He said I should not tell Margie anything about that."? A I said that.

Q Did he say that to you? A No, sir, I said it myself.

Q That is what Willie Mott said to you in his letters?

A What?

Q Not to let Margie know about this Madden stuff? A I don't know where Willie got it from.

Q You saw it in Willie's letters? A Yes.

Q And Madden told you not to tell Margie? A No, he never told me. I made it up.

Q How did you come to make it up? A I don't know. I was sore on Margie.

Q Is Margie so dangerous? A No, she is not dangerous.

Q What suggested that to your mind? A I don't know what put it in.

Q How did you come to tell that particular lie? A I don't know; they were all lies.

Q This particular one that I am referring to now? A I don't know how I came to say it, but I said it.

Q Do you remember this: "Q Did you ask him anything more? A No, sir.

"Q Did you ask him why? A Yes, sir.

"Q What did he say to that? A He said because he was a rat and he was afraid of him."

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rat and he was afraid of him.". Do you remember that? A I was told to say that, Mr. Deuell told me that.

Q That never happened? A No.

Q That is just the same thing you used in writing to Vin Kelly about this after you squealed on them. You said, "I am a rat."; that is where I got it from. Isn't that just what every member of Owen Madden's crowd is calling you today, a rat? Isn't that what you are trying to get away from?

A No, none of those ever called me a rat or insulted me.

Q You called yourself a rat? A Yes, I was one, for talking even about Biehler. He might not have pleaded guilty if I didn't talk.

Q So, if you had kept your mouth shut, nobody would have been convicted? A I don't know.

Q By opening your mouth, you squealed on the trial?

A I know if I didn't tell the lies, Madden would not have been convicted.

Q Didn't you say if you had kept your mouth shut, Biehler would not have pled guilty? A I don't know; he might have had a chance.

Q And the same with McArdle? A Yes.

Q You felt if you told what you knew, you squealed? A No, because I lied. That crowd never bothered me.

Q Do you want to get in right with them again? A No; I don't care whether I do or not.

Q What are you living at Owen Lawlor's expense for, for

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the last seven weeks? A I was living under Margie's expense, not his.

Q Margery said Owen Lawlor paid her expenses? A Yes.

Q You draw the distinction? A Yes.

Q You were willing to live there and let him pay the bills? A Yes, certainly. I had no money.

Q How did you come to do that? A I wanted to be with Margery.

Q I thought you were in love with Willie? A That is all right, I am.

Q And I thought you were going to marry him? A Yes, I am.

Q Did you read those letters of Willie's about Margery? A Yes.

Q He told you to keep away from her? A Yes.

Q And this is the girl you wanted to be with? A Yes.

Q The girl about which your fiance spoke that way?

A Yes, after I knew she was telling the truth about Madden. I am with her all the more for doing it. I am glad she did it. I am glad you have the letters.

Q You were glad she brought that down? A Yes.

Q What did you say to her when you found out? A Nothing.

I asked her why she took the letter down, she said nothing.

Q Didn't you hear that crowd call Margie a squealer?

A No, sir.

Q Didn't you hear her testify on the stand they had

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called her a squealer? A I don't know what they called her.

I was not with her all the time they called her anything.

Q Didn't you hear her say so? A Yes.

Q Didn't you think she was telling the truth? A I don't know; I hope she was telling the truth.

Q You didn't think she was, did you? A Yes.

Q When is Willie coming ashore again? A I don't know, as soon as we can get him.

Q When did you have the last letter from him? A About nine days ago.

Q Where was he then? A In Newport.

Q Did he say when they were leaving? A No, sir.

Q Or when they were coming back? A No. He did not expect coming back; he expected going to Frisco, and from Frisco to China.

Q When was it after you got out of Waverly House the Maddens began to get after you? A They did not get after me.

Q Didn't you come down and tell Mr. Perkins? A I thought so then, but the fellow told me later on he did not know any of the Maddens, and he did not know anything about it, and he was lying to me.

BY THE COURT:

Q Who was that fellow that said that? A An old sweetheart of mine.

Q What is his name? A Arthur Strauss.

Q Where does he live? A In 70th street.

(At this point the court takes a recess until a o'clock.)

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AFTER RECESS.

FRIEDA HORNER, resumes the stand, testifies as follows:

EXAMINATION CONTINUED BY MR. EDWARDS:

Q What was the name of that sweetheart of yours, Arthur?

A Arthur Strauss.

Q Arthur? A Yes.

Q And didn't you know his address? A No, sir.

Q When did he first come to see you? A I seen him first.

Q When did he first come to your house to see you? A Never came to the house to see me.

Q Who was the man that came to your house and told you that Mr. Deuel sent him? A Some man who came to the house and who said that Mr. Deuel sent him; he was an Italian and he told me he was a detective.

Q Do you know his name? A No, sir.

Q Do you know who did send him? A No, sir.

Q You say you don't know Arthur Strauss' number? A No, sir. Some place in 70th street.

Q How far from where you lived? A A block down; one block down.

Q A block which way? A East.

Q A block east? A Yes.

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Q Which side of the way, north or south side of the street?

A South.

Q Now, do you remember after you had testified on the Madden trial coming back to Waverly House? A Yes, sir.

Q Do you remember seeing Miss Stella Miner when you got back there? A Yes, sir.

Q Do you remember the talk you had with her? A Yes, sir.

Q Do you remember her asking you whether you had told the truth on this trial and you said you had? A No, sir.

Q Did you say that? A No, sir.

Q You swear you never said it? A Yes, sir, I do.

Q Do you remember seeing your mother at Waverly House after Easter Sunday? A Yes, sir.

Q Did you tell her there and then that you had told the truth and that you didn't know what would happen to you? A Yes, sir. I told my mother I told the truth. I was ashamed to tell my mother; I wrote.

Q Did you tell her that, that you told her the truth? A Yes, sir.

Q And you told the truth at last and you didn't know what would happen to you? A Yes; I told her that.

Q Now, you said you were thinking of going up to Sullivan County along about the first of July. Is that right? A Yes, sir, some time in July.

Q (Handing witness paper.) I show you a letter and ask

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you if that is a letter from this Greek of whom you spoke this morning? A yes, sir.

MR. EDWARDS: I offer that in evidence.

(The letter is received in evidence and marked People's Exhibit 12. The envelope is marked People's Exhibit 13.)

Q (Handing witness another paper.) I show you another letter and ask you if that is a letter received from the same Greek? A Yes, sir.

MR. EDWARDS: I offer that in evidence.

(The letter and envelope are received in evidence and are marked, respectively, People's Exhibit 14 and 15.)

Q Now, you said, as I understood you this morning, that this Vinotis was going to get you a job? A yes, sir.

Q I call your attention to this paragraph in his letter, "When you send a telegram put your name Mrs. Vanotis." Was that to help him to get you a job? A I don't know.

Q You see that in the letter, don't you? A Yes; I saw it before.

Q Did you ever ask him what that was for? A (No answer.)

Q Do you remember the Court asking you this question on the Madden trial: "Why did you keep it so long--" that is, what you had said about Owney Madden-- and your answer was, "Because I thought a great deal of Owney Madden." Do you remember that? A yes, sir.

Q Was that the reason? A Well, not quite. The reason

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why I kept things back, the first time they told me to say them before and I wouldn't do it. That's why, because I didn't want to lie about it.

Q Was this true, that you kept it back because you thought a great deal of Madden? A No. Only because I thought it would be lying if I did tell it.

Q Now, do you remember this testimony given at the last trial-- this was on Monday night and Monday morning-- "Did anything more happen that night, or did anything happen the next morning, Monday? A Yes." Do you remember that? A yes, sir.

Q "What happened then? Jimmy O'Connor came into the flat and told Owney Madden that the cops were wise to the restaurant telephone number, and so Owney said he was in for it now, that if the cops were wise to the restaurant number they surely were wise to the saloon number and everybody knew him and they would surely pick him up for it, and then he said to Jimmy O'Connor that he too knew too much for his size, and then he said to me, "Give me that ring back" and I told him I would not give it back to him, and then he also spoke about a letter, he said to Jimmy O'Connor, he spoke something about a letter downtown with the initials O. M. in it." Do you remember saying that? A I remember saying it, yes, sir. It is not true.

Q It is not true? Who suggested that to you? A In the course of the conversation that was in the flat and Margie had said it and I was to say it too.

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Q Don't you know that Margie didn't testify to these facts at all? A I don't know.

Q Now, who suggested to you that you should say Jimmie O'Connor came there? A Mrs. Goldman.

Q And who suggested to you that Jimmie O'Connor said that the cops were wise to the restaurant number? A Mrs. Goldman had told me that Margie said it.

Q That was Mrs. Goldman's suggestion to you? A Yes, sir.

Q And who suggested to you to say that Madden said that if the cops were wise to the restaurant number they were surely wise to the saloon number and everybody knew him and he would surely be picked up for it? A She said Margie had spoken about it.

Q And who suggested that Madden then said to you, or Jimmie O'Connor, that he knew too much for his size? A The same way Mrs. Goldman said Margie had said it.

Q And then who suggested to you that Madden had said to you, "Give me back that ring," and you told him you wouldn't give it back to him? A That was suggested in the same way.

Q The same way-- by Mrs. Goldman? A yes, sir.

Q Who was it who made the suggestion about a letter with the initials O. M. on it? A Mrs. Goldman said that Margie said that and I was to say that.

Q And that was all Mrs. Goldman's idea? A Yes, sir.

Q While you were at Waverly House do you remember several times sending to the District Attorney's office and saying that

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that you and Margie were very tired of being shut up in Waverly House? A Yes, sir.

Q And asked to be taken out? A Yes, sir.

Q And as a result of that you were taken out, weren't you, in the custody of police officers? A Three times.

Q And once you made a trip to the Navy Yard? A Yes, sir.

Q And the next time you made a trip down to Coney Island?

A Yes, sir.

Q One afternoon or one morning-- or morning, was it?

A One morning.

Q And the other time you went for a trip to North Beach?

A Yes, sir.

Q And each time you were in the custody of a police officer?

A Yes, sir.

Q And both times, as I recollect, the Waverly House people said they had no one to send with you? A Yes, sir.

Q And each time it was at your request, at the request of you girls, and you said that you were tired of being shut up so long and you wanted some fresh air; is that it? A Yes, sir.

EXAMINED BY MR. COLLIGAN:

Q Did you tell them in the District Attorney's office that you were tired and couldn't get any fresh air, that they send you up to the northern part of the state for a couple of weeks?

A What's that?

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Q Did you tell them at that time that you wanted some fresh air and wanted to go up to Spring Valley, or whatever place it was? A They didn't send me. It was Margie.

Q Do you know who they took out? A They didn't send me.

Q Well, do you know who did send you up there? A I don't know. It was Margie.

Q Margie alone had that pleasure? A Yes, sir.

Q Now, will you relate the circumstances connected with your ring, Freida? A Well, Sunday morning Owney Madden washed his face with his hands and the ring scratched his face and he laid it aside and after he laid it aside and had gone away I went to the wash stand and I picked up the ring and put it on and Owney never knew I had it until it was put in evidence on the stand.

Q Now, who has spoken to you with regard to that ring? That is, anyone connected with the District Attorney's office? A Mr. Deuel.

Q What did he say to you and what did you say to him?

A It was the Sunday after that I was arrested. He asked me to show him my right hand and I showed it to him and he said, "No, let me see the left hand," so I showed him the left hand and he took off the ring and he said "Whose ring is that" and I said "I received it from a girl friend" and he said "What is the girl friend's name" and I said "I don't know" and he said what do the initials O. M. stand for and I said I don't know and he said "Yes, you know that is Owney Madden's ring" and I said

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"How could I get Owney Madden's ring if I don't know Owney Madden?"

Q What did he say in reply to that? A He said that I was lying and that he knew that Owney Madden had given it to me.

Q Did he talk to you at that time with regard to your being sent to the House of Detention? A Yes, sir.

Q What did he say to you? A He sent me back to the House of Detention and then told me if I didn't tell who gave me the ring he would send me to the Tombs, and so I did tell.

Q Now, do you recall any further conversation at that time-- that is, with Mr. Deuel-- especially with reference to Margie? A No, sir.

Q Do you recall that someone told you that she was going to the Navy Yard to see to see Willie the Sailor? A I asked Mr. Blanch whether Margie was going to the House of Detention with me and he said Margie was going to the Navy Yard, he had learned all she knew and that I was a very foolish girl not to tell first before she told.

Q Who said that to you? A Mr. Blanch, a policeman.

Q A police officer? A yes, sir.

Q What did you say in reply to that? A I told him that I had told everything I knew.

Q When was this conversation held? A It was held in the Police Headquarters the Sunday after I was arrested.

Q Now, how many visits did you make, to the best of your

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recollection, to the District Attorney's office? A In the first two months I was down there quite regularly and after that I only went down every week.

Q How many visits in all, to the best of your recollection, did you make? A I can't remember, but it was a large number of times.

Q Well, you were brought down repeatedly, were you not?

A Yes, sir.

Q Did Mr. Deuel speak to you? A yes, sir.

Q And did Mrs. Goldman speak to you? A Yes, sir.

Q And how often did you see Mr. Edwards? A I never saw Mr. Edwards.

Q Until the case was prepared? A No. First he spoke to me before the MacArdle trial.

Q Now, there were occasions on which you came down very early in the day, were there not? A Yes, Mr. Colligan.

Q And were kept there during the entire day? A Yes, sir.

Q What was said to you at that time? A I would be brought into Mr. Deuel's office and he would ask me about Owney Madden and I refused to talk to him and I told him I told everything I knew about Owney Madden and he put me out of his office into another office and made me sit there until about five or six o'clock at night.

Q All alone? A All alone.

Q And did you have any food during that time? A No, sir,

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not even a glass of water.

Q How often did that occur? A Over a whole week straight.

Q And did he say why he was keeping you there? A yes, sir; until I would talk about Owney Madden.

Q Do you recollect Mr. Deuel coming to you and showing you a paper and speaking to you in reference to that paper? A yes, Mr. Colligan.

Q What did he say to you about that? A That if I didn't know anything about the murder I was to sign that paper and if I signed it and he found out I was lying he would have me committed to the Tombs and put a murder charge against me.

Q Now, soon after that Mrs. Goldman came to the Waverly House to see you, did she not? A yes, sir.

Q Do you recollect the conversation at that time-- that is, the conversation with Mrs. Goldman? A yes, sir.

Q What was it? A Well, then she asked me about myself and I told her all about myself, told her all my history, but when she questioned me about the West Side business I told her I had a headache and I wanted to go upstairs.

Q What did she say with regard to any testimony which you might give? A She told me I was very foolish not to make it; the evidence was harmless especially and if I was caught in lies I would be sent away for perjury.

Q But you did have some conversation relative to your testimony in the MacArdle case, did you not? A Yes, sir.

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Q Who did you have that conversation with when the question of perjury was brought up? A Mrs. Goldman.

Q Mrs. Goldman? A Mrs. Goldman.

Q And is this about the time that you were to testify in the Madden case, was it not? A Yes, sir.

Q Now, will you tell what conversation that was? A I said, "How could I say I was there in this trial when I said in the other trial I was not there, and how could I say all those other lies? I would be put away for perjury." She said, "No, you will never be put away for perjury while you are in my hands."

Q You made this statement to Miss Moscovitz, did you not, some time this summer? A Yes, sir.

Q And when you made this statement to Miss Moscovitz and when you made your affidavit which was filed in this case, was any of the Madden crowd present? A They were not in the office, no.

Q And Miss Moscovitz is the only person to whom you spoke-- that is, any lawyer in connection with this case?

A Yes, sir.

Q Now, do you recollect Mrs. Goldman coming to the Waverly House about two weeks before Easter Sunday? A Yes, sir.

Q Did she show you a paper at that time? A Yes, sir.

Q Did she read it to you? A Yes, sir.

Q What did she say in regard to that paper? A She told me the questions she had asked Margie and Margie had answered and

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that she made out with Margie out of these things in her testimony, meaning all the conversations up in the flat, and she said that Margie said I was present and I must have known it and I had to say they were all lies or I would be put back.

Q Did she say anything to you in reference to your being present or standing in front of the United Cigars Store?

A yes, sir.

Q What was said in regard to Madden being in the United Cigars Store? A She said that Margie said she bunked into Madden at the United Cigars Store and if Madden was standing there, why, Madden must certainly have told me he was there because he confided everything in me and I must say he was there because he was there.

Q Now, was that the first time that you had heard anything in reference to the fact that Madden might have been standing in front of the cigar store? A yes, Mr. Colligan.

Q That is the occasion of Mrs. Goldman's visit to the Waverly House? A Yes, sir.

Q With that written statement? A Yes, sir.

Q What did you say, if anything, to Mrs. Goldman with reference to whether Madden had ever spoken to Margie or you concerning Patsy Doyle? A I told her that Madden never spoke to Margie anything about Patsy Doyle, that Madden was innocent of everything, he never spoke to Doyle.

Q Are you positive that you told her that, Frieda? A I

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told her more than once and I told Mr. Deuel and Mr. Edwards that Madden was innocent.

Q And you told Mr. Deuel or Mr. Edwards or some one connected with the District Attorney's office that you knew Owney Madden was innocent after the trial? A Yes, sir. I said I wished he would get out.

Q Where was that? A In Mr. Edwards' office after the trial.

Q Now, on the occasion of this visit, did she speak to you with regard to some sentence you might receive in case you did not testify according to her wishes? A Yes, sir.

Q What did she say? A She told me if I didn't testify as she wanted me to or as Mr. Deuel wanted me to that she would take me down to Judge Rosalsky and have me committed to the Tombs and then have me taken up on a murder charge.

Q When next did you see her, to the best of your recollection? A The following day.

Q Now, what occurred on the following day? A She asked me did I make up my mind whether I would say those things or not.

Q She left the statement with you at that time? A Yes, sir.

Q What did you do with the copy? A I read it over and you might as well say I said them as she asked me to do.

Q Now, how many times did she visit you before she brought you to see Mr. Edwards-- that is, the day before Easter Sunday?

A About three or four times.

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Q Did she speak with reference to the testimony? A Always.

Q Now, do you recollect having a conversation with her after you left Mr. Edwards' office? A Yes, sir.

Q Tell us what that conversation was?

MR. EDWARDS: May we have the time fixed?

MR. COLLIGAN: Well, Mr. Edwards, she visited your office I believe on the Saturday before.

THE COURT: When was this conversation?

THE WITNESS: That was Easter Saturday.

Q Now, what was that conversation with Mrs. Goldman? A I told her that everything I had said was lies and that I wouldn't testify when I took the stand for Owney Madden because I couldn't testify. So she told me was I afraid of Owney Madden, if I looked at Owney Madden would that make me change my story and I said no and she said she would have it fixed so Mr. Edwards would stand in front of Mr. Madden all during the trial, which he did.

Q Now, during the trial you made one trip with the officers in the case during which trip you drank quite a lot of liquor?

A Yes, sir.

Q That was during the trial? A Yes, sir.

Q Now, state the circumstances of that trip? A It was the day that Judge Nott had gone some place, I don't know where he had gone to, but he had gone some place and the court was adjourned and that was the day I asked if I couldn't be taken out and Mrs. Goldman refused, she said she didn't want us taken out and I said

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if we can't go out that day that I will never go out at all, so then they had it fixed up so that Mr. Flood would take us to North Beach the following day.

Q Now state the circumstances. Where did you leave-- which point did you leave and what did you do? A We left Waverly House and Mr. Flood took us around the corner and put us into a taxicab and took us to 23rd street and Second avenue and from there we telephoned to Willie Mott. We stayed there and had a few drinks and then Willie Mott came in and then we had a few more drinks and then we got on a second avenue car and got off at 59th street and took a North Beach car and got off at Broadway and Steinway avenue and had a few more drinks and then took another North Beach car and went to the beach and Mr. Flood took us for a few rides and then took us into another place where liquor was served and then we were at some place where Mr. Flood said to Willie, "Willie, I hear that Margie is going to say that Owney Madden stood out at the cigar store the night of the shooting and I want somebody to corroborate her story," and Willie Mott said he would not say it but then later on Mr. Deuel had Willie in his office and Willie came out to me and said, "Frieda, it is all off; they make me say things even I don't want to," and he said he had said that, he had seen Madden there.

Q Now, you were shown some letters that were stolen from you? A yes, Mr. Colligan.

Q There was no charge pending against you at the time?

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A (No answer.)

Q There was no criminal charge pending against you at the time the letters were stolen? A No, sir.

Q Now, as a matter of fact, there were letters from Willie Mott in the same suit case with some clothes of yours, were there not? A Yes, sir.

Q Those have not been returned to you, have they? A No. because there is good stuff in them.

Q Kindly tell the Judge what that good stuff was? A One letter said if I didn't bring some of Owney Madden's friends over to see him pretty soon-- that he could tell Madden's friends some things about the trial they would like to know, because he lied then-- that he was going to commit suicide, and almost all his letters were full of it.

Q Are you positive those letters are in that suit case?

A All my letters are in that suit case.

Q You had some clothes in there, didn't you? A Yes, sir.

Q You haven't received them yet, have you? A No, sir.

Q Now, in regard to one of the People's Exhibits, that is, a letter from Willie Mott, what did you understand Willie Mott meant when he said that you should see the Madden crowd and if he didn't get himself in trouble-- or words to that effect-- what did you understand he meant by that? A That he didn't want to get sent away on no perjury charge because it wouldn't be right for him to go away on a perjury charge because he was compelled to say what he did say.

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Q You understood he meant that he had committed perjury on the Madden trial? A Yes, sir. And he didn't want to go away on that charge because he was compelled to commit perjury.

Q Now I understand you to say that you made a visit to the District Attorney's office at a certain time when you thought that you were going to be framed up by certain members of the Madden crowd? A Yes, sir.

Q Now, will you state the circumstances connected with your visit, why you went, who you saw and what you said? A I was going up to my house one day and I was walking along Second avenue when Margie introduced me to some fellow by the name of Arthur Strauss. We were talking together quite awhile and he said he wanted to talk to me and I said, "What do you want?" He said, "I have something very important to tell you." I said, "What is it?" And he said there is a certain fellow around there that has been offered \$150 to kill Margie. Why, I said, show me that fellow. So he got some fellow who was half witted and he came up to me and he said yes, he was offered \$150. So he described some fellow and I took it all in and I said, "Come on, Margie, we will go down to the District Attorney's office," and we went down and the first one we saw was Mrs. Goldman and we waited for Mr. Deuel and Mr. Edwards told him to take us down to see Mr. Perkins and we told him all about it and Mr. Perkins said the best he could do for us was three years in Bedford Reformatory and give us privileges. Then Mrs. Goldman said no, I will take

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them and give them a position out of the city and I said you will not give me any position out of the city.

Q Now, up to the time of the MacArdle trial did you in any way connect Madden with the killing of patsy Doyle? A No, sir.

Q But after the MacArdle trial who first spoke to you with reference to any testimony you might give against Madden? A Mrs. Goldman.

Q What did she say? A That she had a certain statement that Margie had made in which Margie claimed that I was present at the time they were made and that I had to say the same or I would get what Owney Madden was supposed to get.

Q Why did you sign the statement that has been produced here in evidence? That is, the statement made in the District Attorney's office after the trial? A I asked if I signed that statement would I be let home and I was told yes, so I signed it. So far as I was concerned I would have signed nine hundred as long as I could get home.

Q Did you read what the statement contained? A No, sir; it never bothered me. I just signed it.

Q Did you know why the statement was being given to you to sign after you had given evidence at a murder trial, after it was over? A Yes. They knew I lied and they were afraid to ask me before to sign the paper. They had to wait until it was all over, until I had testified.

Q And you were willing to sign the paper in order to get.

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rid of the whole thing? A Yes, sir. Only to get home.

Q Now, after the MacArdle trial you were taken to the District Attorney's office? A Yes, sir.

Q And you spoke to whom? A Mr. Deuel.

Q State whether or not at that time on that occasion you were placed in a room for hours by yourself? A That's the time I would not talk about Owney Madden.

BY MR. EDWARDS:

Q Frieda, there was never a statement taken from you after the Madden trial, was there? A Not after the Madden trial.

Q Mr. Colligan asked you about one after the trial. Was any such statement taken after the trial? A No, sir. It was after the MacArdle trial.

Q Now, I understood you to say that Mr. Perkins suggested on June 30th when you were down here, that you be given three years in Bedford? A Certainly he did.

Q The waiver of immunity-which you spoke of, which Mr. Deuel had you sign, that was the paper produced at the Madden trial and put in evidence and shown to you on the stand? A yes, sir.

Q You and Margie were in Waverly House together, were you not? A Yes, sir.

Q Was she there every day? A Well, no, at times Margie went to the hospital.

Q Yes, but before the Madden trial, after she got well, you had the privilege of talking to Margie all you wanted to,

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didn't you? A yes, sir.

Q When Mrs. Goldman told you, as you say, that Margerie said she bumped into Owney Madden on the corner, did you ask Margie if she had said it? A No.

Q Why not? A Because I didn't care to speak to Margi about this.

Q Didn't even ask her whether she said it? A No, sir.

Q Didn't you know she never did say it? A I don't know whether she did say it or not.

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J O S E P H F. D E A N, residing at 213 West 31st Street,
called and sworn as a witness, testified as follows:

CROSS EXAMINED BY MR. EDWARDS:

Q (Handing paper to witness) Is that your picture, Dean?

A Yes, sir.

Q How often have you been convicted of a crime? A Once.

Q When was that? A 1913.

Q What? A 1913, I believe.

Q That crime was assault? A Assault, yes, sir.

Q You went to the penitentiary for a year, you were sent there by Judge Mulqueen, were you not? A Yes, sir.

Q At that time, at the same time with the assault you was carrying a -- what do you call one of those weapons? A I was charged with carrying a billie.

Q Committing an assault with a billie, wasn't it? A Yes, sir.

Q And that indictment was disposed of on the other indictment, wasn't it? A Yes, sir.

Q Now, on the 4th day of June last, you broke into a building at 230 East 36th street and committed burglary, did you not?

A I was charged with it. I haven't been brought to trial yet.

Q Didn't you do it? A Well, I pleaded not guilty.

BY MR. COLLIGAN:

Q Were you convicted? A I haven't been brought to trial yet.

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BY MR. EDWARDS:

Q How long have you known Margie and Freida? A I have known Margie about seven or eight years and Freida about twenty months.

Q How old are you? A Nineteen.

Q How long have you palled with Vin Kelly? A All my life.

Q You have known him ever since he was a boy? A Every since we were boys.

Q And you knew that he was once a friend of Freida's?

A He met Freida through me.

Q Yes. But he was a close friend of hers after he met her, wasn't he? A Yes, sir; after he met her.

Q How long ago was that? A I introduced him to Freida at a racket at Schutzen Park, about eighteen months ago.

Q How long have you known the Madden crowd? A Only here about the last ten weeks, or fifteen weeks.

Q You acted as go-between for Vin Kelly and the girls and Willie Mott and the Madden crowd? A I never met Willie Mott.

Q Between the girls and the Madden crowd? A Yes.

EXAMINED BY MR. COLLIGAN:

Q How many conversations did you have with Margie with reference to this matter -- that is, any conversation had this summer? A When I first met her?

Q Yes. A Well, she asked me would I go over to the west side and see Jack Marron, Owney Madden's brother-in-law.

Q Did you know Marron at that time? A I did not.

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Q Had you ever seen him? A Never in my life. I went over about three times to see Marron, but I couldn't meet him, nobody seemed to be able to tell us who he was.

Q Who do you mean by "we"? A Vin Kelly and myself. Vin said he had a friend in 35th street in a club over there, and we went there and we met a fellow by the name of Joe Dunn, and Joe Dunn brought us down to 35th street and Tenth avenue, and introduced us to Marron.

THE COURT: What was the date of this?

THE WITNESS: About ten months ago. I don't remember the date.

Q Go on and tell anything else that occurred? A Well, I told Marron that the girls wanted us over, and they wanted to speak to him. Well, he told us he didn't want to have nothing to do with us, on account of their framing his brother-in-law up and they weren't going to get a chance to do it to him, so he wouldn't telephone to her at all. And we went over a couple of times after that and spoke to him, and still he wouldn't talk to her at all, and so then we told him how I met Freida one day on the East Side, over on 35th street and Second avenue, and she had told me she met Lawlor, and that Lawlor was willing to meet Margie so I made an appointment for Margie to meet Lawlor in 35th street and Second avenue.

Q Did Margie ever speak to you in reference to the fact that she couldn't sleep because of the testimony that she had

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given at that time? A She told me she could never sleep at night, it was always worrying her, it was on her brain all the time, and that she told lies both at the Macardle and Madden trials.

Q You made your statement to Miss Moscovitz, did you not?

A Yes, Miss Moscovitz, in her office, in the Woolworth Building.

BY MR. EDWARDS:

Q Who went down with you to Miss Moscovitz' office?

A I went down myself with Lawlor.

Q With Lawlor? A Yes, sir.

Q How long have you known Lawlor? A Since he introduced me, the night I met Marron.

Q Now, you were with Vin Kelly when you looked for Marron?

A I was with Vin Kelly that night.

Q And Vin knew Owney Madden, didn't he? A Vin might have known him.

Q Don't you know that he did? A He told me that he did.

Q Yes, he knew Marron, didn't he, too? A I don't know whether he knew Marron.

Q Marron was his brother-in-law? A Well, he didn't know him.

Q Where did you go to look for Marron? A 34th street and Tenth avenue.

Q Did you go to the restaurant, the American Lunch, on the

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northwest corner of 33d street and Tenth avenue? A Yes, sir.

Q That was full of Madden's friends, wasn't it? A None of them could tell us where Marron was.

Q Didn't you find anyone that Vin Kelly knew over there?
A Nobody.

Q Not a soul? A Not a soul.

V I N C E N T K E L L Y, residing at 334 East 34th street,
called and sworn as a witness, testified as follows:

CROSS EXAMINED BY MR. EDWARDS:

Q (Handing witness photograph) Kelly, is this your
picture? A Yes, sir.

Q How often have you been convicted of a crime? A Once.

Q When was that? A 1912.

Q And what was the crime? A Robbery.

Q First degree robbery, wasn't it? A Yes, sir.

Q How old were you then? A Twenty-two.

Q And you were sentenced to Elmira Reformatory? A Yes, sir.

Q Any conviction in the Children's Court before that time?

A No, not that I remember.

Q You would remember it if you had any, wouldn't you?

A Oh, if I got told about one when I was. I don't remember any.

Q Why, you say you have only been convicted once, and you
can't be sure of that? A Yes, sir.

Q When did you get out of Elmira? A December, 1913.

Q Now, you know Macardle, don't you? A Yes, sir.

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Q You met him up at Elmira? A Yes, sir.

Q You know Bieler? A No, sir.

Q You know Madden? A Yes, sir.

Q Do you know any of the rest of Madden's friends? A Yes, sir. I know Jack Marron; I know Lawlor; Barney Kavanaugh.

Q How long have you known Marron? A Ten weeks..

Q Never met him before? A No, sir.

Q You are interested in both Macardle and Madden? A No, sir.

Q I thought you knew them both well, and they were friends of yours? A Oh, I know them.

Q Weren't they friends of yours? A Well, I know them; they are friends of mine.

Q Aren't you interested in their cases? A No, not in any way.

EXAMINED BY MR. COLLIGAN:

Q You have known Jack Marron about ten weeks? A Yes, sir.

Q You had a conversation with Freida Horner, did you not?

A Yes, sir.

Q And when did that take place? A About a couple of days after she was home from the Waverly House.

Q That was after the Madden trial? A Yes, sir.

Q What was that conversation? A Why, she asked me would I go up to Sing Sing to see Macardle, and she told me that I was to go up and see him, and I went to Sing Sing, to the jail,

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Macardle and Madden was up there, and she asked me would I go up and see Macardle and explain it to him. And so I went up to Sing Sing to see Macardle with Joseph Dean.

Q Dean went with you? A Yes, sir. And I told Macardle about it; so he said go down and see Marron. So I came back and told her what he said, and then she told me would I go over and see Marron.

Q Now, up to that time had you see Marron? A No, sir.

Q And up to that time had you known Jack Marron? A No, sir. So then she sent me over to see Marron, and I went there several times, and nobody would tell me who Marron was. So I went to 35th street, I thought of the Trojan Club, I knew a fellow by the name of Joe Dunn, and I asked him would he introduce me to Marron, and so he took me and Joe Dean around and introduced me to Marron, and I saw Marron and he said he would have nothing to do it, he said they framed Owney up and they would be liable to do the same to him.

Q What is that? A He said they framed Owney up, and they would do the same thing to him.

Q Now, is that substantially the conversation which occurred between you two people? A Yes, sir.

Q You went up to see Macardle. When was that? A That was about ten weeks ago, a little over ten weeks.

Q Are you working now? A Not today.

Q When did you last work? A Tuesday; last Tuesday.

Q When did you last have a regular job? A I always had

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one.

Q Well, where is it? A R. Gordon & Son, 37th street and East River.

Q You haven't got one now, have you? A Why, certainly.

Q I thought you hadn't worked since Tuesday. This is Friday. Do you call that a regular job? A Well, they are slow now on account of the warm weather, they are slow in the coal business.

Q How do you make -- how do you do business when it is slow? A I go to all the yards looking for work.

Q Have you been working during the last ten weeks? A Yes, sir.

Q Where? A With R. Gordon & Son.

Q What is their business? A Coal merchants.

Q Do you deliver coal? A Yes, sir.

Q And their business is slack now? A Yes, sir. When the warm weather comes you get a day off once or twice.

Q Isn't this the time that people are always laying in their coal -- aren't they very busy just now? A No, sir.

Q When is the slack season? A June, July and August; that is their busy season.

Q And the winter is dull? A No. Around January it starts in, when the cold weather sets in.

Q Who paid your expenses up to Sing Sing? A Freida Horner.

Q With her own money? A Yes, sir.

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Q Was she working then? A No, sir; she just came home from the Waverly House.

Q Well, how long was this after she got out of the Waverly House? A About a week, I guess.

Q That would be away back in the early part of June, wouldn't it? A Yes, sir.

Q And this was the early part of June that you went up to see Macardle? A Yes, around sometime in June.

Q Well, you saw Macardle and talked to him? A Yes, sir.

Q And then you came back to New York? A Yes, sir.

Q And right away Freida wanted you to see Jack Marron?

A Yes, sir.

Q Well, how long did it take you to find Jack? A Well, I went there several times, and I couldn't get connection with him.

Q When did you first go over to look for him? A I went over in the night time.

Q Well, when was it? A I don't remember the night, but it was one night I went over there.

Q What month was it in? A It was, I guess, the end of June.

Q The end of June? A Some part of June, around the 13th I guess.

Q About the middle of June? A Yes, sir.

Q Well, when did you see him? A Well, I seen him -- I went there about four times.

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Q When did you see him? A Well, about the 20th, I guess.

Q The 20th of July? A Of June.

Q June I mean? A Yes.

Q June? You are sure it was June? A Why, certainly.

Q What did you do? A I explained things to him. I told him what this Freida Horner told me to tell him.

Q Well, did he come to see Freida? A No, sir.

Q What did you do next? A I came back to tell Freida.

Q And what did you do next? A And she wanted me to go there again.

Q Well, did you go? A No, sir; I told her I wouldn't go.

Q What was the next thing you did? A That was all.

Q And did you have anything more to do acting as go-between between the girls and the Madden bunch? A No, sir.

Q Didn't you go with Dean again? A No, sir; I went with Dean again, but not to Owney Madden.

Q Where did you go with him? A Why, only palled with him.

Q You have lived with Dean, haven't you? A No, sir.

Q Have you palled with him since the early part of June?
A I palled with him before that.

Q When did you get in touch with Madden again, and get the girls in touch with him? A I never got the girls in touch with him.

Q Well, did Dean? A Not that I know of.

Q He never told you anything about it? A No, sir; not that I know of.

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Q He was your pal? A Yes, sir.

Q And Madden and Macardle were two friends of yours?

A Yes, sir.

Q Both in jail? A Yes, sir.

Q And you knew that Freida wanted to take back what she had said about them and help them get out? A Yes, sir.

Q And Joe Dean never told you that he ever helped to get Margie and Freida in touch with the Madden bunch? A No, sir.

BY MR. COLLIGAN:

Q You were working on the day on which Miss Moscowitz took your affidavit? A Yes, sir.

Q Isn't it a fact that you made arrangements to meet her but couldn't do so on account of the fact that you were working?

A Yes, sir.

Q Where is your place of business? A 37th street and the East River.

Q What is your boss' telephone number? A Murray Hill 400.

Q And do the men down there -- who knows that you are working there? A Charles Carroll.

BY MR. EDWARDS:

Q You said a moment ago you weren't working there now, you hadn't worked since Tuesday?

MR. COLLIGAN: He is working there now.

Q Where do you and Joe Dean live in the summer? A I live

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at 334 East 34th street all the time.

Q Where did you live last summer with Joe Dean? A I never lived no place with Joe Dean.

Q You used to be very intimate with Freida, didn't you ?

A Yes, sir.

Q Didn't you pal with her? A Yes, sir.

Q And that was before she took up with Patsy Doyle? A I know Freida about a year and a half.

Q Yes; you used to pal with Freida before she went to live with Patsy Doyle? A I don't know anything about Patsy Doyle. I don't know whether she went with Patsy Doyle.

Q Don't you know where she went after she left you? A No, sir.

Q Didn't you ever see her after she stopped palling with you? A Yes, sir.

Q Didn't you ever ask her where she was? A No, sir.

Q Now, you and Freida have written to each other quite frequently, haven't you, since she got out of the Waverly House? A Yes, sir.

Q And you wrote her in one letter, did you not, that she called herself a rat and no good? A Yes, sir.

Q Do you remember that that is the letter of June 17, 1915? A Yes, sir.

Q (Handing witness letter) This is in your handwriting, isn't it? A Yes, sir.

Q That is yours? A Yes, sir.

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Q Now, when did she tell you she was a rat and no good?

A When she wrote me a letter.

Q Have you got that letter? A No.

Q She told you that she was a rat and no good. How long was that after she got out of the Waverly House? A That was about the 15th, I guess.

Q About the 15th of June? A Yes, sir.

Q Now, you were one of the first people that went to see her after she got out? A She sent for me.

Q You went up to her house to see her? A Yes, sir.

Q You wrote her telling her you were coming, and would ring the bell three times so she would know it was you? A Yes.

Q You went up because you were interested in her; weren't you? A Yes, sir.

Q And was it then that she told you she was a rat and squealer, and no good? A No, sir.

Q When did she tell you that? A The 15th, around the 15th.

Q Was that when she was discussing the Madden case with you, or the Macardle case with you, or either one of them?

A She told me about the case before, and she told me that about the 15th.

Q That refers to her giving testimony on the Madden case?

A What is that?

Q Did that refer to her giving testimony in the Madden case? A Well, she told me that they were innocent, and to

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tell them.

Q Now, won't you answer my question, please? Did her saying that she was a rat and a squealer and no good refer to her testimony in the Madden case? A I couldn't tell you.

Q Wasn't she talking to you at the time she told you?

A Yes, she was talking to me.

Q What was ^{she} talking about? A She was telling me to go over to see Marron.

Q Well, what was she talking about when she said she was a rat and no good and a squealer? A She had told me that.

Q Well, what was she talking about when she told you that? A She thought I thought the same thing of her I guess.

Q Well, was she just talking about the Madden case and the Macardle case? A Why, certainly.

Q Well, did she say who had called her a rat and squealer? A No, sir; she didn't say to me.

Q Did she say that anybody thought she was a rat and squealer? A Why, she told me that.--

Q Well, did she say anybody thought that of her, or called her that, or said she was that? A She asked me did I think that of her.

Q Well, what did you say? A No.

Q Did she say that anybody did think that of her? A No, sir; that is all she said to me.

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O W E N L A W L O R, residing at 10-1/2 Grove Street, New York City, called and sworn as a witness, testified as follows:

CROSS EXAMINATION BY MR. EDWARDS:

Q Lawlor, you were convicted on March 13, 1913, for keeping a house of ill-fame, were you not?

MR. COLLIGAN: This was all brought out on the trial.

MR. EDWARDS: This is a different proceedings from the trial.

THE COURT: I will take it.

Q Were you not? A Yes, sir.

Q Have you ever been convicted of any other crime?

A I was in the Domestic Relations Court with my wife.

Q I am talking about crimes, Lawlor? A No.

Q How long have you been living with Margie Everdeen since she came out of the Waverly House? A About six or seven weeks, I am not sure.

Q You were living with her when she made this affidavit?

A Yes, sir.

Q You went down with her the day she made it? A Yes, sir.

Q What time of day was it? A I should judge around four o'clock.

Q In the afternoon? A Yes, sir.

Q Weren't you working that day? A No.

BY THE COURT:

Q Is your wife living? A Yes, sir.

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Q Have you been divorced? A Yes, sir.

BY MR. EDWARDS:

Q How long have you been living apart from your wife?

A Two and a half years.

Q Do you support her? A Yes.

Q How much do you pay her for her support? A \$3.00 a week; while I was away too.

Q Are you paying her now? A Yes, sir.

Q How many children have you? A One.

Q And that \$3.00 covers the support of wife and child, does it? A I wasn't told to support the wife; she was told to support herself.

Q That is all you pay for the support of your wife and child? A Yes, sir.

Q Now, when you went to live with Margie Everdeen after she came out of the Waverly House, where did you go to live?

A 157 West 145th street.

Q And how long did you remain there with her? A One week.

Q When did you move? A Moved that very next day to 163 West 145th street.

Q How long did you live there? A Four or five weeks; I am not sure.

Q When did you move from there? A Some time last week.

Q What made you move so quickly? A Why, the girls claimed the District Attorney's people were hounding them, and they wanted to get out and get away from them.

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Q The District Attorney was looking for them? A The District Attorney's people.

Q Now, that was just after the motion papers were served in this case, wasn't it? A I don't know anything about the motion papers.

Q Didn't you go down when they made their affidavits?

A Yes, sir.

Q You went down with the girls? A Yes, sir.

Q Where are you working? A Thomas Gallaher.

Q How long have you been working there? A Since about the middle of June.

Q Steadily every day? A Not every day, no, sir.

BY THE COURT:

Q Did you swear to your affidavit the same day that the girls swore to theirs? A No, sir; I can't remember that.

Q Didn't you all go down together? A Well, there were different days.

Q How many times did you go down with them? A Three or four times, I think.

Q What? A Three or four times, I think; I ain't sure.

Q Well, weren't the papers ready at the same time? A Why, no, sir; they were not ready; the girls had so much testimony, that they were writing it themselves.

Q Well, they swore to theirs before you did yours? A Yes, sir.

Q Did they swear to theirs on the same day? A That I can-

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not say; I don't remember.

Q This paper Margie Everdeen swore to is dated the 22d, Freida Horner swore to hers on the 23d, and you on the 24th; weren't you down there at the same time? A Yes, sir.

Q Were they down there on the 24th, the day you swore to yours? A I am not positive of that.

Q Where were you living at the time that you swore to your affidavit? A 163 West 141st street.

Q Before you swore you lived at 10-1/2 Grove street? A I had my clothes at my mother's house.

Q Well, you don't live there. It is not a question where your clothes are. It is a question of where you live. Did it occur to you that the two girls gave different addresses to the sworn addresses when you were living together? A Yes, sir.

Q Did you do that on purpose? A No, sir; I did not.

Q If you all lived together, why did you all give different addresses? A I was staying there; I slept down home whenever I wanted to.

BY MR. EDWARDS:

Q You went down to the lawyer's office with the girls each time they were down there? A Yes, sir.

Q You were down the first time when they gave the facts for their affidavits? A Yes, sir.

Q You went down with the one that verified her affidavit on the 22d? A Yes, sir.

Q Margie Everdeen, I think? A Yes, sir.

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Q You went down with Freida when she verified hers on the 23d? A Yes, sir.

Q What time of day did you go? A Always around the same hour.

Q Weren't you working those days? A No, sir.

Q Well, who was paying the expenses up there at the flat?

A I was.

Q Paying the expenses of both the girls? A I paid the expenses of Margie.

Q Well, Freida lived with you, didn't she? A At Margie's request.

Q But Margie didn't have any money, did she? A Not that I know of.

Q She wasn't working? A No, sir.

Q And Freida didn't have any money, she wasn't working?

A I can't say.

Q But you were paying the expenses of the whole flat, weren't you? A Yes, sir.

Q You were paying for the rent, the light and heat and everything else? A There was no heat there.

Q But you were paying all the expenses? A Yes, sir.

Q Whose money were you paying it with? A My own money.

Q Where did you get it? A I worked for it.

Q Now, what were you earning during those six weeks?

A Those six weeks? About \$20, \$25 --according to how many days

I worked.

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Q How many days were you working during those six weeks?

A Well, I don't know how many days I stayed off; I didn't keep any account of those I stayed off.

Q How much do you get a day? A My salary is \$25 a week.

Q What is your business -- what do you do? A I am assistant foreman.

Q In what line? A Stevedore.

Q So that you get about \$3.50 a day? A I should think it was a little more than that.

Q Do you work Sunday too? A No, sir.

Q Don't you work on stevedoring work when you ~~are~~ are busy?
A Oh, yes; but they have not been busy since I have been working for them.

Q How much did your flat cost you? A \$8 a week.

Q Well, how much did your food cost you? A Well, I used a couple of dollars a day.

Q And that would be about \$14 a week? A Yes, about that.

Q That would be about \$22 a week? A Around that.

Q And that would only leave you about \$3 a week to pay your wife? A Yes, sir.

Q What did you do for spending money? A Why, I borrowed money.

Q Who did you borriw it from? A A friend of mine.

Q Who? A Louis Berman.

Q Who is he? A A friend of mine.

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Q Where does he live? A St. Marks Place.

Q What does he do for a living? A I don't know what he does. He is a gambler.

Q Now, when were you last paid by your employer? A Last Saturday.

Q How much did you get that Saturday? A I got \$10 off him, and I borrowed \$15 off him.

Q Borrowed \$15 from him? A Yes, sir.

Q Who paid you? A Thomas Kelly.

Q Himself? A Yes, sir.

Q What is his address? A I don't know his address.

Q Well, where do you get your money from him? A On the pier.

Q What pier? A Pier 7, over in Brooklyn.

Q Where is his business? A 57 Fulton street.

Q Brooklyn? A Yes, sir.

Q Some of these five or six weeks you were living with the girls you didn't earn enough money to pay their expenses, is that right? A That is right.

Q Do you mean to say that you went into debt for all that? A Yes, sir.

Q Every bit of it? A Not every bit of it. The money I had I used.

Q All that you didn't earn? A Yes, sir.

Q You went into debt for? A Yes, sir.

Q Why did you always go down with the girls to the lawyer's

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office? A Because they insisted upon it.

Q Not because you wanted it? A Well, it was immaterial to me whether I went or not.

Q How long after you first saw Margie after she got out of the Waverly House did you go to live with her? A After she got out of the Waverly House?

Q Yes. A Why, the first time I met her.

Q The first time you met her you went right away and got rooms with her? A Yes, sir.

Q And what was that date? A I can't remember the date.

Q And since then you have lived with her right along?

A Yes, sir.

Q Kept her right in the same room with you? A During the times we moved --

Q I say, they were always in the same rooms with you?

A Yes, sir.

Q Freida too? A Freida had her own room.

Q But she was in your flat wasn't she? A Yes, sir.

Q Took her meals with you? A Yes, sir.

BY THE COURT:

Q Why did you have Freida there? A Margie brought Freida there.

Q I say why? A I don't know, your Honor; she didn't give me any idea.

Q Why were you paying her board and room? A I would have to pay the same rent for Margie.

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Q Well, it was an extra room? A Yes.

Q She was eating there? A Yes, sir.

Q I say, why were you supporting her? A I was supporting Margie, and I put Freida up.

Q I want to get at the reason why you were boarding Freida. A I can't give any reason, only she was Margie's friend, and Margie claimed that she lived with Freida's mother a few weeks.

Q Well, why didn't you tell Freida to go back to her mother? A I never spoke about anything at all, her mother, or anything else.

Q Well, you say in your affidavit that you spoke to her and met her on the street. A Well, I spoke to her on the street, but not in the house about her mother.

BY MR. EDWARDS:

Q You say in your affidavit you heard a rumor that \$150 was offered to have Margie and Freida killed. Where did you hear that? A I heard that rumor from Joe Dean and Vin Kelly.

Q When was that? A I think it was the very next day after it was in the papers.

Q When was the first time that you went down to Woodside to see Margie after she got out of Waverly House? A I never was in Woodside in my life.

Q Didn't you go down there one evening and talk to Margie on the stoop of her house, 23 Sixth street? A No, sir; I did not.

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Q Who made the appointment for you to meet Margie?

A Well, I met Freida Horner and she stopped me on the street and she spoke to me. She told me that Margie and the lawyer would like to see me. After she got through with the conversation with me. And I told her if she would let Margie know I would be willing to meet her.

Q Just tell me what you know, not what you heard. Who did you talk to about meeting her? A — I talked to Freida about meeting her.

Q And was that the only arrangement that was made with you to meet her? A Yes, sir.

Q Did Freida tell you where she would meet you? A Freida told me she wanted to see Joe Dean and he was looking for Margie, and Joe said he would go and see Margie, and make an appointment, if she wanted to make it.

Q Did Joe go with you when you made the appointment? A I went up myself.

Q Where did you keep it? A Ay 35th street and Second avenue.

Q Now, since you have lived with Freida and Margie up here in 145th street, how often have you talked about this case?

A Why, I first started talking, the first time I asked her about the case.

Q Now, just tell me about how often? A She has always told me she lied, and she always said she would tell the attorneys.

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Q Then you went down to the attorney's office with her, didn't you? A Yes, sir.

Q And you heard her talk there? A I didn't hear her talk. I read the affidavit after it was made out -- it was read to her.

Q Then you were present while it was read to her, you say? A Yes, sir.

Q Then you heard what she said in the affidavit? A Yes, sir.

Q Now, you said nothing to her before that? A No, sir.

Q When you met her what did you say to her? A Why, I asked her what she wanted to see me for, and she said she would like to see Madden's lawyer.

Q Did you ask her what about? A Yes, and she said she had so much trouble on her mind she couldn't sleep, and she was crying all the time, and she would like to give the trouble out to the world.

Q What did you say to that? A I told her if she cared to go over to the west side, I would make arrangements for her to meet Madden's counsel.

Q And you did make those arrangements? A Yes, sir.

Q Now, didn't you ask her what she was going to say to the counsel? A Why, I asked her, and she started to tell me, "Just lies, lies," she wouldn't tell me what.

Q Now, how long was she living with you before she went down to see the counsel? A Why, I told Mr. Kavanaugh about it the night she came over with me, and Mr. Kavanaugh tried to get

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into communication with Mr. Colligan, who was out of town, and Mr. Kavanaugh went to see him.

Q Now, how long was it after she went to live with you before she went to see the lawyer, is what I asked you? A Well I couldn't tell you. It was just as to getting the minutes in the case.

Q What month was it you first met her? A What?

Q What month was it you first met her? A It was about seven weeks ago at the most.

Q That would be in August, wouldn't it? A Something like that.

Q Well, what do you mean about preparing the minutes of the case? A Why, Mr. Colligan's associate said that she would like to see the minutes in the case before she would take a statement of the girls.

Q Did she say what that was for, what she wanted the minutes for before she took the girls' statements? A No, I don't know what she said about that.

Q But she wanted the minutes before she could take the girls' statements, isn't that what you say she said? A The girls wanted to know what they said.

Q They didn't know what they said? A They called it lies.

Q So that is what the minutes were gotten for, is that right? A Yes.

Q Well, now, won't you go back to my question. I asked you how long Margie was living with you before you took her down to

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the lawyer's office? A I said after the minutes were gotten out; I don't remember what day it was.

Q Well, who arranged about getting the minutes? A I think Madden's brother-in-law.

Q Who? A Mr. Marron.

Q Did you go down there to see the lawyer first before you brought the girls? A No, sir; I did not.

Q How did you find out the lawyer wanted to see the minutes before she took the statements? A Well, it was just hearsay.

Q It was just hearsay? A Yes, sir.

Q Who told you? A Mr. Kavanaugh.

Q Did he tell you where he found it out? A No, sir; he did not.

Q So that when the girls wanted to see the lawyer, Madden's lawyer, you took them to live with them and paid their expenses, but didn't take them to the lawyer's, is that right? A Yes, sir.

Q Now, how long did that continue? A I couldn't take them to the lawyer because Mr. Colligan wasn't here in New York at the time, and Margie refused to leave me, she said she wanted to stay there, she was scared of the District Attorney's people coming to our house.

Q She wasn't afraid of you? A No, sir.

Q When was it you first took them down to the lawyer's, how long ago? A I don't remember how long ago.

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Q Well, how many weeks? A Well, it might be three weeks ago, or so, something like that.

Q That would make them living with you for a month before you took them down there, would it? A I guess it was.

Q And during all that time you were paying the expenses of both girls? A Yes, sir.

Q You were interested, weren't you, in what the outcome would be in Macardle's and Madden's cases would be, weren't you? A Yes, sir.

Q Very much interested? A Yes, sir.

Q They were both close friends of yours? A Yes, sir.

Q Hadn't you said a word to Margie about this case during that month? A Why, I just asked her to tell me some of the lies, and she said I would hear some of the lies when she made her affidavit.

Q Is that all she said about it? A She told me about Miss Goldman making her say this and say that, but she didn't tell me what.

Q Did she tell you what part of her testimony was lies?

A She told me everything in her testimony was lies.

Q Did she tell you what she said? A No, sir; she did not.

Q Now, you don't know what she testified to, do you?

A No, sir; I did not.

Q You weren't in the courtroom when she testified, were you? A No, sir; I was not.

Q You did not read the minutes, did you? A No, sir.

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Q Now, weren't you interested in finding out what she said at the trial? A I was.

Q Didn't you ask her what she said during this month?

A I kind of knew what was said, because she was telling out of court --

Q Did you ask her, Lawler? A I don't remember whether I asked her or not.

Q Do you want to be understood as meaning that for one month you and Margie Everdeen lived there and she neither told you what she had said, nor what she was aiming to say, and you didn't ask her? A She told me she was all alone, and she wanted to see the lawyer.

Q What did Freida say? A I had no conversation with her.

Q Didn't you ever talk to Freida? A I spoke to Freida, yes.

Q You never talked to Freida about the case? A Yes, sir.

Q Well, what did you say? A I was asking her to tell me things about it, and why she didn't tell the truth at the trial, and she said she was every day going to break herself, but she was forced to.

Q Did you ask her what she said at the trial? A No, sir; I did not.

Q Did you ask her what she was going to say in her affidavit? A No, sir.

Q Why didn't you ask her? A I was scared they might say I tried to intimidate her.

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Q Why you were living with her and paying the expenses of both of them, weren't you? A Yes, sir.

Q What worse could they say about you than that? A I think intimidation is a little worse than that.

Q They might call that bribery, mightn't they? A There is no bribery there.

Q Paying for the their living -- paying all their living expenses? A You were paying for their living when you had them.

Q That is not the question. You said you were afraid that they would say that you were trying to intimidate them? A Yes, sir.

Q Now, why weren't you afraid of the other thing? A Because there ain't no law against me keeping anybody, if I want to, keep them.

Q Now, isn't it a fact that the minutes of this trial was purchased by the defendant, and counsel had them in July? A In July?

Q Yes. A No, sir.

Q What? A No, sir; not to my knowledge.

Q Did you provide the money to pay for them? A Sir?

Q Did you provide the money to pay for them? A No, sir.

Q Do you know who did? A I think it was Mr. Marron.

Q Jack Marron? A Yes, sir.

Q Did you help him? A No, sir.

Q Was that his share of the expenses of this motion while

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yours was paying for the keep of the girls, and keeping your eye on them? A There was no shares made up whatsoever. That was just his brother-in-law.

Q Well, you are no relation of Madden's? A No, sir; I am not.

Q But you contributed the support of the girls? A Yes, sir.

Q And took good care of them? A Yes, sir.

BY THE COURT:

Q Did you go to Philadelphia with these girls? A Yes, sir.

Q How long ago? A I think it was around four weeks.

Q How long did that take to go down there? A Way, I went down there about six o'clock, and they came back about three or four, I don't know what time we got back.

Q In the evening or morning? A Six o'clock at night we left New York.

Q Who went? A The two girls, Freida and Margie, Kavanaugh and Jack Marron.

Q And yourself? A And myself.

Q Five of you went to Philadelphia? A Yes, sir.

Q Who paid the expenses of that trip? A I ain't sure who paid the expenses; I think Mr. Kavanaugh paid the expenses for the three boys, the three of us.

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BY MR. EDWARDS:

Q Who paid for the girls? A I don't know who paid for the girls; I guess they paid ^{for} themselves.

Q I thought you just said they didn't have any money?

A I told you I didn't know any money that they had.

Q You said Margie wasn't working, and hadn't any money?

A I wouldn't say anything about the money; I told you they were working.

Q Didn't you pay her way down there? A No, sir; I did not.

Q And Freida's too? A No, sir; I did not.

Q Didn't Kavanaugh pay for the whole party? A No, sir; not to my knowledge.

Q Did you see Willie Mott down there? A Yes, sir.

Q Have you talked with Willie Mott? A I had no talk with Willie Mott, no, sir.

Q Who did? A I didn't.

Q Who did? A Mr. Kavanaugh.

Q In your presence? A Yes, sir.

Q You heard the talk? A Yes, sir.

Q Before you went did Freida show you, or tell you about the letter she had gotten from Mott? A She told me she got a letter from Mott.

Q Did she show you part of this letter? A No, sir; I can't remember.

Q Did she tell you that what he wanted to find out from the

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Madden was what to say in his letter that would help Madden and Hoppe to a new trial? A He just told me she got a letter, if wanted to go he would take us over to see him.

Q Didn't she tell you that? A No, sir, she did not.

Q Didn't she tell you that he said that he would deny all he said, but there is a lot that you would have to tell him about what purpose both Frieda and you had in lying at the Madden and MacArdle trial? A No, sir, he did not.

Q He didn't tell you that? A No, sir.

Q But she told you that he said for you to come down there and see him or write to him? A There was something said about that he would like to see me. I think it was in Margie's letter, I am not sure.

Q Didn't Frieda tell you she had a letter in which he asked you to either write to him or come down and see him? A No, sir, I was not asked to write him.

Q I don't mean you personally, but some of the Madden bunch? A She never told me anything like that.

Q Did she tell you that she had written him and said, "You can tell them to have it typewritten and not signed when they send it to me if they think I am framing anything on them?" A No, sir.

Q Did she tell you that? A No, sir.

Q Did you think it was safer to go down and see him than to write him a letter? A I didn't think anything at all, but

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why he wanted to see us, and we went down to see him.

Q Jumped right down to see him, because you wanted to see him? A Yes, sir.

Q He was no friend of yours? A No, sir.

Q And he helped put two of your best friends in jail, didn't he? A Yes, sir.

Q And all you knew was he wanted to see you, and you went down? A I heard he wanted to tell the truth, and I went down.

Q He told you that? You didn't tell me that. A If he wrote a letter what else would he want to see her about?

Q Now, Lawlor, you just told me you heard he wanted to tell you the truth? A I said Mr. Kavanaugh told me that he wanted to tell the truth.

Q Had Kavanaugh seen this letter? A I don't know whether he did or not.

Q He didn't tell you that he had seen it? A No, sir.

Q He didn't tell you what was in it? A No, sir.

BY MR. COLLIGAN:

Q You made but one trip to Philadelphia, did you not?

A Yes.

Q And you went under the instructions of Miss Moscovitz?

A Yes.

BY MR. EDWARDS:

Q Why didn't you tell us about that before? A It slipped my mind; I didn't think of it.

Q Well, was it her suggestion that you take the two girls

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down? A No, Mr. Kavanaugh --

Q Now, answer my question. Was it her suggestion that you take the two girls down? A I was just telling you it was Miss Moscovitz --

Q Has Miss Moscovitz made any suggestion to you about taking the other men down? A She must have made it to Kavanaugh.

Q Did you hear it? A No, sir.

Q Did she suggest also that you take the two girls down?

A I don't know about that.

Q She suggested that you take Jack Marron along? A No, sir.

Q Did she suggest that Barney Kavanaugh go too? A I don't know about that.

Q What was the reason for the three of you going down there?

A I just went down with the girls. He said he wanted to see her, and so we all went.

B E R N A R D K A V A N A U G H, residing at 365 Tenth

Avenue, called and sworn as a witness, testified as follows:

CROSS EXAMINATION BY MR. EDWARDS:

MR. COLLIGAN: I wish to state that Miss Moscovitz has made an affidavit, and she is willing to go on the witness stand and tell everything concerning this case, when the minutes, if it is anybody's business, in the first place, when the minutes were ordered, and when she received them, and who saw them.

THE COURT: I don't think it is necessary for that.

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Q (Handing witness photograph) Kavanaugh, is this your picture? A Yes, sir.

Q How often have you been convicted? A Convicted?

Q Yes, convicted. A I have one \$10 fine.

Q You haven't answered my question. How many times have you been convicted? A That is once.

Q All right. What was that for? A Contempt of court.

Q What? Contempt of court, I believe.

Q Where was that? A Disorderly conduct.

Q Disorderly conduct, wasn't it? A Well, it was either one or the other.

Q When was it? A About 1912, or 1913.

Q That wasn't the first time, was it? How about 1907?

A I was not convicted in 1907.

Q Weren't you? A No, sir.

Q Sure of that? A Positive.

Q For disorderly conduct? A Disorderly conduct? No, sir; I was convicted of nothing in 1907.

Q All right. When was the next one? A I was convicted once I told you and fined \$10 in the Tombs Magistrate's Court.

Q Is that all? A Yes, sir.

Q In 1908 weren't you convicted in the Second District Court before -- I mean didn't you plead guilty in Special Sessions for carrying a concealed weapon, and wasn't sentence suspended upon you by Judge Olmstead in Special Sessions?

A Sentence suspended?

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Q Yes. A If it was suspended I never knew it.

Q Well, you pleaded guilty to carrying a weapon? A Plead-
guilty?

Q Yes. A If I did, I was in ignorance of it.

Q Now, when was this other conviction for disorderly con-
duct that you were telling me about? A The other conviction?

Q The one for disorderly conduct that you were telling
us about? A I ain't positive; it was about 1912, I believe.

Q Tombs Police Court? Now, weren't you convicted down
in the Second District Court on Staten Island for disorderly
conduct in 1909? A No, sir.

Q That is not so? A No, sir; it ain't.

Q On the first day of August, 1909, before Judge Marsh?
A I was discharged.

Q You were convicted and sentence was suspended on you
for disorderly conduct? A I was discharged.

Q Under a suspension of sentence? A I was discharged.
Those are the words that I had there.

Q Isn't it a fact it was under a suspended sentence?
A Why, it is not a fact, no.

Q Kavanaugh, how often did you go to the lawyer's office
with these girls? A As often as I saw fit.

Q How many times did you go there?

THE COURT: Answer the questions that are put to you?
If you do not answer them properly I will commit you.

THE WITNESS: I will answer them.

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Q Answer that question there. A How often? I guess about four times.

Q When was the first time? A The first time? Seven weeks ago, I guess six or seven weeks ago.

Q Did you go with the girls then, or did you go alone?
A I went alone.

Q None of the boys went with you? A No, sir.

Q What was the occasion for your going then? A Well, I wanted to get into communication with Miss Moscovitz.

Q And that was just at the time that Lawlor got hold of Margie and began to live with her, wasn't it? A I don't know whether he was living with her.

Q That was just after he had met her, wasn't it? A I don't know.

Q What? A I guess it was.

Q Don't you know it was? A How should I know.

Q Hadn't you seen her at that time? A Had I seen who?

Q Margie? A Yes, sir.

Q Hadn't you seen her with Lawlor? A Yes, sir.

Q Then you did know they were going, didn't you? A At the time I saw them, yes, sir.

Q And what did they say to you then? A Well, I will tell you all I saw, if you wish.

Q I asked you what Margie said to you then? A Well, Lawlor introduced Margie to me.

Q I didn't ask you that. I asked you what Margie said to

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you then. A Well, she said she was willing to tell the truth on the whole case.

Q Is that why you went down to the lawyer's office?

A Yes, sir.

Q Well, why didn't you take Margie down there if she was going to tell the truth? A I didn't know whether Mr. Colligan was in town or not.

Q Well, did you call his office up on the telephone to find out? A Yes, sir.

Q Didn't you find out? A I found out that he was out of town.

Q Then did you find out that Miss Moscovitz was in town?

A The next Sunday. I went out again, and I called up Miss Moscovitz, and she told me that Mr. Colligan was in Boston, and I said I thought I would go to Boston and see him.

Q Did you go to Boston to see him? A Yes, sir.

Q And who went with you there? A Nobody, sir.

Q Now, to get back to the first time that you went to Miss Moscovitz' office. When was that? A That was the following day when I returned from Boston.

Q What day was that? A About a Monday.

Q Well, about what month? A It was about six weeks ago.

Q What month would that be? A I guess about the latter part of August.

Q When was it that you first went down there with the girls? A About six weeks ago, I guess.

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Q Six weeks ago? As long as that? A No, I don't think it is quite that long.

Q What month was it in? A It was last month, sir.

Q September? A Yes, sir.

Q How long before they verified their affidavits was it?

A The first time?

Q Yes, the first time? A About two days.

Q That would be, Margie's affidavit was verified on the 22d of September -- that would be about the 20th of September, wouldn't it? A Around there.

Q Well, when you got down there did you find out what the girls were going to say? A No, sir.

Q Had you found out before that what they were going to say? A No, sir. All I know was they were going to tell the truth.

Q Did you talk with them about what they were going to tell? A The words I asked them were they willing to tell the truth.

Q Did you ask them what they were going to say at all?

A Did I ask them? No, sir; I did not.

Q Did you ask them what they had said on the trial?

A Well, they told me they told all lies, and that they were ready to tell the truth, and that is why I took them down there.

Q Did you ask them what they said on the trial? A I didn't. When they told me that they had told all lies, I asked them were they willing to tell the truth.

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Q You didn't hear them testify, did you? A No, sir; I did not.

Q You didn't testify yourself, did you? A No, sir.

Q You are a great friend of Madden's, aren't you? A I don't know. Yes, sir.

Q You say here in your affidavit, ^{that} on the 28th of November, 1914 -- that was Saturday, the day Patsy Doyle was killed?

A Yes, sir.

Q You saw Marty Ellis talking to Freida Horner? A Yes, sir.

Q About 8.20 in the evening? A Around there.

Q And you said to Marty Ellis, "Where did you get the fresh one?" A Yes, sir.

Q And then did you go on to say that you heard this telephone conversation in which Freida Horner was on one end --

A Yes, sir.

Q And you heard Bieler over the telephone, didn't you say that? A I didn't say I heard Bieler talk. I said I saw Bieler go to the 'phone.

Q And that then you saw Freida Horner leave the restaurant?

A Yes, sir.

Q You said that, didn't you? A No. I went out before Freida Horner went to the restaurant; I went to the corner.

Q You say here in your affidavit, "I saw Freida Horner leave the restaurant." A I said I saw her leave there. I didn't say I was in the restaurant.

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Q Did you say that or not? A I saw her leave the restaurant.

Q You saw her leaving the restaurant? A Yes, sir.

Q And then you go on and say that during the time that Freida Horner was in the restaurant and the time of the telephone conversation, and it was some time afterwards, only Madden, the defendant, was anywhere near the restaurant? A No, sir; he was not.

Q Why didn't you take the stand on Madden's trial? A I was confined in Bellevue Hospital.

Q Weren't you working with Mr. Colligan preparing that case for trial, before the trial? A Working?

Q Yes. A No, sir; I was not working.

Q Didn't you help Mr. Colligan prepare the trial? A I just told him the facts as I knew them.

Q And you went out and got the witnesses, too? A Got the witnesses?

Q Yes. You told Colligan who they were and looked them up, didn't you? A Let me explain --

Q Answer my question now.

MR. COLLIGAN: Answer the question yes.

THE WITNESS: I will explain it.

Q No, answer my question. A The reason why --

THE COURT: Let him explain.

THE WITNESS: The reason I saw Mr. Colligan was, I was in the restaurant when this girl telephoned, and I saw who was

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in there, and who was not in there, and that is why I was so positive, and I even offered -- there was an offer made to me if I would go to the District Attorney and convince him, and I went up to meet him, and he refused to meet me in his office.

THE COURT: The question is, what did you do in the way of procuring the names of witnesses?

THE WITNESS: I told Mr. Colligan everyone what I knew was in the restaurant, and who could tell the truth, your Honor.

BY MR. EDWARDS:

Q You found Louis Frosberg for him, too, didn't you? A I don't know.

Q I don't mean Louis Frosberg, I am mistaken. I should have said Vito Fascennelli, didn't you? A Do you want my answer to that?

Q Yes. A Well, he came voluntarily, so far as I knew he was in the barber's.--

Q I asked you if you told Mr. Colligan, or found for Mr. Colligan the witness Vito Fascennelli? A Fascennelli is the barber, ain't he?

Q Well, you know him, don't you? A Yes, sir.

Q You got shaved in that barber shop? A Yes, sir.

Q Well, you brought him to Mr. Colligan, too? A I brought him to him? No, sir; I did not.

Q Well, you went with him to him, didn't you? A Fascennelli? No, sir.

Q What did you do to him? A Well, I didn't interview

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Fascennelli at all.

Q I didn't ask you that. I asked you how you got Fascennelli to Mr. Colligan? A How I got him? I didn't get him to Mr. Colligan at all.

Q How did Mr. Colligan learn of him if you know? A I believe Mr. Colligan investigated around there also.

Q Did you tell him of Fascennelli? A Did I tell him? No; but I told him where the barber shop was, and how near it was to the restaurant.

Q Why didn't you say that at first? Now, how about Anthony Joseph Nasori, what did you have to do with getting him to testify? A Nothing.

Q You know him, don't you? A I know him when I see him; I don't know him by that name.

Q What name did you know him by? A Just by the barber, of course.

Q Well, did you do anything to put Mr. Colligan in touch with him? A I told Mr. Colligan where the barber shop was, and he interviewed them.

Q You gave him their names? A I told him the barber's name, and the name of the owner of the barber shop.

Q How about Ligarano, Nicholas J. Ligarano? A Well?

Q Did you send him to Mr. Colligan? A No, sir; I did not.

Q How long have you known him? A Ligarano?

Q Yes. A A few years.

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45 Q Well, if you didn't bring these people to Mr. Colligan, how do you suppose he knew anything about them? A When I told Mr. Colligan about the barber shop, he went and interviewed them, he was in there at the time.

Q This man wasn't one of the barbers -- he wasn't a barber?

A I didn't say he was a barber.

Q I am asking you whether or not you told Mr. Colligan where to find him? A Well, Mr. Colligan went there to investigate, and find out and interview them, and he found out about Ligarano being there.

Q So you didn't help him at all? A I didn't interview him at all. I went to Mr. Colligan and told him he was in the barber shop, and Mr. Colligan went there himself.

Q I didn't ask you anything about your interviewing anybody. I am asking you about what part you took in preparing the Owney Madden case for trial. A Well, I took the truth for the evidence, and I knew the true facts of it from the west side, and I gave it right to Mr. Colligan.

MR. EDWARDS: I didn't ask you that. I asked you what part you took in preparing the case for trial.

A Well, when I was in the restaurant, and I knew he was in that restaurant, and I knew Madden was in that restaurant, I knew it was a frame-up.

Q You knew Madden was in the restaurant? A Yes, sir; I knew it was a frame-up.

Q You just said he was in the restaurant? A I said when

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I knew he wasn't in the restaurant; I was in the restaurant.

Q (Question read by the stenographer) How did you come to say that he as there? Was that just a slip? A Why -

Q Right now, a minute ago, was that a slip when you said he was in there? A If I said I knew he was in there I was lying. He was not in there; I know he was not. I was in there.

Q Are you telling the truth about anything, Kavanaugh?

A Yes, sir; I am telling the whole truth, and I offered to come down and convince you of the truth, Mr. Edwards.

Q How about Anthony Romenelli? Did you take him up?

A I don't know anything about Romenelli.

Q I didn't ask you that. I asked you if you took him up to Mr. Colligan? A I did not, no, sir.

Q Didn't you? A No, sir.

Q How about James McClosky, did you take him up?

A No, sir; I don't know him either.

Q How long have you been a member of the Owney Madden crowd? A I haven't been a member of any crowd, Mr. Edwards.

Q You are a member of the Hayward Social Club, weren't you?

A Yes, sir.

Q You were an officer of that club. Wouldn't that he termed a crowd in slang? A It was a social club.

Q All right. Owney Madden was a member of it? A He was a member, yes, sir.

Q Owney Lawlor was a member? A Yes, sir.

Q And Bieler was a member? A If Bieler was I don't know.

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Q And Macardle was? A I ain't sure.

Q Don't you know you were an officer of the club, weren't you? A Yes, sir.

Q Well, how long ago did the Hayward Club cease to exist, or is it still in existence? A No, sir; it is not in existence.

Q You are sure about that? A Positive.

Q And how long ago did it end? A About at least a year.

Q And after it ended all the former members made their hang-out in the 33d street restaurant, the American Lunch?

A I don't know as they made it a hang-out.

Q You used to go there every evening, or most every evening? A On the corner or passing by along there, and having a cup of coffee, we never made it a hang-out.

Q Isn't that where you were called up on the telephone?

A I was.

Q Where members of that ex-social club were called up on the telephone? A Why, they would be apt to be called anywhere they were called.

Q That is the place where you could find Barney Kavanaugh and Owen Madden and Owen Lawlor and Marty Ellis, wasn't it?

A No, sir; we found them at home.

Q You never went into the restaurant? A Yes, sir.

Q How often? A Quite often.

Q Very often, was it? A Yes, sir.

Q And so did Madden? A Yes, sir.

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Q And so did Lawlor? A Yes, sir.

Q And so did Bieler? A Yes, sir.

Q And so did Mulhall? A Well, I don't know him.

Q Louder, Kavanaugh; I can't hear you. A Well, I didn't see Mulhall there often, no, sir.

Q Well, he went there quite frequently, didn't he?

A Well, he was there several times.

Q He was one of the crowd, wasn't he? A Do you want an answer?

Q Yes, I want an answer, of course. A Mulhall?

Q Yes. A I don't know. He used to come there, sir.

Q Well, wasn't he one of the friends who congregated there? A Well, he would come there as well as I would come there.

Q You never heard of Ownay Madden's gang, did you? A Only what I read in the newspapers.

Q Never knew ~~if~~ such a thing existed? A Why, no, sir; it did not exist.

Q And you were not a member of it? A What?

Q You were not a member of it? A I was not a member of no gang, no, sir.

Q How many of that club, when you were a member of it, were ex-convicts? A How many?

Q Yes. A None to my knowledge.

Q How many are ex-convicts now?

Objected to. Objection sustained.

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BY THE COURT:

Q When you went to Boston did you pay you own expenses, or did someone else pay them? A I paid them.

Q When you went to Philadelphia, did you pay the expenses of the party that was there? A Myself, Lawlor and Marron.

BY MR. EDWARDS:

Q Now, Kavanaugh, is that your signature? (Handing paper to witness) A That is my name all right.

Q Is that you signature? A I don't know whether that is my signature. That ain't the way I sign my name, no, sir.

Q Don't you know your own handwriting? A Yes, sir; I know my own writing.

Q Isn't that it? A No, sir; it don't look like my writing, no, sir.

Q I didn't ask you if it looked like it. I asked you if it was your writing? A That ain't the way I sign my name.

Q Well, the date it 1907. How old were you then? A 1907?

Q How old are you now? A Twenty-six, going on twenty-seven.

Q And I show you this record, entitled in the Court of Special Sessions, City of New York, First District, The People against Bernard Kavanaugh. Charge, carrying concealed pistol. Pled guilty and judgment suspended. Do you still deny you were convicted on your plea of carrying concealed weapons and had got a suspended sentence? A Well, the only answer I can

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make to that, your Honor, is, I walked in that court and I walked out discharged. I was out on bail several months, and I knew no more about being convicted there than a baby. I walked in, and I was a defendant.

Q There is the record. Pled guilty to carrying concealed weapons. Bernard Kavanaugh. That's your name? A My name is Bernard Kavanaugh.

Q Is that Bernard Kavanaugh you? Pled guilty October 27th, 1908? A It was my arrest all right.

Q Well, do you still deny that you were convicted of that particular crime at that particular time, and got a suspended sentence? A It is my belief I was discharged, sir. I made no reports of any gun.

Q Kavanaugh, this record says that the man who was standing there before the Court pleaded guilty. No man with your intelligence could do that without knowing it. Did you plead guilty in Special Sessions to that crime, or did you not? A To my knowledge I did not plead guilty, no, sir.

Q You mean you signed you did not plead guilty? A To my knowledge.

Q That is what you mean to say. Well, what do you mean, to your knowledge? Do you mean that you didn't know that you did, or not? A Well, I know that I know now. that I did not plead guilty -- didn't know I was pleading guilty.

Q Where did you live at that time? A Do you want an answer to that?

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Q I am asking you, where did you live at that time in 1908?

A I ain't positive, but I think it was 29th street.

Q 540 West? A I think so.

Q Did you live there two years at that time? A My father was living there at that time.

Q Well, was that the address that you gave when you were arrested? A Yes, sir.

Q I can't hear you where I am. A Well, if that was it, that is the address that I gave, yes, sir.

Q What was your business at that time? A I was a truck driver.

Q A truck driver? A Yes, sir.

Q Well, now, look at this formal which you signed, and see whether that will -- this is signed by the name Bernard Kavanaugh, this paper that I show you-- and see whether that refreshes your recollection any. Does it? A It refreshes my recollection; yes, sir.

Q Well, what have you to say about it now? A I still say, Mr. Edwards, to my knowledge then I was not pleading guilty.

Q Did counsel Goodhard represent you? A Goodhard?

Q Goodhard. A I think it was a lawyer named Montford who represented me.

MR. EDWARDS: I ask to have this record marked in evidence.

(The record referred to is received in evidence and marked People's Exhibit 17.)

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Q When you went to Philadelphia what did you go for?

A I went down there to see a fellow named William Mott.

Q Did you see him? A Yes, sir.

Q Who was with you when you saw him? A Freida Horner, Margie Everdeen, John Marron, and Owney Lawlor.

Q Now, how did you come to go down there? A Well, it was suggested to me that the fellow wanted to see me.

Q Now, who suggested it to you? That is just what I want to know. A Why, Lawlor suggested it to me.

Q Did he tell you where he got his information? A Where he got it?

Q Yes. A I suppose he had got it from a girl.

Q But it was he who suggested it to you, wasn't it?

A It was him suggested to me that the sailor wanted to see some of Madden's friends.

Q Some of Madden's friends? A Yes, sir.

Q Did he tell you where he found that out? A No, sir; he did not. I used my own judgment where he found it out.

Q You assumed he got it from the girls? A Yes, sir.

Q Did you see Freida Horner and talk to her about it?

A Did I see her?

Q Yes. A I saw Freida Horner with Lawlor.

Q Did you talk to her about Mott's wanting to see you in Philadelphia? A Lawlor suggested to me -- he says that this fellow wanted to see some of Madden's friends.

Q Now, Kavanaugh, can't you answer that question. A Well,

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I am coming to your question.

Q I asked you if you talked to Freida Horner about Mott wanting you to go to Philadelphia? A I asked the girl about it, yes, sir, and she told me that she wanted to see some of us, and he wanted to see us as soon as possible.

Q Did you ask her what for? A Well, she was telling me that the man was about to take his own life, and the quicker we saw him the better.

Q Did you ask her what for -- what he wanted to see you for? A Well, I surmised what he wanted to see me for.

Q Did you ask Freida Horner what he wanted to see you for? A He did not say me directly, that he wanted to see me; he said he wanted to see some of Madden's friends.

Q Did you ask Freida Horner what he wanted to see some of Madden's friends for? A I knew. She did not know. I knew what he wanted to see some of Madden's friends for.

Q Did you ask Freida Horner? A No, sir; I did not.

Q Did she tell you? A Certainly, she told me.

Q What did she tell you? A That is what she told me, that the fellow wanted to see some of Madden's friends.

Q Is that all she told you? Did she tell you she had letters from him about it? A Why, certainly she did.

Q Did she? A Yes, sir.

Q Did she show you any of the letters? A No, sir.

Q Did she tell you what was in them? A That was the contents, that the man was about to take his own life.

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Q That was all she told you about it, is it? A She said that it was too bad, that he was sick and tired of writing and asking if we would go over so he could see Lawlor or some of Madden's friends, and we should go down there and see him.

Q Did she tell you that he had written a letter in which he said that he wanted to know how he could help Macardle and Madden, as he didn't see how he could help Bieler, because he took a plea? A No, sir.

Q Did she tell you that? Did she tell you that what he wanted to find out from Madden's friends was what to say that will get Madden and Hoppe a new trial? A No, sir.

Q Did she tell you that he said in one of his letters, "I can deny all I said, but there is a lot they will have to tell me as to what purpose both you and Freida had in lying at the Madden and Macardle trials." A No, sir.

Q Did she say you could write him instead of going to see him? A No, sir; she did not.

Q Did she say he wanted you to come down instead of writing a letter? A No, sir. She said he wanted us to go down there as quick as possible.

Q Didn't say anything about writing a letter? A About my writing a letter?

Q About any of Madden's friends writing a letter? A No, sir; she did not.

Q Of his asking that they should write a letter? A Not to me, no, sir.

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Q Didn't tell you that he said you didn't have to sign the letter, that you would have it typewritten if you thought he was framing anything up? A No, sir; nothing whatsoever.

Q She didn't tell you that? A No, sir.

Q Did she tell you that he had written her a letter in which he had said that she could tell you anything she wanted to, and that he would do anything to help you that she said? A No, sir.

Q Or words to that effect? A No, sir.

Q Now, you weren't interested in Mott, were you? A I wasn't interested.

Q No, not in Mott. You didn't care anything about Willie Mott, did you? A Well, if I could get the truth out of him that was what I was interested in; that is the only thing I was interested in.

Q You were out to help Madden, of course? A I was out to get the truth, of which I knew the truth.

Q Well, you wanted the truth to help Madden, didn't you? A Well, I knew the truth would put him where he belonged, right out on the sidewalk.

Q Can you answer my question? Isn't it possible for you to answer that question? A Which question?

Q (Question read) A Certainly I did; I knew it.

Q That is why you went down there? A Why, certainly.

Q Who paid your expenses, and Lawlor's expenses, and

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Marron's expenses, and the expenses of the two girls down to Philadelphia? A I paid it myself. I paid mine and Marron's, and Lawlor's.

Q Who paid for the girls? A They paid themselves.

Q They had to pay their own expenses? A Yes, sir.

Q You knew, of course, that Lawlor was supporting them, didn't you? A Well, I knew he was living with one of them.

Q You knew he was paying the living expenses of both of them, didn't you? A Yes, sir.

Q Now, when did you go up to Boston to see Mr. Colligan?

A Oh, after -- it was on a Sunday. I met these girls on a Saturday, and I left for Boston on a Sunday morning.

Q Who went up there with you? A I went alone.

Q Who paid your way up to Boston? A Myself.

Q And what other expenses have you been under in preparing this motion? A That is all.

Q Have you paid for anything else at all? A No, sir.

Q And how much has Marron paid, do you know? A Well, I never asked him.

Q And has Lawlor paid anything? A Not that I know of.

Q Who has paid the expenses, do you know? A I believe Madden's relatives.

Q How much money has your crowd raised by benefits?

A Benefits?

Q That's what I said.

A They have not raised anything.

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Q How much money have they collected by having rackets, benefits? A Nothing, no, sir.

Q Nothing at all? A No, sir.

Q Now, see if you can't fix the date of that Sunday that you went up to Boston? A About seven weeks this Sunday, Mr. Edwards; I am not positive.

Q Seven weeks ago from what Sunday? A The coming Sunday.

Q The coming Sunday? A Yes.

Q That would go back to about the 20th or 21st of August, wouldn't it?

MR. COLLIGAN: I went up to the Boston City Hospital on the 23d day of August. He was there the Sunday or the Monday following.

Q Well, do you know whether it was August or September?

A I don't know, sir.

Q You don't even know that? A I am not positive.

MR. EDWARDS: That is all.

MR. COLLIGAN: That is all.

(The further hearing was then adjourned without date.)

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New York, October 18th, 1915.

TRIAL CONTINUED.

WILLIAM F. MOTT, (U. S. Battleship Brooklyn),
having been duly sworn, testified as follows:

BY THE COURT:

Q ^{Mott} ~~Martin~~, do you understand that perjury is a crime under
the laws of this State? A Yes, sir.

Q And that it is punishable by imprisonment for a period of
ten years? A Yes.

Q Do you understand that any testimony ^{you give here} can be and will be
used against you? A Yes, sir.

Q And that you will be charged with perjury if such will be
established? A Yes.

CROSS EXAMINATION BY MR. EDWARDS:

Q You are a seaman on the United States Battleship Brooklyn?
A Yes.

Q You have been in the Navy Yard how long? A On my fifth
year.

Q You testified as a witness for the prosecution on the
trial of John McArdle, didn't you? A Yes, sir

Q Last March? A Yes, sir.

Q You testified again on the trial of the People against
Owen Madden, did you not? A Yes, sir.

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Q And you made an affidavit, as I understand it, on this motion? A Yes, sir.

Q When did you first get into communication with any of Madden's friends after the Madden trial? A Probably no more than three weeks after Frieda Horner was released from the Waverly House.

Q When was that? A I just couldn't recall the date, sir.

Q She was released, as I recall it on the 3rd of June? A It was something in the neighborhood of three weeks afterwards.

Q It was in June, was it? A Yes, sir.

Q Sure of that? A I am not positive, no, sir.

Q Can't you tell us when it was? A No, sir, I could not positively.

Q When did you begin to try to get into communication with them? A Just then.

Q How did you go about it? A By speaking to Frieda Horner at first, and later writing to you in answer to a letter of hers.

Q So you relied on her to get in touch with you, did you?

A Yes, sir.

Q When was it that Frieda first asked you if you would change your testimony of the trial? A When I was on leave in Brooklyn; I came up on leave from Philadelphia, the time I said before.

Q What did she ask you to do? A She did not ask me; I asked her.

Q I am asking you when she first asked you to change your testimony? A She never asked me to change my testimony.

Q Well, did your changing it depend on what she said or did?

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A In a way, yes, sir. I asked her at first if it would not be right for her to do so.

Q Who criticised you first, for your testimony given on the Madden trial? A Nobody.

Q Nobody at all? A But myself.

Q And in this affidavit, you said, as I recollect it, that you lied on the Madden trial? A Yes, sir, I did.

Q In what particular did you lie? A I said that I had seen Owen Madden, knew Owen Madden, and had seen him on the night of the shooting of Patsy Doyle.

Q Is that the only particular in which you lied? A I could not just recall every time Madden's name was mentioned in the trial, or the questions asked me.

Q What do you mean by that? Do you mean you told the truth in respect to everything excepting where you mentioned Madden's name: is that what you mean? A Not entirely, no, sir.

Q What do you mean? A I could not just recall the questions asked me at the trial. If I could I would answer you better.

Q Can't you tell me whether you lied about anything else than the fact you saw Owen Madden outside of the restaurant or cafe that night and knew him? A That is all I remember, sir.

Q Stop and think about it. Tell me if you can think of anything else you lied about? A I have been trying to think and I can't.

Q You have been thinking about it a long while, haven't you? A Yes.

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Q Is that all you have been able to think of? A Yes, sir,
that I have been able to think of.

Q Did you lie about having seen Patsy Doyle that evening?

A Did I lie about having seen Patsy Doyle? No, sir, I seen him.

Q Did you lie about having seen Jimmie Keith? A No.

Q Did you lie about Patsy Doyle going to get his gun? A No.

Q And Jimmie Keith bringing it back? A No.

Q Did you lie about the telephone conversation you overheard?

A No, sir.

Q Did you lie about hearing Patsy Doyle talking to some man
over the phone who told him to come up there, that he would
be there? A No, sir.

Q That was all true? A Yes, sir.

Q Did you lie about saying you saw three men come in and
shoot Patsy Doyle and kill him? A I said I seen one man shoot
Patsy Doyle.

Q That is what you said on the trial? A Yes, sir.

Q Did you lie about that? A No, sir.

Q Did you lie about saying you saw three men coming in?

A No, sir.

Q That was true? A Yes, sir.

Q Did you lie about identifying Bieler as one of those men?

A No, sir.

Q Did you lie about identifying McArdle as one of those men?

A Yes, sir.

Q Did you lie about saying you would know the third man if

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you saw him? A Yes.

Q You don't think you would now? A No, sir, I know I wouldn't.

Q Did you lie when you said more than one man shot? A Yes, sir.

Q Why is it that you and the others on this motion are trying to put it up to Arthur Bieler who plead guilty -- is it because you know you cannot help him? A No, it is not because of that at all; it is simply the truth.

Q I show you a letter marked People's Exhibit 5 for identification, and ask you if that is in your handwriting? A It is, yes, sir.

Q Open it and look at the contents and tell me if it is in your handwriting? A Do you want me to read the letter, sir?

Q I don't care whether you do or not. Is it in your handwriting? A Yes, sir.

Q It is all in your handwriting, isn't it? A Yes, sir.

Q I show you another letter marked People's Exhibit 6 for identification, is that in your handwriting? A Yes, sir.

Q Look at the inside and see if the contents are in your handwriting too? A Yes, sir.

Q I show you a letter which is on this motion, People's Exhibit 1, with an envelope, and ask you if that is in your handwriting? A Yes, sir.

Q I show you a letter, which is People's Exhibit 7, and ask you if that is in your handwriting? A Yes, sir.

Q And the envelope too? A Yes, sir.

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Q I show you another letter People's Exhibit 8, and envelope, and ask you if that is in your handwriting? A Yes, sir.

Q I show you another, which is marked People's Exhibit 9 on this motion, is that in your handwriting? A Yes, sir.

Q I show you still one more which is marked People's Exhibit 10, is that in your handwriting? A Yes, sir.

Q When did you leave the United States Battleship Brooklyn this morning? A About nine o'clock.

Q Who did you meet when you came ashore? A The mail orderly. I walked as far as the Subway with the mail orderly.

Q Who else did you meet next? A A shipmate of mine over in Brooklyn.

Q Who else? A Several shipmates in Brooklyn.

Q Who else? A Some more shipmates on the Brooklyn Bridge, on the way back.

Q Who besides shipmates? A Jack Marron, outside the Criminal Courts Building.

Q When did you meet him? A About twenty minutes ago.

Q When did you first meet any one of Madden's friends after you landed? A After I landed?

Q Yes. A Twenty minutes ago, sir.

Q Who was it of the Madden's friends who came up to the landing stage this morning? A Nobody, sir; none of them.

Q Do you mean that? A Yes, sir.

Q Well, when you met Marron outside of the Court House twenty minutes ago, where did you go with him? A We stood there

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fully five minutes and he came up in the building. First myself and a mate of mine went over to a saloon.

Q When did you come up to the building? A Probably three minutes after that.

Q Who did you see when you got here? A I met Miss Moskowitz on the corner before coming up here.

Q Who else did you see? A I had been with Barney Cavanagh.

Q Where did you meet him? A In front of the Criminal Court Building.

Q How long ago was that? A That was three or four minutes prior to going over to the saloon.

Q Who else did you meet? A Mr. Colligan in the corridor outside.

Q Any one else? A That is all.

Q You have given us the whole list, have you? A Yes, sir.

Q What did Marron and Cavanagh have to say about this motion to you?

MR. COLLIGAN: I object to that.

THE COURT: Allowed.

A What do you mean by this motion.

Q Don't you understand me? A Do you mean the hearing?

Q Yes. A Nothing at all, sir.

Q What did they say about your testimony? A They spoke about Colligan coming down.

Q What did they say about your testimony? A Nothing at all.

Q What did they say about the girls' testimony? A Nothing

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at all.

Q Not a word from any one of them? A No, sir.

Q Who was the first one of the Maddens ^{you met} before you made this affidavit? A I met Owen Lawlor, Jack Madden and Barney Cavanagh.

Q When did you first meet them? A In Philadelphia.

Q They came down there and saw you? A Yes.

Q Did you pay their expenses? A No, sir.

Q You had a long talk with them? A Yes, sir.

Q And then what did you do? A We were together for a couple of hours in Philadelphia.

BY THE COURT:

Q Were the two girls there then too? A Yes.

BY MR. EDWARDS:

Q The two girls were down there too? A Yes.

Q Talking about this case? A Yes, sir.

Q Then where did you go? A I came back to the ship that night, and they left for New York.

Q When did you next see any of them after that? A When the couple of them came there to the ship the other day, in the North River.

Q When? A Saturday.

Q When did you make your affidavit? A I made that a couple of days after seeing them.

Q When did they come to Philadelphia to see you? A I am mistaken, I beg your pardon, I came from Philadelphia later on, and they brought me to Miss Moskowitz.

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Q Where did you meet them when you came up from Philadelphia?

A 163 West 145th street, I think.

Q That is where Margie was living then with Owen Lawlor?

A Yes.

Q And Frieda was living there? A Yes.

Q When was that? A That was about two days following their visit to me in Philadelphia.

Q What month was that in? A It is only a month ago.

Q What did they do with you when they got you up in 145th street? A They did not do nothing; brought me to Miss Moskowitz.

Q Where to? A In the Woolworth Building.

Q Who went with you? A Mr. Cavanagh, Owen Lawlor and Jack Marron.

Q All three of them? A Yes.

Q Did the girls go down too? A Yes, sir.

Q All six of you went down together? A Yes.

Q When you got down there what did you do? A I made the affidavit in front of Miss Moskowitz.

Q Did you read any of the testimony down there? A Yes, sir.

Q All of it? A I did not read it, no, sir; it was read to me.

Q Who read it to you? A Miss Moskowitz.

Q You did not read it yourself? A No.

Q Then you signed your affidavit? A Yes.

Q You say in this affidavit that -- "The reason I testified falsely at Madden's trial was that I was led to believe that

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that would be the only way that I could finally extricate myself." What did you mean by that? A I meant by that that I would get out of this trouble and be the same as I was before this thing happened; that is what I meant.

Q Just what do you refer to as "trouble"? A People over in the neighborhood, where I didn't want to be; being bothered by people sending over after me, coming over here day after day, for months at a time.

Q Isn't it a fact that you did not have to see anybody in the Navy Yard unless you wanted to? A In the Navy Yard?

Q Yes. A I didn't say in the Navy Yard. I said coming over here to see people.

Q Answer my question: Isn't it a fact you didn't have to see any one unless you wanted to? A Yes, sir.

Q So that you saw people voluntarily, didn't you? A I didn't see anybody over there; -- that is, I didn't see you or Deuell.

Q You say you were being annoyed by having to come to the District Attorney's office, and that you were willing to lie to relieve yourself of that annoyance? A Yes.

Q I asked you whether or not it is not true that you did not have to see and talk to any-one unless you wanted to? A No, sir. I had to come here.

Q Isn't it a fact the first time Deuell went over to see you on the Battleship Florida, that your commanding officer asked you if you wanted to talk to these men, and if you did not he would throw them off the ship? A I could not answer the question.

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Q Isn't it a fact your commanding officer said to you in words or in substance, "If you don't want to talk to these men, Mott, I will throw them off the ship"? A Yes, - it was not my commanding officer. He was my senior officer.

Q He was in charge of you at the time, wasn't he? A He was in charge of any enlisted men on the ship for that matter.
BY THE COURT:

Q Did you have to come over later? A Yes.

Q By whose orders? A The commanding officer of the Florida, the Maine, and now of the Brooklyn. I did not have to come over today, but he advised me to.

BY MR. EDWARDS:

Q You did not have to come today if you did not want to?

A I would have to later on.

Q Isn't it a fact that the District Attorney's Office in trying to get your attendance, had a telegram sent to your commanding officer to the Navy Yard, and that you saw that telegram? A I seen nothing of the telegram. I seen the radiograf in the Executive Officer's hand when he called me up and asked me if I wanted to go to New York as a witness. I said yes, I would go down and answer any questions asked me. He said "Have you money to go?" I said "Yes, but I could not afford it, I would not spend the money."

Q Isn't it a fact that he told you at that time that his orders from Washington were to give you leave to come here if you were willing? A I don't know nothing about his orders. That

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is beyond me. I never saw them.

Q Who told you what reason to give for lying on the Madden trial? A Who told me what reason to give?

Q Yes. A No one; I told myself.

Q When did you think of that particular reason? A From the time I answered the question at the Madden trial.

Q That is the time you thought of the reason? A Yes.

Q You didn't think of it before you were on the stand and answered the questions? A I thought of it, but I answered questions notwithstanding.

Q In this letter of yours which is dated July 14th, 1915, and is marked People's Exhibit 1, can you tell me what you meant by this paragraph: "I told you I would write that letter and leave it in a place not to be missed." "In that letter I mean to help McArdle and Madden, but I don't see anyway to help Bieler, as he took a plea?" A Yes, sir, I can tell you.

Q Well, A I meant to tell the truth about the McArdle trial and Madden trial.

Q What do you mean by saying "I do not see how I can help Bieler, as he took the plea?" A I can answer that question.

Q Did you mean you would help Bieler if he had been had not convicted on your testimony and taken a plea, even if you had to lie to do so? A No, sir. Bieler was not convicted on my testimony.

Q What did you mean by saying, "I do not see how I can help Bieler, as he took a plea?" A I mean I cannot do any more to

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do right, I was mixed up in this trouble. The three men were put in trouble on account of me.

Q What did you do wrong with Bieler? A No wrong; -- only struck him in the face.

Q What did you want to help him for, then? A I did not want to help him.

Q Why do you say this: "I do not see any way to help Bieler, as he took a plea"?

BY THE COURT:

Q What difference did it make if he took a plea or not?

A None at all to me.

Q Then why did you make the distinction between Bieler and the other two? You said you would help McArdle and Madden who had been convicted, but you did not see how you could help Bieler who took a plea. What is the difference between them? Why did his taking a plea make any difference? A It did not make any difference. That is all I can say.

Q Why did you say you could help one and could not help the other? A I will tell you. I thought that letter was going to be shown to people by Frieda.

BY MR. EDWARDS:

Q That is the best reason you can give? A Yes; as I have been, ever since I lived on the west side, ever since I have been reading these dime novels, hanging out with these so-called "Tough Guys", I always liked to be what they call a tough guy. I have got used to their ways in a way, and I thought probably

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people should read that letter, and they would not have thought of me as they did before the trial, before Bieler's plea. I struck Bieler in the face, and ever since then I figured everybody thought ill of me.

Q Isn't it a fact, Willie, that you have the feeling today that you want to go back and get solid with the Madden bunch?

A No, sir.

Q Isn't that what you are here for? A There is not any of the Madden bunch that is a friend of mine. After this thing is over, I want to quit all that stuff.

Q Can you explain this --- "Now, what I want to find out from them is what to say in that letter that will help Madden and Hippo to a new trial"? A I wanted to be told how to go about getting them a new trial.

Q That is not what you say here; you say, "What I want to find out from them is what to say"? A I don't remember writing that letter.

Q Now, suppose you look at it and see; it is right here.

A I did not mention Bieler in that.

Q Before that you said you could not help him? A That is what I meant. I intended to do away with myself.

BY THE COURT:

Q Why did you have to ask them about it to know what to say? You knew what happened. A Because I don't know enough about these things.

Q You knew what happened, however? A Yes.

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Q Why did you have to ask them to know what you were to say?

A It was not what I meant, if I expressed it that way.

BY MR. EDWARDS:

Q That is what it says. A I want to find out how to word my letter, and to express it.

Q Can you explain what you meant when you said you would have to find out from them what to say to get Madden and Hippo a new trial? A I am trying to explain it. I did not mean that.

Q What did you mean? A I meant I wanted to know how to word my letter, who to address it to, and who to leave it for. Something like that.

Q What do you mean by this: "I can deny all I said, but there is a lot they will have to tell me as to what purpose ^{both} you and I had in lying at their trials"? A Yes, sir.

Q Didn't you know your reason for lying? A The purpose part of it was because I wanted to do this, if that letter was brought to light and nothing happened to me, I wanted to find out, I wanted to fix it so that there would be a chance of Frieda and I to escape trouble.

Q What did you mean by this: "They will have to tell me a lot as to what purpose both you and I had in lying at their trials"? A We were to clear ourselves of going away to prison.

Q Didn't you know what reason you had for lying in the Madden trial? A Yes, sir, I knew.

Q Who did you expect could tell ^{you} that any better than you could tell yourself? A I didn't ask them.

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BY THE COURT:

Q Who did you mean when you said "they will have to tell"?

A I asked Frieda Horner at one time in Brooklyn to see if she could not get to Owen Madden's friends. I told her to tell them that I was willing to admit ---

Q I am asking you what you meant by that? A I could not express myself.

Q Who did you mean when you said "they"? A I meant friends of Owen Madden's.

Q That is, friends of Owen Madden's would have to tell you or to explain to you as to why you lied, is that so? A No, sir.

Q You say "they" means Owen Madden. I will read it then, as you say you meant it -- "I can deny all I said but there is a lot that (friends of Owen Madden's) will have to tell me as to what purpose both you and I had in lying at the trial." Why would friends of Owen Madden's have to tell you about your reason for lying at the trial? A I meant they were to tell me the way to go about explaining this, in order for Frieda and I to escape going to prison.

Q Have they told you any way that you can escape going to prison? A No, they never spoke to me about the case, they took me to Miss Moskowitz.

BY MR. EDWARDS.

Q What did they do all that two hours down in Philadelphia?

A We were to several cabarets and automobile riding.

Q Didn't you tell me not fifteen minutes ago, that for two

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hours down there you talked about this case? A It was not about no case.

Q Didn't you testify to that? A I never told you we spoke about the case for two hours.

Q What did this mean, the last part of this same paragraph; "This is all up to whether or not you are still willing to put yourself in more trouble by helping them as you said you would some time ago"? A That is what I meant. I wanted to find out whether she and I had had enough of this trouble or go into it deeper.

Q You have not had enough? A I wanted to find out if she was of the same mind as when I spoke about it in Brooklyn.

Q You wanted to get in deeper? A I am getting in deeper now. I am in deeper.

Q Why did you put this in: "As for Margie, you know better than to let her know a thing about this"? A Because Margie would turn around, -- I was afraid she would turn around and run to Mr. Deuell and tell him we were going to admit we lied, -- she would be afraid to admit she lied and Mr. Depell would turn around and put Frieda away, as she had been threatened by him.

Q At the time that you wrote that letter, you thought Frieda was in the family way, by you, didn't you? A Yes.

Q You were writing this letter because she asked you to?
A Not that I know of.

Q Weren't you doing just that? A That I wrote that letter because she asked me?

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Q Yes. A No, sir.

Q You had asked her to marry you, hadn't you? A Yes, sir.

Q You had offered to Marry her? A Yes.

Q You had a postscript on this letter, in which you speak of the baby? A Yes, sir.

Q Saying, if it is true, you will make good? A Yes, sir.

Q In that same letter you speak about her going to the country, and in another letter you speak about the Greek, do you remember that? A Yes.

Q Was that this Greek up in Sullivan County? A Yes.

Q You did not want her to go up and stay with him? A No.

Q You were trying to persuade her not to? A Yes.

Q You were willing to do almost everything to keep her here?

A Yes.

Q You thought she would drift back into her old ways?

A Yes.

Q You thought she would have intercourse with the Greek?

A Yes.

Q You said you would rather have her to live with one man than stay in New York and have two? A Yes.

Q That was all true? A Yes.

Q And that is the only thing that led you to do as she wanted you to in this motion? A No, Frieda did not lead me to this, in fact I have led her.

Q Do you remember in this letter written on the 16th of July or dated that day, July 16th, 1915, what you meant by saying; -- "You can tell the Madden bunch anything you want to, and I

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will do anything you want me to for them." Do you remember that? A Yes, sir.

Q What did you mean by that? A Just what I have said.

Q That Frieda could tell the Maddens anything she wanted to?

A No, nothing like that, no.

Q Isn't that what occurred. Listen again -- "You can tell the Madden bunch anything you want to, and I will do anything you want me to for them." What did that mean? A It meant that I turned around and instead of trying to prosecute the Maddens I was willing to do what was right for them.

Q You say there to tell them "anything you want to, and I will do anything you want me to for them". A You did not see the letter before that, that she wrote to me.

Q I am asking you about this letter. A If you had seen the last paragraph of her letter, you would know probably.

Q Have you got that letter? A No, sir, I always destroy my mail.

Q You did not keep any of those? A No, sir.

Q Can you explain to me what you meant by here saying to Frieda: "You can tell the Madden bunch anything you want to, and I will do anything you want me to for them? A Because Frieda had spoken to me about the slurs that were passed to her. She did not know whether they came from the Madden bunch or not.

Q You mean slurs of being called "squealer" and "rat"? A No, slurs; walking in her neighborhood and going home, and so forth, simply on account of that.

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Q Didn't you hear about the time Frieda and Margie were arrested for disorderly conduct because they got into a fight with Maud, Bieler's girl? A I heard about that, weeks afterwards.

~~Q You knew Maud met them in the street and called them rat and squealer.~~

Q You knew Maud met them in the street and called them rats and squealers and they had a hair pulling fight in the street? A No.

Q And the girls were arrested? A No, Frieda mentioned that about to me, something coming down to Deuell and demanding to be sent away to some place.

Q Have you given us the best explanation you can of this sentence in this letter, which I have just read to you? A She wrote to me and told me what she would like to tell them, and I wrote back to tell them, "You can tell the Maddens anything you want to".

Q And you would do anything she wanted you to, for them?

A Yes.

Q And that is the way you felt about it? A Yes.

Q And that is the way you feel today? A I don't mean it the way you mean.

Q Well, I am talking about the meaning of the words that you used in your letter. I am using your words, not mine. A If you received as many letters from me as Frieda did I believe you would be willing to see between the lines, to a lot of things

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you do not see there.

BY THE COURT:

Q Did you ask to have these people come on and see you in Philadelphia? A Yes.

Q What for? A I thought the ship was sailing, and I thought there would be no other opportunity of doing right for Owen Madden after doing a wrong, and I asked Frieda to bring them on to see me. At that time I only had a week ahead of me in Philadelphia, I thought, and I was unable to come ashore.

Q Did you go ashore? A I went ashore that night by special permission.

Q Did you have any talk about the case? A I spoke about the case to Jack Marron.

Q I understood Mr. Edwards a minute ago to ask you what you said about it? A Mr. Edwards asked me about what I had been talking about for two hours.

Q What did you say? A We first went into town. They met me in the Navy Yard together. After waiting a couple of hours we went into town, and went in back of a dining room and had something to eat and drink, and Jack Marron asked me was it possible for me to jump up to New York. I said, "No, I don't see any chance of doing so." I said, "What is it you want of me?" He said "All we want is a square deal, Mott." I said, "You will get that, but can't I fix that up in Philadelphia." He said, "As, if necessary, we can have the attorneys come to Philadelphia to see you." I said, "All right, I will let you know better by tele-

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graph, or mail tomorrow morning." I believe next evening I went to New York, or the following one after that, I don't know. I sent a telegram and went there.

Q These people were friends of Owen Madden's? A Yes.

Q You had written that they would have to tell you a good many things, or explain a good many things to you? A Yes.

Q Did they not do that? A No, sir, they did not. That is all the conversation I had in reference to the case with them that night.

BY MR. EDWARDS:

Q Do you remember saying this in the letter of July 19th to Frieda, in this way, "Now, so far as that bat Margie is concerned" -- then at the latter part of the same paragraph you say: "Be careful of your letters, do not let her get an idea of this Madden stuff, or she will be down to Deuell and tell them the whole thing?" A I have already explained that.

Q That is the first time I read that. A You did it in another letter, that she would run to Deuell and show the letters, and have Frieda put away before there was a chance to get to Madden's attorney.

Q That was what you meant by that? A Yes.

Q You were not afraid of Margie who had not entered into any agreement with you and Frieda to change her story, that she would come down and tell the truth about it, were you?

A Margie is liable to do anything. She is liable to change her mind on the last minute; if she feels there is going to be

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trouble made for us. She did not get enough to eat, or something like that.

Q You do not trust Margie at all, do you? A No, sir.

Q Of course, when you were planning to come here, or have Maddens come to see you, or you come to New York and see them, you did not mean to tell anything but the truth, did you? A That is just what I meant to tell.

Q You did not mean to tell anything else? A No.

Q What did you mean by this, in your letter -- "When that crowd wants you to see Owen's lawyer, make sure you see him and talk to him in front of nobody. It is all right to be willing to help Madden, but it is a lot different to let them stick you away for spite and not let it do them in jail any good."? A At that time Frieda and I had not really made up our minds to admit everything, to put myself open to perjury, but since then I have. I was looking out for Frieda at the same time.

Q Well, if you would tell the truth why were you afraid of the lawyer? A I was afraid of the letters; ~~letters~~, they would have the lawyer turn around and use it against Frieda, to put her away, not knowing she meant right.

Q Why were you afraid of Madden's lawyers, if you were telling the truth, and the truth would help Madden? A I did not mean to tell the truth at that time.

Q What part were you going to suppress? A I was going to suppress enough to keep me out of prison, if I could.

Q Just what part did you think would keep you out of prison,

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if you suppressed it? A That where you read the point in the other letter, when you asked me as to what they had told me. I wanted them to give me enough pointers to help Madden, and at the same time keep me out of prison.

Q In other words, you wanted to keep yourself out of jail, and you wanted to help Madden? A As far as the truth was concerned.

Q You did not care anything about telling the whole truth? A Everything I meant to tell was to be the truth, but if I could suppress a little to keep me out of prison, I was willing to do so.

Q You were willing to tell anything you had to tell, is that it? A No.

Q What did you mean? A I meant to tell just enough and not lay myself bare to perjury.

Q How did you figure in your mind that you could help Madden and not lay yourself open to perjury? A I don't know. I was looking for a way to find out.

Q You did not care what they called on you to do, you were going to do so? A Well, I was not going to do everything they told me to, nothing like that.

Q Then this: "But whatever you are told, let me know all the details, and tell them it will only cost ^{them} \$4.50 to come here and back, to see me if they want to"? A Yes, sir.

Q "As long as you get into the Yard between eight and five in the evening, they can see me any day in the week, and they

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don't have to let every one know they came"? A Yes, sir.

Q "I want you to agree to nothing until you let me know beforehand"? A Yes, sir, I was looking out for Frieda's end of it.

Q And your own? A As well as my own.

Q Then this: "Promise me that if they tell the details of what we can do, tell them who you are going to ask before you agree, and they will be forced to come to see me in Philadelphia"? A Yes, sir.

Q "Where I can tell them just how far I am willing to go to help them both"? A Yes, sir, that is just coming right back to what I said; I was willing to go so far and no further with the truth.

Q How far were you willing to go? A Far enough to tell the truth and stay out of prison, if I possibly could.

Q Who did you mean by "them both"? You say: "How far I am willing to go to help them both"? A Both McArdle and Madden.

Q Why didn't you mean Bieler? A I never lied at Bieler's trial. There was no trial of Bieler.

Q You knew McArdle admitted going into that cafe with Bieler, didn't you? A Yes, sir; I also said at the trial that I believed there was more than one gun fired, and I know there was not.

Q Have you explained all you can about that? A Yes, sir, I tried to.

Q In the postscript of that same letter you say "Write as

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soon as you can after seeing that Vin of yours"; who do you refer to, Vin Kelly? A Yes, Vin Kelly.

Q Why were you so anxious "to have her write after she saw Vin? A After I had had a conversation with Frieda in Brooklyn she wrote and said, -- well, what she said I cannot recall. I had told her to see some friends of Owen Madden, and she wrote and said she had seen Vin Kelly, so I wrote that letter to her and told her to write immediately after seeing Vin.

Q You said she had written to you, and she had seen Vin, and you said, "Write as soon as you can after seeing that Vin of yours".

A Yes, after seeing that Vin. That was the only time I ever remember she said she would see him, or had seen him.

Q Wasn't it understood that Vin Kelly and Joe Dean were to be the go-betweens, between Madden's friends and you and Frieda?

A No, I didn't know Joe Dean at all.

Q Wasn't that why she was going to see Vin, to get him to see the Maddens? A She told me she had seen Vin, and then Vin said he would see some friends of Madden's, and see whether he could arrange an interview.

Q That is what you said in the postscript, you wanted to know right away, as soon as she heard from Vin about the Maddens?

A Yes.

Q That letter was dated July 19th; you wrote her again on July 20th, and you put in a postscript there, "Don't forget to see Vin", and underlined it three times? A I was kidding her, for fear she was seeing more than enough of him.

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Q Wasn't that for the purpose of reminding her you wanted to know about the Maddens? A No, she was talking too much about Vin, in her letters.

Q This was written next day; you wrote her because you wanted to hear what Vin said about the Maddens? A Sometimes I wrote twice a day.

Q And said the same thing in the next day's letter. Wasn't that because you were anxious to hear from the Maddens? A No, probably because I had received the letter next day. That was not in answer to any of my letters. I could not recall all the letters.

Q Then you wrote another letter on July 24th, four days later in which you said, "I wish you would let me know when I can expect the Madden people down here, or a letter that will bring me up, stating where I am going to see them"? A Yes, sir.

Q You were in a hurry to get that information? A No, it was because Frieda had not mentioned anything about the questions I asked her, in reference to the Maddens in her letter that I received, and I reminded her.

Q Four days later you say, "I wish you would let me know when I can expect the Madden People down here, or a letter that will bring me up, stating where I am to go to see them." A I probably received four letters from her without mentioning anything about that. I could not recall all my letters. Mr. Edwards, I am trying to answer your letters properly.

Q On the 26th, two days later you said you sent a tele-

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gram which reads in this way, "Miss Frieda Horner, wrote Saturday; don't worry and do not forget news of Maddens"?

A Yes, sir.

Q Was that because you were anxious? A No, sir, I had received a letter from Frieda saying -- no, she sent telegram to me and asked what was the trouble, and about six hours later I received another telegram, she said, "What is the matter, Willie, why don't you write." Then I sent that telegram and told her I had wrote saturday. If I am not mistaken that was on a Monday or Tuesday. The mail is held over Sunday.

Q I want to know why you put in your telegram, "Don't forget news of Madden?" A Because I had not received any word.

Q You were anxious to get it? A Yes.

Q You were worried about it? A Yes, I was afraid the ship would leave any time.

Q And you wanted to hear from her? A Yes.

Q Why, weren't you willing that Frieda should tell the Maddens to see Owens lawyer, without their seeing you? A I was afraid Frieda would go a little bit too far. As I told you before, I was willing to tell so much, and I wanted her to do the same thing.

Q Why were you afraid to have people know that you were in communication with the Maddens? A I was not afraid to have them know it.

Q Why did you think that they would be afraid to have people

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know it? A I guess you would have taken hold of Frieda and put her where she could not help Owen Madden at all.

Q You thought the Maddens would be afraid to have it known that they were communicating with you? A It is only natural to think that way.

Q Why? A Because I could not even get a letter myself from Frieda when I was a witness for you on the Madden trial.

Q What has that got to do with any reason for the Maddens being afraid to have it known they were communicating with you?

A If you had taken Frieda and put her in the Waverly House would there be a lawyer allowed to see her?

Q What has that got to do with any reason for the Maddens being afraid to have it known that they were communicating with you; -- the Maddens were not interested in Frieda, were they?

A I suppose they were, as with me.

Q Were they looking for you? A Not for me.

Q You and Frieda were looking for them? A Yes, we were looking for them.

Q They were not looking for you? A No, sir.

Q Well, what made you think that they would be afraid to enter into communication with you? A Well ---

Q You did think so, didn't you? A No, sir, I did not.

Q Why did you write this in your letter then -- "You can tell them to have their letter typewritten and not signed when they send it to me, if they think I am framing anything up on them"? A I was afraid probably the Maddens would think I was

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still a witness for the District Attorney, and only too eager to get them into more trouble.

Q That was the only reason? A Yes, sir.

Q It never occurred to you to think that letter would not get to you? A I have been led to believe all sorts of things.

Q Yes, or no? A I could not answer.

Q Yes, or no? A Yes, sir.

Q You thought they would be more willing perhaps to write you a letter that was not signed and that was typewritten than they would be to send you a letter that was signed by some one, or written in any one's handwriting? A Yes, sir. By the way, if you read the rest of the letter, I am pretty sure you will find there I only ask to have them come to see me in that typewritten, letter, or to write to me in reference to coming to see me.

Q What are you getting out of this, Willie? A Nothing but abuse, as far as I can see. I have always got abuse.

Q You know that Margie and Frieda are living with Owen Lawlor, and he is paying all their expenses? A Yes, sir.

Q Now, what are you getting out of it, what are you promised? A No promises at all.

Q What has been said about compensating you for your trouble?

A There is not any.

Q The Maddens were not looking for you? A No, sir.

Q Of course you knew what they called you on the avenue, didn't you? A I know what any one of them would call me as I walk

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along the streets; that is the reason I never went on the West Side.

Q What would they call you? A Lots of things.

Q They would call you "rat", and "squealer", and almost anything else? A Anything else is right, of course.

Q Your mother lives in that neighborhood, doesn't she? A Yes, sir.

Q You were not willing to go over there were you? A For that very reason, that I would be called that.

Q Because you were afraid of the Madden crowd? A No, sir, I am afraid of nobody. I haven't met anybody I am afraid of, I don't think.

Q But knowing the way the Maddens felt for you, you agreed to make this affidavit? A I was ashamed of myself, ashamed to go over there.

Q You were ashamed to be called a rat and squealer on the street? A No, not on the street, or to my face at all, but just behind my back so I could not hear it.

Q Or hear other people hear you spoken of in that way?

A (No answer)

MR. EDWARDS: I think that is all.

RE-DIRECT EXAMINATION BY MR. COLLIGAN:

Q You wrote a great many letters to Frieda, did you not, that is, letters concerning the Madden case, and subsequent to the Madden trial? A Yes, sir.

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Q In your opinion, and to the best of your recollection, how many did you write to her concerning the testimony given by you in the Madden trial? A Probably two days for every letter, probably a letter every day while I was in Philadelphia, and three or four a week, while I was there, since I have left Philadelphia.

Q So that you wrote at least forty letters to her concerning the matter? A At least that yes, sir.

Q Who first proposed the matter, you or Frieda? A I did, sir.

Q And that was about three weeks after the trial of Madden?

A After she had been released from the Waverly House.

Q You requested her, after writing to her on several occasions, you requested her to send some of Madden's friends to Philadelphia? A Yes, sir.

Q By the way, you wanted to tell Mr. Edwards something that you had written in those letters, those letters not having been placed in evidence by the District Attorney's office; what was it you referred to? A About being annoyed, what debts I had run into.

Q What concerning the Madden case, if anything? A What do you mean, the debts?

Q If the debts had any relation to the Madden case, yes? A Preparing for the Madden trial.

Q Did you ever write telling her that if the matter was not cleared up soon, you intended to commit suicide? A Yes, sir.

Q When did you write that letter?

MR. EDWARDS: Every letter that ever came into her hands in which suicide is mentioned, is on the back of the affidavit.

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Q Why did you intend to commit suicide? A I didn't feel right, I guess.

Q About what? A About the Madden case, about this whole trouble.

Q There must have been something very strong in your mind?
A About lying about Madden and McArdle both.

Q When did you first begin to feel that way? A As I told Mr. Edwards, at the Madden trial.

Q And you intended to let some one know about this before you went to China? A Yes, sir.

Q Did the Maddens, or Madden's friends, at any time during that visit to Philadelphia, tell you what you were to say in New York when you arrived in New York? A No, sir.

Q What did they say to you and you to them? A As I told Mr. Edwards before, they asked me, Marron asked me -- first I asked him what they wanted of me. He said, "All we want is a square deal." First they asked me whether I could jump up to New York, and I told them no, I didn't think so. I asked them what they wanted of me; he said, "All we want is a square deal." I said, "Well, as far as the statement is concerned, can't you have it fixed up in Philadelphia?"

Q What did you understand when they told you that all they desired was a square deal? A They knew as well as I did that I lied at Madden's trial, because Marron was sitting alongside of Madden.

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Q And it was for the purpose of telling the truth that you came to New York to see Miss Moskowitz? A Yes.

Q You said in your letters that you were willing, in fact your letters show that you were willing that Frieda should know all about it in the first instance, and in answer to a question of Mr. Edwards, you said you could not trust Margie, and that Margie had made you lie at times, or asked you to lie? A Yes.

Q When was that occasion? A It was through Margie I lied. At North Beach was the first time I lied on account of Margie. That was the first time she was the cause of my lying.

Q What was that occasion? A Detective Flood had told me that Margie --

Q First, who was at that North Beach party? A Detective Flood, Frieda Horner, Margie Everdeene and myself.

Q That was during the Madden trial, was it not? A Before it, sir.

Q Before the trial? A Yes, sir.

Q I want you to relate all the conversation that occurred and all the different people who visited North Beach. A In reference to this case?

Q Yes. A I did not like Margie, and she was trying to make big of me. Every chance I would get while we were out together, I shunned her and she was getting so mad Detective Flood cautioned me, calling me aside. He said, "You know Margie has said that she seen Madden outside the saloon; that

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we have been trying to get out of her. Now, keep her in good humor and do not give her a change of mind.", simply because he heard me calling her "No good this", and "No good that", on different occasions while out together. So the consequence was I had to pay all respects to Margie and I did not want to.

Q What other conversation did you take part in with reference to the Madden case, that is, on that visit to North Beach? A I asked Detective Flood how long ago she told him that. He told me it was Mr. Deuell she told it to. I asked how long ago she had said that. Some time was mentioned, but I could not just recall. He said, "Now, all I am looking for is a co-operative witness", or something of that kind, I don't know the word for it.

Q When first did you see Owen Madden, the first time in your life? A In the Coroner's office.

Q Did you then know it was Owen Madden? A Detective Weber pointed him and Owen Lawlor out to me.

Q What did he say to you when he pointed out Madden?

A I was after identifying Bieler. I came out, and I had my nuckles bandaged up in the Coroner's office. There was some reporter, a newspaper reporter, telling me that Owney was just brought in, and I said, "I don't know him." He said, "Lawlor is in there telling everybody what he would like to do to you if he had a chance.". I said, "Who is Lawlor?", "I heard a lot about him.", because I had heard of him going

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with Margie for a while. Weber said, "Come here, I will show you.". He showed me Owen Lawlor first. He said, "This man in the brownish slouch hat.". He said, "There's Madden.". The fourth off the end, I believe, to the right as you walk in. That is when I first seen him.

Q You at no time pointed him out as Madden, that is, to identify him? A No.

Q He was pointed out to you? A Yes.

Q At the time of the Madden trial you stated that you did know, or had known Madden prior to the shooting? A Yes.

Q Was that the truth? A That was lies.

Q You stated he was pointed out to you by a man named McCluskey when at a club dance? A Yes.

Q Was that true? A That was falsehood.

Q Why did you so testify to that? A Because when I was asked the question by you as to where I had seen Madden, the first thing came through my head was this dance where I first heard of Madden. I was there with McCluskey, and when I joined McCluskey, I came in alone at the door, he said, Owney was just in there. I said, "Owney who?"; he said, "Don't you know Owney Madden?"; I said, "No."; he said, "He was just in here dancing."; he said, "With his girl.". He pointed to some girl, that she came in with him. That is the reason it came into my head about that dance.

Q Up to the trial of McArdle, you had at no time implicated Owney Madden in the murder, had you? A No, sir.

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Q How did you come to implicate Madden? A After the McArdle trial was over and the girls were taken to North Beach and brought back to the Waverly House, I was continuously called over to Mr. Deuell's office. It was one question put to me all the time.

Q What was that question? A "Willie, didn't you see Owney Madden around there any time during that day or night?".

"Didn't you see him around that night, the night of the shooting, when you stepped out into the street?". Then other times it was, "Owney Madden was said to have been up there that afternoon looking for Patsy Doyle, didn't you see him up there while you were in there those two or three times?". I said, "No, sir.", all the time. "Didn't you see him? I was told that you said you seen him.". I said, "No, sir, you cannot even tell by anybody that I said I seen Owney Madden up there.". I denied it all the time, every time I was called over there.

Q Do you remember being asked that question before the McArdle trial? A No, sir.

Q So that at no time before the McArdle trial had you implicated Madden in any way? A No, sir.

Q And at no time up to that time, had you told anyone that you knew Madden? A No, sir.

Q You never told Mr. Deuell? A No, sir.

BY THE COURT:

Q Were you a witness in the McArdle trial? A Yes, sir.

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Q What did you testify against McArdle? A That I had seen McArdle enter the saloon, sir.

Q Did you testify you saw him shoot? A No, sir.

Q Was that true, you did see him enter the saloon? A Yes, sir.

BY MR. COLLIGAN:

Q You were paid some money before the Madden trial, were you not? A I was given \$60.

Q Who gave it to you? A It was given to me in checks, two \$30 checks.

Q By whom? A I believe his name is Buckley, the man signed it.

Q He is in the District Attorney's office? A No, sir, in some office down stairs or up stairs.

Q He is in this building? A Yes.

Q He told you you were to receive \$60? A It was all arranged for me to be paid it by Mr. Perkins. He was the one gave the order to Mr. Buckley.

Q Who first mentioned the fact you were to be paid some money? A Mr. Deuell made all kinds of promises to me about being recompensed for what I was losing.

Q For what you were losing? A Yes, sir, the gun point money.

Q And that was before you testified? A Yes.

Q Then you did receive \$60 before you testified? A Yes, sir.

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BY THE COURT: Q You were paid that before you testified?

A Yes, sir.

Q What money had you lost? A I was only called over to the office every day for a month at a time. Every time I would come there, it was dinner and supper I would lose, not counting car fare and cigarette money and so forth. It cost me a couple of dollars every day. I was running into debt day after day to make these trips.

Q What pay were you getting on the Florida? A \$43 a month.

Q And what pay were you getting on the Maine? A \$33.

Q Why was that? A I lost \$10 "gun point money" by being transferred to a reserve ship. No extra money is paid to a ship lying alongside the dock or a reserve ship; you lose that money.

Q Then the \$60 that you got reimbursed you for this expense you had been put to? A Yes, sir, for part of it.

BY MR. COLLIGAN: Q If you knew at the time you testified in the Madden trial that you were lying, if you knew at that time

that you had never seen Owen Madden, and if you also knew that you had never seen him at the corner of 40th street and Seventh avenue on the night of the shooting, why did you so testify, and send him to State's Prison? A Because I was told that all my troubles would be over, I would be allowed to go to sea and continue in the Navy. My character would not be hurt, or knocked in the Navy Yard at Washington.

Q Didn't you realize the enormity of that accusation? A Yes, sir, I did, I was willing to do anything to be left alone.

Q Who induced you to do it? A Mr. Deuell is the one who told me my troubles would be over when Madden was convicted.

Q Where were you at the time? A In Deuell's office. He told me they wanted one more witness, a co-operative witness, or something like that, that would convict Owney Madden.

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Q How did this matter first arise between Deuell and yourself? A Shortly after the McArdle trial, as I told you, I was called over there and asked these questions by Deuell.

Q Do you recollect more specifically just what occurred between Deuell and yourself on that occasion? A On the first occasion?

Q On any occasion, with reference to that particular point? A I have already explained that, he asked me, "Willie, didn't you see Owney Madden when you left that saloon that time; didn't you walk across the street and see Owney Madden standing on the corner, anywheres around the saloon?" I said, "No.". He said, "I am pretty sure, can't you think?"; I said, "No, I cannot think, I know.". Then he would say, "Think it over, Willie.". Then some one would come into the office, and he said, "You stay outside a minute, Willie, and think it over, and I will call you later on.". I would stay there perhaps half an hour, I would come in, and again the same answers to the same questions, until I got heartily sick of it.

Q Why was it you at last consented to answer that way?

A Because I wanted to go to sea and I was head over heels in debt. I wanted to be left alone. I had a chance to go to China. The had promised to give me whatever ship I wanted after Madden was convicted. I heard the Brooklyn was going to China for three years. I knew everybody going out on her would stay that long, and I wanted to be left alone, and be

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what I was before this thing.

MR. COLLIGAN: That is all.

BY MR. EDWARDS:

Q Now, I asked you some questions about the Greek and Frieda; was that the Greek in Loomis, New York, named Steryos Vinotis? A I know it was away from New York City, whether in New York or New Jersey, I don't know. His name was never mentioned to me.

Q Do you remember your first talk with me after you said you saw Owney Madden outside of that saloon that night?

A I was brought to your office by Mr. Deuell.

Q Do you remember it? A No, sir, I don't.

Q Do you remember me asking you why you had not told that before? A Yes.

Q Do you remember answering me in substance these words: "I wouldn't tell that until Frieda had spoken, because I didn't want to get in bad." A Yes.

Q That is what you told me? A Yes, sir.

Q And that was the truth, was it? A No, sir, it was not.

Q Who suggested you tell me that as a reason for suppressing that statement? A I did myself.

Q Nobody suggested that to you? A No, sir.

Q You were very fond of Frieda at that time, weren't you?

A Pretty sweet on her, yes, sir.

Q When you were on the Florida, you were a big gun pointer?

A Yes.

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Q As a big gun pointer, you get \$10 a month extra pay?

A Yes.

Q And you were transferred from the Florida to the Maine at the request of the District Attorney's office through the War Department, to keep you here as a witness? A Yes.

Q And you lost \$10 a month by the transfer? A Yes.

Q And the \$60 you received covered six months extra \$10 you lost by that transfer, didn't it? A Yes.

Q That is all it covered? A Yes.

Q And that is every cent you ever got, isn't it? A Yes, and I would not have got that until I told Mr. Deuell I would help him out in that little case over the telephone. He had me over to his office the day before that and urged me the same questions that I told you before. He said, "You go back to the ship and think it over, Willie.". Next day I said, "I will take this \$60 and pay it to a certain party I had borrowed money from, and I will go away from here." I called up Deuell's office and this big detective, (indicating man in the jury box) I don't know his name, but he admitted answering me next morning, I said, "You tell Deuell if he will fix up that money, I help him out in this case."

Q Do I understand you to mean that you want the Court to understand you lied for \$60 back pay? A No, sir, I lied to be left alone.

Q The \$60 has nothing to do with it? A Partly.

Q Do you want the Court to understand you lied for \$60?

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A No, sir, I do not.

Q Is it the fact that you did? A No, sir.

Q It is the fact you did not then, is it? A Yes, sir.

Q Did you think the Owney Madden bunch would leave you alone if you helped to convict Madden? A I had already helped.

Q Did you think that before you testified? A That they would leave me alone? -- What do you mean by that, bother me or harm me, do you mean?

Q Yes. A I guess I am able to take care of myself.

Q Answer the question. A I knew if there was a possible chance of their getting me there to beat me up, they would do so, it is only natural.

Q If you lied because Mr. Deuell asked you to, and if you lied because other people suggested to you that you lie, how is it you said nothing about that in this affidavit?

A Mr. Deuell never asked me to lie, he just went about it in another way. He had other means of getting a lie out of me.

Q You say now he got you to lie? A He did.

Q Why didn't you say something about that in your affidavit? A Probably it was overlooked.

Q Isn't it a fact that Marron and Kavanagh, who sit right back here in the court room, and have ever since you have been on the stand, isn't it a fact that they told you the girls had said that Mr. Deuell told them what to say?

A They did not have to tell me that. I read the newspaper

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clipping, the newspaper clipping sent to me in Newport.

Q Is that what suggested to you to say the same thing?

A No; it is because it is the truth. Mr. Deuell knows this.

Q Who was sending you newspaper clippings in New Port about this case? A My mother.

Q Anyone else? A That is all.

Q You speak or say in these letters, you were going to commit suicide. I call your attention to the paragraph in the letter of July 14th, People's Exhibit 1, I think it is -- "Now, there are times when I have fits of the blues so bad that I am on the verge of doing what I told you about on Sands street that afternoon, and believe me or not, Frieda", then you say before you go to that God forsaken country for three years that you are supposed to go to in September, you say, "I have promised myself not to live that long, unless things break a little brighter for me.". What do you mean by that God forsaken country, China? A Yes, sir.

Q Then it is meant by that paragraph, you would commit suicide before you would go to China for three years? A No, sir.

Q Isn't that what you say in this letter right here?

A Yes, sir.

Q That you will commit suicide before you will go away for three years; you promised yourself you will not live until the time you go to China? A Yes, sir.

Q You do not say anything about the Madden case, do you?

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A No.

Q You do not say anything about your feeling on that occasion causing you to commit suicide? A That is what it meant, fit of the blues. I meant that, she knew what I meant. Are you reading all that letter, Mr. Edwards?

Q Answer the question. A You are not fair to me at all.

Q Answer my question. A I never mentioned the Madden case. That is answering your question, sir.

Q Do you remember this in the next letter, I think it is People's Exhibit 7, apparently in answer to one of Frieda's letters, where you say, "Now, to go to the other stuff, I won't say anything more to you about my doing away with myself, because I am well aware of the fact that it sounds like bunk, and it might be, at that.". What do you mean by that? A Maybe I did not think enough about it, what I said.

Q You mean you were just stringing Frieda on that?

A No, sir.

Q Wasn't that just at the time you were trying to get Frieda to say she would marry you? A No, I didn't have to say anything like that, to get Frieda to marry me.

Q You were trying to keep her from going with other men?

A I was, ever since she was in the Waverly House.

Q And you were trying to get her to marry you? A We had it all fixed up.

Q You have not been married yet? A No, sir.

Q Weren't you threatening to blow your brains out if she

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did not marry you, before you went to China? A No, sir.

MR. EDWARDS: That is all.

BY MR. COLLIGAN:

Q Isn't it a fact when you went to Miss Moskowitz's office as I understand it, you were there on one visit? A Yes.

Q Isn't it a fact that Mr. Deuell's name came up, and that you talked it over with Miss Moskowitz and she told you she would not put it in that affidavit, but later on she might send you an affidavit on board ship? A She did not tell me that exactly; she said later on. That was in reference to the McArdle case we spoke about that too.

Q But she did say she did not put Deuell's name in the affidavit? A That it would come up later.

Q You are positive of that? A Yes.

BY THE COURT:

Q How long will the Brooklyn stay there? A Until the 28th of the month, I think.

Q Then where does it go? A I believe to Hampton Roads for coaling, and from there through the Suez Canal to China.

Q Will the ship go to Brooklyn first?—A She is lying in the North River now; I don't know whether she goes there or not.

(Trial adjourned till Monday, October 25th.)

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THE PEOPLE vs. OWEN MADDEN:

New York, 25th, 1915.

TRIAL CONTINUED:

MR. COLLIGAN: Your Honor, I thought I had ^{my} witnesses here, but I have not been able to produce them, and I have decided not to recall them.

THE COURT: If you wish I will allow you to examine any of the affiants for the People, or you can rest on their affidavits, whichever way you see fit.

MR. COLLIGAN: I am willing to rest on their affidavits.

MR. DEUELL: Your Honor, Mr. Edwards is ill this morning, and I understand he has not finished entirely with the cross examination of the witness Everdeane. Mr. Edwards is ill this morning, and may not be down for a day or two. As I understand it there has been no recross examination of Margaret Everdeane. Whether Mr. Edwards still desires to recross examine her I do not know, but he had not finished with her at that time, and furthermore there are certain documents that the District Attorney wanted to put in evidence. My recollection is they were marked for identification, or certain documents were marked, the documents in the handwriting of Margaret Everdeane. These were yellow sheets of paper, some of which have been marked for identi-

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fication, but they are not in evidence, as I recall it.

THE COURT: My recollection is that Mr. Edwards was through. Mr. Edwards had every opportunity to examine her. Mr. Colligan had not, because he had not been over the minutes, and he asked for an adjournment in order that he might go over the minutes.

MR. DEUELL: Since that time the matter of the recross of Margaret Everdeane has been lost sight of, and on a subsequent date, Margaret Everdeane and Frieda Horner were not in court.

MR. COLLIGAN: I think we are ready to submit it on your Honor's decision.

MR. DEUELL: And I think we are.

THE COURT: If there is anything you wish to make clear to the court on some point that is not clear, you may submit briefs and call the Court's attention to any point you wish. I will give both sides to Thursday to submit briefs.

In the meantime, Mr. Deuell, if you submit one, serve a copy on the defendant's attorney, so that he may answer it, if he wishes to. If they submit a brief, Mr. Colligan, they must give you a copy and give you an opportunity to reply, and you may have such reasonable time after Thursday to reply.

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After Mr. Colligan got through with what re-direct examination he had Mr. Edwards had an opportunity to examine the witness.

MR. COLLIGAN: Furthermore, Mr. Edwards told me he was willing to leave the case in your hands without any argument.

THE COURT: We will let it remain this way, now, and if Mr. Edwards can show any special reasons for it, we can arrange a date for that.

MR. DEUELL: In the matter of the yellow sheets, can they go into evidence?

THE COURT: If they were marked for identification you can show them to the other side, and they may be considered in evidence then.

(Adjourned to Thursday, October 28th, 1915.)

Thursday, October 28th, 1915.

(People's Exhibit No. 2 for identification is marked People's Exhibit 2 in evidence)

(Yellow slips are marked in evidence as People's Exhibit No. 18)

(Case closed and submitted)

*I hereby certify the foregoing is a correct
transcript of the proceedings taken
in the motion picture
Ludwig, Ruth
off 18th*

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