

START

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CASE

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

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

-AGAINST-

MINNIE MOHR.
.....

: BEFORE:

: HON. THOMAS C. T. CRAIN,

: and a Jury.
.....

New York January 23rd, 1908.

Indicted for Burglary in the Second Degree.

Indictment filed December 5th. 1907.

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

For the People, Assistant District Attorney Marshall.

For the Defendant, Henry Hardwicke, Esq. ; Mr. Michaelson
of Counsel.

(Jury duly empanelled and sworn)

E V A D U N N , a witness called on behalf of the People ,

being duly sworn, testifies as follows:

DIRECT EXAMINATION BY MR. MARSHALL:

Q Mrs. Dunn, on the 9th day of September 1907 you lived at

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223 East 17th Street, in the County of New York, did you not?

A Yes sir.

Q In what apartment did you live? A Apartment third, West.

Q How many floors up? A Two floors up.

Q From the Street? A From the street.

Q On which side? A West.

Q This is an apartment house, is it not? A Yes sir.

Q When did you first know this defendant Minnie Mohr?

A Last November.

THE COURT: Do you hear the witness?

A JUROR: No sir.

Q November of last year? A November a year ago.

THE COURT: Speak just a little louder because every one wants to hear you.

Q How did she come to be in your apartment? A As a servant girl.

Q Did you employ her? A I did.

Q And she had been in your apartment as a servant girl from November 1906 up to the time of the burglary? A Oh no; about four months.

Q How long had she been away from your apartment when the burglary was committed? A About seven months.

Q She had been away? A Yes.

Q Now what time did you leave your apartment on the 9th

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day of September 1907? A I didn't leave it.

Q When did you discover that there was anything wrong in your apartment? A The next morning.

Q You were asleep at the time? A At the time.

Q You went to bed, went to sleep, on the night of the 9th of November? A September.

Q On the night of the 9th of September, and you got up about what time? A Half past seven in the morning.

Q What did you discover? A The bureau drawer partly open.

Q Of your bedroom? A And a couple of boxes that contained my jewelry on the top of the bureau.

Q Where was the jewelry when you went to sleep? A In the middle part of the top drawer.

Q What did the jewelry consist of? A Well I gave three or four lists of it.

Q Can you give us a list now, from your memory as near as you can? A Yes.

Q Give us some idea of what the jewelry was? A There were four gold bracelets, two gold chains, a watch, about 36 pins.

Q What do you mean by pins? A Little stick pins and dress pins, fancy pins; a lavalliere.

Q What is that? A A fancy neck piece, set in rhine stones and silver.

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Q One of these hanging arrangements? A Yes sir.

Q What else, can you remember? A Hat pins.

MR. MICHAELSON: I notice that there are some witnesses in this case in court, and I would like to make a motion to have all the witnesses excluded from the court room.

THE COURT: So ordered.

MR. MARSHALL: No objection.

(Mr. Marshall now proceeds to untie a box and take from it several articles of jewelry)

THE WITNESS: Those are not mine. Those are (Indicating). That pin you have in your hand is mine and the opera glasses are Mr. Dunn's.

Q These opera glasses are yours? A Yes.

Q Where were they? A In the same top drawer.

Q And this owl pin? A In the apartment.

MR. MARSHALL: The opera glasses and owl pin are offered in evidence.

THE COURT: Received in evidence, subject to being connected.

Received in evidence and marked People's Exhibits 1 and 2.

Q The mouth-organ does not belong to you? A Hardly.

Q When did you first see the defendant after the 9th of September? A The day here in court.

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Q In the Police Court? A Yes sir.

Q Did you have any conversation with her? A No. Oh yes I did.

Q Tell us what the conversation was, if any? A I just spoke to her and asked her what I had done to her that she should tell those thieves how to get into my house; and she said she did not do it.

BY THE COURT:

Q How many rooms were in your apartment? A Eight.

Q I suppose there was a private hall, is that so? A A private hall.

Q How many persons occupied that apartment in conjunction with yourself on this particular night? A Just Mr. Dunn and myself.

Q And you occupied what room? Now, starting with the front? A The room in which the jewelry was taken.

Q Your apartment fronted on the street? A Yes.

Q You had how many rooms having a street outlook? A Two.

Q And did you occupy either of those rooms as a bedroom? A One of those.

Q Having the street outlook? A Yes sir.

Q Then the other rooms ran back from those rooms toward the rear? A Excepting the parlor, which is right opposite.

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Then the others go right back.

Q There were two front rooms, the parlor and your bedroom, and the dining room and kitchen and other rooms were back and there was a private hall? A Yes sir.

Q You and your husband, Mr. Dunn, retired at about what hour? A At about nine o'clock, maybe a little later.

Q These articles which have been received in evidence were in your bureau drawer, so far as you know? When did you last see them? A You mean that I am positive of seeing them?

Q Yes, when did you eye last rest upon these articles in your drawer, so far as you recall? A Friday, September 6th.

Q At about what hour in the day? A I should judge at about half past ten at night I fixed that drawer and fixed all this jewelry. That is when I last saw every one of them.

Q When you retired that night was the door of your bedroom locked? A No.

BY MR. MARSHALL:

Q What did you find in regard to the premises there in the morning? A I went out into the kitchen and I noticed that the towels were down on the floor, from the towel rack that hangs in the kitchen door. Then I looked and I saw the cord of the transom was broken.

Q The transom turns at the top of the door? A Yes.

Q Did you open the kitchen door and go out into the hall? A No, I looked back. Noticing these boxes I did not pay much

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attention, and then I looked in them and I seen the jewelry had disappeared and I went in and asked Mr. Dunn if he had taken it and he said no---

THE COURT: Strike that out, what he said, and the Jury will disregard it.

Q What did you see on the outside of the door ventilator?

A A ladder.

Q How long after was it that you went out into the hall?

A About ten minutes later.

BY THE COURT:

Q What did you find there? A This ladder, and the kitchen door leading into the servant's entrance was open.

Q Where was the ladder? A Against the kitchen door, on the outside.

Q There are two entrances, the kitchen entrance and the entrance to the hall? A Yes sir.

BY MR. MARSHALL:

Q Do you know if the kitchen door was locked the night before? A I locked it myself. In the morning it was open

Q Was the key on the outside? A On the outside.

BY THE COURT:

Q Who was in the apartment, if any one, who occupied the apartment besides yourself and your husband; any servants; anybody? A Nobody at all.

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CROSS EXAMINATION BY MR. MICHAELSON:

Q How long was the defendant in your employ? A About four months.

Q And during that time you had trusted her, and did you find anything wrong about the girl? A Nothing.

Q Did she have opportunities of stealing things? A Every opportunity.

Q You don't know of your personal knowledge whether this girl had anything to do with that burglary do you; of your personal knowledge? A No.

Q You don't know anything as far as this girl is concerned as to her connection with it? A No.

BY THE COURT:

Q Were you the owner of this property during the time that this girl was in your employ? A Yes.

Q Referring to the Exhibits in the case? A Yes sir.

AUGUSTUS F. BAHMANN, a witness called on behalf of the People, being duly sworn, testifies as follows:

DIRECT EXAMINATION BY MR. MARSHALL:

Q You are a police officer are you not? A Yes sir.

Q Attached to what precinct? A 69th; Coney Island.

Q That is the Coney Island Precinct? A Yes sir.

Q Did you place this defendant under arrest? A Yes sir.

Q When and where? A On September 13th about 1:30 A.M.

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Q Where? A I placed her under arrest, corner of Henderson son's walk and the Bowery.

Q That is down on Coney Island? A Yes sir.

Q In whose company was she at the time? A A man named James Conlan.

Q Did you place him under arrest? A Yes sir.

Q What did you do with this defendant? A We charged them both with vagrancy. There was a man named Williams arrested for burglary on Coney Island and he said that---

MR. MICHAELSON: I object.

THE COURT: Objection sustained.

Q Did you have any conversation with Conlan or this defendant, in her presence? A Yes sir. I arrested Conlan and I searched him and I found three pawn tickets on Conlan and I asked him where he got the tickets from.

BY MR. MICHAELSON:

Q Was this defendant there when you searched Conlan? A No sir. She was in the cell.

THE COURT: Then strike that out, and the Jury was disregard it.

BY MR. MARSHALL:

Q Did you have any conversation with Conlan in the presence of this defendant? A I asked this defendant whether Conlan was her husband.

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MR. MICHAELSON: I object to that. The District Attorney asked what conversation he had.

Q Well, what conversation was held in her presence, with her or anybody else? A I asked her in the presence of Conlan whether Conlan was her husband and she said no, her husband's name was Anderson, and I took her in the cell and Anderson laid on the floor and she identified him as being her husband.

Q He was in the cell too? A He was charged with burglary. He was arrested at 9 o'clock.

MR. MICHAELSON: I object to that.

THE COURT: Strike out what he was charged with and the Jury will disregard it.

Q Did you come up to New York in regard to this defendant's case? A No sir. The pawn tickets that were found on Conlan---

MR. MICHAELSON: I object to any reference to Conlan.

THE COURT: You have answered no.

Q Did you come up to New York and make the investigation in regard to this case, in company with other officers?

MR. MICHAELSON: I object to that.

THE COURT: I will allow him to answer yes or no

Q Did you? A My brother officer came.

Q You did not come up yourself? A No sir.

CROSS EXAMINATION BY MR. MICHAELSON:

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Q Where was this defendant at the time you arrested her ?

A Henderson's Walk, and the Bowery.

Q Do you remember what day of the week it was? A I don't remember the day. I remember the date.

Q What date was it? A On the 13th of September.

Q What was she doing? A She was sitting in a moving picture place, sitting on a chair.

Q You say that at the time you arrested this defendant she was in a moving picture show, sitting at a table? A Sitting at the door as you go in.

Q With whom was she? A She was not with anybody.

Q She was all alone? A Yes sir.

Q How many men and women were sitting around that place? About, I mean. I just want a general idea? A I didn't notice how many.

Q Twenty, thirty, forty, fifty? A There might have been twenty people there in this place; not where she was sitting though.

Q How did you come to arrest this defendant? A This man Anderson, as I said before, was arrested for burglary, and he said that his wife is at Henderson's Walk and Bowery with another young man and to notify them that he had been arrested.

Q And then you went there? A And placed her under arrest, and as we did----

Q It was not because of anything that this defendant did--

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A I didn't know that she had done anything at that time.

Q (Continuing) That you placed her under arrest? A (No answer.

H E N R Y W E Y M A N, a witness called on behalf of the people being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. MARSHALL:

Q Where did you first see this defendant, Minnie Mohr?

A Coney Island.

Q Had she been placed under arrest at that time? A We observed her before and then when she came out of this place.

Q You were in company with Officer Bahmann at the time?

A Yes sir.

Q After she was placed under arrest did you have a conversation with her? A No, I did not.

Q How did you find out where she lived? A The address she gave, I went up to her house.

Q The address she gave where? A 153 West 66th Street.

Q Where did she give this address? A Coney Island Station House.

Q You heard her give it? A Yes sir.

Q As her place of residence? A Yes sir.

Q Did you go up there? A Yes sir.

Q At that time did you know there had been a burglary in Mrs. Dunn's apartment? A No sir.

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Q Tell us where you went, what you saw and what you found?

MR. MICHAELSON: I object to that.

THE COURT: I will allow it.

MR. MICHAELSON: Exception.

Q What was the address? A 153 West 66th Street.

Q Did you go to those premises? A Yes sir.

Q What did you find there?

MR. MICHAELSON: I object to anything he found there, not in the presence of this defendant.

Objection overruled. Exception.

Q Did she make any statement as to what part of the building she lived in? A No, she did not tell us what part. Another party there, Williams,---

MR. MICHAELSON: I object to that.

THE COURT: That I will not allow.

Q Where was she when Williams made this statement? A Williams was locked up in a cell in the station house.

Q Where was she? A She was around out in front of the desk.

Q When you had this conversation with Williams she was not present? A No sir.

Q When you went to that address what did you do? A I had two keys and I went to the floor that Williams told us.

Q Where did you get the keys? A From Williams. Opened the place and went in and searched the premises.

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THE COURT: I think you have got to prove first that it was her place that they searched. I will allow it to be proved now, subject to being connected.

MR. MARSHALL: Subject to being connected with the defendant, of course.

MR. MCILHANNON: We except.

Q What was this place? A 153 West 66th Street.

Q What kind of a building is that? Is it a private house, apartment house? A No, it is a flat, furnished flat.

Q You went up there to what floor? A Fourth floor.

Q Front or back? A They occupied the whole floor through on the west side of the building.

Q Did you search the place? A Yes sir.

Q What did you find and where did you find it? A I found opera glasses and chains.

Q Where did you find the opera glasses and the owl pin?
A I found them in a bureau drawer.

Q Front or back? A Front bedroom.

Q Was there more than one bed room in front? A Two bed-rooms.

Q Was it an east or west side bedroom? A Her flat was situated towards the west. A I think her bedroom was the south side of the flat.

BY THE COURT:

Q The flat was on a cross street, not on an avenue? It

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was on a side street? A Yes sir.

Q On which side of the street was the flat, North side or the South side? A North side.

Q And these two front rooms, one was west of the other. Now which was the bedroom that you went into, the more westerly or the more easterly? A Both on the same running line, four rooms run right straight through.

Q The flat was on the North side of the Street? A Yes sir.

Q There were certain rooms that looked out on to the street that had windows looking out on the street? A That was the parlor, and then came the bedroom.

Q Was there a bedroom that had windows looking out on to the street? A No sir.

Q Very well, I misunderstood. The bedroom you went into was it next to the front parlor? A Yes sir.

Q And it was in a bureau in that bedroom that you found certain articles, is that so? A Yes sir.

THE COURT: Now, show him the exhibits.

BY MR. MARSHALL:

Q I show you People's Exhibit 1, the opera glasses and ask you where you found those? A I found those in the top bureau drawer.

Q Of this bed room you have spoken about? A Yes sir.

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Q I show you an owl's head pin and ask you where you found that? A In the same drawer.

Q What else was in the drawer? A A lot of more trinkets, chamois gloves, harmonica, razor.

Q How many beds were in that bed room? A One.

Q What else was in the room? A A dress suit case there which contained a lot of women's wearing material---shirt waists.

Q What did you do with that? A Left that there.

Q Did you have any further conversation with this defendant after you searched the place? A No sir. I never had any conversation with her.

CROSS EXAMINATION BY MR. MICHAELSON:

Q You don't know of your personal knowledge what room this girl occupied, do you?

THE COURT: Yes or no.

A No, I couldn't swear positively, only the stuff was in the room.

Q You didn't know whether any of the stuff in that room belonged to this girl, of your personal knowledge? A No, sir.

Q And as far as you personally know you don't know whether the apartment that you found those articles in was the apartment occupied by this defendant as far as you personally know? A Only what Williams told me.

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Q But so far as you personally know-----

BY THE COURT:

Q You have no personal knowledge on the subject? A No sir.

CHARLES ANDERSON a witness called on behalf
of the People, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. MARSHALL:

Q What is your real name? Is it Anderson or Williams?

A Anderson.

Q Your present residence is Sing Sing, is it not? A
Yes sir.

Q And you were convicted of what? A Burglary.

Q Of what premises? Where is the place? A Coney Island
a residence.

Q What were you sentenced to? A Two years and a half.

Q State's Prison? A Yes sir.

Q And you were brought down here to testify in this case?

A Yes sir.

Q Do you know the defendant Minnie Mohr? A Yes sir.

Q Where did you first meet her? A In the Lafayette.

Q Where is that? A 40th Street and 7th Avenue.

Q When was that, if you remember? A I don't remember
just when it was---August---it was in the latter part of August.

Q 1907? A Yes sir.

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Q Did you have a conversation with her in regard to Mrs. Dunn's place? A No sir, I had no conversation with her in regard to Mrs. Dunn's.

Q Did you have any conversation with her in regard to Mrs. Dunn's apartment at 233 East 17th Street? A No sir.

Q You did not? A No sir.

Q Didn't she say anything to you about having been a servant girl there? A Not until after I was arrested.

Q When were you arrested? A I was arrested the 12th of October, or September--- the 13th of September.

Q That was after the apartment had been burglarized? A Yes sir.

Q You made an affidavit, did you not, for Mr. Ely up there,

MR. MICHAELSON: I object to that .

THE COURT: I will allow it.

MR. MICHAELSON: Exception.

A Yes sir.

Q Now let me refresh your recollection. Do you say you never had any conversation with Minnie Mohr about this apartment at all? A Yes sir, that is what I say.

MR. MICHAELSON: I object to that, the witness having already answered.

THE COURT: Well, he has answered it again.

Q Do you remember what you swore to in Mr. Ely's office?

Objected to as immaterial, Question allowed, exception.

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Q Anybody seen you since you made that affidavit in his office? A No sir.

Q Anybody talk to you in the Tombs at all? A No sir.

Q Have you seen this defendant in the Tombs since you were down from Sing Sing? A No sir.

Q Not at all? A No sir.

Q Do you remember what you swore to in the affidavit which you swore to before Mr. Ely? A No sir I do not recall.

Q Did you read it over? A I think it was read over to me, yes.

Q Did the defendant Minnie Mohr say anything to Jim Conlan in your presence about that apartment?

MR. MICHAELSON: I object to the District Attorney reading from any paper.

MR. MARSHALL: I am not reading from any paper.

Q Did this defendant say anything to Jim Conlan in your presence about Mrs. Dunn's apartments. A No sir.

MR. MICHAELSON: I object to that.

Objection overruled; Exception.

Q Did you break into Mrs. Dunn's apartment?

MR. MICHAELSON: Objected to as immaterial and not binding on this defendant, and on the ground that we are not responsible for any act or conduct on the part of this witness.

MR. MARSHALL: This witness is obviously an ad-

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verse witness in this case. I have a right to refresh his recollection any way I can. He is obviously an adverse witness? I am simply reffreshing his memory as to what statement he made at some time.

MR. MICHAELSON: We do not know that he is an adverse witness. I think he is telling the truth now.

MR. MARSHALL: I don't care what you think about it, I don't care for your thoughts.

THE COURT: The only point is whether the inquiry as to whether he broke into the paratment is relevant on the issues in this case.

Q Did you tell Mr. Ely that you broke into that apartment?

Objected to.

Objection overruled.

Exception.

A I don't remember whether I did or not.

Q Did you tell Mr. Ely that Tom or Jim Conlan broke into the paratments?

Objected to as immaterial, objection overruled.

Exception.

A No sir.

Q Now let me refresh your recollection. Did you swear before Mr. Ely that you used to work for the Homes Electric Protective Agency? A Yes sir.

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MR. MICHAELSON: Objected to, and I object to the District Attorney reading from any paper.

Objection overruled.

Exception.

Q You told Mr. Ely that you met the defendant in the on Lafayette, didn't you? A Yes sir.

Q And you told Mr. Ely that you got very intimate with Minnie Mohr and lived with her?

Objected to.

Objection overruled.

Exception.

Q You told Mr. Ely that she said and suggested that it would be an easy thing to crack Mrs. Dunn's apartments at 233 East 17th Street? A I don't remember whether I did or not.

MR. MICHAELSON: Same objection.

Q Is that your writing on there? A Yes sir.

Q Did you sign that? A Yes sir.

Q Did you say in that affidavit that you signed here "I make this statement freely and voluntarily without comment or hope of reward of clemency, or without fear of duress, but solely in the interest of justice;"

MR. MICHAELSON: I make the same objection and I object to the District Attorney reading from that paper, purporting to be an affidavit made by the witness

THE COURT: Objection overruled. I will allow

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him to read as much from the paper as he sees fit to read that not being improper.

MR. MICHAELSON: Exception.

Q (Continuing) "because it is the truth, the whole truth and nothing but the truth, and I have read over each of the sentences and understand them and know the contents of this affidavit thoroughly," and I did understand and know it before I swore to it." Did you say that? A (No answer)
BY THE COURT:

Q Was that read over to you? A I think it was sir.

BY MR. MARSHALL:

Q Oh, take another think.

MR. MICHAELSON: I object to the remark of the District Attorney.

Q Take another think and see if you don't know that it was read over to you?

BY THE COURT:

Q Are you able to say positively whether it was read over to you? A It is some time ago since that was sworn to and I don't remember.

BY MR. MARSHALL:

Q How long ago is it? A It must be a month.

Q It is dated the 27th day of December. That was the day, wasn't it, about a month ago? A Yes sir.

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Q When did you have this terrible lapse of memory that you are showing now? When did your memory fail you on this subject; can you remember? A No sir.

Q You cannot remember that? A No sir.

Q Did you ever have any trouble with your memory before? A No sir.

Q This is the first time that you have ever been afflicted with a bad memory? A (No answer).

Q Now, answer again, are you sure nobody has talked to you over in the Tombs? A I am sure.

Q Not a soul? A Yes sir.

Q Did you exercise around your tier? A Yes sir.

Q Did you talk to anybody on your Tier? A Yes sir.

Q About this case? A No sir.

Q Not a word about this case? A No sir.

Q Did you tell anybody in the Tombs what you were down from Sing Sing for? A No sir.

Q Did anybody ask you what you were down from Sing Sing for? A I didn't tell any one. They asked me and I told them I was down for a new trial, just to avoid any more questions.

Q You were down for a new trial? A Yes sir.

Q Did the defendant tell you at any time that she had been a servant in March 1906 in Mrs. Dunn's apartment? A She did tell me that after I was arrested.

Q Where? A In Brooklyn. In the Raymond Street jail.

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Q That was the first time you ever found out about it?

A Yes sir.

Q How did you come to swear she told you that long before this place was broken into?

MR. RICHARDSON: I object to that.

Objection overruled.

Exception.

Q You swore to it in Mr. Ely's office that she told you that before the place was broken into, didn't you?

THE COURT: First ask him, did he swear to that.

Q Did you swear this : She said that she had been a servant maid there in March 1906 and that she knew how to get in and out." Did you swear to that? A I remember she told me that after I was arrested.

Q Did you swear to that up in Mr. Ely's office? A (No answer)

THE COURT: Now you can either answer yes or no or that you don't remember, one or the other.

A I don't remember whether I did or not.

Q Did she tell you that the servant's stairs lead right up to the landing in front of the kitchen door and if you got a ladder you could get over the transom and the other fellow could open the door; did you swear to that? A I don't remember.

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Q (Reading) "She told us all about the location of the house and the room Mrs. Dunn occupied and the room where the stuff was." Did you swear to that? A I can't remember.

Q Did you swear that this fellow Tom "whose last name I forget, agreed to help me in it and we went and did the trick on the 9th of September 1907, and Jim Conlan sold part of the stuff;" Did you swear to that? A I think I did.

Q That was not true, was it; or was it true? A Yes sir it was true.

Q That was true? A Yes sir.

Q How did you come to go to Mrs. Dunn's place and break in, you and Jim Conlan and the rest of you? A I didn't say Jim Conlan and I broke in .

Q Well and Tom did the trick and Jim Conlan sold part of the stuff. How did you come to go to Mrs. Dunn's and break in there over the transom?

THE COURT: Has this witness been indicted for that offense?

MR. MARSHALL: He has not yet been.

THE COURT: (Addressing witness) You may refuse to answer on the ground that your testimony may tend to incriminate you. You can decline to answer if you see fit, on the ground that by answering it you might be making yourself liable to a criminal charge.

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MR. MARSHALL: I think also that this witness for his own interest ought to be shown the importance of telling the truth here on this stand.

THE COURT: Yes. Now, witness, I want you to pay careful attention to what I am about to tell you. If you do not understand what I say, as I am saying it, in your own interest I want you to let me know, because if you are silent after I speak to you I am going to take it for granted that you do understand what I mean. You can refuse to answer any question that is put to you where you think the answer will render you liable to be punished for another crime. Do you understand that?

THE WITNESS: Yes sir.

THE COURT: I also want you to understand that you are now under oath and that if you swear to what is false that that is a crime; that is the crime of perjury.

MR. MARSHALL: Now, Mr. Stenographer, will you repeat the question?

(The stenographer reads the last question asked)

THE WITNESS: I decline to answer.

Q On what ground do you decline to answer? Why do you refuse to answer. A (No answer).

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THE COURT: After a lapse) He may not be able to frame it, he refuses to answer on the ground that it might incriminate him. Is that it?

THE WITNESS: That's it.

Q You know what perjury is, don't you?

Objected to.

Objection overruled.

Exception.

A I do.

Q Do you know what the penalty of it is? A No sir, I don't think I do.

Q You don't know how much you get for perjury? A Not exactly.

Q Do you know it is a long term in State's Prison?

Objected to.

Objection overruled.

Exception.

A I think it is.

Q Now, you now swear that you never had any conversation with this defendant Minnie Mohr about this case or about Mrs. Dunn's apartment until after you were arrested? A Yes sir.

Q You now swear that? A Yes sir.

Q When you made this affidavit in Mr. Ely's office you knew what it was about, you knew the case it was about, you

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knew it was about the People against Minnie Mohr, didn't you?

A Why, I wasn't told so.

Q What did you think you were making the affidavit for?

A I didn't have time to think very much about it, I was called up there.

Q You were questioned by Mr. Ely weren't you before this affidavit was drawn? A Yes sir.

BY THE COURT:

Q What happened up there at the time this paper was drawn that has been referred to; just give us the circumstances of that; who were present, who were up there? A There was the District Attorney---I don't know his name---- and there was another gentleman present, and he asked me the circumstances of the case.

Q Asked you certain questions? A Yes sir.

BY MR. MARSHALL:

Q What did this gentleman look like who asked you the questions? A He was a light complected gentleman, middle age, sandy mustache.

Q Did you hear his name? A No sir.

Q Was it Fitzsimmons of the Detective Bureau? A I don't know who he was.

Q You swore to this affidavit before a notary, didn't you, and signed your name to it? A I don't know that I swore to it but I signed my name to it.

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BY THE COURT:

Q Do you remember swearing to it? A No sir, I didn't swear to it.

BY MR. MARSHALL:

Q Did you see the notary C. F. Dillon put his name down on that (Indicating on an affidavit)? A Yes sir.

Q Where were you when he did that? A I think I was sitting right there.

Q That was after you signed it? A Yes sir.

Q What did he say when he signed his name to it; anything?

A (No answer)

BY THE COURT:

Q Did he say anything to you before he put his name to it? A Not that I remember of.

BY MR. MARSHALL:

Q Let me refresh your recollection on that. How did Mr. Ely find that you were born in San Francisco? Did you tell him?

MR. MICHAELSON: I object to that.

Q Did you tell Mr. Ely that you were born in San Francisco

Objected to.

Objection overruled.

Exception.

A Yes sir.

Q Did you tell him that you shipped on the Norma with

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Captain Scott as a common sailor? A Yes sir.

Q And he plied between New York, Australia, Capetown and New Zealand, did you tell him that? A Yes sir.

Q Swore to it didn't you, and swore you then went on the American line Steamship "New York" for two years; did you tell him that and swear to it? A Yes sir.

Q Did you swear that you then gave up the sea-faring life and came to New York and went to work as an electrician Homes Electric Protective Company? A I know I did go to work for the Homes Electric Protective Company, I don't know whether I swore to it or not.

Q How did he find it out if you did not tell him? A I don't know. I may have told him.

Q Your memory commences to fail when you get to the Homes Electric Protective Agency? Your memory is all right thus far, but when you get there you commence to get a little dim?

A I can remember what I have done the last four or five years.

Q You said you behaved yourself right along until the middle of 1907, and you had been playing the races and was dead broke; did you tell him that? A I might have.

Q Don't you remember telling him that? A No sir.

Q Do you remember swearing to it? A No sir.

Q Do you remember whether you swore to it or not? A No sir.

Q Did you say you fell in with some fellows at the Lafay-

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ette "Known to me as Jim and Tom and Archie Burns?" A I did fall in with some fellows at the Lafayette.

Q How did he find that out if you did not tell him so?

A I might have told him?

Q You also told him that you made the acquaintance of Minnie Cohr? A I did make the acquaintance of Minnie Mohr.

Q When? A Somewhere around the latter part of August.

Q Where did you meet her? A In the Lafayette.

Q How often did you go with her to any place? A I did not go out with her at all. I went to the theatre one night.

Q Did you live with her? A I lived in the same flat with her.

Q Where was that? A 66th Street.

Q What is the number? Do you remember? A 153.

Q 153 West 66th Street? A Yes sir.

BY THE COURT:

Q How many flights up? A Four flights up.

BY MR. MARSHALL:

Q What name was on the bell? A There was no name on the bell.

Q Did you tell the officers down at Coney Island that that was where you lived? A Yes sir.

Q Did this defendant Minnie Mohr say that was where she lived? A I don't know.

Q That was where she did live, wasn't it? A I don't

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know whether she told the officers that.

Q That is where she did live, wasn't it? A She had been living there a week.

Q With you? A Yes sir.

BY THE COURT:

Q When? A I was arrested on the 12th of October---on the 12th of September, and we just lived in that flat a week.

Q What room did the defendant occupy in that flat? A She occupied one of the bed rooms and there were two of them.

Q Did she occupy the bed-room next to the parlor? A She occupied the one next to the dining room.

Q Was that also next to the parlor? A No sir; no, your Honor.

Q Did you ever see that owl pin before (Showing witness People's Exhibit 2)? A Yes sir.

Q When did you first see it?

MR. MICHAELSON: Will your Honor advise this witness now as to his rights, that he may decline to answer that question?

THE COURT: Yes, I advise him that he can decline to answer on the ground---that he can decline to answer any question that he thinks may tend to incriminate him.

BY MR. LAURENCE:

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Q Now, after you are admonished what do you say about this pin? A I decline to answer.

Q How about the opera glasses? A I decline to answer.

Q When did you first hear in all your life about the apartment 233 East 17th Street?

MR. MICHAELSON: I object to that as immaterial.

Objection overruled.

Exception.

A I don't remember when I first heard about it.

Q I don't mean the exact date and minute, about when you first heard of it.

MR. MICHAELSON: This is asking for hearsay testimony.

THE COURT: I will allow it.

Q Can you give me any idea when you first heard of it?

A No sir, I can't.

Q How long did the defendant live with you altogether; how long did you have that flat up there? A Just one week.

Q Where did you live before that? A I lived at 222 West 37th Street.

Q What kind of a place is that; a flat house? A Furnished room house.

Q Did she live there with you? A No sir.

Q Where did you meet her all this time between the time you first met her and the time you were arrested? A I used to

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meet her on 7th Avenue. I met her in the Lafayette once or twice.

Q Only once or twice? A Yes sir.

Q Did you travel with her, go down to Coney Island with her? A No sir.

Q How did you come to be down at Coney Island with her that night you were arrested? A We went down that afternoon.

Q When was the burglary committed that you were locked up for? A Committed that night, I believe.

Q That same night? A Yes sir.

Q Where was this defendant when you committed that burglary? A She was not with me.

Q Where was she, if you know? A I left her at Inman's Variety Hall.

Objected to.

Objection overruled.

Exception.

Q A moving picture place? A Yes sir.

Q Was Conlan with you? A I left him in Inman's also.

Q I cannot hear you? A I left James Conlan at Inman's also.

Q While you went over to turn off this burglary? A Yes sir.

Q What time did the police catch you? A About eleven o'clock, I think. I am not certain of the hour. It was some-

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where around eleven o'clock.

Q Do you swear that the defendant told you that the servant's stairs led right up to the landing in front of the kitchen door "And if we got a ladder we could get over the transom, and we could get over the door"? A I decline to answer that.

Q On what ground? I ask you if you swore to that? Not whether she did or not but whether you swore to it or not. Now do you decline to answer? A I don't remember whether I did or not.

MR. MARSHALL: That is all.

MR. MICHAELSON: No cross examination.

MR. MARSHALL: I would prefer to take an adjournment at this time until Monday morning. I have another witness but he was called in a police court proceeding in Brooklyn. He is the Brooklyn officer connected with the case and I have been unable to produce him this afternoon.

(The Jury is now duly admonished)

Adjourned to Monday, January the 27th, 1908,
at 11 A. M.

James Marshall

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