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

-----X
T H E P E O P L E

-vs-

MORRIS MAGNUS.

Before:

HON. JOHN W. GOFF, R.

and a Jury.

-----X
Tried, New York, January 25th, 1905.

Indicted for Grand Larceny in the Second Degree.

Indictment filed, December 13th, 1904.

APPEARANCES:

ASSISTANT DISTRICT ATTORNEY CHARLES C. NOTT,

for the People.

SAMUEL FELDMAN, ESQ., for the Defense.

Frank S. Beard,

Official Stenographer.

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THE PEOPLE'S TESTIMONY.

J E N N I E M E Y E R S , a witness, called on behalf of the People, being duly sworn, testified that she, the witness, living in 1904, at 236 Second Street, in the City and County of New York.

She, the witness, was employed as a saleswoman, in Division Street, with the firm of J. Frank.

The firm of J. Frank was engaged in the millinery business, in Division Street.

She, the witness, had been in the employ of J. Frank for three seasons, that is, a year and a half.

At the time that she, the witness, gave the defendant the money set out in the indictment she, the witness, had known the defendant not quite a year.

She, the witness, had met the defendant first in front of a store, having formed his acquaint-

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ance in the street in front of the store.

She, the witness, did not know where the defendant lived, at that time, because the defendant did not tell her.

The defendant visited her at the house in which she, the witness, was living, at that time, and also, sometimes in the store of J. Frank, in Division Street, in which she, the witness, was employed.

At the time that the defendant visited her, the witness, at her home, she, the witness, lived at 236 Second Street, in the County of New York.

The defendant also paid her an occasional visit at the shop in which she, the witness, was employed, in Division Street.

The defendant did not tell her, when he was visiting her at her home at 236 Second Street, and at the store in which she was employed, in Division Street, that he, the witness, was a married man.

On the contrary, the defendant frequently told her, the witness, that he was a single man.

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She, the witness, frequently asked the defendant, while he was visiting her, "How long do you want to go with me?" and the defendant said that he was not going with her, just then, to marry her, because business was very slow, and he intended to go to Chicago, with her, where he could get a better business, and he would marry her, the witness, in Chicago.

The defendant frequently assured her, the witness, while he was visiting her, at her home and at the store that he was a single man, and that he intended to take her to Chicago and marry her.

When he was visiting her, she, the witness, frequently asked the defendant, "Are you a married man?" and the defendant said, "No, I am a single man, but I don't want to marry you in New York, because I don't want to live in New York, because business is bad here. I will take you to Chicago, and then I marry you."

She, the witness, could not exactly remember the date of her first meeting with the defen-

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dant.

She, the witness, believed, however, that she first met the defendant in the summer time, about a year before the trial, that is a year from the summer of 1904.

She, the witness, had been going with the defendant, that is receiving his visits and going out with him for about six or seven months, when the defendant asked her to marry him.

In fact, the defendant talked about marrying her, frequently during the six or seven months that she first knew him.

In fact, from the very first moment the defendant met her, he promised to marry her as soon as he could get into business in Chicago, saying that he would take her to Chicago, and marry her there.

She, the witness, formed the acquaintance of the defendant in front of the store in which she was employed, on the street.

The defendant visited her frequently in the store and where she lived, and took her out, and kept promising to marry her, that is, to take

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her to Chicago and marry her.

She, the witness, gave to the defendant the sum of money mentioned in the indictment on the 31st day of August, 1904.

At that time she, the witness, was about to start with the defendant for Chicago, to be married, according to the defendant's promise.

She, the witness, was packing up to go to Chicago with the defendant and the defendant came to her house in Second Street, and helped her pack her clothing.

This was on Friday that she did the packing, with the assistance of the defendant, and on the following morning, Saturday, she, the witness, gave the defendant the money.

She, the witness, handed the defendant the money in question at the place where it was necessary to buy the tickets for Chicago.

She, the witness, did not know the name of the street on which the depot where she gave the defendant the money was situated.

It was on this side of the North River,

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in the ferry-house, when the defendant came to her and got the money.

It was on the New York side of the North River where the defendant got the money from her, in the County of New York, in the ferry-house on the New York side of the river.

She, the witness, gave the defendant, at that time the sum of \$265.

She, the witness, was positive that she and the defendant were in the ferry-house on the New York side of the North River, when she gave the defendant the \$265.

She, the witness, gave the defendant the \$265, relying upon his representation that he was a single man, and relying upon his promise to marry her.

She, the witness, relied upon the defendant's promise to take her to Chicago and marry her.

If she, the witness, had known at that time that the defendant was a married man, and that he did not intend to marry her, she, the witness, would

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not have given him a penny.

Consequently, in parting with her money to the defendant, she, the witness, absolutely relied upon his representation that he was a single man, and that he would marry her as soon as they got to Chicago, according to his promise.

The money that she gave to the defendant, \$265 was her own money.

She, the witness, had saved the money from her earnings and was all of the money that she had in the world at the time.

The \$265 was the result of careful saving from her earnings in the millinery shop in Division Street.

She, the witness, was in the habit of keeping her money in her stocking, before she gave the money to the defendant, for safe keeping--- that is, she kept the money in her stocking, for safe keeping.

At the time that she, the witness, gave the defendant the \$265, neither she nor the defendant had bought the tickets.

At least, she, the witness, knew that she had not bought the tickets, and so far as she knew the defendant had not bought the tickets.

The defendant told her, the witness, that he needed money to buy the tickets, and after she gave him the money he, the defendant, went, or said that he was going to buy the tickets right away.

The defendant said that he was going to buy the tickets, after he had got her, the witness's money, as she, the witness, had described.

Then she, the witness, and the defendant got on the train and went to Chicago.

She and the defendant were together in Chicago, for three days.

The defendant was out all day from the place where they were staying.

When he came home, at night, she, the witness, said to the defendant, "What's the matter? You stay out so long?"

The defendant said, "I'll tell you the truth. I can't marry you, now. You don't have to cry, because I take you back to New York."

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She, the witness, did not know on what railroad or line she, the witness, and the defendant went to Chicago, because she, the witness, did not notice, and had never been out to Chicago before.

She, the witness, could not tell what the name of the railroad was on which she, the witness, and the defendant travelled to Chicago because she, the witness, did not notice the name of the railroad, and she, the witness, had never been to Chicago before.

She, the witness, did not travel to Chicago with the defendant on a sleeping car, but just on an ordinary day car.

She, the witness, and the defendant were traveling a day and a half before they reached Chicago.

They were traveling from five o'clock on Saturday afternoon, until Sunday evening, nine o'clock.

They were traveling most of Saturday, and Saturday night, and all of Sunday, up to Sunday, at nine o'clock.

She, the witness, sat up all night, on Saturday night, in the day coach, and did not go

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to the sleeping car either alone or with the defendant.

Occasionally she fell asleep in the chair, in which she was seated.

When she, the witness, and the defendant reached Chicago, they did not go to a hotel.

The defendant told her that he would take her to the house of a relation of his, and took her to a house in Chicago.

The house was kept by a woman, and appeared to be a boarding house.

So far she, the witness, could see it was a respectable boarding house.

She, the witness, did not occupy a bed room with the defendant.

At no time while she was with the defendant, either on the way to Chicago, or in Chicago, or on the way back from Chicago did she, the witness, have sexual intercourse with the defendant, or occupy the same bed room with him at any time.

When they were in Chicago, the defendant was away from the boarding house where they were stopping all day and came home late at night.

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After the third day she, the witness, asked him why he stood out so long and so late and the defendant did not give her any satisfactory answer as to that.

Then she, the witness, said to the defendant, "What's the matter? Didn't you tell me that you would take the rooms and have a wedding?"

The defendant said, "Well, you don't have to cry. I will take you back to New York. I have no more money, because I give your money to my wife.

The defendant did not ask her for any more money, after she gave him the \$265, because he knew that she had no more money.

The defendant brought her back to New York, without marrying her, and after returning to the city she did not see him for several months.

When she, the witness, returned to New York, she could not find work, and she stayed at home where she had been rooming or boarding.

Then the season began in the millinery business in Division Street, and she got work.

For three months after her return to New York she did not see the defendant.

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When she, the witness, returned to New York with the defendant, they parted as soon as they got to New York and she, the witness, went back to the place at which she had been boarding, in Second Street.

She, the witness, did not see the defendant again after returning to New York for about three months.

The defendant said to her, "I won't marry you, and I can't see you, now, because I live over in Brownsville," and she, the witness, did not see him for three months after she returned to the city.

She, the witness, found out where the defendant was, and told a detective and caused his arrest.

After his arrest, the defendant was bailed, and he said to her, the witness, "What's the use? I can tell, in the court, I take your money."

She, the witness, first learned that the defendant was married when the defendant and she were in Chicago together.

When she, the witness, reproached him for being away so much from her, and not marrying her and

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setting up housekeeping in the rooms which he had previously told her he had furnished for their marriage, the defendant said, "You don't need to cry, for I give your money to my wife."

In Chicago, the defendant also said to her, "You don't have to cry. I marry you, anyhow, in New York. You don't have to cry."

She, the witness, was crying, because the defendant had left her without a penny, and had refused to marry her.

In Chicago the defendant told her that he was married, and she began to cry and she said to the defendant, "What's the matter? Ain't you took me here, and you say you are going to marry me?" and the defendant said, "Well I marry you, in New York."

Then the defendant said that he had given her, the witness's money to his wife.

The defendant had never repaid one cent of the money which he got from her, the \$265.

After the defendant was arrested she had a conversation with him about marriage.

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The defendant said to her, the witness, "I'll marry you anyhow, because I don't have to say in court that I took your money."

The defendant also said, "I'm married, but, anyway, I will marry you."

After the defendant's arrest, she, the witness, saw the defendant conversing with the officer who arrested him, but she, the witness, did not hear what was said between them.

She, the witness, would positively swear that when she gave the defendant the money in question she, the witness, relied upon the defendant's representation that he, the defendant was a single man, and also relied upon his promise to marry her.

IN CROSS EXAMINATION the witness testified that she, the witness, had been in the United States not quite four years.

She, the witness, was born in Russia, from Tarnow, twelve miles from Cracow.

Since she, the witness, had been in the United States she, the witness, had earned a living as a saleswoman in a millinery store in Division

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Street.

She, the witness, did not think it was necessary to tell counsel for the defendant how old she was.

She, the witness, first became acquainted with the defendant on the sidewalk in front of the store in which she, the witness, was employed, in Division Street.

She, the witness, did not mean to say that the defendant approached her either on the sidewalk in front of the store in which she was employed, or in the store itself, and as soon as he met her, on the very first occasion, said, "I am going to marry you."

She, the witness, was not introduced to Magnus, the defendant, by a Mrs. Jordan.

She, the witness, was standing in front of the store, in company with a lady friend at the time the defendant approached her.

She, the witness, had never seen the defendant before, to her knowledge.

They got into a conversation at that time.

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She, the witness, believed that the lady friend that was standing with her in front of the store introduced the defendant to ther.

She, the witness, had been in the company of Mrs. Jordan, when she met Magnus, the defendant, but she was not with Mrs. Jordan at the time when she first met the defendant, and Mrs. Jordan did not introduce the defendant to her, the witness.

When she, the witness, and Mrs. Jordan and the defendant were together, Mrs. Jordan did not tell her, in the presence of the defendant, that the defendant was a married man.

She, the witness, never heard from any one before she went to Chicago with the defendant, to be married to him, that he was a married man.

The defendant did not tell her up to the time that she went to Chicago with him, as she had described, that he was a married man.

On the contrary he, the defendant, represented himself to her as a single man, and promised to marry her.

She, the witness, knew the little girl

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pointed out to her in the courtroom by counsel for the defendant.

She, the witness, first saw the little girl pointed out to her in the courtroom by counsel for the defendant after she, the witness, had returned from Chicago.

The little girl came into the store in which she, the witness, was employed, in Division Street, and said to her, "Papa can't come because he lives in Brownsville, and he can't come."

The little girl came to the store in which she, the witness, was employed after she, the witness, returned from Chicago, and delivered the message from the defendant which she, the witness, had just repeated.

The little girl came to the store on a Sunday.

She, the witness, had to work all day on Sundays, and it was on a Sunday, after her return from Chicago, that the little girl came into the store, and delivered to her the message from the defendant, which she, the witness, had just repeated.

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She, the witness, would positively swear that it was not before she went to Chicago with the defendant that the little girl came into the store and delivered this message to her.

It was not true that she, the witness, saw the little girl in the store in which she, the witness, was employed, long before she, the witness, went to Chicago with the defendant, not more than six weeks after she became acquainted with the defendant.

she, the witness, would positively swear that it was after she returned from Chicago with the defendant, that she saw the little girl in the store.

The little girl also wrote down on a card that her father lived in Liberty Avenue, No. 52, Brownsville, New York.

The visit of the little girl occurred in the early summer of 1904 after her, the witness's return from Chicago with the defendant.

She, the witness, did not remember, and it was not true, that the little girl came to the store about six weeks after she, the witness, became

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acquainted with the father of the little girl, the defendant, and told her that her father could not come to see her, because he lived in Brownsville, too far away and gave her the address, or the pretended address of her father, at 52 Liberty Avenue, Brownsville.

It was not true that at that time she, the witness, noticed that the little girl wore her father's picture on a button, on her dress and that she, the witness, spoke to the little girl about the picture, and the little girl said that it was the picture of her father.

When she, the witness, asked the little girl where her father, the defendant, lived in Brownsville, the little girl wrote down on a card what she pretended was the address of her father, 52 Liberty Avenue, Brownsville.

she, the witness, took the little card from the little girl, and afterwards ascertained that it was a false address, and that the defendant really lived in the City of New York.

Up to the time that she, the witness, went

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to Chicago with the defendant, as he pretended to be married, she, the witness, was in the habit of seeing him almost every Sunday, when he called upon her either at the place where she boarded, or at the store in which she, the witness, worked, in Division Street.

She, the witness, did not live alone at 236 Second Street.

She, the witness, lived with a woman friend, there, a Mrs. Koppel.

She, the witness, did not know that Mrs. Koppel came also from Cracow, Russia.

On the contrary she, the witness, believed that Mrs. Koppel came from Roumania.

When she, the witness, returned from Chicago with the defendant she, the witness, returned to her boarding place at 236 Second Street, where she had previously boarded, with Mrs. Koppel and she, the witness, was still living with Mrs. Koppel.

During the year that she, the witness, had known the defendant she, the witness, had seen him usually about once a week, on Sundays.

She, the witness, had never gone to the

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defendant's house at any time to inquire about him, because she, the witness, did not know where he lived.

Up to the time that the defendant took her to Chicago, on the promise to marry her, the defendant did not ask her for money.

Up to the time of their departure for Chicago, the defendant had not asked her for any money.

Just before the defendant took her to Chicago, the defendant said to her, "The best is you stop from work, because we are going to get married in Chicago."

She, the witness, did not know why the defendant did not say that he would marry her in New York, instead of Chicago.

She, the witness, asked the defendant several times why he did not marry her in New York, instead of going to Chicago, and the defendant replied that Chicago was the best place to start business in, after he was married.

When she, the witness, told the defendant that she was ready to marry him in Chicago the defen-

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dant said that they would not get married in New York but that he was going to Chicago, and that he would marry her there.

The defendant said that he did not want to get married in New York, but wanted to go to Chicago to get married, because he wanted to start a business in Chicago, and he thought it was a better place to do business than in New York and that he hoped to be more fortunate in Chicago than he had been in New York.

At no time did she, the witness, refuse to marry the defendant in New York, and say that New York was a bad place to marry in.

It was the defendant who said that New York was a bad place to marry in, and that he preferred to marry her in Chicago, and would marry her there.

She, the witness, did not claim that she went to Chicago because her love was so strong that she went to Chicago with the defendant without being married to him.

She, the witness, did not believe in love any more.

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She, the witness, went to Chicago with the defendant because she relied upon his representation that he was a single man, and that he would marry her in Chicago.

It was because of these representations, that she, the witness, parted with her money, and went with the defendant to Chicago, to be married to him.

The defendant first told her that he was actually going to Chicago, with her, to get married in a few days, before they went.

At that time he, the defendant, told her to give up her work, in the millinery store, because he was going to take her to Chicago, to get married.

It was the end of the season, anyhow, and she did not have any work at the shop.

She told the defendant that she did not have any work at that time because it was the end of the season and the defendant said, "Anyway, it is best for you to stop work, and go to Chicago with me and get married."

In compliance with the defendant's request

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she, the witness, stopped work, and began her preparations to go to Chicago with the defendant to get married.

It was her custom to stop work, at the end of the season, in the summer season, for three or four weeks, to rest, because business is very dull at the Division Street store, during the early summer.

About a week before they went to Chicago the defendant said, "Anyways, you stop work this week, because Saturday we are going away to Chicago."

At that time the defendant did not ask her for any money.

On the following Friday she, the witness, was packing her clothing into her trunk, in the house at 236 Second Street, where she, the witness, boarded, and according to the arrangements which they made on the day before, the defendant came there and helped her pack.

They started for Chicago on the following morning, Saturday morning.

When they got to the ferry-house, the defendant said that he was about to purchase the tickets, and needed money and asked her for money and she, the

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witness, gave him all the money that she had, \$265.

She, the witness, had never known where the defendant lived in New York, because he had never told her, and she, the witness, never asked him.

She, the witness, was willing to marry a man of whose residence she was ignorant, because she trusted him.

She, the witness, was willing to marry the defendant, even though she did not know where he lived, because she lived his representations to her, that he was a single man, and that he wanted to marry her.

She, the witness, had seen the woman pointed out in the courtroom by the defendant's counsel before.

She, the witness, believed that the woman's name was Harris.

She, the witness, had first seen Mrs. Harris, when she, the witness, went with the detective to cause the arrest of the defendant.

She, the witness, would positively swear that she had never seen the woman, Mrs. Harris, at the

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defendant's home, or any other place , before she, the witness, went to Chicago with the defendant.

She, the witness, would positively swear that the first time that she, the witness, ever saw Mrs. Harris, to her knowledge, was when she, the witness, went with the detective to make the arrest of the defendant.

She, the witness, after the little girl had given her the false address in Brownsville, ascertained, quite a length of time afterwards where the defendant lived, and informed the police, and caused the arrest of the defendant.

On the morning that she, the witness, went with the defendant to Chicago, that is started for Chicago with the defendant, which was a Saturday morning, the defendant was waiting for her, according to agreement, at the corner of Second Street, near where she, the witness, lived.

On the preceding day, Friday, when the defendant helped her to pack her clothes in a trunk, to go to Chicago with him, the defendant, on the following day, the defendant said that on the following day, he would meet her, the witness, at the

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corner of Second Street, at 12 o'clock, noon, and that they would go and take the train to Chicago.

On the preceding day when the defendant was packing the trunk with her, he told the woman with whom she boarded that she, the witness, was going with him to Chicago, on the following day, to be married.

When she, the witness, met the defendant she had only a few traveling articles in a small satchel in her hand.

The day was warm and pleasant.

She, the witness, could not tell whether she went with the defendant to the 42nd Street, or to whatever ferry she went, because she, the witness, did not know much about the streets of New York, excepting the immediate neighborhood where she lived and worked.

When they got on the train they went to Newark and got off, because the defendant said that he wanted to stop at Newark, on the way to Chicago, for a little while.

The defendant told her, that he got off at Newark, to wait for a train to Chicago, because someone had told him that it was better for him to

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wait at Newark for the train to Chicago than to wait in the ferry-house in New York.

The witness could not remember whether it was Forty-second Street or where the ferry-house was in which she gave the money to the defendant, except that she would swear positively that it was in New York City, on the New York City side of the North River, which they afterwards crossed, to take the train for Newark.

The defendant got the money from her before, as he had said, he bought the tickets, and before they got on the train, or on the ferry-boat to cross to the New Jersey side, to take the train.

At the time that the defendant asked her for the money, she, the witness, had the money in her stocking.

The defendant told her that he needed the money to buy the tickets to go to Chicago with, and that he must have the money at once.

Then she, the witness, went into a corner and raised her skirt, and took the money out of her

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stocking, and returned to where the defendant was, and gave it to him.

The \$265 consisted of \$10 bills and \$5 bills, making in all \$265.

The money which she had in her stocking at that time, the \$265 which she gave to the defendant, was her own money.

She had saved this money out of her wages, by great care and some denial.

She, the witness, had been in American four years and the \$265 represented her savings out of her wages during those four years.

She, the witness, had no relations in this country, in the United States, and she, the witness, did not go anywhere until she met the defendant, but stayed at home, and saved all the money she could out of her wages.

She, the witness, earned \$9 in the season in the millinery store in which she worked.

But, at present, she was receiving only \$5 a week, because the season was slack.

Out of her wages she, the witness, had to

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board and clothe herself, and otherwise maintain herself, and it was with great difficulty that she saved the \$265 in the four years that she had been in the United States.

It was not true that she, the witness, had given the defendant only \$20 and had said to the defendant, "I want to go with you to Chicago."

It was not true that she, the witness, had proposed to accompany the defendant to Chicago, and had given him \$20 and said that she wanted to go to Chicago with him.

LUKE MILEY, a witness, called on behalf of the People, being duly sworn, testified that he, the witness, was a member of the Municipal Police of the City of New York, and was attached to the 14th Police Precinct on the 31st of October, 1904.

He, the witness, arrested the defendant.

He, the witness, had a conversation with the defendant, on the morning that he, the witness, arrested the defendant, in the defendant's room.

In regard to Mrs. Harris, the woman who had

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been pointed out to the complaining witness, in the courtroom, the defendant said that she was a married woman, living uptown, and that she was at his rooms only because she was taking care of the children.

What the defendant said was, when the complaining witness accused him of having taken her money, under a promise of marriage, the defendant said that he was a married man and that his wife was living uptown, in the City of New York, and that Mrs. Harris was keeping house for him, and taking care of his children.

The defendant did not give any explanation as to why he took the complaining witness's money, and why he did not return it to her.

He, the witness, asked the defendant why he had taken the complainant's money, and why he had not returned it to her.

He, the defendant, admitted taking the money, from the complaining witness, and going to Chicago with her.

He said that after remaining in Chicago with her for three or four days, he returned with her to New York, and sent the balance of the money that he

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had obtained from her, with the complaining witness, taking her to different resorts, Coney Island and Rockaway and other such resorts.

The defendant claimed to have spent the greater part if not all of the money that he received from the complaining witness, this way, that is, in escorting her to different resorts, and spending the money with her.

When the complaining witness accused the defendant of having taken her money, he, the witness, said to the defendant, "Is this true?" and the defendant said, "You bet."

The complaining witness told him, the witness, in the presence of the defendant how she, the complainant had first met the defendant, and how she had earned the money that he had gotten from her, \$265, and how the defendant had agreed to take her to Chicago and marry her.

Then the defendant said that he had merely gone to Chicago with the complaining witness, to use the money that he got from her to get a divorce from his own wife.

On the way to the station house, the com-

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plaining witness said to the defendant, "You know that I gave you this money, \$265?"

The complaining witness also said, "And you know you were to marry me?" and the defendant said, "Yes, but we went to Chicago. I was to use the money there to get a divorce, but we came back, and I have spent all the money with you."

Then the complaining witness and the defendant began to speak in the Jewish language and he, the witness, could not understand anything further that they said.

IN CROSS EXAMINATION the witness testified that what he had related in his direct examination was all that he could understand that was said between the complaining witness and the defendant, at the time of the arrest, and after the arrest.

Every now and then the complaining witness and the defendant spoke in Jewish, and, those times, he could not understand what they said.

But what he had related in his direct examination was what passed between the complaining

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witness and the defendant, in the English language, at the time of the arrest, and after the arrest on the way to the station house.

In July, 1904, the warrant was issued for the defendant, and on November 28th, the complaining witness came to the station house of the 14th Precinct, and in consequence of a statement which she made, on the following morning, November 29th, he, the witness, went to the address of the defendant, and made the arrest.

Though the warrant was issued in July he, the witness, did not know anything about the warrant, until the case was assigned to him, on the 6th of November, 1904---either the 6th or 7th.

The delay as to the arrest of the defendant, after the issuing of the warrant was due to the fact that the defendant had told the complaining witness, as he, the witness, was informed, that he lived in Brownsville, whereas, in fact, he lived at 116 Eldridge Street, in the City and County of New York.

He, the witness, was transferred to the

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precinct about the 6th or 7th of November and then he, the witness, received the warrant.

He, the witness, met the complaining witness, and asked her for the address of the defendant and she told him that all that she knew about the address of the defendant was that he lived in Brownsville, New York.

But, on the 28th of November, 1904, the complainant called at the station house, and gave him information as to the residence of the defendant being at 116 Eldridge Street, in the City and County of New York.

That was the first time that he, the witness, knew that the defendant lived in the City of New York.

He, the witness, had been informed that the officer that had the warrant before it was turned over to him, was instructed to wait until the complaining ascertained the true address of the defendant, and either came to the station house personally to notify the police authorities there of the real address of the defendant, or sent that information to her counsel.

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He, the witness, understood at that time that the name of the complainant's counsel in the case was Jaffa.

When he, the witness, received the warrant about the 6th or 7th of November, and was informed that the defendant claimed to be residing in Brownsville he, the witness, did not go to Brownsville to look for the defendant.

He, the witness, had no other reasons for carrying the warrant about him from the 7th of November until the 29th, without executing it, except that he did not know where the defendant lived, and it was understood that the complaining witness, as soon as she could ascertain the correct address of the defendant would bring the address to the station house, or would send it to the station house, through her counsel, Mr. Jaffa.

He, the witness, went to 116 Eldridge Street, as soon as he was informed of the address of the defendant being there, by the complaining witness, on the preceding day, and arrested the defendant.

He, the witness, went to the defendant's

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residence, at 116 Eldridge Street, at about 8 o'clock on the morning of the 29th of November, 1904.

That was the first time that he, the witness, had ever seen the defendant, to his knowledge.

As soon as he, the witness, got to the defendant's residence, at 116 Eldridge Street, and met the defendant there he, the witness, told the defendant that he was a police officer, and that he, the witness, had a warrant for his arrest.

At that time he, the witness, was accompanied by the complaining witness.

He, the witness, told the defendant what he was charged with.

The complaining witness entered the rooms of the defendant with him, the witness, and was present during his, the witness's conversation with the defendant, and on the way to the station house.

He, the witness, would positively swear that the defendant told him that he, the defendant, took the money from the complaining witness, the \$265, and went with the complaining witness to Chicago, and spent some of the money in trying to get a divorce from his, the defendant's wife.

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The defendant also told him, the witness, that the remainder of the money, remaining after he, the defendant, and the complaining witness returned from Chicago he, the defendant, spent in taking the complaining witness and himself down to different pleasure resorts.

Whatever he, the witness, had related as having been said by the defendant was spoken in English and he, the witness, understood the defendant perfectly.

Nothing that he, the witness, had related in his direct examination or in his cross examination as having been said by the defendant after the arrest was said in the Jewish language.

He, the witness, could not understand a word of the Jewish language and therefor he, the witness, could not pretend to give any conversation that he held with the defendant, or anything that he heard the defendant say, in the Jewish language.

Most of the conversation that he, the witness, heard between the defendant and the complainant, at the time of the arrest, was had in the English

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language because he, the witness, could not understand them when they occasionally spoke in the Jewish language.

He, the witness, had not the slightest idea of what they said, when they spoke in the Jewish language.

He, the witness, did go to the rooms of the defendant on the evening of the 28th of November, after having an interview with the complaining witness at the station house when the complaining witness told him that she had learned that the defendant lived at 116 Eldridge Street.

But when he, the witness, got to the rooms of the defendant, on the preceding evening, the 28th of November, he found a lock on the outer door of the rooms, and apparently no one was in the rooms.

Then he, the witness, made an appointment with the complaining witness to meet her on the following morning, and to go to the defendant's rooms, and make the arrest.

He, the witness, would positively swear that the rooms of the defendant, were vacant when he, the witness, went there, on this preceding evening.

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The rooms were empty and dark, and there was a big padlock on the outer door.

He, the witness, knocked repeatedly at the door and did not get any answer.

IN RE DIRECT EXAMINATION the witness testified that he, witness, had been transferred from another precinct to the 14th Precinct on the 6th or 7th of November and that he, the witness, had no personal knowledge as to how long the warrant had been out for the arrest of the defendant.

The first that he, the witness, knew of the case or the warrant was when it was assigned to him when he, the witness, first came to the precinct, the 14th Precinct, on the 6th or 7th of November.

J E N N I E M E Y E R S , being recalled by the Court, in answer to questions by the Court, testified that when the defendant told her that he was an unmarried man, that he was able to marry her, she, the witness, believed him.

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When she, the witness, parted with the \$265 to the defendant, she, the witness, parted with that money relying upon his statement to her that he was a single man, that he would marry her.

IN CROSS EXAMINATION the witness testified that she, the witness, did not know that the defendant was a married man until he told her that he was a married man, in Chicago.

At the time that the defendant told her that he was a married man, in Chicago, he had had her money for three days, her \$265, which she had given to him at New York City, before they bought the tickets, to go to Chicago.

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THE DEFENDANT'S TESTIMONY.

K A T I E M A G N U S , a witness called on behalf of the Defense, being duly sworn, testified that she, the witness, was 13 years of age.

She, the witness, went to school, to Public School No. 20, between Rivington and Forsyth Streets.

She, the witness, was in Class 6 A.

She, the witness, lived at 116 Eldridge Street.

She, the witness, lived there with her father and the lady that took care of herself and the other children, Mrs. Harris.

Her, the witness's mother did not live with her father and the children.

As far as she, the witness, knew, her mother lived in Chicago.

According to her, the witness's recollection, her mother had lived in Chicago for about two years.

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She, the witness, had seen the complaining witness before she saw her in the court room.

She, the witness, had seen the complaining witness at 105 Division Street, at the millinery store there in which the complaining witness was employed.

On the first occasion when she, the witness, saw the complaining witness at the store, the millinery store, at 105 Division Street, she, the witness, went there by request of her father.

Her father sent a message to the complaining witness, by her, the witness, to the effect that he did not feel well, and that he could not see her, the complaining witness.

She, the witness, at that time saw the complaining witness in the store at 105 Division Street, in which the complaining witness was employed as a saleswoman.

When she, the witness, went to the store in question, to deliver her father's message, she, the witness, did not know Miss Meyers or who she was.

Therefore when she, the witness, entered

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the store, she spoke to the first woman that she met there, and asked who Miss Meyres was.

It happened to be Miss Meyers herself, and she said, "I am Miss Meyers."

Then she, the witness, said that she wanted to talk with her.

She, the witness, told Miss Meyers, "Papa couldn't come to see you because he don't feel well."

Then Miss Meyers noticed the button picture of her father which she, the witness, wore upon the breast of her gown or frock. The picture which she, the witness, wore on the breast of her frock not only contained the picture of her father, but the picture of her, the witness's sister and brother.

Miss Meyers asked her whose pictures the children's pictures were and she, the witness, replied, "My sister and brother."

Then Miss Meyers said, "They are very nice."

Then Miss Meyers asked her, the witness, if she, the witness, felt lonesome without her mother and she, the witness, told Miss Meyers not to ask her such questions, because she, the witness, did not

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care to answer them.

Then Miss Meyers said that she might come up to see her, the witness's father.

She said that she had to work half a day, until 12 o'clock, and then she might come up and see her, the witness's father.

At noon on the same day, Miss Meyers did come to her, the witness's home and did see her, the witness's father, the defendant.

The complaining witness and her father spoke together but she, the witness, did not know what they said to each other.

She, the witness, could not give the exact date of her visit to the store in which the complaining witness was employed.

But according to her, the witness's best recollection it was in the winter of 1904 or 1903--- it was last winter.

She, the witness, was positive that she paid the visit to the complaining witness at the store at 105 Division Street before her, the witness's father went to Chicago.

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She, the witness, could not tell how many months it was before her father went to Chicago but she, the witness, was positive that it was in the course of last winter, and considerable time before her father went to Chicago.

She, the witness, was present in her father's home, at 116 Eldridge Street, when Miss Meyers, the complaining witness, came up, on that Sunday, and after she, the witness, had called at the store at 105 Division Street, to see her father.

She, the witness, recollected distinctly that when Miss Meyers came up to see her father, on that Sunday afternoon, shortly after 12 o'clock, there were in the flat at the time herself, the witness, Mrs. Harris, her, the witness's father, and her, the witness's sister and brother.

She, the witness, was positive that this visit was paid to her father some time before her father went to Chicago.

She, the witness, could not remember distinctly when her father went to Chicago, but she was positive that it was either in July or August, but,

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anyway, in the summer time, of 1904.

She, the witness, did not know the purpose for which her father went to Chicago.

IN CROSS EXAMINATION the witness testified that on the Sunday afternoon that the complaining witness called at the flat, her, the witness's father was ill.

Her father had not been working, on the day before.

He had not been working for about a week.

He had been in bed, ill, for about a week before that.

That was the first occasion on which the defendant, her father, had sent to deliver any message, or to see the complaining witness.

Three rooms were occupied by the family of the defendant, at that time,--- in fact, on second thought, she remembered that they had only two rooms, a kitchen and a bedroom.

Her father and two of the children slept in the kitchen and she, the witness, slept with Mrs. Harris, in the bedroom.

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Mrs. Harris had been living with them, about three years, in those two rooms.

When Miss Meyers, the complaining witness, asked her, the witness, in the store at 105 Division Street, whether she, the witness, was lonesome, without her mother, she, the witness, did not say that Mrs. Harris was her mother, because Mrs. Harris was not her, the witness's mother.

The complaining witness, Miss Meyers, did not say that she thought that Mrs. Harris was her, the witness's mother.

Miss Meyers did not tell her, the witness, that her, the witness's mother was dead.

Miss Meyers knew that her, the witness's mother was not dead, because Miss Meyers asked her, the witness, about her mother when she, the witness, was in the store, and asked her if she did not feel lonesome without her mother.

She, the witness, was positive that Miss Meyers did not say that she was sorry for her, the witness, because she must be very lonesome as her mother was dead.

When her father went to Chicago, he was away about a week.

She, the witness, did not know whether or not her father went to Chicago alone.

Her, the witness's father did not tell her, the witness, what he went to Chicago for.

Her father came back from Chicago alone, so far as she, the witness, knew.

When her father came back from Chicago, he went to work again, that is, he did odd jobs of plumbing, on his own account.

Her father took small contracts as a plumber for himself, that is, for his own benefit.

He was not in the employment of anyone so far as she, the witness, knew, as a plumber.

She, the witness, knew that her father was plumber.

Her father did not tell her when he sent her to see Miss Meyers, to say that he, her father, lived in Brownsville.

She, the witness, would swear positively that she did not tell Miss Meyers, in the store at

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105 Division Street, when she, the witness, went there, on that Sunday, that her father lived in Brownsville, and that he was sorry that he could not come to see her because he lived in Brownsville.

Her, the witness's father told her that she was to be a witness in the case, that is, on his trial, on the day of his arrest.

She, the witness, had not talked with Mrs. Harris, since the arrest of the defendant, about the case.

At the time that Miss Meyers called at the house of her father, on the afternoon in question, that is, on the Sunday afternoon in question, her father was not in bed, but was sitting up, that is, was up and around the rooms.

At the time that Miss Meyers called, her father was drinking some tea.

She, the witness, referred, instead of the Sunday on which Miss Meyers called to the day of her father's arrest.

On the day that Miss Meyers called to see

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her father, that is, on the Sunday that she took the message to the store at 105 Division Street, when Miss Meyers came to their rooms, her father was ill in bed.

Miss Meyers remained then about half an hour, and had a conversation with her father which she, the witness, could not remember what was said on that occasion.

She, the witness, on that occasion, the occasion when Miss Meyers called at the apartments on that Sunday afternoon heard Miss Meyers talking with her father and her father talking with Miss Meyers, but she did not hear what they said.

In fact, Miss Meyers was whispering to her father all the time that Miss Meyers was there.

Her father was living at 116 Eldridge Street with his family on the day of his arrest, the 29th of November, 1904.

Her father was at home on the night previous, the night of the 28th of November, 1904.

She, the witness, did not know that any officer called to see her father on the night before his arrest, the 28th of November, 1904.

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The first she, the witness, saw of any officer, in connection with the arrest of her father, was on the following morning, the 29th of November, 1904.

she, the witness, and Mrs. Harris had not spoken as to what their testimony should be on the trial of the defendant.

On reflection, she, the witness, remembered distinctly that it was in the winter time that Miss Meyers called upon her father, on that Sunday afternoon, and that it was in the fall that her father went to Chicago.

She, the witness, knew that the complaining witness went to Chicago with her father.

She, the witness, did not know that her father went to Chicago with Miss Meyers, until he returned.

After his return, he, the defendant, told her, the witness, that he had been to Chicago with Miss Meyers.

Her father did not say to her, the witness, why he had gone to Chicago with Miss Meyers, or why he

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had taken her there with him.

She, the witness, was positive that she did not go to Miss Meyers' store, that is, 105 Division Street in which Miss Meyers was employed, after her father's return from Chicago.

She, the witness, was positive that her father did not send her on any message to Miss Meyers' store, after he, her father, returned from Chicago.

IN RE DIRECT EXAMINATION the witness testified that she had lived with her father and Mrs. Harris with the two other children in Eldridge Street, for about two years.

Her, the witness's father, the defendant, lived there continuously during those two years.

She, the witness, remembered distinctly the morning that the officer came up to arrest her father.

That was the first time to her, the witness's knowledge that the officer came up to her father's apartments.

She, the witness, would positively swear

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that she, the witness, did not see the officer in her father's apartment or any where near that apartment, on the preceding day or evening.

In response to questions by the Court the witness testified that she, the witness, was thirteen years of age and that she went to Public School No. 20.

She, the witness, had never been in court as a witness before.

She, the witness, was not in the Police Court, when her father was arraigned there, after his arrest.

She, the witness, had last seen her mother about three years before the trial, in New York City.

Her father had informed her that her mother was in Chicago when he returned from Chicago.

When her father returned from Chicago he told her, the witness, that he had heard that her mother was in Chicago, but he did not tell her, the witness, much about it--- in fact, all that he said was that he had heard that her mother was in Chicago.

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She, the witness, had also heard from a woman who had returned from Chicago that she had seen her, the witness's mother there.

When her father returned from Chicago he said that he had seen her mother there, and that he had heard that she was there, before he had seen her.

She, the witness, was positive that her father had said to her, the witness, after his return from Chicago, that he had seen her, the witness's mother in Chicago.

She, the witness, saw her father before he left for Chicago.

At that time her father did not say that he was leaving for Chicago, or for any other particular place.

All that she, the witness, knew about his going away was that he came home and took his satchel, one night, but she, the witness, did not know where he went to.

Her father did not tell her at that time that he, her father, would write to her, or that she, the witness, should write to him.

Her father had never left his home in that

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way before.

She, the witness, did not ask her father where he was going.

Her father worked as a plumber, for himself, that is, on his own account.

Her father never mentioned Miss Meyers' to her, the witness, before the Sunday on which he sent her with a message to Miss Meyers.

That was a long time before her father went to Chicago.

She, the witness, again saw Miss Meyers before Miss Meyers and her father left for Chicago, on the Friday evening preceding the Saturday on which her father and Miss Meyers left for Chicago, on that Friday evening, Miss Meyers came up to 116 Eldridge Street, to the rooms of her father.

On that occasion her father was at home, that is, the last occasion before the departure for Chicago.

She, the witness, did not know what an oath taken in a court of justice was.

In fact, she, the witness, did not know

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that Miss Meyers had gone with her father to Chicago until she, the witness, had heard Miss Meyers testify to it in the court.

Her father told her, on the day of his arrest, that she, the witness, was to be a witness on his trial.

Her father did not tell her what to say when she went on the witness stand, but only told her to tell what she knew.

Her father had told her to say, when she came on the witness stand in the courtroom that he, her father, had told her to tell everything that she knew, and that she should not tell a falsehood.

The detective officer who arrested her father was not present when her father told her this.

It was after the detective had arrested her father that her father told her this about being a witness in the court.

In fact, it was after her father had returned from the police court, after his arrest, and when the detective was not there at all, that he spoke to her about being a witness.

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When her father returned from the Police Court he told her that he had been arrested by Miss Meyers, on account of his taking money of her and saying that he was an unmarried man, and that she wanted to marry him.

Mrs. Harris was present at the time that her father told her this.

Her father said that he went to Chicago and that Miss Meyers gave him some money, and that she arrested him on account of that money, for having taken money from her, and having said that he was an unmarried man, when he was married.

Her father also said that Miss Meyers wanted to take revenge on him.

Her father said that Miss Meyers wanted to take revenge on him, her father, because he told her he was going to marry her, and he didn't, and because he said he was an unmarried man, when he was a married man, and that she did not know that he was a married man.

Her father did not tell her, the witness, why Miss Meyers gave him, her father, the money.

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All that her father said about the money was that Miss Meyers wanted to get revenge on him because she gave him the money, of her own free will, because he did not ask her for it.

Her father did not say that he would be very likely to go to prison, unless she, the witness, came down and gave her testimony in his favor.

Her father did say that he would be put on trial, and that it would be necessary for her to come down as a witness at his trial.

D O R A H A R R I S , a witness called on behalf of the Defense, being duly sworn, testified that she, the witness, lived at 116 Eldridge Street, in the City and County of New York.

She, the witness, lived at 116 Eldridge Street, in the County of New York, with Morris Magnus, the defendant, and his three children.

She, the witness, was employed by Morris Magnus, the defendant, to keep house for him, the defendant, and his children, and to do the housework.

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She, the witness, had also been employed by the defendant to take care of his three children.

She, the witness, had been employed by the defendant for about two years and a half.

She, the witness, had seen the complaining witness, Miss Meyers, before the trial of the defendant.

She, the witness, first saw Miss Meyers, the complaining witness, in the winter of 1904.

At that time, the defendant, Mr. Magnus, was sick in his rooms and the complaining witness, Miss Meyers, came to his rooms at 116 Eldridge Street, the home of the defendant, to see him.

She, the witness, could not tell the date of the visit of the complaining witness to the rooms of the defendant but she, the witness, remembered that it was on a Sunday.

The children were home from school and the defendant, Mr. Magnus, was there and she, the witness, was also there, at the time that the complaining witness called.

Miss Meyers, the complaining witness, called

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upon the defendant, Magnus, about dinner time, between 12 and 1 o'clock.

She, the witness, remembered distinctly that it was about dinner time and that Magnus, the defendant, was sick at the time and was in the rooms, and that all of the three children were home for dinner on that day.

She, the witness, also remembered Mr. Magnus, was so sick at the time that he was in bed, when the complaining witness called.

The complaining witness, Miss Meyers, called, and she sat down by the bed-side of Mr. Magnus, and they conversed for about half an hour, in an undertone.

She, the witness, did not hear what was said between Mr. Magnus and the complaining witness, at that time, not only because they spoke in a low tone, but because she, the witness, kept right on with her housework while the complaining witness was there.

She, the witness, did not know why the complaining witness called, on that day, because the

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complaining witness did not say anything to her, the witness, while she was there and she, the witness, did not hear any of the conversation between the complaining witness, and the defendant Magnus.

But she, the witness, would positively swear that she saw the complaining witness call on the defendant, on the Sunday in question though she, the witness, could not remember the date of that call.

All that she, the witness, could remember as to the time when the call was made was that it was in the winter of 1904.

She, the witness, remembered when Mr. Magnus, the defendant, left for Chicago.

Mr. Magnus left on a Saturday morning and, on the preceding night, Friday night she, the witness, saw the complaining witness, at the home of the defendant at 116 Eldridge Street, in the County of New York.

She, the witness, was positive that the first time that she, the witness, had ever seen the complaining witness was on the Sunday in question,

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in the winter of 1904, when the complaining witness called at the house of the defendant, Magnus.

To her, the witness's knowledge she, the witness, had never before seen the complaining witness, in her life.

On that occasion the complaining witness did not have any conversation whatever with her, the witness, but she saw her have a low toned conversation with the defendant, who was in bed, sick.

She, the witness, did not hear any of the conversation that passed between the complaining witness and the defendant, because the conversation was had in a very low tone and, also, she, the witness, kept on with her housework.

After remaining about half an hour on that occasion, on that Sunday, between 12 and 1 o'clock, for about half an hour, the complaining witness went away without saying anything to her, the witness.

This call was about nine or ten months, according to her, the witness's recollection, before the second call of the complaining witness which

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was on the Friday evening previous to the Saturday morning on which Mr. Magnus went to Chicago.

On the second visit which occurred on the Friday night preceding the Saturday morning on which the complaining witness went to Chicago with Mr. Magnus, the complaining witness called at the apartment of the defendant, Mr. Magnus.

At that Mr. Magnus and the children and herself, the witness, were about to sit down to supper.

Mr. Magnus invited the complaining witness to sit down to supper with the family, and she did so, and eat supper with them.

Before she went away, she left a quarter of a dollar, a silver quarter, to be divided among the children.

No extra supper was prepared for the complaining witness, on that occasion, because she, the complaining witness, as she, the witness, knew, was not expected.

The family had the ordinary supper consisting of fish, it being Friday night, and they being Hebrews, and the complaining witness sat down to sup-

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per with them and eat supper with them.

During the complaining witness's visit to the house, and during the evening at supper, nothing was said about the complaining witness going to Chicago with the defendant.

After supper was over and after the complaining witness had left a quarter of a dollar to be divided between the children, the defendant and the complaining witness went out together, and she, the witness, did not see any more of the complaining witness.

She, the witness, was in the apartment of the defendant at the time of his arrest, at about the time of the arrest, and she, the witness, knew that Mr. Magnus was every night in the apartment for some time before the arrest.

She, the witness, knew that the defendant slept in the apartment, on the night before the arrest.

She, the witness, knew that the defendant was a plumber, and did odd jobs of plumbing on his own account.

He worked steadily, that is, whenever he

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could get a job at plumbing, on his own account.

The defendant had no plumbing shop of his own, but he got small contracts in the neighborhood as a plumber, and he attended to those personally.

So far as she, the witness, knew the defendant had never worked for anybody as a plumber, but had always worked on his own account.

IN CROSS EXAMINATION the witness testified that she, the witness, was not in any way related to the defendant.

She, the witness, had known the defendant for about two or two and a half years.

She, the witness, did not know the defendant before she went to live with him as his housekeeper, and to take care of his children.

She, the witness, needed employment, and went to work as a housekeeper, and to take care of his children.

The family had but two rooms--- that is the defendant and his family and herself lived in two rooms at 116 Eldridge Street, in the City and

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County of New York and the Borough of Manhattan.

The defendant paid her, the witness, \$10 a month for her services, and also gave her board and lodging.

The defendant did not work steady because he could not always get work as a plumber, but he worked whenever he could get employment, that is, when ever he could get a contract to do a little plumbing on his own account.

She, the witness, did not know that the defendant's income came from women whom he deceived in the same manner that he deceived the complaining witness.

She, the witness, did not know that he did not work at all, and derived his income from the deceptions which he practised upon women like the complaining witness, under promise of marriage.

The defendant, Magnus, had never told her, the witness, that he had taken any money from the complaining witness.

Magnus had never told her, the witness, that the complaining witness had given him, the

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defendant, at her own accord.

During the two years and a half that she, the witness, had lived with the defendant and his three children as their housekeeper, the defendant had not taken any other little trips to Chicago or any other city.

During the two years and a half that she, the witness, lived with the defendant as his housekeeper, he had never had any other women visiting the house excepting the complaining witness.

she, the witness, would positively swear that during her stay at the defendant's house, that no other women visited the house excepting the complaining witness.

When the defendant was going to Chicago, he, the defendant, told her, the witness, that he was going to Chicago.

The defendant told her, the witness, that he was going to Chicago, on Friday, the day before he went to Chicago.

The defendant told her, the witness, that he was going to Chicago before the complaining witness came to the apartment, on the Friday night preceding

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the departure for Chicago.

The defendant did not tell her, the witness, at that time or at any other time before he went to Chicago that he, the defendant, was going to Chicago, with the complaining witness, Miss Meyers.

The defendant did not say a single word about going to Chicago with the complaining witness, Miss Meyers.

The defendant did not tell her, the witness, why he was going to Chicago.

The defendant told her that he expected to be gone on his trip to Chicago, two or three days.

He, the defendant, left her, the witness, a couple of dollars, to take care of the house while he was away.

The defendant told her, the witness, if a couple of dollars was not enough to maintain the home during his absence in Chicago, to go to his cousins, and get more money.

The name of his relatives was Laburka.

The defendant had an aunt living in Chrystie Street, and his other relatives lived in Brownsville.

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The defendant had both aunts and cousins living in the City of New York.

His relatives frequently visited his, the defendant's house.

When Miss Meyers, the complaining witness, called on the Sunday in question, in the winter, the date of which she, the witness, could not remember, Miss Meyers wore a black gown.

She, the witness, could not remember anything more about how Miss Meyers was dressed that she had a black gown on, because she, the witness, did not pay much attention to her.

She, the witness, did not notice whether Miss Meyers had on a colored waist or not because she wore a jacket.

Miss Meyers stayed there for half an hour, but during that time she, the complaining witness, did not take off her jacket.

There were only two rooms in the apartment occupied by the defendant, his children and herself.

Magnus, the defendant, occupied the bedroom.

None of his children slept with Magnus.

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The children slept with her, the witness, in the kitchen.

On second thought she, the witness, remembered that the little boy slept occasionally with the defendant.

At the time that the defendant, Magnus, went to Chicago, Magnus owed her, the witness, two months pay, \$20.

Upon his return from Chicago he paid her this \$20.

Her month expired on the 6th or 7th--- she, the witness, could not remember distinctly which--- of each month.

The defendant did not pay her regularly on the expiration of the month, but whenever he had the money he paid her.

On second thought, she, the witness, remembered that the defendant did not pay her the \$20 that he owed her until two or three weeks after he came back from Chicago.

Her month was up about a week before the defendant went to Chicago, and he did not pay her

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then, and when he went to Chicago, he owed her \$20.

He did not pay her the \$20 until several weeks after he returned from Chicago.

On second thought she, the witness, remembered that the defendant only paid her one months wages, three weeks after he returned from Chicago.

The defendant did not tell her, the witness, why the complaining witness called at the apartment, on the Friday night before the Saturday on which the defendant went to Chicago.

The defendant had never had a woman at supper with his family before that, to her, the witness's knowledge during the time that she, the witness, had been in the defendant's employ.

She, the witness, would positively swear that at no time during the visit of the complaining witness, on the Friday evening preceding the departure for Chicago, did either the defendant or the complaining witness say anything about their going to Chicago together.

She, the witness, had never told the complain-

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ing witness that she, the witness, was the wife of the defendant.

The complaining witness had never asked her, the witness, if she was the wife of the defendant or not.

She, the witness, did not know whether or not, at the time of the visit, on the Friday evening preceding the departure for Chicago, the complaining witness knew whether or not the complaining witness knew that the defendant was a married man, or not.

She, the witness, would positively swear that she, the witness, did not occupy the bedroom of the apartment with Magnus, the defendant.

She, the witness, would positively swear that she usually slept with the three children, two girls and a boy in the kitchen.

But, however, sometimes the little boy slept with the father in the bedroom.

Otherwise she, the witness, slept always, in the kitchen, with the two little girls.

Since the defendant's arrest upon the charge

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of robbing the complaining witness, and his release upon bail, the defendant had never talked with her, the witness, about the case.

So far as she, the witness, knew, the defendant had never talked with his own daughter, the preceding witness, about the case.

So far as she, the witness, knew, the defendant had never talked either with herself or with his daughter about the case and so far as she, the witness, knew the defendant did not know what she, the witness, was going to testify to when she took the witness stand.

After the defendant's release on bail she, the witness, did not go to the office of the defendant's lawyer, with the defendant, and talk over the case and tell what she, the witness, was going to testify to.

She, the witness, had never talked with the defendant's daughter about the case, and had never told the defendant's daughter what she, the witness, was going to testify to, and had never asked the defendant's daughter as to what the daughter was going

to testify to.

After the defendant's release on bail she, the witness, did not go, with the defendant's daughter, and the defendant, to the defendant's lawyer's office, and there talk over the case in the presence of the defendant and the little girl, to the lawyer.

When the defendant was arrested, the defendant told her, the witness, that he had been arrested because the complaining witness wanted to marry him, the defendant.

The defendant did not tell her, the witness, that he had taken any money whatever from the complaining witness.

The defendant did not tell her, the witness, that the complaining witness had given him, the money in question, of her own free will.

All that he, the defendant, had told her, the witness, in explanation of his arrest, was that the complaining witness wanted to marry him, and had had him arrested because he would not marry her.

She, the witness, could not say how many days the defendant had been out of work, at the time

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that he went to Chicago.

The defendant did not work regularly, but only when he got a job.

Just before he went to Chicago, he had a job in New Jersey, about two weeks before he went to Chicago.

So for two weeks before he went to Chicago, he had no work, so far as she, the witness, knew.

She, the witness, did not know how much money the defendant earned in the job in New Jersey.

The job was over about two weeks before the departure for Chicago.

She, the witness, had never asked the defendant as to how much he had earned by the job in New Jersey, because the defendant was not her husband and she, the witness, did not think she had any right whatever to question him, about his business.

She, the witness, was a married woman.

Her, the witness's husband was living in Colorado.

She, the witness, would swear positively that her, the witness's husband was in Colorado.

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When she, the witness, was asked by the District Attorney where her husband was she, the witness, did not start to say that he was in Chicago, and then correct herself and say that he was in Colorado.

Her, the witness's husband had been living in Colorado for about three years.

Her husband did not know that she, the witness, was living in two rooms with the defendant and his children.

She, the witness, had not written to her husband, and therefore he did not know anything about where she was living or who she was living with.

Her husband was sick in Colorado.

IN RE DIRECT EXAMINATION the witness testified that she, the witness, was not the wife of the defendant, and was only taking care of his household, and was employed by the month to do so, receiving \$10 a month and her board and lodging.

When the defendant, Magnus, was in Chicago he left with her \$5, to pay the expenses of the household, while he was away.

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On the Monday morning after the defendant went away she, the witness, received a check, for \$20, from New Jersey.

She, the witness, did not have the check cashed herself, but she, the witness, gave the check to one of the defendant's cousins, and he gave her, the witness, the money, the \$20.

She, the witness, had the check cashed because she, the witness, was afraid to keep the check in the house, in the absence of the defendant.

Before the defendant went to Chicago, the defendant told her, the witness, that he expected to receive the check from New Jersey, for the job which he had done there, and which he completed two weeks before he went to Chicago.

IN RE CROSS EXAMINATION the witness testified that Magnus had no female relations who could take care of his, Magnus's children.

She, the witness, could not read or write, and therefore she, the witness, could not tell to whom the check which she claimed to have received on

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the Monday following the departure of the defendant for Chicago, was drawn to.

When she, the witness, gave the check to one of the cousins of the defendant to be cashed, she, the witness, did not write her name on the check.

It was the defendant's daughter who wrote her, the daughter's name on the check.

The defendant, Magnus, did not keep any bank account so far as she, the witness, knew.

She, the witness, did not know who drew the check, or in whose favor it was drawn.

All that she, the witness, knew was that one of the cousins of the defendant, took the check, and gave her the \$20.

She, the witness, did not know to whom the check was drawn, or whom it was drawn by, or where it came from, except that it came from New Jersey, because she, the witness, could not read or write.

In response to questions by the Court she, the witness, testified that she, the witness, got the

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check from New Jersey.

She, the witness, did not know whether or not it came from Newark , N. J.

All that she, the witness, knew was that it came from the place in New Jersey where the defendant had had a job, two weeks before he went to Chicago.

In response to further questions by counsel for the defendant the witness testified that she, the witness, remembered now that the check came from the American Soda Water Fountain Company.

The defendant had done a job of work on the fountains of the American Soda Water Fountain Company, and the check was in payment of that work.

In response to further questions by the Court the witness testified that she, the witness, knew on Friday night before the defendant went to Chicago, that he was going to Chicago, because he told her that he was going to Chicago.

He told her, the witness, this before he went out, on the Friday evening preceding his departure for Chicago, with the complaining witness, after supper.

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She, the witness, remembered that the defendant told his children, and particularly his daughter, Katie, that he was going to Chicago, for a few days, and she saw him bid them good-by.

In fact, she, the witness, not only saw him bid them good-by, but saw him kiss them all around, and heard him tell them that he was going to Chicago.

She, the witness, also heard the defendant tell his daughter Katie that he expected to see her mother in Chicago .

She, the witness, was present when the defendant bade good-by to the children, kissed them all around, and told the daughter, Katie, that he was going to Chicago, in the presence of the two other children, in a few days, and expected to see their mother in Chicago.

She, the witness, remembered the day of the defendant's arrest.

The defendant was arrested in the morning, between eight and nine o'clock in his own rooms.

After the defendant had been arraigned in the Police Court, the defendant was released on bail,

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and he came back to his home, at 116 Eldridge Street.

But the defendant did not come directly home from the court, but he went away with one of his relations, and then he came home.

She, the witness, and also the defendant's daughter, Katie, were present in the court room when the defendant was arraigned.

She, the witness, was at home, when the defendant returned from court, under bail.

When the defendant got back from the court, the defendant did not tell her, or his daughter, Katie, why he had been arrested.

The defendant did not say a word about the cause of his arrest, after his return to his home, either to herself, the witness, or to his daughter Katie.

At no time since the defendant's arrest has the defendant talked with her, the witness, or, to her knowledge, to his daughter Katie, as to the cause of his arrest.

To her knowledge the defendant had never said anything to his daughter about what she was to

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testify to, as a witness at his trial, and the defendant had never said a word to her, the witness, about what she, the witness, was to testify to on the trial.

The defendant had never asked her, the witness, to be a witness, on the trial.

In response to questions by the sixth juror, the witness testified that the defendant had no shop as a plumber, either where he lived, or any where else, to her knowledge.

But the defendant had a few tools, plumber's tools, at his home.

The defendant did not have many tools, but he had a few plumber's tools at his home.

So far as she, the witness, knew, the defendant kept all of the tools, plumber's tools, that he had, in his own home.

She, the witness, had never seen any other tools in the possession of the defendant than those which he kept in his home.

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M O R R I S M A G N U S , the defendant, being duly sworn, testified that he, the witness, lived at 116 Eldridge Street, in the City and County of New York, and the Borough of Manhattan.

He, the witness, was a plumber by trade.

He, the witness, sometimes worked on his own account as a plumber, and sometimes , when he could not get a job on his own account, he worked for some other plumber.

He, the witness, had been living in the City of New York for seventeen years.

He, the witness, lived with his children, three children, two girls and a boy, at 116 Eldridge Street.

He, the witness, employed Dora Harris, the previous witness, as a servant, to do his housework, and to attend to his children.

He, the witness, had employed Dora Harris, as a housekeeper for about two years and a half.

He, the witness, became acquainted with the complaining witness, Miss Meyers, about thirteen or fourteen months before his, the defendant's trial.

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He, the witness, was passing through Division Street, in the County of New York, and there he met a saleswoman by the name of Mrs. Jordan.

Mrs. Jordan had been a good friend of his, the witness's wife, for nine or ten years, and had known him, the witness, during that time.

Mrs. Jordan commenced to ask him, the witness, about his wife.

After his, the witness's meeting with Mrs. Jordan, in Division Street, Mrs. Jordan invited him, the witness, to call at her house.

He, the witness, called upon Mrs. Jordan, and was there introduced to the complaining witness.

After the introduction to Miss Meyers, the complaining witness, by Mrs. Jordan, in Mrs. Jordan's house he, the witness, began to talk with the complaining witness.

While he was talking with the complaining witness, Mrs. Jordan questioned him, the witness, in the hearing of Miss Meyers, the complaining witness, about his, the defendant's wife.

Mrs. Jordan also questioned him, the wit-

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ness, about his children.

He, the witness, told her all about his wife and children.

He, the witness, told Mrs. Jordan, in the presence of the complaining witness, that his, the defendant's wife had run away from him, three years before, with another man, and had left him, the witness, with his three children, without a home, and virtually in the street.

All this conversation took place in the hearing of the complaining witness, Miss Meyers.

He, the witness, told Mrs. Jordan, in the presence of the complaining witness, about how his wife had eloped with another man, and had left him and his children homeless, Mrs. Jordan said that she was very sorry and that his wife had appeared to her, Mrs. Jordan, to be a good woman.

When it came to be about nine o'clock and after he had conversed with Mrs. Jordan and the complaining witness, up to that time he, the witness, took up his hat, to go.

Mrs. Jordan said to him, the witness, "If

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you to be so kindly to take a walk with Miss Meyers, a little bit, to the house where she live?"

He, the witness, said, "I don't mind."

And Mrs. Jordan said to him, the defendant, "When will you be here again?" and he, the witness, said, "In a few days, perhaps."

He, the witness, escorted the complaining witness, to her home, in Second Street, and left her there at the door.

A few days later he, the witness, again called on Mrs. Jordan, and he met Miss Meyers, the complaining witness, at Mrs. Jordan's house, again.

They were sitting together, Mrs. Jordan, himself and the complaining witness, for several hours, and Mrs. Jordan sent out for a pint of beer, and Miss Meyers drank some of the beer and she, Mrs. Jordan, drank some of the beer, and he, the witness, also drank some of the beer.

Then after she had drank the beer, Mrs. Jordan began to talk about his, the witness's wife. He, the witness, loved his wife once upon a time too much, and he did not want to talk about his wife.

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Therefore he, the witness, left the home of Mrs. Jordan with the complaining witness.

He, the witness, escorted the complaining witness, again, to the door of her house, and left her there.

~~Ten or twelve~~ evenings after that he, the witness, again called at Mrs. Jordan's house.

Mrs. Jordan's house was at 186 East Broadway, in the County of New York.

Mrs. Jordan was a millinery saleswoman, in Division Street but at the time that Mrs. Jordan knew him and his wife, when he was living with his wife, she had a bicycle store in Allen Street.

The second time that he, the witness, left Mrs. Jordan's house, with the complaining witness, the complaining witness asked him, the witness, where he lived and he, the witness, said that he lived at 116 Eldridge Street.

Then the complaining witness said that she could meet him at the corner of Mrs. Jordan's street, and he, the witness, said, "What's the use to meet me? You heard my story."

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A few days after that when he, the witness, was going home from work, he met Miss Meyers, at Broome and Eldridge Streets, on the corner of the block where he, the witness, lived.

The complaining witness stopped him, the witness, and conversed with him.

The complaining witness said to him, the defendant, "Mr. Magnus, I like to go out sometimes with you, in a Jewish place."

He, the witness, said to the complaining witness, "No, it is too late for me to go out. I am always at home, on account of my children. I've got a little girl and she don't go to bed until she sees me, at 10 o'clock."

Then the complaining witness said to him, the witness, "Well, we will meet some other times."

Then he, the witness, and the complaining witness had a little more conversation, on general subjects, and they parted.

Then he, the witness, went about his business, which was the collecting of a few small bills which were then due to him, and she went on her way.

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In a few days after that, when he, the witness, was returning from work, he again met the complaining witness at Broome and Eldridge Streets.

He, the witness, did not meet her on either of these occasions by appointment.

He, the witness, told her, the complaining witness, at the time of their first meeting, that she could do nothing with him, the witness, because she knew that he was a married man, and had heard his story, as he had told it to Mrs. Jordan.

The complaining witness, met him many times, when he came home from work, at the corner of Broome and Eldridge Streets.

On one occasion when he, the witness, met her he had received a letter from his wife, in Chicago, in which his wife said, "Morris, you have always done for me good all the time, and I hear that you are keeping the children always nice."

He, the witness, did not have that letter in his possession, but he had some letters which he had received from his wife, written in Buffalo and Saint Louis.

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In response to questions by the Court the witness testified that he had loved his wife very much, but had ceased to love her when she went away with another man.

He, the witness, had done everything in his power for his wife while she lived with him.

As he, the witness, had received the letter, on one of the occasions when he found the complaining witness at the corner of Broome and Eldridge Streets, waiting for him, as he returned from work, he, the witness, spoke to the complaining witness about the letter which he had just received from his wife.

He, the witness, said to the complaining witness, "Miss Meyers, I received a letter from my wife, and she says she will do the best she can for me, a divorce or separation, if I come to Chicago, will do anything that she can, anything that I want."

Then Miss Meyers, the complaining witness, said to him, the defendant, "When do you think you will go?"

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He, the defendant, told the complaining witness, "In a few weeks later."

Then the complaining witness said, "Well, we have got four weeks for vacation, and I'll go, too."

He, the witness, started to laugh, and said, "What will you do there? You have got no business to go there. When I will go, I will go on my own business. Maybe I will get a divorce, a separation, and I may come to an agreement with her."

The complaining witness said, "I am not a child, I am not a baby. You don't need to teach me what to do. I am old enough to know my own mind."

Then he, the witness, started to laugh, and went away.

A few days later when he, the witness, met her again at the same corner he, the witness, had another conversation with her.

He, the witness, said to the complaining witness, "I am going, Miss Meyers, to Chicago, on Saturday," and she said, "Well, I am going too; and if you won't take me along, then I'll be ahead of you in Chicago."

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Then he, the witness, did not know what to do about this, as the woman was after him, and he could not stop her.

Then the complaining witness started to buy all kinds of patent leather shoes and silk waists and petticoats, and ordered a tailor made suit for the trip, and, in a few days, she said, "I am ready to go."

Then he, the witness, said to the complaining witness, "Well, if you are ready to go, you can go."

This last meeting at the same corner, where all of their appointments were made, Broome and Eldridge Streets, occurred on the afternoon of Friday before the Saturday on which he, the witness, went to Chicago.

He, the witness, met her at the corner in question, Broome and Eldridge Streets, about five o'clock in the afternoon, as he, the witness, was returning to his home.

As a rule the complaining witness called him Mr. Magnus, but some times, she called him by his first name, Morris.

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On this last occasion, on the afternoon of Friday, before the Saturday on which he, the witness, went to Chicago, the complainant said to him, "Say, Mr. Magnus, to-morrow you are going to Chicago, and I go too."

He, the witness, said to the complaining witness, "Miss Meyers, don't put your money away for nothing. You have no business. I am going there to see my wife, and I don't expect to stay there long, maybe four days, or two weeks is the highest, and I wouldn't lose my trade in New York, and I wouldn't leave my children in need, and I not seeing them."

Then the complaining witness, said, "Anyways, I will have my vacation, and I've got my own money, and it has nothing to do with you."

Then he, the witness, did not know what to do.

He, the witness, said, "I am going upstairs for my supper," and the complaining witness said, "Take me up," and he, the witness, could not be rude to the complaining witness, so he took her up to his

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rooms and the complaining witness had some supper with himself, the children and Mrs. Harris, the housekeeper.

There was no conversation between himself and the complaining witness in the house, in the presence of Mrs. Harris and the children.

After supper he, the witness, and the complaining witness left the house together.

When they got out of the house, the complaining witness said to him, the witness, "When are you going to Chicago?" and he, the witness, said to the complaining witness, "To-morrow by the Pennsylvania Railroad."

Then the complaining witness said to him, the witness, "Where shall I come?"

He, the witness, said to the complaining witness, "You don't need to come, but take the Houston Street car, and it will take you straight to the ferry, and I will be there at 5 o'clock."

On the following day, on Saturday, at 5 o'clock in the afternoon, he, the witness, got to the ferry house, and met the complaining witness.

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there, with a valise in her hand.

He, the witness, said to the complaining witness, "Hello", and the complaining witness said to him, the witness, "Hello".

Then he, the witness, said to the complaining witness, "Where are you going now? If you intend to go to Chicago, you must pay your fare. I have only enough to pay my fare."

He, the witness, had at that time in his pocket, \$105.

Then the complaining witness said, "All right. You can pay my fare."

Then the complaining witness went into the ladies' room, and came out of the ladies' room with two \$10 bills in her hand, and said to him, the defendant, "Get me a ticket."

He, the witness, got a ticket for the complaining witness, and he had \$2 change remaining from the two \$10 bills after he had paid for her ticket.

Then he, the witness, said to the complaining witness, "Here, Miss Meyers, is the \$2," and she

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said, "Keep it. I don't need it."

Then they went to Chicago, and went to a hotel, and he, the witness, engaged a separate room for the complaining witness, and a separate room for himself, the witness.

The complaining witness registered her name as "Miss Meyers, of New York", and he, the witness, registered his own name.

On the following morning he, the witness, had breakfast with the complaining witness, and after breakfast he, the witness, said to the complaining witness, "I must go to see my wife, and come to an understanding with her, so that I can go as quick as I could back to New York."

Then he, the witness, went to 1501 State Street, in Chicago, the address of his wife.

When she, the witness's wife saw him, the witness, she began to cry, and said that she was so rry that she had eloped and left him.

He, the witness, said to his wife, "You don't need to be sorry for everything is sorry, I come here from the letter you sent to me."

Then he, the witness, also said to his wife,

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"I am begging you to do the best you can for me, and I'll do the best I can for my children what you had."

Then he, the witness, went together with his wife to a lawyer's office, in Halsey Street, in Chicago, and he, the witness, told the lawyer all about his troubles with his wife, and his wife's presence.

At no time did he, the witness, promise to marry the complaining witness.

He, the witness, could not promise to marry the complaining witness at any time, because he, the witness, was a married man, and not divorced from his wife.

He, the witness, would swear positively that at no time had he, the witness, promised to marry the complaining witness.

At no time did he, the witness, under a promise of marriage get money from the complaining witness.

He, the witness, had never received any money whatever from the complaining witness except

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the \$20, which she had given to him, the witness, at the time that he started for Chicago, to pay for her ticket to Chicago.

He, the witness, had heard the complaining witness swear that he, the witness, had taken from the complaining witness \$265, under a promise of marrying her.

This was not true, because the complaining witness had spent this money for her things, and her charges for clothing to him, the witness.

He, the witness, had never received any money whatever from the complaining witness, except the two \$10 bills which the complaining witness handed to him, the witness, in the ferry house, at the time they were about to start for Chicago, to buy a ticket for her, the complaining witness, to Chicago.

In response to a question by the fourth juror, the defendant testified that he had never received any bill for the \$265 worth of clothing that he claimed the complaining witness had bought, and charged to him, but he meant by that that she

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had charged him in the indictment with the value of the clothing which she had bought on her own account and her own volition.

He, the witness, did not mean that at any time that the complaining witness had gone to a store or stores and bought \$265 worth of clothing, and charged that clothing to him, by name, in the store or stores.

All that he, the witness, meant was that she had bought that clothing in separation for her trip to Chicago, and had then charged him, the witness, in the indictment, with getting \$265 from her, under a promise of marriage, whereas, in fact, she had spent that money for clothing, of her own volition.

The complaining witness, did not trust him, the defendant, even to buy a ticket for her, when she was returning from Chicago with him.

She bought her own ticket in Chicago, at the Erie Railroad office there.

Altogether he, the witness, met the complaining witness six or seven times in addition to the

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times that he met her at Mrs. Jordan's house, before he, the witness, and the complaining witness went to Chicago.

When he did not meet the complaining witness at Mrs. Jordan's house, he met her at the corner of Broome and Eldridge Streets, near his own home.

He, the witness, did not ask the complaining witness, to meet him there, but she met him there, standing when he was coming home from work, and speaking to him.

The meetings outside of Mrs. Jordan's house, were held at the corner of Broome and Eldridge Streets, near the drug store.

If the complaining witness was not at that corner when he, the witness returned from work, which he usually did about five o'clock, she was there when he got through with supper, and came down from his house, to take a walk, or visit a friend, and he, the witness, could not drive her away from the corner, and so he had to speak to her.

He, the witness, would positively swear that the complaining witness knew that he was married,

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from the very first moment that she was introduced to him, the witness, by Mrs. Jordan, in Mrs. Jordan's house.

The little girl, Katie Magnus, who had been a witness for the Defense was his, the witness's daughter.

He, the witness, did send his daughter, Katie Magnus, to the place in which the complainant was employed, at 105 Division Street, to give her a message.

He, the witness, had then known the complaining witness, about six or seven weeks.

At that time he, the witness, was sick in bed.

It was a Sunday when he, the witness, sent his little daughter to the place where the complaining witness was employed, to give her the message.

On the same afternoon, between 12 and 1 o'clock, the complaining witness called at his, the witness's rooms, at 116 Eldridge Street.

When the complaining witness called on that occasion he, the witness, did not introduce the com-

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plaining witness to either Mrs. Harris or to any of his children.

He, the witness, had a conversation with her, in an undertone, which was not heard by Mrs. Harris or the children.

Altogether the complaining witness remained in his, the witness's rooms, on that occasion, for about three quarters of an hour, or an hour.

When the complaining witness came up to his, the witness's rooms, on the night before they went to Chicago he, the witness, did not arrange with her there the trip to Chicago.

In fact, the witness, did not say anything whatever to the complaining witness, and the complaining witness didnot say anything to him, about the trip to Chicago, when they were in his, the witness's rooms, in the presence of Mrs. Harris and the children.

It was not until after they had gone out together, after supper, that there was any conversation about the trip to Chicago.

He, the witness, would positively swear that at no time during his acquaintance with the

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complaining witness did he, the witness, promise to marry her.

He, the witness, could not promise to marry her because she knew that he was a married man and not divorced from his wife.

He, the witness, did not want to be sent to prison for bigamy.

IN CROSS EXAMINATION the witness testified that he, the witness, was a plumber by trade and he, the witness worked at his trade before his arrest.

He, the witness, generally worked on his own account as a plumber, doing plumbing jobs.

He, the witness, had no licensed work as a plumber.

He, the witness, did not need any license as a plumber, because he took orders for himself.

He, the witness, generally worked on beer pumps in saloons, and he did not need any license to do that kind of work.

He, the witness, did not make any alterations in the plumbing of houses, therefore he, the

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witness, did not need to be a licensed plumber.

He, the witness, went to Chicago, in June or July, on a Saturday in July.

He, the witness, could not remember whether it was the 21st or 22nd or 23rd of July that he, the witness, went to Chicago but he, the witness, remembered that it was on a Saturday, in July.

It was not in August that he, the witness, went to Chicago.

He, the witness, was sure that it was not in August that he, the witness, went to Chicago.

He, the witness, would positively swear that Miss Meyers knew where he, the witness, lived, very soon after their acquaintance began, that is, on the second evening that he met her at the house of Mrs. Jordan, and escorted her to her home, in Second Street.

On that occasion, the complaining witness asked him, the witness, where he lived, and he told her that he lived at 116 Eldridge Street, with his children.

If the complaining witness knew where he,

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the witness, lived, as he claimed, he, the witness, could not explain why it was that the detectives could not serve the warrant for months after it was issued.

After he, the witness, returned from Chicago with the complaining witness he, the witness, went to his rooms at 116 Eldridge Street, and lived there, right along, up to the time of his arrest.

He, the witness, would positively swear that at that time Miss Meyers, the complaining witness, knew where he lived, at 116 Eldridge Street.

The warrant for his, the witness's arrest, was issued about three months after he, the witness, returned from Chicago with the complaining witness.

Miss Meyers, the complaining witness, told him, the witness, about the issuance of the warrant.

When he, the witness, was arraigned in the Essex Market Police Court, Miss Meyers, the complaining witness, told him, the witness, that she did not want to have him locked up and therefore she had given a false address to the detective officers, and had said that he, the defendant, lived in Brownsville, when she knew that he lived at 116 Eldridge

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Street, so the detectives could not find him, the defendant, and put him under arrest.

Miss Meyers also told him, the witness, that she had the warrant in her own pocket for three or four weeks before the time when he was arrested, because she did not like to come up to his rooms, with the detective officers, and cause his arrest.

He, the witness, had heard the testimony of the complaining witness, to the effect, that, when they started for Chicago, or, rather, when they were in the ferry house, about to start for Chicago, that he, the witness, had come up to her, and said that he had no money to buy the tickets, and that he wanted money, and then she, the complaining witness thereupon, believing that he was taking her to Chicago to marry her, gave him the \$265.

This testimony was false, because the complaining witness had only given him two \$10 bills, to buy her own ticket, for Chicago.

He, the witness, had \$105 in his pocket at that time, but Miss Meyers did not know that he had that money in his pocket, because he did not tell

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her, and did not show it.

He, the witness, had heard the testimony of Mrs. Harris, to the effect that he, the witness, had been out of work for about two weeks before he went to Chicago with the complaining witness and that he owed her two months wages at that time, at the time of his departure for Chicago, and that he did not pay her those two months wages, although as he claimed that he had \$105 in his pocket, at the time he left for Chicago.

He, the witness, had also heard the testimony of Mrs. Harris to the effect that he, the witness, did not pay her the wages that he owed her at the time that he went to Chicago until two or three weeks after he returned from Chicago.

Mrs. Harris was mistaken, because he did have money in his pocket at the time that he went to Chicago, he had \$105.

Mrs. Harris did not know that he had this money in his pocket, and he did not tell her, and did not show her the money.

He, the witness, had known Mrs. Jordan,

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the saleswoman in Division Street, the millinery saleswoman, for about nine years.

Mrs. Jordan had known his, the witness's wife and himself for about nine years.

He, the witness, had not seen her for four or five years before the occasion on which he met her on Division Street, and when she invited him to call at her house, and when he met the complaining witness, Miss Meyers.

According to his, the witness's recollection he, the witness, had not seen Mrs. Jordan for at least four or five years before the occasion on which he met her, in Division Street, where she was employed as a saleswoman, in a millinery shop, and when she invited him to her home, where he met Miss Meyers, the complaining witness, for the first time.

When he, the witness, met Mrs. Jordan, in Division Street, on that occasion, Mrs. Jordan said to him, the witness, "Mr. Magnus, you are an old friend, and we will speak about the old matter of your wife."

He, the witness, did not make any explanation

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at that time to Mrs. Jordan, about his wife.

He, the witness, did not say that he was then living apart from his wife, his wife having run away with another man.

He did tell Mrs. Jordan that his wife had left him with another, that was all that he said to her at the time.

Notwithstanding the fact that he told her that his wife left him with another man he, the witness, found it necessary, when he called at Mrs. Jordan's house, to again tell her that his wife had left him with another man, and to enter into a long conversation on that subject.

When he, the witness, told Mrs. Jordan, in Division Street, that his wife had left him with another man, Mrs. Jordan said, "Come up, Mr. Magnus, and you will explain to me everything about your wife."

When he, the witness, called at the house of Mrs. Jordan, two or three nights after that, he, the witness, met Miss Meyers there.

Notwithstanding that she was a stranger,

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to him, not having been introduced to him he, the witness, entered into a full discussion of his troubles with his wife, in her presence.

He, the witness, had not see Mrs. Jordan before the occasion of which he was speaking for five years.

Five years before that Mrs. Jordan kept a bicycle store, and she sold the bicycle store, and went to work as a millinery saleswoman.

He, the witness, did not at any time go to visit the complaining witness, in her rooms, in Second Street.

After the meetings at the house of Mrs. Jordan, the complaining witness met him at the corner of Broome and Eldridge Streets, near his own home, the corner which he, the witness, had to pass on his way home from work, or, when he went out, after supper, to visit a friend.

He, the witness, would positively swear that he, the witness, had never called upon the complaining witness either at her rooms where she lived, or at the store in which she was employed,

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at 105 Divison Street.

Notwithstanding the fact that he, the witness, claimed that he had never visited the complainant at her store in Divison Street, he, the witness, found it necessary to send a message to her, on one Sunday, in the winter of 1904, by his little daughter, telling the complaining witness that he was sick at home, and could not meet her.

He, the witness, had occasion to send that message to the complaining witness, because, several evenings before, the complaining witness had met him, the witness, at the corner of Eldridge and Broome Streets, and had said to him, the witness, "Let's go to Clinton Street, to the Jewish Atlantic Garden," and he, the witness, told her, "Yes? I will go."

So when he, the witness, got sick, he, the witness, sent word to the complaining witness, by his little daughter, Katie, to the complaining witness.

He, the witness, sent this message by his little daughter, to the complaining witness,

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on the Sunday in question, because it was the day on which he expected to go to the Atlantic Garden, that is, the Jewish Atlantic Garden, with the complaining witness, and he did not want the complaining witness to wait for him, the witness, for nothing, as he was too sick to get out of his house, and go with her.

At that time he, the witness, had been laid up in his house, and was sick, for about two weeks.

Notwithstanding the fact that he, the witness, had been laid up sick, for about two weeks, he, the witness, waited until the afternoon of the last day, the afternoon of the day on which his appointment was, to send word to the complaining witness that he could not keep the appointment, because he was sick.

He, the witness, was so sick at the time that he, the witness, did not remember the appointment until late on the day of the appointment, and then he sent his daughter to the complaining witness, to tell her that he was too ill to keep the appointment.

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At the time when he, the witness, met the complaining witness, at the house of Mrs. Jordan, Mrs. Jordan lived at 186 East Broadway.

Mrs. Jordan worked in a millinery shop, in Division Street.

He, the witness, had not called Mrs. Jordan as a witness on his trial, because Mrs. Jordan had moved away from 186 East Broadway.

He, the witness, had been out on bail, but he had been unable to find out where Mrs. Jordan had moved to, and he believed that she was not working in the same place that she had been working, in Division Street, at the time that she introduced the complaining witness to him, the defendant.

He, the witness, had not made any effort to bring Mrs. Jordan to court as a witness for himself, because, while he was out on bail, pending his trial, he had some other business to attend to, his own business.

He, the witness, would positively swear that the complaining witness knew that he was married, from the very first moment that he met her, in Mrs.

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Jordan's rooms, and also knew that his wife was in Chicago.

When he, the witness, went to Chicago with the complaining witness, he, the witness, would positively swear that the complaining witness knew that he was going to Chicago to get a divorce from his wife, or a separation if possible.

Notwithstanding the fact that the complaining witness knew that he was married and that he was going to Chicago to get a divorce or separation from his wife, she insisted upon accompanying him to Chicago, saying that she wanted to know whether he was really married, or only bluffing her.

When she was in Chicago, she did not want to go with him, or say that she wanted to go with him to see his wife, although she had come out to Chicago with him, as he claimed, only for the purpose of ascertaining whether he really had a wife living.

When the complaining witness said to him, the witness, before she left New York, that she wanted to go to Chicago with him to see whether

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he was really married, or only bluffing her, he, the witness, said to her, "What's the use of going out there to see if I am married or not? That's the reason I am going out".

Then the complaining witness then said, "I have got a vacation for a couple of weeks and I'll go out with you."

He, the witness, did receive two \$10 bills from the complaining witness, in the ferry house, before he bought the tickets for Chicago.

He, the witness, told the complaining witness that he had only enough money to pay his own fare, and that if she wanted to go with him, or insisted upon going with him, she would have to pay her own fare.

Thereupon she, the complaining witness, went into the ladies' dressing room, and came out again with two \$10 bills in her hand.

The two \$10 bills paid for the ticket for the complaining witness, and there was a difference or change, of two dollars.

He, the witness, would positively swear

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that the ticket did not cost \$20 even.

He, the witness, paid \$18 for the complaining witness's ticket, and also paid \$18 for his ticket.

When he, the witness, bought the complaining witness's ticket, and had \$2 change left, he, the witness, offered the \$2 to the complaining witness and she, the complaining witness, told him to keep the two dollars, because she, the complaining witness, did not need the money.

He, the witness, did not buy two excursion tickets for the complaining witness and himself.

He, the witness, went with the complaining witness on the Pennsylvania Railroad and he, the witness, would positively swear that the price of a single ticket for Chicago, on the Pennsylvania Railroad, was \$18.

The \$20 check which Mrs. Harris had testified that she, Mrs. Harris, received on the Monday following his, the witness's departure for Chicago, was due to him, the witness, from the American Soda Water Fountain Company, for some work that he did,

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about two weeks before he left for Chicago, and Mrs. Harris had received the check after his departure.

He, the witness, called Mrs. Harris only a servant and treated her as a servant, because she was only a servant for himself and his children.

At the office of the American Soda Water Fountain Company, for which he did the job, for which he received the \$20 check, was in Boston, Mass.

He, the witness, did the job for which he was paid the \$20 check, in New York City, and not in New Jersey.

He, the witness, heard Mrs. Harris testify that the check came from somewhere in New Jersey where he, the witness, had done a job for this American Soda Water Fountain Company but Mrs. Harris was mistaken, as she did not know where he did the job.

He, the witness, did the job in question, the job for which he, the witness, received \$20, at 281 Grand Street, in the City and County of New York.

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He, the witness, did the work at a candy store of a Mr. Parrish, at 281 Grand Street, in the County of New York.

He, the witness, had never done any other work for the American Soda Water Fountain Company.

A man from the company had come to Mr. Parrish when he wanted the electric machine connected with the fountain repaired, and said that they were too busy to attend to it just then and Mr. Parrish said, "Well, I have got a man here who will do the job, if you will pay the bill," and the man from the company agreed to pay him, the witness, \$20 to do the job for the company, and furnish him with all the materials.

His, the witness's, little daughter, Katie, could have endorsed the check in his, the witness's absence, but his, the witness's servant, Mrs. Harris, took the check, instead, to one of his cousins.

He, the witness, had not authorized his daughter or any one else, to endorse his check, but he had no objections to his daughter or any other

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member of his family endorsing his checks.

When he, the witness, and the complaining witness got to Chicago, they went to a hotel, a small hotel.

He, the witness, engaged two separate rooms for the complaining witness and himself.

He, the witness, would positively swear that he engaged two separate rooms, for the complaining witness and himself, and that they did not occupy the same room in the hotel, at any time while they were in Chicago.

On the following morning he, the witness, met the complaining witness again, and they had breakfast together.

After breakfast he, the witness, told the complaining witness, that he had to see his wife, and talk with her about the divorce or separation.

He, the witness, saw his wife three times, while he, the witness, was in Chicago.

He, the witness, was in Chicago with the complaining witness three days.

During those three days while he, the witness, was out attending to the business for which he

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came to Chicago, the complaining witness was in the hotel.

He, the witness, did not know what the complaining witness did in the hotel in his, the witness's absence.

After he, the witness, had secured the paper from the lawyer, in regard to a separation from his wife, he, the witness, went back to the hotel, and said, "Miss Meyers, I am going back to New York; I am through with my wife."

Then the complaining witness said, "Let's stay here a few days," and he, the witness, said, "No, if I stay here, it will cost me a few dollars. I am going back to New York."

Then he, the witness, and the complaining witness went to the Erie Railroad depot, and got a ticket, back to New York, for \$17 each--- that is not a ticket for each of them.

The complaining witness bought her own ticket, and did not trust him, the witness, with the seventeen dollars to buy her ticket, but bought her own ticket.

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When he, the witness, and the complaining witness, arrived back in New York, the complaining witness went in a cab to her home in Second Street and he, the witness, took a street car to his, the witness's home.

He, the witness, did not meet the complaining witness voluntarily all the times that he had described, before he went to Chicago.

In fact, he, the witness, had at no time met the complaining witness voluntarily--- that is, he did not ask her to meet him.

She, the complaining witness, followed him up, and met him in spite of his unwillingness to meet her.

He, the witness, had to pass by the corner where she usually met him, at Broome and Eldridge Streets, to go to his home, because he, the witness, had lived in that block for three years.

He, the witness, at no time made an appointment to meet her there and never went past that corner with the intention of meeting her.

Though he, the witness, had talked over

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the matter of his going to Chicago to endeavor to get a divorce or separation from his wife, he, the witness, had never told the complaining witness, that, if he got a divorce from his wife, he would marry her.

At no time did he, the witness, promise the complaining witness, that, if he got a divorce or separation from his wife, he would marry her, the complaining witness.

In fact, at no time, under any circumstances, had he, the witness, promised to marry the complaining witness.

Though he, the witness, had not promised to marry the complaining witness, if he secured a divorce from his wife, he, the witness, could not understand what interest she had in going to Chicago, with him, to see whether he was really married, and to be sure that he got a divorce from his wife, if he had not promised to marry her.

He, the witness, had not only told the complaining witness all of his troubles with his wife, but he had told many other persons.

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In fact, if he, the witness, met a stranger in the street, once, and met him again, and he asked him anything about his troubles with his wife, he, the witness, would tell all that he knew about his troubles with his wife to that stranger.

When he, the witness, and the complaining witness were returning from Chicago, the complaining witness did not tell him, the witness, why she would not trust him with the \$17 with which to buy her return ticket.

They went to the ticket office, and he, the witness, said to the complaining witness, "Miss Meyers, if you want me to get the tickets, you can give me the money," but she did not say anything, and took the money out of her own pocket, the \$17, and paid for her own ticket.

The complaining witness did not give him, the witness, any money whatever in Chicago.

He, the witness, had to pay the hotel expenses of both of them.

These expenses were six dollars.

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He, the witness, paid the expenses of the complainant, in the hotel \$3, because he wanted to accomodate her, and because he remembered that he had \$2 of her money, remaining from purchasing the ticket for Chicago, although she had told him that he could keep that \$2, because she, the complainant, did not need it.

The complaining witness had not paid him back the \$3 which he spent for her at the hotel in Chicago, and he, the defendant, had never asked her for it, because it was a small matter.

After he, the witness, returned from Chicago, with the complaining witness, he met her several times.

The complaining witness waited for him, the witness, three or four times on the same corner, of Broome and Eldridge Streets, and spoke to him when he came back from work, or when he was coming from his home in the evening.

The complaining witness said to him, the defendant, "Now, Magnus, you are all through with your wife in Chicago. Take me to your house."

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He, the witness, said to the complaining witness, "What do you mean by that?"

The complaining witness said, "I will take care of your children. You have got a woman in your house. Send her away, and I'll take the best care of your children."

He, the defendant, said to the complaining witness, "Miss Meyers, I have got my children in my house, for three years, without their mother, and I wouldn't disgrace my house by taking you in my house, and sending away a good woman, a woman that is good to the children, and that the children like."

The complaining witness had never given him, the witness, any money to procure a divorce or separation from his wife.

He, the witness, did not pay Mrs. Harris, his housekeeper and servant, any fixed salary at any time.

He paid her \$10 or \$12 just as he had the money.

The original agreement between Mrs. Harris and himself when she came into his employ was, that

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she should \$12 a month and her board and lodging, but recently the amount was reduced to \$10 a month, and her board and lodging.

He, the witness, paid her at that rate whenever it was convenient to pay her.

He, the witness, had saved up the \$105 that he had in his pocket at the time that he started for Chicago with the complaining witness.

He, the witness, had a good trade, and was a good workman and was liable to make as much in one day as another man would make in a week.

He, the witness, had earned the \$105 working for a Mr. Lubins, a Police Commissioner or Highway Commissioner.

Mr. Lubins owned forty saloons, and gave him a great deal of work in making repairs to the plumbing in these saloons, and always paid him, the defendant, cash.

He, the witness, did not have any bank account.

He, the witness, had only two rooms, at 116 Eldridge Street.

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He, the witness, slept in the bedroom, with his little boy, and Mrs. Harris slept in the kitchen, with the two little girls.

Mrs. Harris not only slept in the kitchen, with the two little girls, but, she cooked and washed and ironed in that room.

He, the witness, had a number of relatives in the City of New York, but he had never asked them to take care of his children, but once.

Then he, the witness, asked his uncle and aunt to take care of his children, but they refused to do so.

So, therefore, he, the witness, would not ask his relations, to take care of his children, as long as he, the defendant, could work and support them.

IN RE DIRECT EXAMINATION the witness testified that Miss Meyers, the complaining witness, knew for what purpose he, the witness, went to Chicago.

The complaining witness knew that he, the witness, went to Chicago, to try to secure a divorce

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or separation from his wife.

He, the witness, did not obtain a divorce from his wife, when he was in Chicago.

In response to questions by the ninth juror, the defendant testified that he met Mrs. Jordan, in Division Street, in front of the millinery in which she was employed as a saleswoman, about twelve or thirteen months before the trial.

He, the witness, could not tell exactly the month in which he met her.

He, the witness, did not know whether or not Mrs. Jordan was in New York, at the present time.

At the time that he, the witness, met Mrs. Jordan, in Division Street, she was employed at 42 1/2 Division Street.

He, the witness, had not made any effort to secure the attendance of Mrs. Jordan as a witness at his trial because he, the witness, did not regard her as a witness for him.

He, the witness, had gone to 186 East Broadway, where she lived at the time when she introduced Miss Meyers to him, the witness, but he was

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told there that she had moved away.

Miss Meyers had gone with him, the witness, to Chicago, because she was after him.

She said that she had a vacation at that time, and that she wanted to take a ride to Chicago with him, the witness.

He, the witness, told her that his business in Chicago was with his wife, and see what his wife could do for him, and that possibly he, the witness, would be in Chicago three or five days, or a week or two, but that he might not stay over three days.

When he, the witness, went to see his wife, in Chicago, the complaining witness did not accompany him on his visits to his wife, but he told the complaining witness that he was going to see his wife, after breakfast on the first morning of their stay in Chicago.

On the first morning of their stay in Chicago, after he had breakfasted with the complaining witness in the hotel in which they were stopping, he, the witness, told the complaining witness that he was going to see his wife, and see her about obtaining a divorce.

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On that morning, the first morning of their stay in Chicago, after breakfast, the complaining witness said to him, "Are you going to see your wife?" and he, the defendant said to the complaining witness, "Yes; and I am going to try and get a separation, or anything, and then I am going back to New York."

While he, the witness, and Miss Meyers, the complaining witness, were in Chicago together, Miss Meyers remained in the hotel all the time that he, the witness, was out of the hotel, attending to the matter of getting a divorce from his wife.

He, the witness, believed that Miss Meyers took a walk in the streets, each day, to see the sights.

He, the witness, did not take Miss Meyers out at all in Chicago to show her the sights, but she went around alone, he understood, to see the sights.

He, the witness, had no time to show Miss Meyers the sights of Chicago, but he believed that she walked around the block on which the hotel was situated, to see what she could.

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He, the witness, was in Chicago three days with the complaining witness, but he did not take her around to see the sights at all, because he did not go to Chicago for that purpose.

IN RE CROSS EXAMINATION the witness testified that in the evenings, in the hotel, he read the evening papers.

He, the witness, read the Morning Journal, and the complainant read a German newspaper.

He, the witness knew what he was talking about, that is, as to the reading of the newspapers, in the evening, because the complainant came into his room, and he went into her room.

In response to questions by the eleventh juror, the defendant testified that the first time that he went to see his wife in Chicago, he, the witness, told the complaining witness that he was going to see his wife.

He, the witness, did not have in his possession the letter which he claimed to have received in New York, from his wife, saying that she would do what she could for him, because she heard that he was

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treating the children kindly, and that he had always been kind to her when she lived with him.

He, the witness, could not tell what had become of that letter, but he did not have it in his possession.

All that he, the witness, could remember about it was that he told the complaining witness about the receipt of the letter, at the time, and then he took the letter home, and put it on the mantle-piece, and, perhaps the children had destroyed it.

In response to questions by counsel for the defendant, the defendant testified that the first time, that he, the witness, heard that the complaining witness charged him with having taken \$265 from her, under the false pretense that he intended to marry her, was when she caused his arrest.

The complaining witness had never told him that she charged him with stealing the \$265 from her, under a promise of marriage, which he had never kept.

Some time before she caused his arrest, he met her at the corner of Broome and Eldridge Streets,

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and the complaining witness said to him, the defendant, "Mr. Magnus, if you wouldn't take me to your house, I'll make you the biggest trouble I can make for you, the biggest trouble that a woman can make to a man, and I've got a warrant, and I will lock you up."

He, the witness, said, "What for?"

The complaining witness said, "Well, I was after you, and you made so much troubles, and everything, I will have you locked up."

The complaining witness then told him that she had had \$265, but he, the witness, did not know how she had spent it.

All that he, the witness, had ever received from the complaining witness, in money, was the two \$10 bills which the complaining witness gave him, the defendant, before they started for Chicago, in the ferry house, to buy her a ticket for Chicago.

He, the witness, did not know personally that she had bought silk petticoats and other articles for the trip to Chicago.

All that he, the witness, knew was that she

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told him that she bought silk petticoats and shoes and other things like those, and he always laughed at her when she told him of this.

At no time did he, the witness, make love to the complaining witness, or promise to marry her.

He, the witness, did not love the complaining witness, at any time, and did not love her at the present time.

In response to questions by the fourth juror, the witness testified that he, the witness, had never received any bill from any store or stores for the complaining witness's trousseau, before he, the witness was arrested, and locked up.

The complaining witness had never sent him, the defendant, any bill for her trousseau, at any time.

He, the witness, first heard that she had spent, or claimed to have spent \$265, when he, the witness, was arraigned in the Essex Market Police Court.

He, the witness, did not fall in love with the complaining witness, nor the complaining witness's

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\$265.

Miss Meyers always carried a hand satchel, such as women usually carried, hanging from a chain on her wrist.

When she took out money to pay for her tickets, she did not take it out of her satchel.

She always went to one side, went to the ladies' waiting room, and took the money from her stocking.

He, the witness, had never seen anything but small change in the complaining witness's hand satchel, and had never seen her take any bills, any money in bills, from that hand-satchel.

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REBUTTAL.

J E N N I E M E Y E R S , the complaining witness, being recalled, by the District Attorney, testified that she had seen the defendant at the house of a woman named Jordan, at 186 East Broadway.

She, the witness, could not tell when she saw the defendant there.

That is, the witness, could not tell the date on which she first saw the defendant at the house of Mrs. Jordan, at 186 East Broadway,

But when she saw the defendant first at the house of Mrs. Jordan, at 186 East Broadway, it was three weeks or fully a month after she had first met him in Division Street.

After she had met the defendant in Division Street, in front of her place of business, she called on Mrs. Jordan, accidentally, about a month afterwards, and found the defendant there.

She, the witness, met Mrs. Jordan, as a saleswoman in Division Street, some time before she

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met the defendant, but Mrs. Jordan did not introduce her, the witness, to the defendant.

Mrs. Jordan never told her, the witness, that the defendant was a marriedman, and that his wife was in Chicago.

The defendant had never said in the presence of Mrs. Jordan, or in her own presence, that he was a married man, and that his wife eloped from him, and was then in Chicago, and that he was undivorced from her.

At no time did the defendant tell her, the witness, that he was a married man, and that his wife eloped from him, and was then in Chicago, and that he was not divorced from her.

At no time did the defendant tell her, the witness, that he was a married man, but, on the contrary, he frequently told her when she asked him about it, that he was a single man.

She, the witness, could not tell how many times altogether she met the defendant at the house of Mrs. Jordan, but not often.

She, the witness, had seen Mrs. Jordan

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last, when she was working in Division Street, as a millinery saleswoman, but Mrs. Jordan was not working in Division Street at the present time.

At the present time she, the witness, was employed at her old place as a millinery saleswoman, but Mrs. Jordan was no longer working in Division Street, as a saleswoman.

She, the witness, had last seen Mrs. Jordan, about two months before the trial and since the arrest of the defendant.

At that time she, the witness, saw Mrs. Jordan passing the store in which she, the witness, was employed at 105 Division Street.

This was after the arrest of the defendant, and about two months before the trial of the defendant.

She, the witness, would positively swear that Katie Magnus, the defendant's daughter, did not come to the store where she, the witness, was employed, before she, the witness, went to Chicago, with the defendant.

She, the witness, would positively swear that the visit of the child, Katie Magnus, was after

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she, the witness, returned from Chicago.

She, the witness, had never been inside of the defendant's door, at any time, until she went there with the detective officer, to cause the arrest of the defendant, on the morning of his arrest.

The defendant had never told her where he lived, that is, had never given his right address to her.

She, the witness, had never known that the defendant lived in Eldridge Street, until the day before she caused his arrest.

She, the witness, got out the warrant three or four months before the defendant's arrest.

She, the witness, could not tell the officers where to arrest the defendant, because the little girl when she was in the store, gave her father's address as 52 Libert Avenue, Brownsville.

She, the witness, went over there with an officer, to Brownsville, 52 Liberty Avenue or Liberty Street, and no one knew the defendant over there.

The night before the arrest of the defendant she, the witness, saw the defendant in the street,

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and followed him to his home, and saw where he went.

She, the witness, followed him to 116 Eldridge Street, and saw him go upstairs in his house.

Then she, the witness, notified the police officer, and she, the witness, and the police officer went to the defendant's house that evening, but found the door locked, and could not find the defendant at home.

She, the witness, would positively swear that the defendant did not tell her, before they went to Chicago together, that he was a married man, and that his wife eloped with another man, and was then living in Chicago, and that he, the defendant, wanted to go to Chicago, to see his wife, to see if he could procure a divorce from her.

At no time did the defendant mention that he was a married man, until they were in Chicago, on the last day of their stay there.

At that time when she asked him why he did not marry her, and why he had not provided the rooms to keep house in which he had promised, after he married her, he then told her that he was married, and that he had given her money to his wife.

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It was not true that, in the ferry house, before they left New York, and before they took the train that the defendant told her that if she wanted to go to Chicago she would have to buy her own ticket.

She, the witness, did not at that time give him two \$10 bills to buy her ticket for Chicago and he, the defendant did not come back to her with the ticket and two dollars, and tell her that the ticket costed \$18, and that the \$2 change was hers, and she, the witness, did not tell him, the defendant, that he could keep the \$2, as she did not need the money.

The defendant told her when they reached the ferry house that he needed the money to buy the tickets and got from her the entire \$265, at one time.

On the third day after they were in Chicago, when she reproached the defendant for staying away all day from the hotel, and not marrying her, and setting her up in rooms, as he had promised to do, and said, "What's the use? I can't marry you now,

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because my wife is here, and I have given you money to my wife."

It was not true as testified to by the defendant that she, the complaining witness, paid for her own ticket on the return from Chicago.

She, the witness, did not pay \$17 for a return ticket from Chicago to New York.

She, the witness, did not pay for the ticket at all, because she did not have a penny left.

The defendant provided the ticket for her and for himself, that is, he paid for the tickets for himself and her.

The defendant said to her, when he gave her the tickets, or rather, when he bought the ticket for her, "Anyway I will marry you, when you get back to New York."

When she, the witness, went away from her home in Second Street, the room which she had occupied when she left her things packed, to be sent to her, in Chicago after her marriage.

She, the witness, only carried a hand satchel, when she went to Chicago with the defendant.

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She, the witness, returned to her furnished room, in Second Street, when she got back to New York,

The woman with whom she, the witness, was lodging said to her, the witness, "What's the matter, Miss Meyers? Is that your wedding trip?"

The defendant told her, the witness, not to take all of her clothing with her but only a hand satchel.

The defendant told her, the witness, not to take her other clothing with her, but only to take a hand satchel with her, as that was all that was needed.

The defendant told her that they could be married in Chicago, and that then she could send for her other clothing which she had packed in her trunk.

Then she, the witness, could send for her other clothing which she had packed and got ready in her room, when she left New York.

The defendant knew that she had her clothing packed in her trunk because he was at her rooms on the Friday before they left for Chicago, and helped her

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pack her clothing.

It was not true that at any time she, before the defendant and she left New York, told the defendant that she, the witness, wanted to go to Chicago with the defendant, because she had a vacation, and wanted to spend the vacation with him, in Chicago.

IN CROSS EXAMINATION the witness testified that she, the witness, packed in her trunk her clothing and her bedding and other articles, before she left New York, with the defendant, and the defendant told her not to take the trunk with her, but to send for it within two weeks after they were married in Chicago.

She, the witness, did not have any new dresses made to go to Chicago with the defendant.

She, the witness, did not need to have any new clothes made to marry the defendant, in Chicago, because she already had very nice clothes.

She, the witness, knew that Mrs. Jordan was living last in East Broadway, but she, the witness, could not distinctly remember the number.

She, the witness, believed that it was

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not 186 East Broadway, but she was not positive as to the number.

At the time that she, the witness, visited Mrs. Jordan, and met the defendant there, accidentally, Mrs. Jordan was working as a saleswoman in a millinery store on Division Street.

She, the witness, was not sure as to the number of the millinery store in Division Street, in which Mrs. Jordan worked at the time that she visited her, and met the defendant.

She, the witness, was not sure whether it was 42 or 47, but she knew she was working for the firm of Unger. This firm was no longer in business in Division Street and Mrs. Jordan was no longer employed by the firm.

But she, the witness, did not meet the defendant for the first time in Mrs. Jordan's house and Mrs. Jordan did not introduce her to the defendant.

She, the witness, as she had previously testified, met the defendant fully a month before, in Division Street, in front of the store in which she,

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the witness, was employed.

Her meeting with the defendant at Mrs. Jordan's house was accidental.

She, the witness, went to Chicago with the defendant because the defendant positively promised her, that if she would go to Chicago with him, he would marry her there, and furnish rooms to keep house, and amek a living forher as her husband.

She, the witness, did not know that the defendant had any shop in New York City but she was told by the defendant that he was a plumber by trade.

She, the witness, was told by the defendant that he lived in New York for a good many years.

She, the witness, did not ask the defendant to marry her in chicago, but it was the defendant who suggested that Chicago was a better place to be married in than New York.

It was not true that she, the witness, went with the defendant knowing that he had a wife living in Chicago, and that she went out there with him to see that he got a divorce.

It was not true that she, the witness,

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offered to go with the defendant, to make sure that he got a divorce from his wife.

In Chicago, the defendant did not tell her that he had secured papers of separation from his wife.

The defendant did not show her, the witness, at any time in Chicago what purported to be papers of separation or divorce from his wife.

In response to questions by the Court, the witness testified that she, the witness, would positively swear that she had never seen the defendant's daughter, Katie Magnus, in her life, until after she, the witness, returned from Chicago--- some considerable time after--- some weeks after.

She, the witness, had never seen the little girl before the Sunday afternoon about which she, the witness, had previously testified, weeks after she, the witness, returned from Chicago with the defendant.

On a Sunday afternoon, about four o'clock, she came into the store.

At that time she, the witness, was waiting on a customer.

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She, the complaining witness, at that time, had a customer to attend to.

The little girl came up to her, the witness, in the store, and said, "Papa is sick, and here is a card."

She, the witness, had not the card now, and did not know what had become of it.

The card was a card belonging to the firm with which she, the witness, was.

She, the witness, picked up from the counter where it was, with a number of other cards of the firm, and at the dictation of the little girl, wrote down, "52 Liberty Street, Brownsville," as the address of the defendant, according to the statement of the little girl, the defendant's daughter.

The little girl said that she, the witness, could write a note to her, the little girl, there, because her father was sick.

When the little girl came into the store, and told her, the witness, that her father was sick, she, the witness, wanted to get the address of the defendant, so as to have him arrested.

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So she, the witness, said, "I like to write a postal card."

Then the little girl, the defendant's daughter, said, "All right," and she, the witness, said, "Give me the direction."

Then the little girl wrote down the address in Brownsville on a card.

She, the witness, did not mean to be understood, because she did not speak English very well, that she, the witness, actually wrote the address on the card, but meant to be understood as saying that she gave the card, the firm's card, to the little girl, and the little girl wrote the address on the card.

(The jury found the defendant Guilty of Grand Larceny in the Second Degree, with a recommendation to the mercy of the Court.)

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