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

THE PEOPLE
-against-
ANNA GROSS.

Before

HON. OTTO A. ROSALSKY, J.

Tried, New York, January 21st, etc., 1908.

Indicted for Abduction.

Indictment filed October 16th, 1908.

A P P E A R A N C E S.

ASSISTANT DISTRICT ATTORNEY CHARLES C. NOTT, JR.,

for the People.

LEONARD A. SNITKIN, ESQ. and NATHANIEL LEVY, ESQ.,

for the Defense.

Frank S. Beard,

Official Stenographer.

New York, January 22nd, 1908.

TRIAL RESUMED.

MR. SNITKIN: I ask that your Honor exclude all the witnesses in this case, while the District Attorney is opening his case.

THE COURT: Yes. Exclude the witnesses, while the District Attorney is opening.

OPENING ADDRESS FOR THE PEOPLE

of

ASSISTANT DISTRICT ATTORNEY CHARLES C. NOTT, JR.

If the Court please:

Mr. Foreman and Gentlemen of the Jury,

As I stated to you yesterday, this defendant has been indicted for the crime known under our law as abduction, and the indictment, briefly stated, charges, that she, on the fifth day of September, in the year of our Lord, 1907, in the Borough and County of New York, aforesaid, did take, receive, harbor, employ and use, and cause and procure to be taken, received, harbored, employed and used one Esther Maynard, a female under the age of eighteen years, to wit, of the age of seventeen years, for the purpose of prostitution, against the form of the statute.

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As you gentlemen know, and under the common law, in olden time, the age of consent for females was very young; it was under twelve years of age, and a child over twelve years of age could give consent to the defilement of her person. But, as humanity advanced in civilization, in the care of children, especially young girls, increased, the age of consent has increased steadily, from time to time, and in this State the age has been put at eighteen years; and the law says that no one, except at his peril shall receive, harbor or use a female, under the age of eighteen years, for the purpose of prostitution; and the law furthermore says that there are women enough, unfortunate women, over that age of eighteen, who may be used as prostitutes, without getting girls under the age of eighteen.

And, therefore, the law absolutely prohibits anybody from taking, receiving, harboring or using a girl under eighteen years of age, to be used as a prostitute.

Now, in this case there are certain elements that I think you will find very simple.

In the first place, there is no dispute in the case, as I understand it, as to the fact that somebody in the very same house where this defendant claims that she was working and was employed did receive and use and harbor this girl as a prostitute.

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This girl and a friend of hers were from out of town. They lived at Fall River, and the complaining witness went to Springfield, for the day, to visit the other girl, and they came down from there together.

Both of them had been employed in some of the mills, the large New England mills, in the places where they lived. They have been working girls, and have always worked, and brought their wages home to their family.

I cannot say that, before the thing happened, they were absolutely virtuous. This girl, the complaining witness, will tell you that she had cohabited with just one man before this thing happened, before she had been brought to New York. But it is for you, gentlemen, to say whether it is not a long, far cry between a girl cohabiting with just one man, and working for her living in the meantime, and being put in a dollar house of prostitution in West 27th street, and there receiving nine men in the course of one night.

These girls, as I say, went to Springfield, to spend the day -- or, at least, the complaining witness went to spend the day with her girl friend -- and there they ran across two young men.

I am not going to tell you now what happened between those two young men and these girls, because counsel for the defendant might object. But sufficient to say that,

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after making their acquaintance, that day, they proceeded to New York with them, and did not even bring any clothes along with them, and went to a house at 35 Stuyvesant Street, where these four parties lived together.

After they had been there about a week, a conversation took place, which I will not now tell you of, the details of, to avoid the objection of counsel for the defendant. But it was as to changing their place of abode, a furnished room.

And these two girls thereupon went with these two young men, and they went up Third avenue to 27th street, and crossed to this house.

And, when they got to the house, they rang the bell, and were admitted by a colored woman. This was on the 4th day of September.

After they were admitted by the colored woman, one of the young men remaining outside of the house, they were taken into the basement, and this defendant came in. She was not appareled as you see her now. That day, she was very well dressed, and was very well dressed on all occasions until she appeared before a jury.

MR. SNITKIN: Now, I believe that that is an unfair statement to make, even in an opening.

MR. NOTT: I see nothing unfair about that.

THE COURT: Well, how material is that?

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MR. NOTT: It is material, in view of the defense.

THE COURT: I think it might be well, Mr. Nott, to confine yourself to a plain statement of what you intend to prove.

MR. NOTT: I intend to prove that, if your Honor please.

THE COURT: Well, how does that affect the case?

MR. NOTT: Well, her explanation was that she was employed there as a cook; and the fact that she appeared in a silk shirt waist and handsomely gowned on all occasions when she was seen by outsiders, that is, to my mind, very material.

THE COURT: No; I will not allow it.

MR. NOTT: Isn't your Honor going to allow me to prove that this woman's explanation was that she was a cook?

THE COURT: Yes. But I do not think, in your opening statement, that it is a proper thing to outline to the jury. Circumstances might arise where that line of proof might be excluded.

MR. NOTT: Yes, exactly; but, if that is her defense, that she was a cook, can't I prove how she was dressed, on that night, can't I prove that to the jury?

THE COURT: Well, this leads to the discussion of what did take place there.

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MR. NOTT: Well, that is what I am stating to the jury. The night of her arrest, she said that she was a cook.

THE COURT: I think it wise not to allow the evidence.

MR. NOTT: And, gentlemen of the jury, there was a conversation with the man who was with the young girls, and some of it was in the hearing of these girls.

The man asked the defendant if she needed any more girls in the house, and she said that she did.

The defendant asked the man if these girls had ever been in a house before, to which he replied that they had been. Although that statement was not true, these girls did not contradict it. They sat there.

Several other inquiries were made about them, and it was then agreed that they should stay.

Thereupon this defendant told them that the wrappers that they would have to get would be \$7, and that she would send the man for them; and she sent the man out for the wrappers, and he came back with them, wrappers or kimonos of bright colors and low cut.

And they were then taken upstairs, the two girls, and they took off everything except their under clothing and under skirt, and put on the kimonos.

The defendant then told the girls to go down and sit

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in the parlor; and, if any men should pick them out, they were to go with them to the bed rooms.

She said that the price of the house was a dollar, and she handed each of the girls a card, with spaces on it, and told them when they got their dollar, they should hand it over to her, or whoever was in charge in her absence, and they would be credited with half, and that account would be kept by a punch being used, like a bell punch, on each card, every punch meaning that they had had one customer, and were entitled to half the price paid by him.

Esther Maynard, the girl in question, went down to the parlor. Later, she went upstairs with no less than nine men, during that night.

Rose Belmore, who was somewhat older, was not picked out by anybody, she says, but just sat there.

There were at least nine or ten other girls in the parlor, in the same costume. And these two girls saw the men come in and pick out various girls, and accompany them upstairs, and saw the girls hand the money, on their return to the parlor, to the defendant, and saw the defendant punch the cards.

Esther Maynard gave some of the money that she received, and had her card punched, some being given to the defendant, and some to another woman, called Miss Sadie.

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When she went upstairs, to see whether the rooms were occupied, Esther Maynard found couples in bed in the rooms. And I think that, from the nature of this testimony, there will be no doubt in your mind that the house was a house of prostitution, and that this girl, Esther Maynard, was taken, received, harbored and used there for the purpose of prostitution.

Along about two o'clock in the morning, they became disgusted with the place, and told the defendant that they wanted their street clothes returned to them, and wanted to get out, and they asked permission to go out; and their clothes were restored to them, and they went out.

They did not know how to get back to their furnished room in Stuyvesant Street, except by going as far as Third avenue, and following the line of the Third avenue elevated railway downtown, and they did this.

And, when they got down to Stuyvesant Place, the two youths who had taken them to this place in 27th street, had promptly disappeared, my recollection is.

Now, it was on the morning of the fifth that they went back; and, on the following Monday, in the evening, they were walking on the street, and one of the girls asked an officer for a cigarette, I believe, and the officer promptly ran them in for soliciting.

When arraigned in the Jefferson Market Court, before

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Magistrate Corrigan, this story came out, and the age of this girl was made known.

Thereupon the Magistrate issued a warrant for the arrest of the defendant, and against the house in question, in West 27th street, and the defendant was arrested upon this charge, on the ninth.

She was arrested by officer Reardon of the District Attorney's office, accompanied by certain police officers; and, at the time of the arrest, there were no less than seventeen girls in the house.

MR. SNITKIN: Now, I object to that, on the ground that it is absolutely improper. It is immaterial, so far as this case is concerned; and I may say, of course not by way of precedent, that it wasn't even admitted on the first trial of this case.

MR. NOTT: I beg your pardon, it was.

MR. SNITKIN: And you know it was not. You know different.

MR. NOTT: Now, don't say that I know different, when you are telling a deliberate falsehood. It was admitted as casting a light on the nature of the house, and the employment of the complainant there, and Judge Dowling so ruled, and said that it was proper and competent.

THE COURT: I will exclude this evidence. The act of running a disorderly house, and as to an arrest having

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been made there, how is it correlated?

MR. NOTT: It is the arrest of the defendant on this charge. We have the right to prove the circumstances of the arrest on the charge in question. Your Honor charged a jury that, yesterday, that the conduct of the defendant at the time of the arrest, and the surrounding circumstances, were always very important.

THE COURT: But not when it shows the commission of another crime?

MR. NOTT: It is part of the res gestae, and the commission of another act is immaterial then.

THE COURT: No; I do not think it is competent, Mr. Nott.

MR. NOTT: I am sorry that your Honor disagrees with Judge Dowling on that question.

THE COURT: Can you show me authority upholding your view?

MR. NOTT: Well, I can have a hundred authorities here by 2 o'clock, showing that you can prove the circumstances of the arrest.

THE COURT: You cannot prove, on an arrest for abduction, that, at the time of the arrest, the person committed another crime.

MR. NOTT: I have proved many times in this Court that, at the time of the arrest on the charge in ques-

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tion, a person was committing another larceny or burglary.

THE COURT: I know of no such case, and I think I am somewhat familiar with the decisions in this State.

MR. NOTT: However, gentlemen, the defendant was arrested at the same premises, and she, in company with others, was taken to the Magistrate's Court, and there she made a certain statement, in which she admitted that these two girls had spent several hours in this house.

She said that they had been brought there by two out-of-town pimps, as she expressed it, and that they had been in the house for several hours.

And she also said that she was the manager of the house. And, at the time of the arrest, the people there were asked, "Who runs this house? Who is the manager of it?" And she came forward, and said that she did, and thereupon she was arrested; and she admitted that these two girls had been in that house, several days before, for several hours.

Now, that leaves but one question, and that is the age of this girl. You will see the girl on the stand. Of course, girls that have had sexual intercourse at an early age mature more rapidly than girls who have not.

But it is for you to say whether she is or is not under the age of eighteen, and it does not seem to me that there will be any doubt about it, because her mother will

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be on the stand, and she will swear that this girl was born on the 17th of June, 1890. She not only remembers the month and the year independently, but because it was the same year in which her husband died.

Now, since these girls told this story, they have been sojourning in the House of Detention; and it is for you to say whether either of them has any motive to tell any falsehood against this woman.

Take the question of age. It will be your duty, then, to say, "Has this girl any motive to make her age younger than it is, or has her mother any motive to make her age younger than it is, when, if her age was over eighteen, she would have been out of the House of Detention months ago, and not detained longer?"

And, if you find that this defendant, either being the person in supreme authority in that house, or aiding, abetting and helping those who were in authority there to take, receive, harbor and use this girl, did take and use this girl to prostitute her body nine times in one night, in a dollar house, then she is guilty, and, otherwise, not.

It is for you to hear these witnesses, and size them up, and see what interest, if any, they have to lie against the defendant or anybody else; and then take the story, from the time it was first told in the Magis-

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trate's Court, down to to-day, and test it, and determine whether it is not substantially accurate, correct and truthful.

E S T H E R M A Y N A R D , a witness called on behalf of
the People, being duly sworn, testified as follows:

MR. NOTT: Just before I go on, as Mr. Snitkin accused
me of a falsehood in stating that Judge Dowling refused to
admit the evidence, I wish to show it to your Honor, on
page 64.

DIRECT EXAMINATION BY MR. NOTT:

Q Now, Miss Maynard, I wish you to raise your voice, and
remember that the last gentleman has to hear you. What is your
age? A Seventeen.

Q And where were you born? A In Fall River.

Q Massachusetts? A I suppose so.

Q And what is the date of your birth?

THE COURT: There was no objection to this evidence,
that I see.

MR. SNITKIN: May I call your Honor's attention to--

MR. NOTT: But Mr. Snitkin said that he objected, and
Mr. Justice Dowling kept it out.

MR. SNITKIN: But I want to call your Honor's atten-
tion to the following page, where Mr. Reardon endeavored to
testify about other persons, and the objection was then
made, as I made it to the opening, and it was sustained
by Judge Dowling.

MR. NOTT: But he referred to something else that I
did not refer to at all. He referred to the arrest of

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other persons. I didn't state anything about arresting other persons in my opening.

THE COURT: My recollection is that you stated that, when the defendant was arrested upon the charge of--

MR. NOTT: I said that a warrant was issued for her arrest, and I was then proceeding to state what Officer Reardon found in the house, when I was interrupted. I didn't say anything about an arrest.

THE COURT: I do not think that the evidence is competent.

MR. NOTT: Well, I will get authorities on that, later.

BY MR. NOTT:

Q (Question repeated.)

THE COURT: In the Comley case, the Court allowed the arrest, to fix the identification of the man, to indicate that he went under another name, and was arrested under that name. It was a question of identification.

MR. NOTT: I admit that, if I was proving an arrest under another charge, I would have to show some reason for it.

THE COURT: But you see, Mr. Nott, that it injects into the case something that, it seems to me, should not be injected. I propose to follow the Sadie Wolf case very carefully.

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MR. NOTT: Well, I will take the Sadie Wolf case as a precedent. There the circumstances of the arrest were shown, and what was being done in the house at the time; and that wasn't one of the assignments of error.

THE COURT: It was not raised.

MR. NOTT: Well, I have never yet heard of a criminal case where you could not prove the defendant's arrest on the charge in question, or the circumstances of the arrest.

THE COURT: Well, what had the presence of other women in the house to do with the defendant's arrest for abduction? You may show what occurred when this girl was in the house, but not what occurred afterwards. I do not see its materiality.

BY MR. NOTT:

Q (Question repeated.) A The 17th of June, 1890.

Q Now, have you been a working girl? A Yes, sir.

Q Where were you living before you came to New York?

A Holyoke, Massachusetts.

Q And who were you living with? A My mother.

Q Is your father alive? A No, sir; he's dead.

Q You are the only child? A Yes, sir.

Q Had you been working before you came to New York?

A Yes, sir.

Q Where? A In the Hadley Thread Company.

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Q What were you working at? A I was a speed attender.

Q And how long had you been working there? A Since I was 14 years old.

Q Now, do you know a girl by the name of Rose Belmore?

A Yes.

Q Last fall, in 1907, where was she living? A In Springfield.

Q Did you go down to Springfield? A Yes, sir; I went down to visit her.

Q And do you remember whether that was in the month of August or September? A I think it was in August.

Q And how long did you stay there? A Oh, I only come down in the morning to see her.

Q Yes. Do you remember what day of the week it was?

A I think it was Tuesday.

Q And what did you and Rose do, that day? A Why, I don't understand you.

Q Well, were you working, that day? A No, sir; I wasn't working, that day.

Q You were going around with Rose? A Yes, sir; I come down to see her, that day.

Q Now, tell the jury whether, later in the day, you met two young men? A Well, I went up to the depot to take a train home, and we met the two fellows up there.

Q Did Rose go with you? A Yes, sir; Rose was with me.

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Q And you met them at the depot? A Yes, sir.

Q About what time was that? About what time? A I think it was about 5 o'clock.

Q In the evening? A Yes, sir.

Q Well, did you talk with them? A Yes. They said--

Q Now, don't say what they said. Now, after that, did you go anywhere with these two young men? A Not until we come to New York.

Q And how much later was that? A 2 o'clock in the morning.

Q 2 o'clock in the morning? A Yes.

Q Well, you were with these two fellows from 5 o'clock in the afternoon until 2 o'clock in the morning? A No, sir.

Q Well, what were you doing during that time? A Rose and I were up at her aunt's.

Q Well, you met them at 5? A Yes, sir.

Q And left them? A Yes.

Q And went back? A Yes; and met them at 2 o'clock.

Q State whether or not you took a train? A Yes; we took a train.

Q And you four took the train? A Yes.

Q And where did you land from the train? A We come to New York.

Q Had you ever been in New York before? A No, sir.

Q Well, now, where did you and Rose and these two fellows

go, after you got to New York? A To 35 Stuyvesant Street.

Q Now, how long did you live in that place, 35 Stuyvesant Street? A About two weeks.

Q Now, do you remember going from there to another house in 27th Street? A Yes, sir.

Q And what date was that? A I think it was the 4th.

Q The 4th of September? A Yes, sir.

Q 1907? A Yes, sir.

Q Do you remember what day of the week it was? A Yes. Wednesday.

Q And what time did you start to go to 27th street?

A Well, I think it was about 7 o'clock, because we got there after 7.

Q And who went? A Rose and I and the two fellows.

Q By what names did you know them? A By Jack and Louis.

Q Did you know them by any other name? A No, sir.

Q Now, before you went up to this place, had you had any talk with Jack and Louis about moving? A About moving?

Q Yes. A Why, they told us--

MR. SNITKIN: Objected to.

Q Never mind what they said. The defendant objects to that. Had you had any talk with them about going anywhere else? A Yes, sir.

Q And, in consequence of the talk, you went somewhere

with them? A Yes, sir.

Q And how did you go? A Why, we took a car.

Q On what avenue? Do you remember? A Third Avenue.

Q And what street did you get out at? A I don't remember what street.

Q And then you went along this street from Third Avenue; is that right? A I don't know.

Q You went along a street, when you got out? A Yes.

Q Do you remember the number of the house you went into?
A 163.

BY THE COURT:

Q 163 where?

MR. NOTT: She doesn't remember the number of the street, if your Honor please.

Q Now, do you remember-- you walked from Third Avenue to get to this 163? A Yes; we took a car.

Q Oh, you took a car? A Yes, sir.

Q Now, do you remember what kind of a car? A No, sir.

Q What? A No, sir.

Q Well, when you got out of the car then what did you do?
A We went into this house.

Q Yes. And did you all four go in? A Well, one of the fellows stayed out.

Q Do you remember which one? A Jack-- Louis.

Q Louis stayed out? A Yes, sir.

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Q And Jack went in with you? A Yes, sir.

Q Was this a high stoop house or low stoop house, or what? A A low stoop house. There wasn't any stoop to it, at all.

Q That is, you went right in off the street? A Yes, sir.

Q Who let you in, if you know? A A big colored woman.

Q Now, when you got into this house-- I will withdraw that question. Have you since learned the number of the street that this house was on? A (No answer.)

Q If you don't remember, say so. A I think it was West 27th street.

Q Now, when you got into this house, where did you go in the house?, A We went into the dining room.

Q Was that on the same floor that you entered on? A Yes.

Q And who was in the dining room, besides you three? A There were two women there.

Q Yes. Was either of the women this defendant? A Not at the time.

Q Well, then, what happened? A And then they sent out for the defendant.

THE COURT: I object to that, and ask that that be stricken out, as a conclusion of the witness.

THE COURT: Motion granted.

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Q Well, what was said?

MR. SNITKIN: Objected to.

THE COURT: Said by whom?

MR. NOTT: Said by either of these two women who were there, in pursuance of which they went and got her. However, I'll withdraw it.

Q Well, did the defendant, this woman, come into the room? (Indicating.) A Yes.

Q And that was after one of the others there, one of the other two women, had left the room? A Yes, sir.

Q And returned to the room? A Yes.

Q And now state how the defendant was dressed at the time she came into the room?

MR. SNITKIN: Objected to, as immaterial, irrelevant and incompetent.

MR. NOTT: I submit it is certainly proper. Her appearance and dress are part of the res gestae.

THE COURT: For the present, I will sustain the objection.

BY MR. NOTT: Q Well, now, tell the jury what happened after the defendant came into the room, what you said? A Well, the two fellows asked her if she wanted any girls.

Q Well, hold on a moment. Was Louis in there? A No; Louis wasn't there. It was just Jack.

Q Yes? A Jack asked her if she wanted any girls, and

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she said yes.

Q Yes. Go on.

BY THE COURT:

Q What else did she say?

BY MR. NOTT:

Q Oh, one thing. Did you hear anybody address her?
How was she addressed? By what name was she addressed?

A Miss Annie.

Q Who was it called her Miss Annie? A Why, the two
women that were there called her that.

Q Well, first, Jack asked her if she wanted any girls
and she said yes? A Yes, sir.

Q And now what was the next thing said that you heard?
What did Jack say, when she said she needed girls? A Well,
he told her he brought us two there for her.

Q Yes. And what did she say to that? A She said,
"All right."

Q Now, state whether or not she asked you anything about
your clothes?

MR. SHITKIN: I respectfully object. I don't want
to rise all the time, but I do object to it, as leading.

MR. NOTT: I don't see anything leading in the form
of the question.

THE COURT: I will allow the question.

A She asked us if we had any clothes with us, and we told her

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no, only what we had on.

Q And what did she say to that? A Then she said she would have to get us some wrappers.

Q yes. Did she say anything about the price of the wrappers? A Yes.

Q What did she say about that? A She said they were \$7.

Q Did she say where she would get them? A She said that she would have to send out for them.

Q And what did she do then? A She sent out for the wrappers.

Q Well, you say she sent out. What did she do? Who did she send out? A I don't know.

Q Well, did you see any wrappers? A Yes; they came in there.

Q Who brought them in? A A man.

MR. SNITKIN: Now, I ask that the answer given by this witness be stricken from the record.

THE COURT: What answer?

MR. SNITKIN: The answer preceding the last one, that she sent out.

BY THE COURT:

Q How do you know that she sent out? Did she tell you that she had sent out? A Yes; she told us.

THE COURT: Objection overruled.

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BY MR. NOTT:

Q What was the color of the wrappers? A Mine was pink and Rose's was blue.

BY THE COURT:

Q Who gave the wrappers to you? A Well, the man brought them in, and laid them on the table, and the defendant told us to take them.

Q This defendant did? A Yes, your Honor.

BY MR. NOTT:

Q Now, describe these wrappers. What kind of wrappers were they? A They were low necked, and didn't have any sleeves in them.

Q And how long were they? A They were long wrappers.

Q Without sleeves and low necked? A Yes.

Q Now, have you exhausted your memory now as to all the conversation that took place before these wrappers were brought? Can you remember any more that was said by Jack and this defendant, while you were sitting there in this room, before the wrappers were brought? A She asked Jack if we had ever been in a house before.

Q And what did Jack say? A Yes.

Q He said yes? A Yes.

Q Had you ever been in a house of prostitution?

A No, sir.

Q Did you say anything at the time Jack said yes?

A No, sir.

Q Now, don't answer this question, until counsel has a chance to object. Why did you remain silent when Jack said that you had been in a house?

MR. SNITKIN: I respectfully object to that, if your Honor please, on the ground that that question is absolutely incompetent.

THE COURT: Sustained.

BY THE COURT:

Q You said yes?

MR. NOTT: No, sir. Jack said yes, and she remained silent.

Q Now, how long did Jack stay there? A Until after we went upstairs.

Q That is, was he there when the wrappers came? A Yes, sir.

Q Now, you say that you went upstairs. Did anybody take you upstairs? A Yes, sir.

Q Who? A The defendant.

Q This Annie Gross here? (Indicating.) A Yes, sir.

Q And how many flights did you go up? A Up one flight.

Q Up one flight? A Yes, sir.

Q And what kind of a room did you go into? A A bedroom.

Q And was Rose with you? A Yes, sir.*

Q And Anna Gross? A Yes, sir.

Q And anybody else? A There was another woman there.

Q What did they call her? A I don't remember her name.

Q Now, tell the jury in your own way what happened in the bedroom there? A Well, we had to put the wrappers on.

Q Well, what did you do? A Took our clothes off.

Q Well, who told you to take your clothes off?

A The defendant.

Q And did you take them off? A Yes, sir.

Q What clothes did you leave on? A A black skirt and an under vest.

Q And did Rose take her clothes off?

MR. SNITKIN: I object to any act that Rose may have performed in that place, on the ground that it is immaterial, irrelevant and incompetent.

MR. NOTT: It was an act performed in the presence of the defendant, and is competent on the question of whether these people were received for the purpose of prostitution.

THE COURT: Objection overruled.

MR. SNITKIN: Exception.

BY MR. NOTT:

Q What did you do with your clothes, after you took them

off? A We give them to the defendant.

Q And what did she do with them? A She locked them up.

Q Did you see her lock them up? A Yes, sir.

Q Where did she lock them up?

A In a closet.

Q In a closet that was in this room? A Yes, sir.

Q And did you put the wrappers on? A Yes, sir.

Q Well, now, after you had dressed yourself in these wrappers, what happened? A We were told to go into the parlor.

Q Who told you? A The defendant.

Q Well, what floor was the parlor on? A On the same floor.

Q That is to say, it was one flight up from the street?

A Yes, sir.

Q And did you go into the parlor? A Yes, sir.

Q And did Rose? A Yes.

Q And did the defendant go with you? A No, sir.

After she told us to go into the parlor, she went downstairs.

Q And did you, after that, however, see her in the parlor? A Yes, sir.

Q Now, when you got into the parlor, who was there?

A There was nine other girls.

Q And how were they dressed? A The same as we were.

Q In wrappers?

A Yes, sir.

Q And what clothes did they have on under the wrappers?

A Some had chemises.

Q Did all have chemises? A I don't know.

Q Well, were these girls all white, or were any colored?

A No, sir; they were all white.

Q Now, before you went into this room, did the defendant give you any directions?

A Yes, sir.

Q What did she tell you?

A She said that we would receive one dollar.

Q From whom?

A From the men.

1 Q Yes. And did she tell you what to do? A We would turn over half of it.

Q To whom? A To whoever would be there.

Q And did she tell you -- did she say how track was to be kept of the amount?

MR.SNITKIN: Now, I object to that, on the ground that it is leading, your Honor.

THE COURT: yes, do not lead the witness.

BY MR. NOTT:

Q Well, what did she say about keeping account of this thing? A We would have a card.

Q And what was to be done with the card? A They would punch it.

Q Who would punch it? A Annie Gross

Q And did she explain what the punch marks meant?

A No, sir.

Q Well, when was she to punch this card? A Whenever we would bring down the money.

Q And who would you give the money to? A To Annie Gross.

Q And then Annie Gross, or whoever was there, would punch the card? A Yes, sir.

Q Now, roughly -- I don't want to know the exact hour -- you never watched the hour, did you? A No, sir.

Q Well, roughly speaking, about what time did you go into the parlor? A About 9 o'clock.

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Q And what time was it when you left that house?

A About 3 o'clock, the next morning.

BY THE COURT:

Q You got it at 9 o'clock in the morning? A No, sir;
9 o'clock in the evening.

BY MR. NOTT:

Q You say you got to the house about seven? A Yes, sir.

Q Did you have any supper while you were there?

A Yes, sir.

Q Where did you have that? A Down in the dining room.

Q Did all of the girls go down? A No, sir.

Q How many? A We were the only two that was there.

Q Well, when was that? A That was after we come into
that house.

Q But before you had gone into the parlor? A Yes, sir.

Q And were you served with any supper or refreshments,
during the night, before you left, at 3 o'clock in the morning?

A I don't remember.

Q Don't you remember having some supper there, with
Rose? A Yes.

Q Who served the supper? A There was a woman there.

Q Do you remember what she was called? A I forget.

Q Now, to go back again to the parlor. State to the
jury what happened, after you got into the parlor. Did any
men come in there? A Yes, sir.

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Q A few or many? A There was a good deal come in there.

Q Now tell the jury, you will have to tell them, tell what you did, that night, with men there? A They would come in, and pick us out, and we would have to go upstairs with them.

MR. SNITKIN: Now, I object to that, your Honor. First, on the ground that it is irresponsive to the question, and the answer is indicative of more than herself. Anything that she may have done is absolutely competent, but she uses the plural "we".

MR. NOTT: Question withdrawn.

Q Well, what did you do? A I went upstairs with men.

Q Did any men pick you out? A Yes, sir.

Q And where did you go with the men? A Upstairs in a bed room.

Q State whether or not any directions had been given to you as to where to take the men? A Well, we were to go upstairs.

MR. SNITKIN: I object to that, if your Honor please, and ask that the answer be stricken out.

THE COURT: Answer the question of the District Attorney. Were any instructions given to you?

BY MR. NOTT:

Q Had any instructions been given to you as to where to

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take men?

MR. SNITKIN: Objected to. I object to the form of the question, unless it is framed so as to include instructions given by the defendant.

MR. NOTT: I claim that I can show that everybody in that house was working with a common purpose.

THE COURT: I think that the question should connect this defendant.

MR. NOTT: The defendant did direct the witness what to do, to receive men and so on, and any further directions she might have got in the matter, in the course of the business there, are competent against the defendant, as to the nature of the house.

THE COURT: I will sustain the objection to the question in that form.

BY MR. NOTT:

Q Did the defendant give you any instructions as to where to take men? A Yes.

Q What did she say to you? A That we should take them upstairs to the bed room.

Q To what? A To the bed room.

Q Well now, you say that certain men picked you out, and you went upstairs with them? Is that correct? A Yes.

Q And, when you got upstairs, did you go into a bed room? A Yes.

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Q On each occasion that you went up? A Yes.

MR. NOTT: Well, do you object to my leading her on this question?

MR. SNITKIN: Let me hear it, first.

BY MR. NOTT:

Q Well, did you have intercourse with those men?

A Yes.

Q Sexual intercourse? A Yes.

Q And how many times did you go up, with men, that night, and have sexual intercourse? A Nine.

Q When you got up there did you see -- did you look into any other rooms at any time? A Yes.

Q What did you see in there? A I seen --

MR. SNITKIN: Objected to as incompetent, immaterial and irrelevant.

THE COURT: Objection sustained.

MR. NOTT: Now, if your Honor please, I respectfully contend that I should have the right to show the acts that went on in that house, to show that it was a house of prostitution, and so Mr. Justice Dowling held, to show that other acts of prostitution happened there. You can't have a house of prostitution with only one girl.

THE COURT: Well, where did you get that principle of law, that there cannot be a house of prostitution with only one girl?

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MR. NOTT: I say that one girl does not make a house of prostitution.

THE COURT: No; provided that she used her own room. That is the distinction. You will find cases in this Court, decided by Judge Martine, back in 1890. She is charged with having received this woman for the purpose of prostitution. Now, assuming that there were a thousand strumpets in that house, who committed acts of sexual intercourse, and this defendant did not do anything, how would crime be imputed to this defendant by the acts of others?

MR. NOTT: Why, I have shown that this defendant gave this girl instructions; and that she was in charge of the house, in general.

THE COURT: I will allow you to show what instructions this defendant gave, if any, to every person in that house. That is proper, for the purpose of showing control, or supervision, or management of the place. That is proper, that is relevant, but what other acts occurred in that house, I do not see how they are material to this inquiry.

MR. NOTT: Show that it was a house of prostitution.

THE COURT: The statute here is silent on the question of it being a disorderly house or house of prostitution. If a woman receives a girl, under the age of

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eighteen, for the purpose of prostitution, there guilt is established. I have written an opinion, in this Court, concerning whether one woman can commit prostitution in a tenement house, and I have gone into the subject very carefully. I do not think it is material.

Assuming, for the sake of argument, Mr. Nott, that this defendant had used this girl alone, in one room, and had allowed men to go there, would she be any the less responsible?

MR. NOTT: No, sir.

THE COURT: Then why bring into this case other acts of prostitution?

MR. NOTT: Simply to show that the defendant was in charge of the house, and that it was a house of prostitution.

THE COURT: Now, you have shown that all these other girls were downstairs at the time that this girl was downstairs, and that she received instructions from the defendant as to what she was to do with the men; that she was given a wrapper, and that she was told to take the men up to bed rooms, and have sexual intercourse with them, and receive pay for that; and was to give the defendant half of her receipts, as she claims.

I will allow you to prove every act or declaration on the part of the defendant to any person in that house,

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with a view of showing that this witness was received by the defendant.

BY MR. NOTT:

Q Now, after you came down, did you see the defendant in the parlor? A I did, later in the evening.

Q On some of the occasions after you returned with men, was the defendant in the parlor? A Yes, sir.

Q State whether or not the defendant was in the parlor at any of the times when you ~~xxx~~ left the parlor with men, to go upstairs? A I don't remember.

Q But she was there when you came down, with men?

A yes, sir.

Q And state to the jury whether or not you turned over any of the money, any of these nine dollars that you received, to the defendant? A Yes.

Q Do you remember how many? A No, sir.

Q But you do remember that you turned over part to her?

A Yes.

Q And to whom did you turn over the rest of it?

A To a woman named Miss Sadie.

Q When you turned the money over to the defendant, state what she did, if anything, with this card? A She give me a card, and she punched it.

Q Now, while you were in there, and the defendant was in this room, did you see any of the other girls leave the

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room, with men, to go upstairs? A Yes, sir.

Q And did you see them come down? A Yes, sir.

Q And did you see the other girls, or any of them, turn over money to the defendant? A Yes, sir.

Q And did she punch their cards? A Yes, sir.

MR. NOTT: Now, if your Honor please, in view of that testimony, I claim that I have the right to show acts of prostitution.

THE COURT: Well, but how are other acts of prostitution material to this case?

MR. NOTT: Well, it is a part of the res gestae. I don't see how you can prove only a part of what occurred there.

THE COURT: I am allowing you to show what went on in the house; to show that this defendant received and harbored and used this complaining witness for the purpose of having sexual intercourse with men, for the purpose of prostitution.

I will allow you to show every act and declaration on the part of the defendant in the management and control of that place.

BY MR. NOTT:

Q Now you say that, about 3 o'clock in the morning, you left there; is that correct? A Yes, sir.

Q Who gave you your clothes back to you? A A woman by

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the name of Miss Sadie.

Q And then you and Rose Belmore left? A Yes, sir.

Q Where did you go to? A We walked straight down that street, until we come to the elevated road.

Q The elevated road? A Yes, sir.

Q On Third avenue? A Yes, sir.

Q And then you walked which way? A Down Third avenue.

Q And you knew your way back to where? A To 35 Stuyvesant Street.

Q Were Jack and Louis there, when you got back?

A Yes, sir.

Q Now, did you ever go back to this house again?

A No, sir.

Q What did you do between that date, when you left this house, and the following Monday? A Why, we were at that room.

Q Did you have any money? A Only what those fellows gave us, before they left.

Q When did they leave? A I think it was on Saturday.

Q That was the Saturday after you came out of this house? A Yes, sir.

Q And what did they give you?

MR. SNITKIN: Now, wait a moment. I object to that.

THE COURT: Objection sustained.

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BY MR. NOTT:

Q Well, tell the jury whether or not on Monday, the following Monday, you were arrested? A Yes, sir.

Q And was Rose Belmore arrested? A Yes, sir.

Q At what time of the day or night? A I don't remember what time of night it was.

Q Well, about what time? Was it in the daytime or night time? A At night.

Q And where were you taken to? A We were taken to some station house, first.

Q Yes. A And then to Jefferson Market Court.

Q And do you remember the name of the judge there?

A Magistrate Corrigan.

Q Now, in the Jefferson Market Court, did the Judge ask you where you had been? A Yes.

Q And about --

MR. SNITKIN: Now, I object to all that, if your Honor please. I object to any statements made by this witness before Magistrate Corrigan, not only as hearsay, but as not part of this proceeding, and absolutely immaterial, so far as the direct examination of the witness is concerned.

THE COURT: Well, I see no objection to the question being answered, if it is answered yes or no.

(The question is repeated by the stenographer)

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A Yes.

BY MR. NOTT:

Q And how long were you kept in the Jefferson Market Police Court? A Until about 3 o'clock in the morning.

Q And where were you taken to then?

MR. SNITKIN: Objected to as immaterial, irrelevant and incompetent.

THE COURT: Overruled.

MR. SNITKIN: Exception.

A We were taken to the Probation Officer's Home.

Q Do you remember the name of the Probation Officer?

A I think it was Mrs. McCauley.

Q And how long did you stay in her home? A Until noon-time.

Q That was the next day? A Yes, sir.

Q And then where were you taken? A We were taken to some Sisters' Home.

Q And how long did you stay there? A Until Wednesday morning.

Q The following Wednesday? A Yes, sir.

Q And where were you taken then? A We were taken to the House of Detention.

Q Now, let us see if we get the dates straight. You say that you went to this house of Anna Gross on a Wednesday, September 4th? A Yes, sir.

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Q And the Wednesday when you were taken to the House of Detention, was that the following Wednesday? A Yes, sir.

Q One week after? A Yes, sir.

MR. SNITKIN: Now, I respectfully object to the form of the question, and ask that the answer be stricken out, on the ground that the question is improper, improperly framed, as assuming a state of facts not in existence, the question assuming that "You went to the house of Anna Gross." I object to the question framed by the District Attorney, stating to the witness that "You went to the house of Anna Gross".

MR. NOTT: Oh, then, where Anna Gross was.

BY THE COURT:

Q To the house where Anna Gross was present.

MR. NOTT: Yes, sir, that is my question.

MR. SNITKIN: That is entirely different. I don't object to the question as amended.

A Yes, sir.

BY MR. NOTT:

Q And it was a week after that that you were committed to the House of Detention? A Yes, sir.

Q And was Rose Belmore committed at the same time that you were? A Yes, sir.

Q And has she been there ever since? A Yes, sir.

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CROSS EXAMINATION BY MR. SNITKIN:

Q Now, Esther, won't you speak loud, so that all the jurors can hear you? A Yes.

MR. SNITKIN: Now, will you stand up, and now I ask your Honor to direct the jury that, pursuant to the section of the Code, that they have the right to observe this girl's physical appearance.

THE COURT: yes. The jury may determine from the general appearance of the person, her age.

BY MR. SNITKIN:

Q Now, Esther, I want you to tell the Judge and jury your true name? A My true name?

Q Yes. A Esther Maynard.

Q Any other name? A No, sir.

Q Sure about that? A No, sir.

Q How about McLoughlin? A That isn't my name.

Q Who was Peter McLoughlin; do you know? A No, sir.

Q Aren't you the daughter of Peter McLoughlin?

A Not as I know of.

Q Not as you know of? A No, sir.

Q Aren't you sure about it? A No, sir.

Q Don't you know that your father's name was Peter McLoughlin? A No, sir.

Q You don't know it, or do you say that it was not?

A I don't know that that was my father's name.

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Q Where did you say that you were born? A In Fall River.

Q Now, of course, so far as your age is concerned, you rely entirely upon what your mother told you? A Yes.

Q Yes. And you rely upon what your mother told you, that you were a daughter of Maynard? A Yes, sir.

Q But you don't know anything to the contrary?

A No, sir.

THE COURT: Well, how material is that, Mr. Snitkin?

MR. SNITKIN: Your Honor will observe, as the case proceeds, the materiality of it.

MR. NOTT: I don't think your Honor will observe the materiality of it.

THE COURT: Then you should object.

MR. SNITKIN: It is for the purpose of showing the improbability of her knowing the age to be given subsequently by the mother.

THE COURT: Why, any person who testifies as to age, testifies to a matter of hearsay.

MR. SNITKIN: Yes, sir; and that's why I asked her the question whether she relied upon the statement of her mother.

MR. NOTT: And that would be true, whether her father was McLoughlin, Maynard or John Smith.

MR. SNITKIN: That's true; but I lay the foundation now for a subsequent attack upon the mother's credibility.

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THE COURT: Well, then, do not anticipate.

BY MR. SNITKIN:

Q Now, how long have you lived in Fall River? A Why, I don't know.

Q You don't know? A No, sir.

Q Well, where did you go, after leaving Fall River?

A To Holyoke.

Q What year and what month did you go to Holyoke?

A I don't know.

Q How long have you lived there? A I don't know.

Q You don't know that? A No, sir.

Q Where did you live, last summer? A Holyoke.

Q What street? A Centre Street.

Q What number? A 11.

Q How long have you lived at 11 Centre Street, Holyoke?

A About two or three years.

Q When did you move into No. 11 Centre Street? A About two or three years ago.

Q What year? Can't you give us the date? A No, sir.

Q You couldn't tell that? A No, sir.

Q Now, how long have you lived at Holyoke? A How long did I live there?

Q Yes; how long have you lived there? A I don't know.

Q You don't know that? A No, sir.

Q Now, how long have you worked for the Hadley Thread Company? A Since I was 14 years old.

Q How many -- how many years -- pardon me. The question is withdrawn. How many years have you worked for them?

A About three years.

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Q About three years? A Yes, sir.

Q When did you start in to work for them? A When I was 14 years old.

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

Q You don't remember that? A No, sir.

Q Now, you said you know Rose Belmore; is that right?
A Yes, sir.

Q Well, now, do you know where the Belmore girl lived?
A Yes, sir.

Q Where? A She lived with her aunt.

Q Where? A In Springfield.

Q A little distance away from where you lived?
A Not very far.

Q She didn't live in Holyoke; did she? A No, sir.

Q Well, now, how long had you known this Belmore girl?
A About a year.

Q Where did you meet her? A Where did I meet her?

Q Yes. A In Springfield.

Q That is the home where she lives? A That's where she lived.

Q What year was it you met her in? A What year?

Q Yes. A I don't remember.

Q You don't remember? A No, sir.

Q What month? A I don't remember what month.

Q How did you come to meet her? A How did I come to

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meet her?

Q Yes. A Through a friend, through a cousin.

Q Now, which is it? Through a cousin or a friend?

A Through her cousin.

Q Eh? A Through her cousin.

Q Gentleman friend? A No, sir.

Q Well, you met several gentlemen friends, introduced to you by Belmore? A No, sir.

Q Sure about that? A Yes, sir.

Q You had a gentleman friend in Holyoke? A Yes, sir.

Q And went out with him a number of times; didn't you?

A Yes.

Q And slept with him in the same bed; didn't you?

A Slept with him?

Q Yes. A No, sir.

Q But you had intercourse with him? A Yes.

Q A number of times before you came to New York?

A (No answer.)

Q How about that? A Yes.

Q What is his name?

MR. NOTT: Now, I don't see why she should tell his name.

THE COURT: Why should the man's name be brought out? I will sustain the objection.

MR. SMICKIN: All right then. I will not ask her the

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man's name.

Q So that, preceding the day that you met her, and which subsequently brought about the visit to New York, you had seen the Belmore girl in Springfield before? A Yes.

Q How many times? A Quite a number of times.

Q Before? A Yes, sir.

Q Now, coming down to the time when you met Miss Belmore, and which led to the visit to New York, can you tell the Court and jury here what month it was that you went to Springfield?

A In August.

Q Sure it was in August? A Yes, sir.

Q Was it in October or September? A No, sir.

Q Did you hear this question asked of you, on the first trial, by Mr. Nott, and did you make the following answer:

"Q Tell the jury whether or not, in the month of October or September, 1907, you went down from Holyoke to Springfield, to spend the day? A Yes, sir."? That is so; is it?

That testimony isn't so; is it? A (No answer.)

Q It wasn't in September or October that you went from Holyoke to Springfield? A Yes, sir.

Q It was in August? A Yes, sir.

Q So that the testimony that you gave on the first trial, under oath, so far as it relates to the question and answer that I have specified, was not true? A (No answer.)

Q May I get your answer, please? A Yes, sir.

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Q That was untrue? A Yes, sir.

Q Now, will you be good enough to tell this jury on what day of the week you left Holyoke? A On Tuesday.

Q In the morning? A Yes, sir.

Q Now, you didn't work, that day? A No, sir.

Q And how long had you been out of work before you left for Springfield? A About two weeks.

Q About two weeks out of work? A Yes, sir.

Q Now, of course, you went by train, didn't you? Did you go by train from Holyoke to Springfield, or did you go by surface cars? A I took the electric car, coming down, yes.

Q You can't tell us the month, except as you just stated, August? A Yes, sir.

Q And you couldn't specify the day in August that you went there? A The day?

Q The day of the month? A I said I come down on a Tuesday.

Q I said, the day of the month. A No, I couldn't tell you that; I don't remember.

Q Now, how did it come about that you went to Springfield, that morning? A Why, I thought, because I wasn't working, I would go down to see her.

Q Well, you were not invited by Miss Belmore to come down there? A Well, she told me any time I wanted to go to see her, I could.

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Q Now, you had been out of work for two weeks before that? A Yes, sir.

Q And had you been to see her during those two weeks? A Yes, sir.

Q A number of times? A Yes, sir.

Q And stayed there all night? A No, sir.

Q Never? A No, sir.

Q Well, now, finally, on this particular day, you went down to Springfield; did you? A Yes, sir.

Q And you met her? A Yes, sir.

Q Where? A At her aunt's.

Q She wasn't working either; was she? A No, sir.

Q She had been out of work for some time, too?

A No, sir.

Q Well, had you ever met her at her aunt's before?

A Yes.

Q What is the address? A 48 Pearl Street.

Q What time was it that you arrived from Holyoke to Springfield? A In the morning.

Q I said, the time. A I don't remember the time.

Q You don't remember that? A No, sir.

Q Well, when you finally arrived in Springfield, did you stay there, that night? A Did I stay in Springfield, that night?

Q That's what I said. A Well, didn't I come to New

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York, at 2 o'clock in the morning?

Q You went in the morning of the following day, did you not? A Yes, sir.

Q Did you stay that night, prior to the morning that you left for New York? A I was at her aunt's, with her.

Q The answer is that you did; isn't it? A Yes; I stayed there.

Q Would you mind telling me the name of her aunt?
A Would I mind telling the name of her aunt?

MR. NOTT: Well, I object to that, as immaterial. She has given the number, if your Honor please, and the street.

MR. SNITKIN: On the question of her credibility, your Honor.

THE COURT: Objection sustained.

MR. SNITKIN: Very well.

Q Now, what were you doing all of that day? A What was I doing?

Q Yes. Don't repeat my questions, please. Just answer them.

MR. NOTT: Now, I submit that the Court should admonish the witness, not Mr. Snitkin.

THE COURT: Yes. Do not admonish the witness.

BY MR. SNITKIN:

Q What were you doing all that day in Springfield?

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A I was with Rose, at her aunt's.

Q And that's all you did, remained at her house all that day? A Yes, sir.

Q Did you meet any gentleman friend? A No, sir.

Q Well, where did you meet these two young fellows with whom you came to New York? A At the depot.

Q At what depot? A At the depot in Springfield.

Q Had you ever seen these two fellows before? A No, sir.

Q Who spoke to these two men first, you or Miss Belmore?

A They spoke to us first.

Q They spoke to you? A Yes, sir.

Q And up to that time these two men that spoke to you were strangers? A Yes, sir.

Q You met them in the depot? A Yes, sir.

Q What time of day was it that you met them? A About 5 o'clock.

Q Now, did you, after you met them, immediately come to New York? A No, sir.

Q How long did you remain with these men? A We weren't with them at all until we came to New York.

Q Then, after you met these two boys, these two men, whom you had never known before, at 5 o'clock, you made an appointment to meet them later? A Yes, sir.

Q What time did you meet them again? A At 8 o'clock.

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Q In the morning? A Yes, sir.

Q So you hadn't seen them between the hours of 5 in the afternoon until 2 o'clock the next morning? A No, sir.

Q Where did you sleep, that night? A We were at her aunt's.

Q You slept at her aunt's? A Yes, sir.

Q Belmore's aunt? A Yes; we didn't go to sleep, though.

Q Stayed up all night? A Yes, sir.

Q Until 2 o'clock in the morning? A Yes, sir.

Q And then you finally went back to the depot? A Yes, sir.

Q And met the two men that you had never seen before, except the first acquaintance that you had made with them? A Yes, sir.

Q And at 2 o'clock in the morning, at the Springfield station, you and Miss Belmore and these two young men, whom you hadn't known before, came to New York? A Yes, sir.

Q Would you tell me what train you took? What road did you travel on? A I don't remember.

Q You don't know what road you traveled on from Springfield to New York? A No, sir.

Q What train did you take? A I think it was the New York, New Haven & Hartford train.

Q Yes. Well, now, what train did you take from

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Springfield to New York? A I think it was the New York, New Haven & Hartford train.

Q I asked you what train it was you took.

MR. NOTT: What do you mean?

BY MR. SNITKIN:

Q What time was it? A About 2 o'clock in the morning.

Q About 2 in the morning? A Yes, sir.

Q Sure about it? A Yes, sir.

Q Did you come by train? A Yes, sir.

Q From Springfield to New York? A Yes, sir.

Q Was it an express train or a local train? A I don't remember.

MR. NOTT: Now, is this witness a railroad man?

I object to that, your Honor. How does she know?

MR. SNITKIN: On the question of her credibility, I think it is material.

THE COURT: Objection sustained.

MR. SNITKIN: We take an exception.

Q Was it before or after 2 o'clock, that you took this train? A I think it was about 2.

Q About 2? A Yes, sir.

Q Would you say before or after? A I couldn't say.

Q You couldn't say that? A No, sir.

Q What time did you arrive in New York? A About 6 in the morning.

Q Well, now, Miss Maynard, don't you know that there is no train leaving Springfield for New York at 2 o'clock?

A Yes, there is.

MR. NOTT: Now, I object to that statement.

THE COURT: Objection sustained. You have questioned her, and, now, if you desire to contradict her, there is a way of doing it.

MR. SNITKIN: All right, sir.

Q Now, you got to New York at 6 o'clock in the morning?
By the way, who suggested coming to New York? A The two fellows asked us to come.

Q Did you have a parlor seat? A No, sir.

Q You had no sleeper; did you? A No, sir.

Q When you got to New York, where did you and these two men go? A To 35 Stuyvesant Street.

Q And you lived with these two men, whom you met casually, met at the depot, and who invited you to come to New York, for two weeks? A Yes, sir.

Q And slept with them? A Yes, sir.

Q You were down in New York, according to your testimony, two weeks before you were arrested? A Yes, sir.

Q Did you communicate with your mother while you were here, during that period? A No, sir.

Q Did you write to your mother that you were living in New York with two men that you met at the depot?

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MR. NOTT: Objected to. This is a waste of time, I submit. She said that she didn't communicate with her mother at all during that time.

THE COURT: Objection sustained.

BY MR. SNITKIN:

Q Now, when was it that you went from Stuyvesant Street to 27th Street? And, when I say that, I mean the day of the month and the month? A It was on a Wednesday.

Q I asked you the day of the month, and the month?

A The 4th of September.

Q Sure about that? A Yes, sir.

Q Do you remember being asked this question, by Mr. Nott, on the first trial, and do you remember making this answer:

"Q Did you go, on or about the 14th of October, go there with anyone, to the premises 163 West 27th street? A Yes, sir?"

A I don't remember.

Q You don't remember that? A No, sir.

Q Well, did you testify to the truth, the first time?

A Yes.

Q And, Identifying the question I have just asked you, were you asked this question, and did you make this answer:

"Q What time of the day or night was it that you went there?

A About 7 o'clock"? Did you say that? A yes, sir.

THE COURT: On October 4th?

MR. SNITKIN: On October 14th.

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If your Honor has the testimony, it is on page 4.

THE COURT: I have not any testimony.

BY MR. SNITKIN:

Q Now, you went to the place on 27th Street with these two men, from Stuyvesant Street? A Yes, sir.

Q Is that right? A Yes, sir.

Q Well, now, this Belmore girl was with you? A Yes, sir.

Q Did you have any talk with her and these men as to where you were going? A Did we have any talk?

Q Yes. A They told us they were taking us to a room.

Q Yes; taking you to a room? A Yes, sir; to a furnished room.

Q Well, now, at that time, had they told you that they were going to vacate the Stuyvesant Street or Place room? A Yes, sir; they said they was going to look for a new room.

Q Well, isn't it a fact, that after you left the house in 27th street, you went right back to Stuyvesant Street?

A Yes.

Q And lived there with these two men?

MR. NOTT: If your Honor please, I submit that he is putting two questions at once.

MR. SNITKIN: Well, perhaps I am.

BY THE COURT:

Q And did you go back to Stuyvesant Place, after you

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left this house on 27th street? A Yes, sir.

Q And did you live there with these two men? A They left us there, on Saturday, your Honor.

BY MR. SNITKIN:

Q Now, coming down to the time that you went to the house in 27th street? A Yes.

Q And she was with you? A Yes.

Q And was in a position to hear what was said or done in reference to this defendant as well as you were? A Yes, sir.

THE COURT: Gentlemen of the jury, do not discuss this case among yourselves, or permit anyone to talk with you about, and, if anyone attempts to do so, report it to the Court; and do not form or express any opinion regarding the guilt or innocence of the defendant, until the case is finally submitted to you.

The Court will take a recess until 2 o'clock.

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AFTER RECESS.

ESTHER MAYNARD, the complaining witness, her cross examination being continued, testified as follows:

CROSS EXAMINATION CONTINUED BY MR. SHITKIN:

Q Now, Esther, the only persons who accompanied you to the 27th street house were the two men, Jack and Louis, and the Belmore woman and yourself? A Yes, sir.

Q Now, what number was this, on 27th street? A 163.

Q How do you know it was 163? A Because I looked at the number, before I went in.

Q Now, I understood you to have testified, on your direct examination, the only persons who went in the house were yourself, Miss Belmore and Jack? Now you are certain that Louis didn't go in at all? A Yes, sir.

Q Louis remained outside? A Yes, sir.

Q And at no time while the conversation was had, as you have testified, between Mrs. Gross, this defendant, and Jack and you and Miss Belmore, Louis was not there? A If he was there, I've forgotten.

Q If he was, you have forgotten? A Yes, sir.

Q Well, don't you know whether he was there or not?

A Well, I forget.

Q Forget? A Yes, sir.

Q Well, can you tell us who went into the room, the

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dining room, first? A Jack.

Q Yes. Who else? A Rose and I.

Q That you are sure of? A Yes, sir.

Q Do you remember being asked this question, and I read from page 6, and did you make the following answer: "Q And then did you go in? A Yes. They took us in the dining room"?

Do you remember testifying, on the first trial, as I have read?

A I don't remember.

Q You don't remember that? A No, sir.

Q So that, as I understand you now, you don't remember as to what you testified to, on the 26th of November, 1907, before Judge Dowling and a jury? A I don't remember saying that.

Q Now, you have said, on your direct examination, that, as you went into the dining room, there were two women there?

A Yes, sir.

Q Sure about that? A Yes, sir.

Q May I ask you to raise your voice, please? You are sure of that? A Yes, sir.

Q Now, when you came in, the first time, the defendant wasn't there? A No, sir.

Q Do you know the names of the two women whom you saw in this room first? A No, sir; I only know one.

Q What was her name? A They called her Miss Annie.

Q Miss Annie? A Yes.

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Q So that, besides the defendant, who, you said, was called Miss Annie, there was another woman there who was called Miss Annie? A Yes.

Q All right. Now, how long after you had been in this room was it that the defendant, Mrs. Gross, came in? A About ten or fifteen minutes.

Q And what were you doing before Mrs. Gross came in? A We were sitting down.

Q Now, at that time, was there any one else in that room, besides these two women and yourself and Miss Belmore and Jack? A No, sir.

Q Now, do you remember this question being asked you, and did you make the following answer, and I read from page 7: "Q Was there anybody there at the time with these two women you speak of and you two girls and these two men? A No, sir; not there; not down there, there wasn't." Did you make that answer, that the only two persons that were in that room besides yourself and the two women and Miss Belmore were the two men?

MR. NOTT: She didn't make that reply. That was in my question, at the other trial.

MR. SNITKIN: Well, I am reading from the record, and I am not misquoting it.

MR. NOTT: I object to the form of the question. The fact as to two men appears in my question.

THE COURT: If the witness now gives testimony which appears to be inconsistent with what she testified to, on another occasion, it is permissible.

BY MR. SNITKIN:

Q Now, was that question asked you by Mr. Nott, on the first trial, and did you make the answer that I have read?

Yes or no? A (No answer.)

Q or don't you remember? A I don't remember.

Q You don't remember? A No, sir.

Q But you gave your testimony under oath, didn't you, that I have just read?

MR. NOTT: She says that she don't remember whether she did or not.

MR. SNITKIN: Oh, don't interrupt me any more than you can help, Mr. Nott.

MR. NOTT: I will object to anything that I think is improper.

BY MR. SNITKIN:

Q You understand me, don't you, Miss Maynard?

MR. NOTT: I will concede now that whatever she testified to, at the last trial, was under oath.

MR. SNITKIN: And that's very kind of you, and that's all I want.

Q Now, Miss Maynard, after Mrs. Gross came in, did you hear the conversation that was had between Mrs. Gross and the

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two men? A I heard them ask her if she wanted any girls.

Q Well, you heard the conversation? A Yes, sir.

Q Now, I direct your attention-- and I read from page 7--

MR. NOTT: Now, I want that last answer repeated.

I don't think Mr. Snitkin heard it.

MR. SNITKIN: I did. I heard it.

Q Now: "Q And then did you hear any conversation had between the defendant and these two men? A No. They were talking, but I didn't hear what they were saying." Did you so testify, on the first trial? A Well, some of it I didn't hear.

MR. NOTT: Now, if your Honor please, I object to reading that question, and not reading what immediately follows.

MR. SNITKIN: I am going to read everything.

Q Now, in my question I have incorporated two men, and you have answered to that. Were there two men there, Jack and Louis? A No, sir.

Q Well, why did you answer that way, if these two men were not present?

THE COURT: She testified, Mr. Snitkin, that Jack spoke, and that Louis remained outside.

MR. SNITKIN: Exactly. And, in the other trial, Mr. Nott predicated his questions on the assumption that the two men were there, and she made answer to that, and

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didn't correct it.

MR. NOTT: She didn't correct me, and I was wrong,
and she didn't correct me.

BY THE COURT:

Q Well, did you mean that one man was present, or two?

A Only one, your Honor.

BY MR. SNITKIN:

Q I see. And so that, when Mr. Nott asked you, on the
first trial, about the two men, and you made an answer, you
only meant that it should apply to one man? A Yes, sir.

Q All right. Now, after the talk that you say you heard
talked of and part you didn't, did you have any conversation
with Mrs. Gross? A Yes.

Q Now, I call your attention to this question that was
asked you, and did you make the following answer, and I read
from page 7: "Q After that, did you have any talk with the
defendant, this woman? A No." Did you so testify, in that
way, on the first trial, that you didn't have any conversation
with the defendant? Yes or no? A (No answer.)

Q Or don't you remember? A No, sir.

Q You don't remember? A No, sir.

MR. NOTT: Now, just one minute--

MR. SNITKIN: I will proceed, if you don't interrupt
me.

Q Now, you are still certain--

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THE COURT: What do you want to say, Mr. Nott?

MR. NOTT: Just to remind Mr. Snitkin that he said he was going to read further on.

MR. SNITKIN: Yes; I will read from page 8 now.

Q Now, Miss Maynard, you are still certain, as the Court suggested to you, a minute ago, that when you answered about two men, you only meant one man? A Yes, sir.

THE COURT: Just a moment. Counsel should see to it that the proper question is put on the record. I will exclude the question and answer. The Court did not make any suggestion to the witness, and it should not appear in the record in that way.

MR. SNITKIN: Then omit the word "suggested". I didn't mean that at all, your Honor, in that sense.

Q Now, when the Court asked you whether the reference had in the first trial, in answer to the question Mr. Nott put, whether your answer referred only to one man? A Yes, sir.

Q Now, do you remember this question being asked of you, and did you make the following answer: "Q When you say 'She', you mean this defendant? (Indicating the defendant.) A Yes. She came in there, and the fellows asked her if she needed any girls, and she said yes, and they told her that they brought her us twowomen there for her." Did you so testify, on the first trial? A yes, sir.

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Q That was true, was it not? A No, sir; I only meant one.

MR. SNITKIN: All right.

MR. NOTT: Now, just read the rest of that answer, please.

BY MR. SNITKIN:

Q Now, was there anything else--

MR. NOTT: I object, if your Honor please. The entire answer should be read.

THE COURT: Yes.

MR. SNITKIN: I will read it: "And she said all right, she would take us in; and she asked us if we had any clothes with us, and we told her we hadn't."

MR. NOTT: I should think that he should read the entire answer, in every case, your Honor.

THE COURT: Yes; the entire answer should be given to any question that was propounded to her on the former trial.

MR. SNITKIN: I have done so now, your Honor.

Q Now, is there anything else that you remember having been spoken of, either by you or these two women and this defendant?

A The defendant asked our age.

Q Asked your age? A Yes, sir.

Q What reply did you make to that? A They said I was 19 years old.

Q I wish you would say that a little louder. A Jack said I was 19 years old.

Q You didn't contradict that statement? A No, sir.

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Q Eh? A No, sir.

Q Do you remember being asked this question on the first trial, and I read from page 8, and did you make the following answer-- and this answer, I may preface, succeeds the one I read, awhile ago-- "Q Anything else that you remember now? A I don't think I remember anything else". Now, didn't you so testify on the first trial?

A (No answer.)

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Q Yes or no.

MR. NOTT: Well, I object to that, because it doesn't appear what she testified to before that.

THE COURT: Well, is there any dispute that the witness testified on the former trial regarding the age?

MR. SNITKIN: As to her own age?

THE COURT: Yes.

MR. SNITKIN: Why, no, she gave testimony, of course.

THE COURT: No. As to what one of the men said as to her age, in the presence of the defendant, and what the defendant said?

MR. NOTT: : I don't know, sir. But does your Honor observe that, in the first question, the ~~record~~ ~~for~~ ~~the~~ defendant asked her whether she had any clothes, and so on.

THE COURT: I will give you an opportunity, on the re-direct examination, to question the witness as to such matters as the defense omits, Mr. Nott.

BY MR. SNITKIN:

Q And did Jack also say to Mrs. Gross, the defendant, that you had been in a house of prostitution before? A Yes.

Q And you heard that? A Yes.

Q And you didn't negative that? A (No answer)

Q You didn't gainsay that? A I don't understand you.

Q You didn't deny that? A No, sir.

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Q Now, up to that time, and up to the time that you heard this conversation between Jack and the defendant, you knew that you were going to a furnished room; didn't you?

A Yes.

Q And you still believed that you were going to a furnished room? A Not when I was in there.

Q Now, then, we are talking of the time when you say Jack told the defendant that you were 19 years old, and also that you had been in a house of prostitution before. At that time, you hadn't gowned yourself with any wrapper; had you? A No, sir.

Q And it was before you had gone upstairs? A Yes, sir.

Q And so, at that time, you knew the nature of the house; didn't you? A Yes.

Q Now, all this talk was had on the first floor?

A Yes, sir.

Q In the dining room? A Yes, sir.

Q Now you have also stated about receiving a wrapper. But, before I ask you the question. Miss Maynard, is the kitchen directly to the rear of the dining room? A The dining room is in the front, and the kitchen in the back.

Q Yes, that's it. The kitchen is in the rear?

A Yes, sir.

Q Did this defendant give you this wrapper that you have spoken about? A Yes, sir.

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Q Or the man? A What?

Q Or the man? A man whom you have referred to, in your direct examination, did he give you this wrapper that you have spoken about, or did this defendant? A He brought them in there, and the defendant gave them to us.

Q I read from page 10, if your Honor please: "Q What did she say to him --" referring to this man -- "A And she said he should give us two wrappers, and he gave us two wrappers."? Didn't you so testify, on the first trial?

A Yes, sir.

BY THE COURT:

Q Well, then, who gave you the wrappers? Did the defendant? A Well, she took them from him, and she gave them to us.

Q He brought them in? A Yes, your Honor.

Q The man brought them in? A Yes, sir.

BY MR. SNITKIN:

Q So that, when you testified on the first trial, that he, the man, gave you the wrappers, that's not the truth?

MR. NOTT: Now, I object to that. If a man brings a wrapper in, to be presented to a person, it is absolutely immaterial who hands it to that person.

THE COURT: Objection sustained.

MR. SNITKIN: Exception.

THE COURT: You may ask her what statement she in-

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tends now to give to the jury.

MR. SNITKIN: Now, when you testified on the first trial, that he, referring to the man, gave you the wrappers, what did you intend to mean by that? That the woman or the man gave them to you?

A I meant that the defendant took the wrappers and gave them to us.

BY MR. SNITKIN:

Q And that's what you meant, when you said he gave you the wrappers? A Yes.

Q Is that it? A Yes.

Q Where did you learn the words "the defendant"?

A Mr. Nott told me.

Q Mr. Nott told you? A Yes.

Q Where did he tell you that? A Right in the other trial.

Q Now, Miss Maynard, have you stated all to the jury that the defendant said to you at the time you entered this house? A No, sir.

Q I beg pardon? A No, sir.

Q Well, what do you mean by that? A She told us to go upstairs.

Q She told you to go upstairs? A Yes, sir.

Q Who was there at the time she told you, the defendant, to go upstairs? A Well, Rose, Jack and I.

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Q Where were these two women that you have spoken about, that you met in the dining room, one of whom whose name was Annie? A They were in the kitchen.

Q They were in the kitchen? A Yes, sir.

Q What else did she tell you, besides going upstairs, if she told you that at all? A And to put on the wrappers.

Q And you did that? A Yes, sir.

Q What else did she say, besides put on the wrappers? A That we were to get a dollar.

Q What else did she say, besides the statement that you have just made? A That we were to get a check, a piece of pasteboard.

Q What else did she say or do, besides the last statement that you have just made? A And she said it was to be punched, and we would receive half the money.

Q Now, you went upstairs with nine men; didn't you? A Yes.

Q And you received money from these nine men? A Yes, sir.

Q And you knew at that time that you were not in a furnished room?

MR. NOTT: Oh, I object. She said that she knew that, before she went up in the room.

THE COURT: Yes; she said that she knew that, at the time that she ~~was~~ made the arrangement.

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MR. SNITKIN: very well, sir.

Q Now, did you give this money to Miss Sadie?

A Some of it to Miss Sadie.

Q Now, when you said that you wanted to go away, you received your clothes? A Yes, sir.

Q And you went back to Stuyvesant Street? A Yes.

Q To where you were living with these two men?

A Yes, sir.

Q Do you know their last names? A No, sir.

Q You had been living with them how long? A Two weeks.

Q And didn't know their last names? A No, sir.

Q You remember, Miss Maynard, how many times, that night, you gave the defendant any money? A No, sir, I don't.

Q You don't know? A No, sir.

Q Did you have any talk with Mrs. Gross, before you left? Yes or no. A No, sir.

Q And the clothes were given to you by whom? A By Miss Sadie.

MR. SNITKIN: Is Mr. Mott in court? Officer William

B. Mott?

MR. NOTT: All the witnesses were ordered excluded, at your request.

BY MR. SNITKIN:

Q You gave testimony before the Grand jury; didn't you?

A Yes.

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Q Did you testify that you were an inmate, or rather, that you were taken to this house, on the 5th of September, 1907? A (No answer)

Q yes or no. A I don't remember.

Q You don't remember that? A No, sir.

Q Now, as Mr. Nott stated, after you left this house, on 27th street, you were arrested? A Yes, sir.

Q For soliciting? A Yes, sir.

Q Yes. Soliciting on Third avenue and 9th street?

A Yes, sir.

Q And you were arrested by Officer William B. Mott?

A I don't know his name.

Q Well, you were arrested by some person? A Yes, sir.

Q And taken to the Jefferson Market Court? A Yes, sir.

Q Do you remember when it was you were arrested?

A I believe it was on a Monday night.

Q On a Monday night? A Yes, sir.

Q How many days was it after you left the 27th street that you were arrested on the public streets, for soliciting?

A On the following Monday night.

Q That was how many days after? A I think about five days.

Q Five days after? A Yes, sir.

Q Are you certain it was five days afterwards?

MR. NOTT: Oh, I object. She says it was the follow-

ing Monday. Now, it is a matter of calculation.

MR. SNITKIN: Now, I think I have the right to interrogate her minutely in a matter of that kind.

THE COURT: objection overruled.

BY MR. SNITKIN:

Q (Question repeated) A Well, it was about five days after.

Q In other words, then, it might have been four days?

A Yes.

THE COURT: Well, is not that rather argumentative?

She says about five days.

MR. SNITKIN: All right, sir.

Q At the time that you were soliciting on the public streets were you living with these men in Stuyvesant street?

MR. NOTT: I object to that on the ground it assumes she was soliciting on the street.

MR. SNITKIN: She says she was.

MR. NOTT: Well, she said that she was arrested for soliciting, which is a very different thing, as your Honor well knows.

THE COURT: Yes. I will sustain the objection.

BY MR. SNITKIN:

Q Well, didn't you solicit Officer Mott, on 9th street?

A I don't know if that was the name.

Q Well, you solicited a man; didn't you? A Yes.

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Q Well, while you were soliciting men on the public highway, were you living with these men in Stuyvesant street?

A They had left us, on Saturday.

Q They had left you, on Saturday? A Yes, sir.

Q Where did you live, on Sunday night? A Stuyvesant street.

Q 35? A Yes, sir.

Q The same number? A Yes, sir.

Q Where these men had taken you? A Yes, sir.

Q This man who you say whose name you don't know, and who arrested you for soliciting him on Third avenue, on the 9th of September, did you ask him for \$2, to stop with you for the night, and a dollar for the room? A Rose did.

Q And did you? A No, not for two. Yes, I did, for two.

Q Now, you say that you are the only child?

A Yes, sir.

Q Did you have any brothers? A Yes.

Q You mean that you are the only child living?

A Yes, sir.

Q What was your brother's name? A My mother said that--

Q No; not what your mother said.

MR. NOTT: Now, how can she tell, except by what her mother said?

BY MR. SNITKIN:

Q You had brothers? A Yes.

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Q And what were their names? A Peter and Thomas.

Q Is Peter living? A I don't know. My mother said they were dead.

Q Is Thomas living? A Not as I know of.

Q Do you know when they died, either of them?

A No, sir.

Q Can you tell us the day of the month that you came here? I don't remember asking you the question. From Springfield to New York? A No, sir.

Q You can't? A The day?

Q Yes, the day of the month? A No, sir, I can't.

Q Have you had sisters, besides Tom and Peter, your brothers? A No, sir.

Q Not that you know of? A No, sir.

MR. SNITKIN: I ask for the production of the affidavit made in this case, made by this witness.

MR. NOTT: What do you mean?

MR. SNITKIN: The affidavit in the Magistrate's Court.

MR. NOTT: Well, I haven't got it, as you know.

MR. SNITKIN: It is part of the record in the case.

MR. NOTT: The paper is on record.

THE COURT: The original affidavit?

MR. SNITKIN: Yes, sir; upon which the indictment was found.

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THE COURT: It is among the original papers here, attached to the original indictment.

BY MR. SNITKIN:

Q Now, Miss Maynard, are you certain that you went to the house on 27th street, on the 4th of September? A Yes.

Q Certain? A Yes.

Q Will you be good enough to look at this paper, and see whether that is your signature (indicating)? Did you read that paper to which appears to be affixed your name? A Yes.

Q And you knew the contents of it? A yes.

Q And swore to it? A Yes.

Q Didn't you testify in the Magistrate's Court, on the 14th of October, 1907, that you entered this house on or about the 5th of September, 1907?

MR. NOTT: Well, I object to that, because it appears here that she so testified.

MR. SNITKIN: She testifies to the 4th.

MR. NOTT: She says on or about the 4th.

BY THE COURT:

Q Which was it, the 4th or 5th of September?

MR. NOTT: What does the indictment charge? It doesn't charge that she entered this house on the 5th. It charges that, on the 5th of September, she was received, used and harbored; and it appears that she went

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there late on the evening of the 4th, and stayed there until early in the morning of the 5th.

THE COURT: What is the purpose of the question?

MR. SNITKIN: As to the credibility of the witness.

THE COURT: She says that she went there about 7 o'clock at night, and left there about 3 o'clock in the morning of the next day, the 5th. Time is immaterial, any way.

MR. SNITKIN: It is material, as far as the credibility of the witness is concerned.

THE COURT: Well, suppose that she was there on the 3rd?

MR. SNITKIN: Well, I don't care to enter into a debate with your Honor. But it is to ask the jury to consider her credibility that I ask this question, on the ground that she has made different statements in different courts.

MR. NOTT: And I object to that statement, and ask to have the jury instructed to disregard it.

THE COURT: yes.

BY MR. SNITKIN:

Q Now, Miss Witness, when you entered this house in 27th street, who rang the bell? A Jack.

Q Since the first trial had in this case, you have spoken to Mr. Nott? A No, sir.

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Q Eh? A Since the first trial?

Q Yes. A No, sir.

Q Spoken to any one else about this case? A No, sir.

Q Well, you spoke to Miss Belmore; didn't you?

A Not about the case.

Q From the House of Detention, this morning, where did you go? A We come down here.

Q To whose office? A To the District Attorney's office.

Q Which particular room, I mean, which Assistant's room?

A Upstairs on the top floor.

Q Yes, that's right. That's where Mr. Nott's office is; isn't it?

MR. NOTT: And it isn't on the top floor, as you know very well.

BY MR. SNITKIN:

Q Were you in Mr. Nott's room, this morning? A No, sir.

Q In Mr. Murphy's room? A I don't know where Mr. Murphy's room is.

Q Well, in whose room were you? A Well, I don't know the name of the room.

Q All right, we'll let it go at that. Did you go up there at the recess hour? A I went home to dinner.

Q During the recess hour? A I went home.

Q You went home? A I went back to the House of Detention.

Q And who took you back there? A Some man.

Q Now, didn't you meet these men that you have spoken of in Worcester? A No, sir.

Q Did they tell you they came from Worcester?

A Yes, sir.

Q They didn't live in New York? A No, sir.

Q Now, when you came to the 27th street house, you were not dressed as you are now? A No, sir.

Q You had longer clothes on, and a longer skirt?

A No, sir.

Q Eh? A No, sir.

Q And where did you get these clothes? A The City got them for me.

Q The other clothes you have discarded for the ones that were given to you by the city? A Yes, sir.

Q You have seen your mother since the first trial; haven't you? A Yes.

Q And also before and after the first trial? A Yes, sir.

Q And have spoken to her? A Not about the case.

Q Not about the case? A No, sir.

Q Now, you know that I didn't ask you whether you spoke to her about the case or not. You simply asked her the time of day, I suppose? A (No answer)

Q Eh? And what the people were doing in Springfield, where you live, or Holyoke? A (No answer)

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BY MR. NOTT:

Q Tell the jury what you talked with your mother about?

A About our home.

BY MR. SNITKIN:

Q Where was this talk had between you and your mother?

A I don,t remember.

Q You don,t remember that? A No, sir.

Q Now, in order to get this properly before the Court and jury. You left of your own volition this house on 27th street? A Yes.

Q You were not detained from going out? A No, sir.

MR. NOTT: Oh, I object. This is a waste of time. She says that she asked for her clothes, and they were given to her, and she left.

MR. SNITKIN: Is that an objection to my question?

MR. NOTT: yes. I object to it, as already asked and answered, both on the direct and cross.

THE COURT: Why repeat it? She says that this woman, Miss Sadie, gave her the clothes.

BY MR. SNITKIN:

Q You have spoken to Mr. Reardon about this case?

A No, sir.

Q Sure you didn't speak to Mr. Reardon, that night, when you were arrested for soliciting? A Yes; I spoke to him.

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Q You weretaken into Magistrate's Corrigan's private room by Mr. Reardon?

A Not by Mr. Reardon.

Q You were taken into Magistrate Corrigan's room?

A yes, sir.

Q And afterwards did you see Mr. Reardon there?

A yes, sir.

Q And spoke to him?

A Yes.

Q When you spoke to Mr. Reardon, am I correct in understanding you that that is the night that you were personally arrested for soliciting? A Yes, sir.

Q And that was in September; wasn't it? A yes.

Q September 9th? A Yes.

Q Now, on the 9th of September, when you were arrested for soliciting, and you were interviewed, or rather spoken to by Mr. Reardon, you were possessed of the same facts, that is, as to the fact that you were present in this house, on or about the 5th of September, then as you are now? You knew these facts, didn't you, preceding the day when you were personally arrested?

A yes, sir.

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Q And isn't it true that you never made a complaint against Mrs. Gross until a month after you were personally arrested?

Yes or no? A (No answer.)

Q Do you understand my question? A No, sir.

Q You were arrested on September 9th? A Yes, sir.

Q For soliciting? A Yes, sir.

Q Prior to that time, you were in a disorderly house, as you say? A Yes, sir.

Q You knew you were there? A Yes, sir.

Q On the 9th of September? A Yes, sir.

Q And yet you never made a complaint against Mrs. Gross, until the 14th of October; isn't that so?

MR. NOTT: I object to that. The witness doesn't understand what is meant by making a complaint, perhaps. She told this story, apparently, and, because it wasn't sworn to in writing, doesn't matter.

THE COURT: Allowed.

A Well, she was taken to Magistrate Corrigan, that night, that I was arrested, too.

Q Yes. But you never made a complaint, charging the defendant with having committed the crime upon which she is now being tried, until the 14th of October, 1907?

MR. NOTT: Now, I object to that as ambiguous, as not stating whether it is a verbal or written complaint.

MR. SHUTKIN: A written complaint.

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Q A written complaint, until the 14th of October, 1907?

A No, sir.

Q Now, from the 9th of September, until the 14th of October, 1907, you were in custody? A Yes, sir.

Q When did your father die? A When I was a baby.

Q Did he die in Fall River?

MR. NOTT: Objected to, as calling for hearsay.

She says he died when she was a baby.

THE COURT: Objection sustained.

MR. SNITKIN: Will your Honor give me an exception to that?

THE COURT: Yes. It is immaterial when her father died.

MR. SNITKIN: Will your Honor permit me to state why I think it is material?

THE COURT: You may state it.

MR. SNITKIN: I have a certificate here. Of course, I wouldn't disclose the contents. I will show it to your Honor. A certificate which will materially contradict the statement that the witness may make.

MR. NOTT: Well, how can she tell when he died? She says that she was a baby when he died.

THE COURT: And how will the time of the death of the father prove the age of the girl?

MR. SNITKIN: Now, suppose that she will testify that

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he died on a certain date? In the Bureau of Vital Statistics, in Massachusetts, the date of her birth is recorded, and all particulars as to her father's death; and suppose that I show from that that he didn't die on that date that she mentioned?

MR. NOTT: And how can it affect her credibility, when she says he died when she was a baby?

THE COURT: And suppose that the undertaker or physician failed to file a proper record, how would that affect her credibility?

MR. SNITKIN: I am going to show that we have made an investigation of the records of the Bureau of Vital Statistics, in Massachusetts, since the last trial, and what they show.

MR. NOTT: If your Honor please, if she had stated that her father had died when she had reached the years of remembrance, I would not object for a moment.

MR. SNITKIN: But you are anticipating that.

MR. NOTT: No, I am not. She has testified that he died when she was a baby.

MR. SNITKIN: And her answer must be founded, necessarily, on hearsay evidence. And haven't I a right to ask when he died?

MR. NOTT: Objected to, as calling for hearsay.

BY THE COURT:

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Q How old were you when your father died? A I don't know, sir.

Q You don't remember? A No, sir.

RE DIRECT EXAMINATION BY MR. NOTT:

Q And did you ever see your father, to the best of your knowledge? A No, sir.

Q Now, as to this complaint that Mr. Snitkin asked you about. State to the jury whether or not, on the night of your arrest, you told Magistrate Corrigan where you had been?

A Yes, sir, I did.

Q And do you remember, on the 14th of October, when this complaint finally was sworn to, your mother was down there, and swore to an affidavit? A Yes, sir.

Q And what caused the delay between the time you were before Magistrate Corrigan, and getting your mother down from Fall River, you don't know? A No, sir, I don't.

Q And in this complaint, as stated by Mr. Snitkin, you then and there said that you had been there, on or about the 5th of September? A Yes, sir.

Q Now, he has asked you about the clothes you have on. Did you bring any clothes with you down from Springfield?

A Only what I had on.

Q Were they summer or winter clothes? A They were summer clothes.

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Q And when the weather got cold, the city gave you a thicker suit? A Yes, sir.

MR. SNITKIN: Now, I object to the form of the question.

THE COURT: She has answered it.

MR. SNITKIN: And I move to strike out the answer.

THE COURT: Granted.

BY MR. NOTT:

Q Well, about when, how long ago was it that you got the suit that you have got on now? A I don't remember.

Q Well, about how long? How long before the first trial? A We had them at the first trial.

Q Well, I say, how long before the first trial, about, was it, that you got those clothes? A About a month, I guess.

Q Oh, did you ever see your brothers? You have testified as to what you have been told about them? A No, sir.

Q And, if you had any brothers, did they live after your birth, or did they die before your birth? A They died before. That's what I know.

MR. SNITKIN: And you see I have not objected to it.

BY MR. NOTT:

Q Now, it has been shown here that this written complaint was verified on October 14th. State to the jury whether or not, on the first trial, when I asked you about the date, and

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had these papers, and asked you whether you went to that house, on or about the 14th, or, rather, put that into my question--

MR. SNITKIN: I object to the form of the question.

Q Well, do you remember, on the first trial, that it was in my question to you, and not in your answer, that that date, October 14th, was included?

MR. SNITKIN: I object to the form of the question, your Honor.

THE COURT: Well, it so appears from the question. It is merely an argument; is it not, Mr. Nott? It appears in your question.

MR. NOTT: Withdrawn.

Q Well, you testified to the correct date, at the first trial, and that matter was all cleared up; wasn't it?

MR. SNITKIN: Objected to.

THE COURT: Objection sustained.

Q Did you, at the first trial, testify that you went to this house on September 4th?

MR. SNITKIN: And I object to that, if your Honor please.

THE COURT: Overruled.

A I think I did.

Q Do you remember this question and this answer being testified to, being asked and answered, in the first trial:

"Q By Mr. Snitkin: Are you certain it was the 4th of

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September or the 5th, that you went to this 27th street house?

A The 4th."

MR. SNITKIN: Is that a question that you are asking now?

MR. NOTT: Yes.

Q Do you remember that question being asked, and that answer being given?

MR. SNITKIN: I object to that, as not proper re-direct examination.

THE COURT: There was some question made by you, in your examination, as to whether she said she went there on the 4th or 5th, and now the District Attorney is asking as to the first trial, whether that question and answer was given.

MR. SNITKIN: And she also testified to the 5th, and it is a matter for the jury to determine, on the question of her credibility.

THE COURT: Of course it is, but I will allow the question.

BY MR. NOTT:

Q Do you remember that question being asked by Mr. Snitkin, and your making that answer: "Q By Mr. Snitkin: Are you certain it was the 4th or the 5th, that you went to this 27th street house? A The 4th." A I don't remember that.

Q Oh, there is just one more question that I want to ask

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you. Mr. Snitkin has asked you about what room in this building you were in, before you came to this court room, and you said a room on the top floor. Is that correct?

A Yes, sir.

Q On the top floor? A Yes, sir.

Q And do you remember whether that room was connected to a room where there were a lot of men, and a lot of desks, where the county detectives are? A Yes; where there is a big table in the room.

Q Have you ever been in my office? Have you ever been downstairs in my office? A No, sir.

Q Or in Mr. Murphy's office? A No, sir. I don't know anybody by that name.

R O S E B E L M O R E , a witness called on behalf of the People, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. NOTT:

Q How old are you, Miss Belmore? A Twenty-one.

Q And in the month of August, where did you live?

A 48 Pearl Street, Massachusetts-- Springfield, Massachusetts.

Q 48 Pearl Street? A Yes, sir.

Q And who did you live with? A My aunt.

Q And had you know this girl, Esther Maynard? A Yes, sir.

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Q And were you engaged in any employment or business in Springfield? A Yes, sir.

Q What? A I was working in a button shop.

Q How long did you work there? A A year.

Q And how long had you been working altogether?

A Three years.

Q Now, state whether or not, in the month of August last, Esther Maynard came down to Springfield to see you?

A Yes, sir; she come down on a Tuesday morning.

Q And did she spend the day? A yes, sir.

Q Now, state whether or not you went with her to the depot, that afternoon? A yes; I did go with her to the depot.

Q Did you meet anybody there? A We met two fellows up at the depot.

Q And what did you know them by? What names? A Louis and Jack.

Q Had you ever seen them before you went to the depot?

A No, sir.

Q Now, don't give the conversation you had with them, but did you leave them at the depot? A yes; we left them at the depot.

Q And where did you go? A Back to my aunt's, 48 Pearl Street.

Q And what time did you leave your aunt's again, if you

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did leave? A About half past 1 in the morning.

Q And where did you go to? A We went back to the depot.

Q And were Louis and Jack there? A Yes, sir.

Q And what did you do? A We got on the train, and come down here to New York.

Q And where did you four go, when you got to New York?

A Down to Stuyvesant Street.

Q Had you ever been in New York before? A No, sir.

Q And when you say Stuyvesant Street, you mean New York City and County? A yes, sir.

Q Now, about how long, roughly, did you and Esther Maynard and these two fellows live there, at Stuyvesant Street?

A I don't understand you.

Q Well, about how long did you four live there?

A About a week.

Q What? A About a week or so.

Q About a week or so? A Yes, sir.

Q Now, do you remember the 4th day of September?

A Yes, sir.

Q Did you and Esther Maynard and these two fellows go anywhere, on that day? A We went up to 163 West 27th street.

Q And what time did you leave to go up there? A About 6 o'clock.

Q About 6 o'clock? A Yes, sir.

Q And how did you go up? A We went up on the trolley

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car.

Q Up what avenue? A Third Avenue.

Q Yes. And then how did you go across? A I don't know how we went across. I know we got off at 27th street.

Q Well, you went to this house? A yes.

Q Now, who went in, who went into the house, if anybody went in? A Jack went in with us.

Q With whom? A With Esther Maynard and I.

Q And what became of Louis? A He stayed outside.

Q And, when you got in, where did you go? A We went into the kitchen.

Q Is that the front or back room? A The back room.

Q Was there anybody there? A There was a tall, stout, dark complected woman there.

Q Well, who let you in? A A tall, dark complected woman let us in.

Q Well, was she black or white? A She was white.

Q But she had a dark complexion, you say? A Yes, sir.

Q Had you ever been in New York before? A No, sir.

Q Now, after you had been there awhile, did you see the defendant, Anna Gross? A Yes, sir.

Q How long had you been there then, before you saw her?
A About ten minutes.

Q And who did you see, before you saw her? A I saw

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Miss Annie and Miss Sadie.

Q Two other women? A yes, sir.

Q And then you saw this woman? (Indicating the defendant.) A Yes, sir.

Q Do you remember what room you were in, when you saw her?

A Who? The defendant?

Q yes. A I see her in the front room, where we took our meal.

Q Was that in the front room, the dining room? A Yes, sir; in the dining room.

Q And in that room you say you had a meal, later?

A yes, sir.

Q Now, I want you to tell the jury everything that you heard, or what was said, after the defendant, Anna Gross, came into that front room? A She asked us if we had ever been in a house before.

MR. SNITKIN: Now, if your Honor please, I object to any conversation had between this defendant and this witness, in so far as the issue in this case is concerned, or any act that she may have done, this witness, pursuant to any conversation had with the defendant, for this reason, that we are not charged with having abducted her, and whatever act she may have committed, it would not have bound the defendant.

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MR. NOTT: Of course not. As this witness is over twenty-one, it couldn't be abduction. She is corroborating the first witness.

THE COURT: Well, I will allow the evidence.
Objection overruled.

MR. SNITKIN: Exception.

BY MR. NOTT:

Q Who did the defendant ask if you had ever been in a house before? A Jack.

Q And what did he say? A He said that we had been in a house down here in Columbus avenue.

Q And was that true? A No, sir, it wasn't.

MR. SNITKIN: Well, I object to that, and ask to have the answer stricken out.

THE COURT: Objection sustained. Motion granted.

Q Well, had you been in a house of prostitution in Columbus avenue, New York City, before that?

MR. SNITKIN: Objected to.

THE COURT: Objection sustained.

Q Well, did you make any contradiction when they said that? A No, sir, we didn't.

Q Well, what else did you hear said? A Then she was talking to Jack, but we couldn't understand what she was saying; and she sent a man out to get some wrappers.

Q Well, how do you know that she sent a man out to get

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some wrappers? A Because she called a man in, and told him to get some wrappers for us.

Q Well, did you hear anything said about wrappers, before she called him in? A Yes, sir. She told this man to go out, and tell the other man to go out and get some wrappers for us.

Q Did she say anything to you about your clothes?

A All that she told us was after we got the wrappers.

Q About your having clothes with you, did she say anything? A Yes, sir; she asked us if we had any clothes with us, and we said no; and she said it was too bad we didn't have any clothes with us.

Q Did she say anything about the price of the wrappers?

A Yes, sir; she said that they were \$7.

Q Now, while the man went out to get the wrappers, where were you? A We were sitting down in the dining room.

Q In the same room? A Yes, sir.

Q And what were the wrappers like? A One was pale blue silk, and the other was pink.

Q And what shape were they? A Low necked.

Q Well, when the wrappers were brought in, what happened?

A She told us to go upstairs, and take off our clothes, and put on the wrappers.

Q Who said that? A The defendant.

Q Did you go up? A Yes, sir.

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Q And what kind of a room did you go into? A We went into a bed room.

Q And what did you do there? A We took off our clothes, and put on the wrappers.

Q When you say we, who do you mean? A Esther and I.

Q Did you keep any clothes on? A Kept on a black petticoat and an undervest.

Q And put on the wrapper over that? A Yes, sir.

Q What was done with your clothes? A The defendant took them, and locked them in a closet.

Q And then what did the defendant say after that, if anything? A She told us to go into the parlor, and sit down, and, if the men came up, they would pick us out.

Q Yes. And what did she say about the price, if anything? A I don't understand you.

Q What did she say about the price that you were to charge?

MR. SNITKIN: May we ask that the District Attorney does not lead the witness? I submit this witness is over twenty-one, and I think she can answer a direct question, without being led.

THE COURT: proceed.

BY MR. NOTT:

Q Well, after she told you to go into the parlor, and sit down, and the men would pick you out, what did she say?

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A She told us to go upstairs with them.

Q And then what? A And charge them a dollar.

Q Yes. Well, did she give you anything? A She give us a piece of cardboard.

Q Cardboard? A Yes, sir.

Q And what did she say about the cardboard? A Well, any time anybody went upstairs with a man, and got a dollar, they must come downstairs, and give it to her, and she would punch it.

Q Punch the cardboard? A Yes, sir.

Q Not the dollar? A No, not the dollar.

Q And, after she said that, did you go to the parlor?

A Yes, sir.

Q And who else was in the parlor? A There was nine other girls, besides Esther and I.

Q And how were they dressed?

MR. SNITKIN: Objected to as immaterial, irrelevant and incompetent.

THE COURT: Overruled.

MR. SNITKIN: Exception.

A They were dressed in wrappers. They had chemises and undervests on, and wrappers.

Q And did you see the defendant in that room, in the parlor? A Yes.

Q While these girls were there? A Yes.

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Q Now state to the jury whether any men came in?

A Yes. There was about 25 men come in.

Q Now, did any men come in there while the defendant was there? A yes, sir.

Q What did the men do while the defendant was there?

MR. SNITKIN: Objected to as immaterial, irrelevant and incompetent.

THE COURT: Overruled.

MR. SNITKIN: Exception.

Q What did the men do? A They came in and sat down a while, and took the girls upstairs.

Q state whether or not you saw any men go upstairs with Esther? A Yes, I did.

Q And did you see any men go upstairs with other girls? A Yes, sir.

Q Now, did you see Esther at any time when she came down? A Yes, sir.

Q State whether or not you saw her give any money to anybody? A yes, sir; I seen her give money to Miss Annie, to the defendant.

Q You saw her give money to Miss Annie, to the defendant? A yes, sir.

Q And did you see the other woman there, Miss Sadie? A Yes, sir.

Q did you see anybody give any money to her? A Yes.

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Q Did you see other girls, besides Esther, bring money down? A Yes, sir.

Q Now, when Esther gave money to the defendant, what did the defendant do? A She took the dollar, and punched the cardboard.

Q Did you go upstairs with anybody? A No, sir.

Q Did you get anything to eat while you were in the house? A Yes.

Q When? A About 12 o'clock at night.

Q Where did you get it? A Down in the dining room.

Q How many went down there? A All of the girls.

Q And sat around the table? A Yes.

Q And who served the supper? A I couldn't tell you, sir, who served it.

Q Did this defendant? A No, sir, she didn't.

Q Now, at what time, if any, did you leave the house?

A We left about 3 o'clock in the morning, Thursday.

Q And that was the next morning? A yes, sir; the 5th.

Q And who gave you your clothes? A Miss Sadie gave our clothes.

Q And you dressed and left? A Yes.

Q Where did you go? A We went down to Stuyvesant street

Q How long did you continue to stay at Stuyvesant street?

A We were there three days.

Q Were Jack and Louis there? A No, sir.

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Q Did you see them? A No, sir.

Q I mean when you got there. I mean, did you see them after that? A We seen them when we got there, but we didn't see them after that day, after Thursday.

Q And then what did you do after that? A We stayed down there in that room.

Q Yes. Well, when were you arrested, if at any time? A We were arrested September 9th.

Q Do you remember what day of the week it was? A It was on a Monday.

Q And about what hour? A It was about 9 o'clock.

Q And where were you taken to? A Taken down to the Police Station.

Q And then where? A Jefferson Market Court.

Q And do you remember the name of the Magistrate? A Magistrate Corrigan.

Q Did you make a statement to the Magistrate? A Yes, sir.

Q Did you tell him where you had been? A Yes, sir.

Q Now how long were you kept in the court? A We were kept there from 10 o'clock until half past three in the morning.

Q And before you left Jefferson Market Court, that night, that you were arrested, did you see the defendant there? A Yes, sir.

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Q And what time was she brought in there? A About 11 o'clock.

Q Where were you when you saw her? A I see her up to 163 West 27th street, and then I see her down at the court.

Q Well, where were you in the court, when you saw her? A She was standing up.

Q I mean, were you in the big court room, or some other room, in the cells, or where? What part of the building?

A We were not in the cells. We were in there where they have the private hearing.

Q And where was she? A She was outside.

Q Now, after you left there at 3 o'clock, that Tuesday morning, where were you taken? A Up to the Probation Officer's home.

Q And how long did you stay there? A We stayed there until 12 o'clock, Tuesday noon.

Q And from there where did you go? A Up to some institution.

Q Do you know where? A No, sir.

Q Who had charge of the institution? A Some Sisters.

Q And how long did you stay there? A We stayed there from Wednesday -- from Tuesday night.

Q And then where were you taken? A Then we come back to Jefferson Market Court, and then to the House of Detention.

Q And have you lived there ever since? A Yes, sir.

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CROSS EXAMINATION BY MR. SNITKIN :

Q How long have you known the Maynard girl? A A year.

Q Where did you meet her? A I met her in Springfield.

Q Who introduced her to you? A My cousin.

Q A gentleman? A No, sir; a girl.

Q Do you know where she lived? A Yes, sir.

Q How long had you known these two men before you came down with them to New York? A We met ~~them~~ them at five o'clock at the depot and had known them ever since five o'clock.

Q And was that the first time you had seen them?

A Yes, sir.

Q You flirted with these men; did you? A yes.

Q Yes. And then they invited you to go to New York?

A Yes, sir.

Q And these men you had never seen before 2 o'clock that afternoon -- five o'clock -- and you hadn't worked that day; had you? A No, sir.

Q How long were you out of work? A I was only out of work that day.

Q Who did you work for? A I worked for Mr. King.

Q Where is his place of business? A Water and Howard Streets.

Q How long did you work for him? A A year.

Q Springfield; isn't it? A Yes.

Q When did you come to New York with Miss Maynard?

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A On a Tuesday.

Q What month? A August.

Q August? A Yes, sir.

Q What time in August? A I couldn't tell you the date.

Q Do you remember when you were arrested for soliciting on the public streets here? A Yes.

MR. NOTT: Now, if your Honor please, it seems to me that the witness should be addressed with some courtesy. I don't object to the substantive question, but I do object to the rough voice and manner.

MR. SNITKIN: That's the natural tone of my voice.

I must speak that way to hear myself.

Q How about that, Miss Belmore? A What's your question, please?

Q You remember when you were arrested for soliciting officer Mott? A Yes.

Q On Third avenue and 9th street? A Yes.

Q You asked him for \$2, to go upstairs for a good time; did you not? A No, sir, I didn't.

Q Well, \$2 for the room, then? A No, sir, I didn't.

Q Well now you know that this officer Mott brought you into the Police Court; didn't he? A Yes, I do.

Q Did you hear the testimony that he gave about you, when he charged you for soliciting? A No, sir. He said I asked him for a cigarette. That's all I heard him say.

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Q Well, do you remember his saying to Magistrate Corrigan --

MR. NOTT: I object to what he said to Magistrate Corrigan.

MR. SNITKIN: I haven't finished my question yet.

THE COURT: Complete the question.

BY MR. SNITKIN:

Q Now, let's get it seriatim. You do remember when this officer locked you up for soliciting? A Yes, sir.

Q And do you remember that the officer made a charge against you, charging you with soliciting? A Yes, sir.

Q And then, pursuant to the complaint that he made against you, you were arraigned before the Magistrate?

A Yes, sir.

Q And then officer Mott was sworn, wasn't he? You heard him say something; didn't you? A Yes.

Q Well, did you hear him say this about you --

MR. NOTT: Well, now, I object to what officer Mott said about the witness, as being utterly incompetent, on any theory, what she heard a certain man state about her.

MR. SNITKIN: But, your Honor, you can impeach the credibility of a witness, not alone by a conviction, but by actual guilt. And so, if she testified that she did solicit this man, that is actual guilt.

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MR. NOTT: I don't remember about his asking her if she did solicit the officer, if he did so; but I object to what the officer said to a third party.

MR. SNITKIN: But in her presence. If I didn't say that in my question, I modify it now.

Q Did you hear officer Mott, in your presence, say to Magistrate Corrigan --

MR. NOTT: Objected to.

MR. SNITKIN: Let me complete the question, please.

MR. NOTT: Well, I don't see what it should be stated now, until your Honor has ruled on the legal point.

THE COURT: Well, how can I rule, until the question is put?

MR. NOTT: Because anything that he said to Magistrate Corrigan would be hearsay. The officer isn't here.

THE COURT: Well, suppose that she participated in the conversation?

MR. NOTT: Even then, on what theory of law is it admissible?

THE COURT: I think it is competent under the case of the People against Stokes. But, if you ask her, "Did you steal a diamond ring?" And she says "No," you could not bring fifty witnesses who saw her steal the ring Mr. Snitkin.

MR. SNITKIN: Of course not. I have an authority

in 183rd New York, I think it is, on that very question.

THE COURT: Well, where is that case that you refer to?

MR. SNITKIN: I think it is the 183rd New York, the Van Gaasbeck case.

THE COURT: That case is on the question of character, is it not?

MR. SNITKIN: Perhaps it is. Well I claim that I have the right to show that, when she was arraigned before the Magistrate by this man whom she solicited for immoral purposes, and she being present, and when it was her duty to make a negative answer, if he accused her wrongfully, and she saw and heard it, it was her duty to say, "No, I didn't do it." It is different from the Kennedy case, where the Court held that he was not in a position to make an answer. There she was charged with crime, and it was incumbent upon her to make an answer; and I have a right to show what was said, that day, before the Magistrate, I submit.

THE COURT: I will exclude the question, and give you the benefit of an exception.

MR. SNITKIN: Then will your Honor let me re-frame my question?

THE COURT: yes.

MR. SNITKIN: To meet the objection.

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Q Did you hear the officer, officer William B. Mott, in your presence, on September 9th, 1907, state to Magistrate Corrigan, that you asked him to go up to a room, and he said, "How much?" And you said \$2, and a dollar for the room?"

MR. NOTT: I object to that.

THE COURT: Objection sustained.

MR. SNITKIN: We except.

Q Now, I ask you this question --

THE COURT: The witness did not deny that she solicited the officer for improper purposes. There is no provision in the law which devolves the duty upon any defendant, when arraigned in a Magistrate's Court, to make any reply to what a witness says.

BY MR. SNITKIN:

Q Now do you know what were you arrested for?

A I was arrested for soliciting on the street.

Q That's it. For soliciting on the street? A Yes, sir.

Q Do you know what the word soliciting means?

A Yes, sir.

Q Well, what did you say to the man which led him to arrest you?

MR. NOTT: Objected to. She has stated the fact.

MR. SNITKIN: Well, soliciting is a conclusion, based upon a statement of facts, but what it is, I have the right to show.

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THE COURT: Well, she may state that.

BY MR. SNITKIN:

Q What did you say to the officer before he arrested you? A He was standing on the sidewalk, and we come by, and he smiled at us, and we smiled back at him, and I turned around, and asked us if he would give us a cigarette, and he was shaking around, jumping up and down, and I asked him what was the matter, and he said he was smoking dope. And then he asked us how much we wanted, and I said, "One dollar," and Esther Maynard said "Two dollars".

Q You asked a dollar for what? A He asked us how much we wanted.

Q For what? A He didn't say for what. It was him asked us how much we wanted.

Q You said what? A A dollar.

Q Did you say what for? A No, sir.

Q Why did you ask a man, whom you had never met before, for a dollar? A Because he asked us how much we wanted, and we said a dollar.

Q What did you understand that he meant by that? Oh, a dollar for the room? Did you say that? A No, sir.

Q A dollar for yourself? A Yes.

Q Well, what did you say it was for? A He didn't say what it was for.

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Q Well, what did you think it was for?

A Well, we thought he wanted to stay with us. And he said, "You had better come along with me," and he took us down to the Police Station.

Q Now, Miss Belmore, you had intercourse with men, before you came to New York?

A Yes, sir.

Q And before you met these two boys?

A yes, sir.

Q In Springfield?

A yes, sir.

Q You know what I mean by intercourse?

A Yes, I do.

Q Sexual intercourse?

A Yes, sir.

Q Not social intercourse?

A Yes, sir.

Q And, after that, you met these two men with whom, as you say, you flirted, and came down to New York?

A Yes, sir.

Q And lived with them? A Yes, sir.

Q How long? A One week.

Q And never knew their last name? A No, sir.

Q In that week, Miss, that you lived with these men, you occupied the same room? A Yes.

Q And occupied the same bed? A No, sir; there was two beds in that room.

Q Of course. There were two beds and two couples?

A Yes, sir.

Q Well, now, did you tell your aunt where you were?

A No, sir.

Q You never communicated with her? A No, sir.

Q Have you seen your aunt since you have been here?

A No, sir, I have not.

Q You have not? A No, sir.

Q Now, did these men tell you where they were from, when you met them in the depot? A No, sir, they didn't.

Q Do you remember testifying, in the Magistrate's Court, on the 9th of September, in the case of The People of the State of NewYork, on the complaint of William B. Mott against yourself and Esther Maynard? A Yes, sir.

Q And do you remember testifying: "The Court: Who were the two fellows? A The Defendant Belmore: They were two Jews from Worcester." Do you remember testifying to that?

A No, sir.

Q You don't remember that? A No, sir.

Q And in other words, you don't remember what you testified? A No, sir. I said it was Jack and Louis, two Jewish fellows, but I don't remember whether I said they were from Worcester or not.

Q You don't remember that? A No, sir, I don't remember that.

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Q Well, now, on the 9th of September, how long had you known these men? A We had known them a week from the day we met them.

Q You remember testifying as follows: "The Court: How long had you known them? The Defendant Belmore: About four weeks." A No, sir, I don't.

Q You don't remember so testifying? A No, sir.

Q And do you remember this question and answer: "The Court: And they brought you from Worcester? The Defendant Rose Belmore: Yes; they brought us on the street, to hustle for them." Did you so testify? A No, sir, I didn't so testify, because they didn't bring us from Worcester.

BY THE COURT:

Q That is not the question, whether they brought you from Worcester or not, but did you so testify? A No, sir. No, your Honor, I didn't.

BY MR. SNITKIN:

Q It was purely accidental that you met Miss Maynard, a year ago? A No, sir; I met her through my cousin.

Q You had never known her before you were introduced to her? A No, sir.

Q Never saw her? A No, sir; not until I got an introduction to her.

Q Well, have you ever been to Holyoke? A No, sir.

Q And in the year that you have known her-- and it is

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only 20 cents from Springfield to Holyoke; isn't it?

A Yes.

Q And during that year you have never been to see her, or been in her house? A No, sir.

Q When, before the time that you and Miss Maynard came to New York, did you last see her? A She was down at my aunt's house on the Sunday before that.

Q On the Sunday before that? A Yes, sir.

Q What day-- you stated on your direct examination that Miss Maynard came to Springfield, where you lived, on Tuesday?

A Yes, sir.

Q Is that right? A Yes, sir.

Q You are sure of that? A Yes, sir.

Q Now, I read from page 39. Were you asked this question, and did you make the following answer: "Q Fix the date as nearly as you can about when it was when she came down--" referring to Miss Maynard-- "A It was on Monday afternoon." Did you testify to that or not? A I don't remember, sir.

Q You don't remember? A No, sir.

Q How long did Miss Maynard remain with you, before you and she came down to New York? A She remained with me until we went up to the depot, to take the train.

Q How long did she remain? A She remained all that night.

Q All of that night? A Yes, sir.

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Q Where did you sleep? A We didn't sleep. We stayed up.

Q Where? A In the parlor.

Q In whose house? I didn't catch that. A I say, we stayed up in the parlor in my aunt's house.

Q Where was your aunt at that time? A She was in bed.

Q And so you left at half past 1 in the morning?

A Yes, sir.

Q Without telling your aunt where you went? A Yes, sir.

Q Now, I understand you to have testified, after living with these men for a week, and then going to the 27th street house, that a white woman opened the door? A Yes, sir.

Q And then I understand you to testify that, if I am correct, you went into the kitchen? A Yes.

Q Now, at the time that this talk was had, if any talk was had, between Miss Maynard and Mrs. Gross, the defendant, you were there? A yes, sir.

Q And you heard everything that was said? A There wasn't any talk between Miss Maynard and the defendant.

Q Well, I said, everything that was said, you heard? A yes, sir.

Q All right. Now, you have testified here that you were asked, as well as Miss Maynard-- is that right-- as to whether you had been in a disorderly house or house of prostitution?

A Yes.

MR. NOTT: I object to that. She hasn't testified to that. She has testified that they asked Jack that.

Q Am I right then? A Yes; they asked Jack if we had ever been in a house before.

Q And you heard that question asked of him? A yes, sir.

Q And Jack said yes? A yes.

Q And that you heard? A Yes.

Q And you heard when he said that you were in a disorderly house before, on Columbus avenue? A yes, sir.

Q And you didn't contradict that? A No, sir.

Q Now, am I correct in understanding you to have testified that Miss Maynard, in your presence, was asked her age?

A Yes, sir.

Q And the reply was that she was 19 years old? A Yes, sir.

BY THE COURT:

Q Who made that reply?

MR. SMITH: I was just about to ask that, your Honor. Thank you, sir.

BY MR. SMITH:

Q Who asked that question? A Jack made that reply.

Q In your presence? A yes.

Q And in your presence? A Yes.

Q And that wasn't contradicted? A No, sir.

Q It was really you-- you are 21 years old, you say?

A Yes.

Q It was really you that brought this Maynard girl down to New York; wasn't it? A No, sir; it wasn't me.

Q Well, you knew that you were going with strange men?

A Yes, I did.

Q And you knew that you were coming down to New York for disorderly purposes?

MR. NOTT: Well, I object to that, if your Honor please.

Q Well, for hustling purposes?

MR. NOTT: Objected to. I again suggest that this attorney use some courtesy to this woman on the stand.

MR. SNITKIN: Judge, on cross examination, am I not entitled to that latitude? Perhaps it is as unpleasant for me to ask, as it is for her to answer it, but it is my duty to this woman.

MR. NOTT: I object to the expression "hustling" purposes.

THE COURT: She testified that these men, these two men, were to bring her here for hustling purposes; did she not?

MR. NOTT: No, sir; she was asked if she so testified and she said no.

BY THE COURT:

Q Did you say that these men brought you here for the purpose of hustling? A After we got down here, they told us that, but we didn't know that when we left Springfield.

Q Well, what purpose did you think you were coming here for? A Well, to show us around New York, and that, after we had been here awhile, they would take us back home.

BY MR. SNITKIN:

Q Well, at any rate, when you came to New York, you found out that they brought you down here for hustling purposes?

A Yes; after we had got here.

Q Do you understand the meaning of the word "hustling"?

A No, sir; I didn't then.

Q Did you understand that later? A Yes, sir; they brought us on the street, to show us what to do, what the girls did.

Q And did you hustle? A No, not with them. But they took us on the street, to show us what the girls did. But the only night we solicited on the street was the night we got arrested.

BY THE COURT:

Q Do you know where these men are now? A No, sir.

Q Do you know their last names? A No, sir.

Q Did they say they brought you down to hustle for money to support them? A No, sir; they didn't say that.

BY MR. SNITKIN:

Q Now, after you had been in this 27th street house, and you left, you say, the next morning? A yes.

Q Of your own volition? A yes.

Q you were not restrained? A No, sir.

Q You asked for your clothes? A yes, sir.

Q And they were given to you? A yes.

Q By whom? A I couldn't tell you who it was.

Q Well, then, why did you say, on your direct examination, that they were given to you by the defendant, if you didn't know?

MR. NOTT: She didn't say that.

THE COURT: She said, by Miss Sadie.

BY MR. SNITKIN:

Q I asked you the question, just now, as to who gave you the clothes, and you said you didn't know. Was it Miss Sadie, or don't you know? A It was by Miss Sadie.

Q you are sure of that now? A Yes, I am.

Q Do you remember this question being asked you and did you make this answer-- I read from page 52-- "Q And, after a period of time, when you asked for your clothes, I understand you to say that Miss Gross gave them to you? A yes, sir." Did you so testify, on the last trial? A I don't remember.

Q In other words, you don't remember what you testified to on the 26th of November, 1907; is that right? A No, sir;

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I don't remember that. I don't know what the question is.

Q You don't know what the question is; did you say?

A No, sir.

Q Did you testify on the first trial, as follows, or rather was this question asked of you, on the first trial, and did you make this answer: "Q After a period of time, when you asked for your clothes, I understand you to say that Miss Gross gave them to you? A Yes." A It was Miss Sadie that gave us the clothes.

Q And you didn't make that answer on the other trial?

A No, sir; I said it was Miss Sadie.

Q Then that testimony is not correct, that you gave on the first trial? A On the first trial, I said it was Miss Sadie give me the clothes.

Q Well, now, on leaving Stuyvesant Street or Place, and going to 27th street, with these two men, did you know what you were going there for? A No, sir. They told us they had a room up there for us.

Q When did you first discover that you were going into a house of the kind you have described? A Well, when we got in there.

Q Yes. Did you immediately find that out? A Yes.

Q Before you went upstairs to attire yourself with these wrappers? A yes, sir.

Q You didn't walk right out then, when you ascertained

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it wasn't a room that they were taking you to?

MR. NOTT: Now, I submit that it is a waste of time.

It appears that they stayed there until 3 o'clock in the morning, and now they ask if they walked right out.

BY THE COURT:

Q You went there voluntarily; did you not? A Yes, your Honor.

Q And you agreed to go upstairs, that morning, like the Maynard girl? A Yes, sir.

Q Nobody restrained you, or kept you there? A No, your Honor.

BY MR. SNITKIN:

Q And no one restrained Miss Maynard, as far as you know? A No, sir.

Q And she went upvoluntarily? A yes, sir.

MR. NOTT: I submit that it has been asked and answered already.

THE COURT: It has been testified to. It is not claimed here that they were detained there against their wills, or by compulsion. The statute reads that a person who takes, receives, harbors, or uses another.

MR. NOTT: No, sir; and I so stated in my opening, that I did not make that claim.

BY MR. SNITKIN:

Q Now, when you got in the 27th street house, who did you

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first see? A When we first went in, a tall, dark complected woman opened the door for us, and then Miss Sadie spoke to us, and then the defendant came in, about ten minutes afterwards.

Q Who did you first see, besides the dark woman?

A Miss Sadie and Miss Annie.

Q And so there was a Miss Annie there, besides the defendant? A Yes.

Q And a Miss Sadie? A Yes.

Q The woman that opened the door, you don't know her name? A No, sir.

Q This dark complexioned woman that you have spoken of? A No, sir.

Q You knew neither her Christian name, nor surname? A No, sir.

Q Do you remember testifying in the Magistrate's Court, in the case of The People against Maynard and Belmore, on the 9th of September, and do you remember being asked this question by the Court, and did you make this answer-- I read from page 4-- "The Court: Who was the woman that was running it? Ant Defendant Rose Belmore: All that I know is one Miss Annie, she opened the door." Now, wait. To be fair with you, I will read all of it: "And there was another dark one there. She had dark hair. I don't know her name. And there was another woman. They call her Miss Sadie. She was a short, stout one, and she had light hair." Now, did you so testify,

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that all that you knew concerning this place, as to who was running it, was that a woman by the name of Miss Annie opened the door? A No, sir.

Q You didn't so testify, as I have just read? A No, sir.

Q Did you hear my question? A Yes.

Q Did you understand it? A Yes.

Q And do you say now that what I have read from the testimony, you didn't testify to? A No, sir. And I couldn't very well say so either, because I knew different.

Q All right. You didn't say it? A No, sir.

Q Now, you testified, on your direct examination, that the defendant Gross told you to charge a dollar; is that right? A Yes, sir.

Q Now, do you remember Mr. Nott asking you this question, on the first trial, and do you remember making the following answer: "Q (By Mr. Nott) Did she tell you what you were to charge? A No." Did you so testify, on the first trial? Yes or no, or don't you remember. A I don't remember.

Q You don't remember? A No, sir.

Q You also have testified here, on the direct examination, in answer to Mr. Nott's question, that she told you how much the men were to pay you; that the defendant Gross told you how much you were to get from the men?

MR. NOTT: Now, will you please read from the bottom

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of page 44?

MR. SNITKIN: Now, wait a minute. I will read all of it.

A I don't remember.

Q You don't remember? A No, sir.

Q You don't remember testifying, a few minutes ago, in answer to Mr. Nott's question, that this defendant asked you, or told you how much the men were to pay you? A Yes, I do.

Q Did she say that? A She did.

Q Do you remember testifying as follows, on the first trial or, rather, was the following question asked of you, and did you make the following answer-- and this answer, your Honor, succeeds the one I have just asked-- "Q How much the men were to pay you, or would pay you? A No, sir." Did you so testify on the first trial, or don't you remember? A I don't know.

Q You don't remember? A No.

Q Is it you don't know or don't remember? A I don't remember.

Q Now, on the first trial, you were also a witness for the People, weren't you, for the Prosecution, the same as you are now? A Yes, sir.

Q Now, you had testified here that this defendant told you that you were to receive half of what you made; is that right? A (No answer.)

Q Who do you hesitate? A I don't hesitate. I don't understand your question.

Q My question is: You have testified, a few minutes ago, in answer to some of Mr. Nott's questions, that this defendant told you how much you were to receive, after you had earned the money? A She said that we were to receive half.

MR. SNITKIN: And I turn to page 44, Mr. Nott.

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Q And I ask you whether this question was asked you by Mr. Nott, and whether you made the following answer, on the first trial: "Q (By Mr. Nott) What did she say about your compensation, if anything? A She didn't say anything about it." Did you so testify? Yes or no. A She didn't say anything about it, downstairs, but she did, upstairs.

Q Oh, I see.

MR. NOTT: Now will you have him read the next question and answer, your Honor?

MR. SNITKIN: I submit that I am entitled to an orderly procedure here.

THE COURT: Well, if the defense, Mr. Nott, does not read the next question and answer, you may do so, on re-direct examination.

MR. NOTT: Very well.

BY MR. SNITKIN:

Q And then, when you gave the answer, you meant by that that she didn't say anything about it downstairs? A No, sir; she didn't say anything, down there.

MR. SNITKIN: I now read from page 45.

Q I now direct your attention to page 45, and I ask you to state whether Mr. Nott asked you this question, and whether you made the following answer, under oath: "Q Did she say what part of that you were to keep, or would get? A No."?

MR. NOTT: Now, if your Honor please, I do submit

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that it is not fair to take a question and answer before, then skip a question and answer in the middle, and then ask the one right after that, leaving out what came in the middle, that one thing.

THE COURT: Why can't you ask that on the re-direct?

MR. NOTT: Because, when he gives it in this way, when he gives it in this way to the jury, I think the jury would not get the full sequence of the thing, unless they were asked in the proper way, in due sequence.

THE COURT: But I know of no way of compelling counsel to give the entire version of what did occur; but, if he fails to do so, it is a matter for the other side to direct attention to the matters omitted.

MR. NOTT: yes, sir, I know I can't ask him, or compel him to be fair.

MR. SNITKIN: Now, in this little controversy, I suppose you have lost my last question. Didn't you?

THE WITNESS: Yes.

(It is repeated by the stenographer)

Q Did you so testify? A I don't remember.

Q Did you say you were over twenty-one? A Yes, sir.

Q When did you become twenty-one, when were you twenty-one? A I was twenty-one, the 17th of March.

Q What year were you born in? A I don't know.

Q You don't know? A No, sir.

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Q Did you observe who was in the kitchen, besides these two women that you have stated? A I don't understand you.

Q Did you notice who was there, besides the two women, in the kitchen? A No, sir, I didn't.

Q Eh? A No, sir, I didn't.

Q You, of your own knowledge, don't know who did the cooking there? A No, sir; I don't know who did the cooking.

THE COURT: How long will you require to complete the cross examination of the witness, Mr. Snitkin?

MR. SNITKIN: Oh, at least twenty-five minutes, sir, to do justice to it.

THE COURT: Then we will adjourn now.

(The Court then admonished the jury in accordance with Section 415 of the Code of Criminal Procedure, and adjourned the further trial of the case until Thursday morning, January 23rd, 1908, at 10:30)

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TRIAL RESUMED.

New York, January 23, 1908.

R O S E B E L M O R E, her cross-examination being continued, testified as follows:

CROSS-EXAMINATION CONTINUED BY MR. SNITKIN:

Q After you arrived at the 27th street house, and you say you saw the defendant for the first time in the kitchen-- that is true, isn't it? A Yes, sir.

Q And after that you said you went upstairs? A Yes, sir.

Q And took your clothes off? A Yes, sir.

Q Is that right? A Yes, sir.

Q Speak louder, please? A Yes.

Q Now, it wasn't the same suit that you have on now?

A No, sir.

Q No? A No, sir.

Q Now, after you disrobed, you took your street garment off; didn't you; your street gown? A Yes, sir.

Q And then, if I am correct in understanding what you said on your direct-examination, you put on a gown? A Yes.

Q Now, you said your clothes were taken away from you; is that right? A She took them and locked them in a closet.

Q I can't hear you? A She took them and locked them in a closet.

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Q Now, when you say "she took them", who do you mean?

A The defendant.

Q Where did you get that word, "the defendant"? A Mr Nott told me.

Q Yes, that's all right. Now, did you give your clothes to the defendant? A Yes, sir.

Q That is, voluntarily? A Yes, sir.

Q And you were a witness on the first trial of this case?

A Yes, sir.

MR. SNITKIN: I read from page 44, Mr Nott.

Q Now, before I read the question, I want to ask you this. Who was there when you disrobed yourself? A Esther and I.

Q Esther Maynard? A Yes, sir.

Q Who else? A And I.

Q And that's all? A Yes.

Q So that the only persons--or, rather, person--who was there when you disrobed yourself was Esther Maynard? And all the other girls in the other parlor.

Q And all the other girls in the other parlor? A Yes, sir.

Q Now, when you went upstairs and disrobed, the only person there, who witnessed your disrobing, were Miss Maynard --is that right? A No, sir; there was another lady.

Q Another lady? A Yes, sir.

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Q Then you saw this other lady? Do you know her name?

A I don't remember.

Q Did you see that lady that night? A Yes, I did.

Q Did you see her about the premises? A Yes.

Q Now, then, so that there was this lady, whom you saw that night about the premises, there was Miss Maynard--is that right? A Yes, sir.

Q And the other women? A Yes.

Q Now, have you stated all the persons who were there?

A Yes, I think I did.

Q I can't hear you? A Yes.

Q Now, you don't want to change your answer before I ask you another question; do you? A No, sir.

Q Now I read from page 44: "Q --" and I ask you was this question asked you and did you make the following answer--

"Q Was this defendant there while you took your clothes off?

A Yes, sir." Did you so testify on the first trial?

A I don't remember.

Q You don't remember? A No, sir.

Q Well, will you say that you didn't so testify?

A No, sir; I won't say it.

Q All right. "Q What happened--" And was this question asked of you, and did you make the following answer--

"Q What happened? A They took them away from us, and locked them in a closet."?

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MR. NOTT: Now please read the next question and answer.

MR. SNITKIN: Well, now, I wish you wouldn't interrupt me.

MR. NOTT: Well, now, if your Honor please--

THE COURT: I think it is fair, Mr Snitkin.

MR. SNITKIN: Haven't I a right to read a question, and go right along?

MR. NOTT: But the trouble is that you don't do that.

MR. SNITKIN: Well, I asked the entire question and answer.

THE COURT: But there might be a question preceding or following that that might convey a different impression. Of course, I cannot compel you to proceed in a way other than you desire; but I think that, in putting the question, you should give the entire part of the transaction.

MR. SNITKIN: Why, of course; and I've given the entire question.

THE COURT: And, if not, the District Attorney has the absolute right to call the attention of the witness to the matter that you have omitted, later on.

BY MR. SNITKIN:

Q Now I ask you what you meant by the word "they", "that

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they took them away from you". Who did you mean? A The defendant.

Q You mean the defendant by the word "they"? A Why, she is the one we give them to.

Q Well, then, wouldn't you have said "She took them away from us"?

MR. NOTT: Oh, I object to that.

THE COURT: Objection sustained, as speculative.

MR. SNITKIN: I except.

Q So that, when you said, on the first trial, "that they took them away from us," you meant that the defendant took them away? A Yes.

Q All right. Now, then, what clothes did you have left?
A I had a black petticoat and undervest.

Q A black petticoat? A Yes; an undervest.

Q You didn't receive the black petticoat and undervest from the defendant; did you? A No, sir.

Q Was this question asked you, and did you make this answer: "Q What clothes, if any, did she leave you?

A She gave us the wrapper and black petticoat and undervest"? Didn't you so testify, on the first trial? A I don't remember.

Q You don't remember that? A No, sir.

Q Now, you were taken to the Magistrate's Court, at night? A Yes, sir.

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Q You and Miss Maynard? A Yes, sir.

Q Have you spoken to anyone about this case since the first trial? A No, sir.

Q Or prior to the first trial? A No, sir.

Q Not a word? A No, sir.

Q Now, you understand my question? A Yes, sir.

Q You and Miss Maynard have been inmates of the House of Detention; haven't you? A Yes.

Q And both occupied one compartment? A Yes.

Q And did you speak to her about the case? A No, sir.

Q Didn't speak a word to her about it, at all? A No, sir.

Q Not while you were in the House of Detention, nor while you were on your way down to this court, on the first trial, did you speak to Miss Maynard? A All I says to her was, "I hope we'll go home." That's all I said about the case.

Q And that was all? A Yes, sir.

Q And you are anxious to go home now; are you? A Yes.

Q I read from page 53. Was this question asked of you-- in order that there may be no misapprehension that I am misleading you-- "Q Then you asked for a cigarette; didn't you? A Yes." You gave that testimony; didn't you? A Yes.

Q "Q You and Miss Maynard had been confined in the House of Detention" A Yes, sir"? A Yes, sir.

Q "Q Both in one little compartment? A Yes, sir"?

A Yes, sir.

Q "Q Spoke with her about the case? A No, we didn't"? A Yes.

Q "Q Not a word? A Only when we came down to court here, we talked about it; that's all."? Did you so testify in the first trial? A I don't remember.

Q Don't remember? A No, sir.

Q Then I asked you the following question--and I read from page 54-- "Q Never spoke to any person, outside of Miss Maynard, and then only when you came to court? A No"? Did you give that testimony? A I don't remember.

Q You don't remember that? AX No, sir.

Q Now, you know Mr Reardon; don't you? A Yes, sir.

Q I beg pardon? A Yes, sir.

Q Did you speak to Mr Reardon? A No.

Q Sure? A I used to speak to him, but not about the case.

Q Well, now, you only formed Mr Reardon's acquaintance when you were met in the Police Court by him? A Yes.

Q And you didn't speak to him about the case? A Yes, I did, that night.

Q You did speak to Reardon about the case that night?

A Yes, sir.

Q Did you speak to Mr Reardon, when you came downtown from the House of Detention? Yes or no? A I don't remember.

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Q You don't remember it? A No, sir.

Q Will you swear you didn't? A No, sir; I won't swear.

Q You will not? A No, sir.

Q I read from page 54, minutes of the first trial:

"Q How about Mr Reardon? A I spoke to Mr Reardon, but he isn't in the House of Detention"? You said that; didn't you? A Yes.

Q "Q No. Before that. Didn't I understand you to say that you didn't speak to Mr Reardon when you came down-town? A Yes"? Do you remember testifying to that?

A I don't remember.

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

Q You don't really remember what you testified to on the 26th of November, 1907; is that right? A (No answer.)

Q You don't remember? A (No answer.)

Q Miss Belmore? A I don't remember.

Q And yet you remembered every bit of the conversation that you have narrated to this jury, that you heard on the 9th of September, more than a month and a half preceding the first trial? That's so; isn't it?

MR. NOTE: Objected to, as calling for a conclusion, and argumentative.

THE COURT: Question allowed. Objection overruled.

Q How about that? May I have an answer, Miss Belmore?

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A I don't remember your question.

Q Didn't you understand me when I asked you the question?

A No, sir.

(The question is repeated by the stenographer.)

A I don't know what conversation you mean.

Q Why, the conversation had, as you say, between Miss Maynard and yourself and this defendant, in 27th street. You remember that distinctly; don't you?

MR. NOTT: Well, I object to that. There were several conversations.

MR. SNITKIN: That's so, and I will interpolate the word "Jack", as he was there.

BY THE COURT:

Q Do you refer to one conversation?

MR. SNITKIN: Yes; the first conversation.

THE COURT: Well, that is different. I will allow it.

BY MR. SNITKIN:

Q Yet you remember the details of the first conversation had between the defendant and Jack, as you say, in the presence of Miss Maynard and yourself? A Yes, sir.

Q And you can't remember the conversations that you had after that? A No, sir.

MR. NOTT: Now I object.

MR. SNITKIN: Well, she has answered it.

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Q Now, when you were brought into the night court, you were taken into a private room there; weren't you? A Yes.

Q Did you see Mr Reardon in the private room? A No, sir.

Q Did you see Mr Anekstein there? A I don't remember.

Q You don't remember? A No, sir.

Q Well, is it that you don't remember, or do you swear that he was not there? A I don't remember of seeing him there.

Q Were any questions asked of you by Mr Reardon? A I don't remember.

Q You don't remember that? A No, sir.

Q Where was Miss Maynard, at the time you were in this private room? A She was with me.

Q Yes. Was the defendant Gross brought into the same room where you and Miss Maynard were? A No, sir.

Q Do you know Mr Reardon when you see him? A Yes, sir.

Q Will you swear that he was not in this private room where you and Miss Maynard were? A Yes.

Q What do you mean by yes? A He was not there.

Q He was not there? A No, sir.

Q And didn't speak to you in reference to this case, that night, in the private room? A I don't remember.

Q You don't remember that? A No, sir.

Q Don't you remember Magistrate Corrigan sending you

and Miss Maynard and Mr Reardon and his stenographer, Anekstein, into this private room? A No, sir, I don't.

Q And after you and Miss Maynard and Mr Reardon and Mr Anekstein went into this private room--

MR. SNITKIN: May I have this witness excluded, your Honor, this witness Anekstein?

THE COURT: Yes.

BY MR. SNITKIN:

Q Isn't it true, Miss Belmore, that, after you were arraigned before Magistrate Corrigan, on the charge of soliciting, as you stated, yesterday afternoon, you and Miss Maynard--thereupon you and Miss Maynard were taken into the private room, adjoining the court, with Mr Reardon and Mr Anekstein and Officer Hand? A I don't remember.

Q Well, now, is your memory not as good to-day as it was on the 9th of September, 1907? A I don't know.

MR. NOTT: Oh, I object to this as a waste of time, asking these comparative dates. She says that she don't remember going into the room, and that speaks for itself; and I don't see the use of wasting half an hour comparing memories, your Honor.

THE COURT: I think you have covered that sufficiently, that her memory is not as good to-day as it was at that time.

MR. SNITKIN: And that's all I want, if your Honor

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thinks so.

Q Now, is your memory at all impaired, or is it as good as it was on that date?

MR. NOTT: I object to the question.

THE COURT: Memory as to what?

MR. SNITKIN: As to what occurred on September 9th.

THE COURT: Objection overruled.

A I think it is as good.

BY MR. SNITKIN:

Q You think it is as good? A Yes.

Q Is there anything present in your mind now whereby you can refresh your recollection as to what did take place on September 9th, in the Magistrate's Court? in this private room that I have spoken of? A There was nothing that took place in that private hearing.

Q Eh? A There was nothing that took place in there.

Q Nothing at all? A No, sir.

Q That you are certain of? A Yes, sir.

Q That you are ~~xxx~~ sure of? A Yes, sir.

Q Were you present in the Police Court, in the Magistrate's Court, on the 14th of October, 1907? A I don't remember it.

Q You don't remember it? A No, sir.

Q Were you present in the Magistrate's Court when Miss Maynard signed her name to a paper? A I don't remember.

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Q You don't remember that? A No, sir.

REDIRECT-EXAMINATION BY MR. NOTT:

Q Mr Snitkin asked you about men that you had been with, before you came with these two men to New York. You said that you were not virtuous. How many men had you consorted with? A One man.

Q And did you keep company with him? A Yes.

Q And that's the only man? A Yes.

Q Now, Mr Snitkin asked you about what these men who brought you to New York said to you about hustling. Was it before or after you went to the 27th street house that they asked you to hustle? A It was after we went to the 27th street house.

MR. SNITKIN: Then I object to it.

MR. NOTT: Oh, you opened the door to it.

MR. SNITKIN: No. I asked about any conversation before they went to the 27th street house.

MR. NOTT: You didn't fix any time at all about it. You asked her what they said about hustling.

THE COURT: Refer to the record, Mr Nott.

MR. NOTT: "By Mr Snitkin: Q Do you understand the meaning of the word hustling? A No, sir; I didn't then. Q Did you understand it later? A Yes. They brought us into the street, to show us what to do,

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to show what the girls did. Q And did you hustle, later?

A No, not with them. By the Court: Q Did they bring you down to hustle for money to support them? A No, sir; they didn't say that." That is the record in this case, if your Honor please.

THE COURT: Objection overruled.

MR. SNITKIN: Exception.

BY MR. NOTT:

Q What did they say to you about hustling?

MR. SNITKIN: Objected to, as immaterial, irrelevant and incompetent, and hearsay, and not binding on the defendant.

THE COURT: Objection overruled.

MR. SNITKIN: Exception.

A They told us to go on Third avenue, and watch the other girls hustle, and to do the same as they did.

Q Did you know the meaning of the word hustle, as used in that way, before you came to New York?

MR. SNITKIN: I object to the form of the question.

THE COURT: Objection overruled.

MR. SNITKIN: Exception.

A I didn't.

Q And did you hustle for them, or not? A No, we didn't.

Q And it was after you refused to hustle that these men disappeared?

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MR. SNITKIN: Wait a moment. I object to the form of the question, as assuming a fact not in evidence.

A Yes.

MR. SNITKIN: One moment now. I ask that the answer be stricken from the record.

THE COURT: I will allow the question. It was brought out by the defence, yes, sir.

MR. SNITKIN: We except.

THE COURT: This is the record: "And did you hustle? A No, not with them; but they took us on the street, to show us what the girls did. The only night we solicited on the street, was the night we got arrested."

MR. SNITKIN: And we also object on the ground that it calls for the action of the mind of the men, the two men, why they left.

MR. NOTT: Not at all.

MR. SNITKIN: Yes; it is an operation of the mind of the men, as to why they left.

MR. NOTT: No; I asked no such question.

BY THE COURT:

Q Now, then, after you refused to hustle, what became of these men? A They left us.

BY MR. NOTT:

Q Now, on page 43. I ask you a question and answer not asked by Mr Snitkin. And did you give the following testi-

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mony on the first trial: "Q Did she tell you anything else?

A No. She told us we would get half of what we made up there." Did you testify to that effect? A I don't remember.

Q Well, if it appears to be so in the minutes, you wouldn't dispute it?

MR. SNITKIN: One moment. I object to the form of the question.

BY THE COURT:

Q Do you dispute that you gave this testimony, on the first trial? A No, sir.

BY MR. NOTT:

Q When you say you didn't remember, when questions and answers were put to you, you meant that you can't carry in your head every question and answer, in the language it was given, on the first trial; do you?

MR. SNITKIN: I object to the form of the question.

THE COURT: Allowed.

MR. SNITKIN: Exception.

A Yes.

Q Now, I turn to page 44, and I read the question and answer asked by Mr Snitkin, and which he stopped, and then I will read the following one: "Q Was this defendant there while you took your clothes off? A Yes. Q What happened? A They took them away from us, and locked them in the closet."

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That is where he stopped. Now, did you make this answer to this question: "Q Who took them away? A She did (indicating the defendant)"? Would you dispute that you gave that testimony on the trial, if it appeared in the minutes?

MR. SNITKIN: Objected to, as improper redirect-examination.

THE COURT: Overruled.

MR. SNITKIN: Exception.

MR. NOTT: And yet Mr Snitkin said that he would be very glad to have all brought out.

Q If it so appears in the stenographer's minutes, would you dispute that you gave that testimony? A No, sir.

Q Now, page 44. I read the question and answer that Mr Snitkin read yesterday: "Q What did she say about your pay or compensation, if anything? A She didn't say anything about it. Q Did she say what you were to get? A A dollar for every man. Q Where was it she told you that? A That was upstairs. Upstairs."?

MR. SNITKIN: Now, why do you interpolate that? She said simply "upstairs". And that shows how you can read it as you like.

MR. NOTT: It was accidental. I corrected myself. She said only "upstairs".

Q Now, do you dispute that testimony if it appears in the minutes? A No, sir.

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Q Can you state whether or not you were asked those questions and gave those answers, at the former trial?

MR. SNITKIN: I object to the form of the question.

THE COURT: Well, let her look at the minutes, and ask her if, after reading them, they refresh her recollection as to what she testified.

MR. SNITKIN: I will object to its being offered to her, until there is proof that her memory is exhausted.

THE COURT: Yes; exhaust the memory of the witness.

BY MR. NOTT:

Q Can you recollect the different questions and answers that were put to you and made by you, on the former trial?

A No, sir.

Q Would it refresh your recollection, if you were shown what purports to be a copy of your testimony? Would that refresh your recollection; do you think? A I don't know.

Q You don't know whether it would or not? A Yes.

MR. NOTT: Then I think she can look at it to see. Now look over these three questions, beginning there (indicating).

MR. SNITKIN: I object to that, because the witness, having exhausted her memory, and she saying that it would not refresh her recollection, it is improper.

THE COURT: She did not say so. She said that she did not know whether it would or not.

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MR. SNITKIN: And I submit that we are entitled to an affirmative or negative answer, before you can properly show the witness a transcript, or read the questions and answers to her.

BY THE COURT:

Q Do you remember the specific questions put to you by Mr Nott, or the counsel for the defence, on the former trial?

A No, your Honor.

Q Will an examination of what purports to be your testimony given on that trial, if read by you, refresh your recollection as to what you did testify, on the former trial?

A (No answer.)

Q If you looked at the book, at what is supposed to be the testimony given by you on the former trial, the stenographer's minutes, and if you were to read the questions and answers put to you by counsel, would the reading of those questions and answers refresh your recollection as to what you said? A (No answer.)

Q Do you understand the question? A No, sir.

BY MR. NOTT:

Q Would it? Yes or no? A I don't know.

MR. NOTT: Well, I think that is a reasonable answer. How can she tell, unless she looks to see?

THE COURT: I will allow her to examine the record of her testimony.

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MR. SNITKIN: We respectfully except. Suppose that, your Honor, we have it conceded that that is a proper transcript, and that will apply to the District Attorney as well as myself?

MR. NOTT: No; I will not concede that it is a proper transcript, unless the defence will concede certain papers taken in the Police Court were a proper transcript. If they concede that, I will concede this.

MR. SNITKIN: You can't compel me to make a concession on a condition. Mr Moynahan is engaged in the Thaw trial, and can't be served with a subpoena; and apparently he realizes what authenticity the record has, because he reads from it.

MR. NOTT: I have read from it, just as you have.

THE COURT: There is only one fair way of refreshing the witness' recollection, and that is by the examination of some paper or document.

MR. NOTT: It seems to me that the way I first tried to do it is permissible. I asked her if this should appear to be a record, and it there appears as her testimony, would she dispute it, and she said no, that she didn't remember it.

THE COURT: But, nevertheless, you would be obliged to prove the authenticity of the minutes. Because, if you ask your questions, and the minutes are not authenti-

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cated, the jury might receive the impression that what she testified on the occasion is reported in this book, and that that is the authentic testimony.

MR. NOTT: Yes, sir.

THE COURT: But, upon your proving that the minutes were the minutes taken before Mr Justice Dowling, in the former trial, I will allow you to pursue that line of examination.

MR. SNITKIN: Well, I will offer that in evidence.

MR. NOTT: Offer what?

MR. SNITKIN: All her testimony, pro and con, if you won't concede it.

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MR. NOTT: I say I won't concede it, unless they concede the correctness of the Police Court matter.

MR. SNITKIN: I will concede the entire record as correct, if necessary. But he is asking me to make a concession as to what another stenographer did, in another proceeding, as a condition of saying or conceding what he says is true.

MR. NOTT: I am saying nothing of the kind.

MR. SNITKIN: Well, we offer it in evidence.

MR. NOTT: How can you, when I am conducting a re-direct examination, offer anything?

THE COURT: Was this testimony brought out, that you refer to, by the defense on this trial?

MR. NOTT: Yes, sir, that was one of those questions where Mr. Snitkin stopped there, and your Honor said that I could bring it out, on the re-direct examination.

MR. SNITKIN: Now, may I spread this on the record?

THE COURT: Yes.

MR. SNITKIN: May I spread on the record that the record now in the hands of the prosecuting officer is authentic, and a true copy of the testimony taken in the first trial of this case by Mr. Moynahan, the official stenographer, and is the testimony purporting to be given by this witness, the direct examination and cross examination?

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MR. NOTT: Does that apply only to this witness?

MR. SNITKIN: To all the witnesses.

MR. NOTT: And the defendant?

MR. SNITKIN: I said all the witnesses. The record.

THE COURT: Does that include the defendant? Is the defendant's testimony in the record?

MR. SNITKIN: Why, of course. I admit that that is a correct transcript of the testimony taken on the first trial.

MR. NOTT: Well, I will admit that, in spite of the fact that you won't admit the other.

THE COURT: Well, now, proceed.

MR. SNITKIN: Is that concession accepted?

THE COURT: I understand that it is.

BY MR. NOTT:

Q Now, how long were you kept in the private room there, in Jefferson Market? A We were kept --

MR. SNITKIN: That's objected to, on the ground that that is not proper re-direct examination.

MR. NOTT: Everything about the private room was brought out on cross examination.

THE COURT: Objection overruled. You questioned her about the private room in the Magistrate's Court.

MR. SNITKIN: Exception.

A Well, from about 11 o'clock until half past three in the morning.

BY MR. SNITKIN:

Q In the private room; was it? A Yes.

BY MR. NOTT:

Q Did you see the defendant in the private room, while you were there? A Not in the private room.

Q Where was she? A She was in the court room, up on the stand, when I seen her.

Q And were you present when any examination was taken from the defendant? A No, sir.

Q And that you didn't hear? A No, sir.

Q And where was the examination had in your case? In the private room or in the court room? A In the court-room.

Q Before the Magistrate? A Yes, sir.

Q And did anybody examine you, except the Magistrate? A I don't remember if there was anybody else.

Q Have you any recollection of anybody, except Judge Corrigan, putting you through an examination? A (No answer)

Q I mean now a formal examination, where there was a stenographer taking down the record?

MR. SNITKIN: No, I object to that, if your Honor please.

THE COURT: On what ground?

MR. SNITKIN: The first question is proper, but the last one isn't.

THE COURT: Objection overruled.

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MR. SNITKIN: Exception.

A There was some man there, doing some writing, while we were talking.

Q Yes. And where was that? A I think he was sitting right aside of the Magistrate.

Q Yes. That's what I want to get at. You remember, apart from that, when your testimony was taken down, in the other examination that you had, at all, that night? A No, sir, I don't.

MR. NOTT: Now, if Your Honor please, I want to make an offer, to ~~call~~ some proof out of order, but simply and solely, and with no other motive than to save the time of the official Police Court stenographer. There are certain transcripts of testimony that I want to have identified. Of course, I shall not now offer them in evidence, because they wouldn't be admissible; but I simply want him to identify them, and prove them, so that, if later they are competent, they may be offered in evidence. I do it only to save time, because he says they are holding up the Police Court for him.

MR. SNITKIN: I would like to have permission to recall the Belmore woman, for a minute.

MR. NOTT: Oh, it seems to me that the examination has been long enough, your Honor. Isn't your examination over yet?

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MR. SNITKIN: It is necessary to determine something as to the authenticity of the testimony given by her, your Honor.

THE COURT: I will allow her to be recalled.

MR. NOTT: Well, call Rose Belmore back.

R O S E B E L M O R E, being recalled for further cross examination, testified as follows:

CROSS EXAMINATION CONTINUED BY MR. SNITKIN:

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Q Miss Belmore, when you were arrested on the charge that you have stated, yesterday, and taken to the Magistrate's Court, was this question asked of you -- when you were arrested on the 9th of September for soliciting officer Mott, and taken to the Magistrate's Court, in Jefferson Market, and arraigned before Magistrate Corrigan, was the following question asked of you, and did you make the following answer?

MR. NOTT: Objected to as not proper re-cross.

Q Did you testify before the Magistrate that you made nine dollars, that night?

MR. NOTT: Objected to, as not proper re-cross examination.

MR. SNITKIN: Yes, that is cross examination.

MR. NOTT: But it isn't proper re-cross examination.

It would have been proper cross.

THE COURT: But you can only call the witness' atten-

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tion to the record, if you seek to impeach her. You can ask her the specific fact, how much money she made that night, and, if she denies that, you can contradict it by the record.

BY MR. SNITKIN:

Q Did you make \$9 that night, the night you were in the house in 27th street? A No, sir; I didn't make any money there.

Q Did you state, under oath in the Magistrate's Court, in answer to the Court's question, as to how much you made there that night, that you made \$9? A No, sir.

RE-DIRECT EXAMINATION BY MR. NOTT:

Q And did you hear Esther Maynard state that?

MR. SNITKIN: Objected to.

THE COURT: My recollection is that she did so testify, and why repeat it?

MR. NOTT: Yes, it was she that made \$9., and not this witness.

MR. SNITKIN: But I am reading apparently from authentic minutes.

THE COURT: That this girl so testified?

MR. SNITKIN: Yes, sir.

THE COURT: She denies that she earned that money. And you claim that the record shows that she did?

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BY MR. SNITKIN:

Q Did you state as follows, under oath, in the Magistrate's Court: "The Court: How much did you make? The defendant Rose Belmore: \$9." Did you make that answer?

A No, sir.

Q "The Court: What kind of a house was it? A dollar house? The defendant Rose Belmore: Yes, sir." You remember that testimony being given by you? A No, sir.

Q "The Court: How long were you there? The defendant Rose Belmore: We arrived at 7 o'clock, and left at 3 in the morning". Did you give that testimony? A Yes.

Q "The Court: And you made \$9 in the meantime? The defendant Rose Belmore: Yes, sir." Do you remember testifying to that, under oath? A No, sir.

RE-DIRECT EXAMINATION BY MR. NOTT:

Q And do you remember the Court asking you this question -- I withdraw that. Were you and Esther Maynard both standing together before the Court? A Yes, sir.

Q And state to the Court and jury whether the Court there asked you questions, from time to time? Were you the only one that he put questions to, or did he ask both Esther Maynard and you? A He asked both Esther Maynard and I questions.

Q And, therefore, if the record that Mr. Snitkin reads from shows that all the answers were made by you, that isn't

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correct?

MR. SNITKIN: Objected to.

THE COURT: Objection sustained. I think that there is a way of proving that by the stenographer.

Q Do you remember this question being asked you, just before the matter of the alleged \$9: "The Court: Which one did you turn the money in to? The defendant Rose Belmore: I didn't turn in any money, because I didn't make any money?"

A Yes.

Q Now did you say this: "The Court: How much did you make? The defendant Rose Belmore: \$9."? A No, sir, I didn't.

Q Did you make that answer? A No, sir.

Q That is apparently credited to you? A No, sir.

Q Instead of to Esther Maynard?

MR. SNITKIN: Objected to.

THE COURT: You may call the stenographer, and clear that up. Objection sustained.

J O S E P H A. A N E K S T E I N, a witness called on behalf of the People, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. NOTT:

Q What is your profession, sir? A Court stenographer.

Q Now, we have had a lot of witnesses that can't make themselves heard, and won't you try to speak up so that we can

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hear you? Now, what court are you stenographer of? A At the present time, the 8th District Municipal Court. At that time, the Magistrate's Court.

Q Now last fall, in the month of September, for what court were you stenographer? A In the month of September? Well, I was assigned to the Night Court, part of the time.

Q Well, when you say the Night Court, do you mean the Night Court held by the City Magistrates? A Yes, sir.

Q And were you acting in the Night Court, on the night of September 9th, 10th and 11th? A Yes, sir.

Q Who was holding the court that month? A That month?

Q Yes. Well, that day. A Well, Judge Corrigan was there that month.

Q Was he there on the 9th, 10th and 11th? A Yes, sir.

Q Now, do you remember making stenographic notes, on the 11th day of September, in the case brought by the People of the State of New York on the complaint of Edward J. Reardon, on the charge of vagrancy against the following women: Hannah Connell, Blanche Gross, May West, Rosie Cohen, Annie Weiss, Martite Krauss, Grace Warglee, Mollie Katz, Jess Howard, Alice Nichols, Elsie Dubois, May Davis, Evelyn Fox, Millie Overstreet, Jennie Blum, Ida Kass and Rose Stein?

MR. SNITKIN: I object to that, if your Honor please, on the ground that the question is incompetent, immaterial and irrelevant.

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THE COURT: Objection overruled.

MR. SNITKIN: Exception.

A Yes, sir.

Q And did you take stenographic notes of that proceeding?

MR. SNITKIN: I object to the same question, on the ground that it is immaterial, irrelevant and incompetent. It seems to me, your Honor, with due deference to you, that the Wolf case clearly settles that, that the Magistrate Court proceedings are no part of this case, and are entirely immaterial.

MR. NOTT: That will come up, if your Honor please, when I offer the paper. This is merely preliminary, to identify the paper; that's all.

THE COURT: I will overrule the objection.

MR. SNITKIN: Is the objection overruled conditionally, to allow Mr. Nott to prove certain papers?

THE COURT: Surely.

A What proceeding do you mean?

BY MR. NOTT:

Q The one that I have just referred to, in which these women were charged with vagrancy.

MR. SNITKIN: I object to the form of the question, and also as incompetent, immaterial and irrelevant.

THE COURT: Wherein the complaining witness was charged with vagrancy?

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MR. NOTT: No, sir.

MR. SNITKIN: No, sir. The District Attorney is asking whether he took certain testimony against certain persons, not against the defendant, and not proved to be connected with the defendant; and then he interpolates the words, "And they were charged with vagrancy."

THE COURT: I assume that the reference to the charge is only for the purpose of attempting to identify a proceeding?

MR. NOTT: That's all, sir.

THE COURT: Objection overruled.

MR. SNITKIN: And I have no objection to identifying the proceeding, but I submit that it is improper for the District Attorney to refer to these people. They are not connected with the defendant, as being charged with vagrancy.

MR. NOTT: The stenographer asked me what proceeding I referred to, and I told him.

THE COURT: Objection overruled.

MR. SNITKIN: Exception.

A To the best of my recollection, there were not minutes taken in the case of each of these women.

Q I didn't ask you that. But did you take minutes in the proceeding against them?

MR. SNITKIN: Objected to.

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THE COURT: Overruled.

MR. SNITKIN: Exception.

A I don't remember whether I took minutes against all these women.

Q Now I show you a paper, and ask you whether that is a paper which you filed in court, in obedience to a subpoena duces tecum, the other day? A Yes, sir; that is the paper that I filed in court.

Q And from what source did you write out that paper?

MR. SNITKIN: Objected to as immaterial, irrelevant and incompetent.

THE COURT: Overruled.

MR. SNITKIN: Exception.

A From my record, my stenographic record.

Q And was that a record taken by you at the time the proceeding was pending?

MR. SNITKIN: I also object to that question, on the grounds heretofore stated.

THE COURT: Objection overruled.

MR. SNITKIN: Exception.

A Yes, sir.

Q And was your stenographic record correct?

MR. SNITKIN: One moment. I object to that.

THE COURT: Overruled.

MR. SNITKIN: Exception.

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A It was correct.

THE COURT: Now, of course, Mr. Nott, you will find yourself in this position, that, if the minutes are here, they would be the best evidence.

MR. NOTT: Well, I am trying now to identify that paper. That is as far as I can get.

Q And did you thereafter make a transcript of your stenographic record? A I did.

Q And did you make a correct transcript?

MR. SNITKIN: One moment. I object to the form of the question.

THE COURT: Overruled.

MR. SNITKIN: Exception.

A I did.

Q And is the paper which you now hold in your hand a correct transcript of your correct stenographic notes?

MR. SNITKIN: Objected to, as calling for a conclusion on the part of the witness; and, on the further ground that the paper is immaterial, irrelevant and incompetent.

MR. NOTT: I am not offering the paper.

THE COURT: Overruled.

MR. SNITKIN: Exception.

A Yes; it is correct.

BY THE COURT:

Q And you took a correct minute of the testimony of the

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witnesses and the proceedings? A Yes, sir.

BY MR. NOTT:

Q And did you produce that transcript in obedience to a subpoena duces tecum? A Yes, sir.

Q And was it a subpoena duces tecum issued by the defendant or by the People? A I believe it was issued by the defendant.

MR. SNITKIN: Oh, say it loud, please.

THE WITNESS: I say I believe it was issued by the defendant.

MR. NOTT: Now, I ask to have this paper marked for identification only.

Q Now, Mr. Anekstein, I ask you whether or not you remember being present in a certain room in the Jefferson Market Police Court, on the night of September 9th, or the early morning of September 10th, at which the defendant, Annie Gross, Officer Pearson and probation Officer Hand were present?

A I remember being present in the room with these three persons, but I don't remember the date exactly when I was present there.

Q Well, was testimony given, or a statement made, questions and answers put to you? A Yes.

Q And did you take the answers down and the questions?

A I took both the questions and the answers.

Q Well now, were you present at more than one such

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interview between these parties? A That was the only one.

Q That was the only one? A Yes, sir.

Q And did you hear the questions put and answers made?

A I did.

MR. SNITKIN: Now, if your Honor please, I object to this line of testimony, on the ground that it is immaterial, irrelevant and incompetent.

THE COURT: Overruled.

MR. SNITKIN: We except.

BY MR. NOTT:

Q (Question repeated) A I did.

Q And did you take them down correctly? A I did.

MR. SNITKIN: We respectfully make the same objection, and with the understanding that it applies to all questions as to this paper.

THE COURT: Overruled.

MR. SNITKIN: Exception.

Q And did you hear the answers given? A Yes.

Q Did you take them down correctly? A I did.

Q And thereafter did you write out a transcript of your stenographic notes? A I did.

Q And was that transcript correct? A It was.

Q And did it show all the questions and all the answers that you heard, upon that occasion? A It did.

Q Now I show you another paper, and ask you if that is

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the transcript of those questions and answers? A Yes, sir; that is the transcript of the hearing, at that time.

Q And that is a correct transcript? A Yes, sir.

MR. NOTT: I ask to have this marked for identification.

(It is marked People's Exhibit 2 for identification)

MR. SNITKIN: Now I move that all the testimony given by the witness as to the exhibit 2 for identification be stricken from the record, as that testimony is entirely immaterial, irrelevant and incompetent.

THE COURT: Motion denied.

MR. SNITKIN: Exception.

CROSS EXAMINATION BY MR. SNITKIN:

Q Now, Mr. Anekstein, you were at that time, on the 9th, 10th and 11th of September, an official stenographer?

A Yes.

Q Now, as an official stenographer, your duties are simply to take the testimony of defendants and witnesses who appeared before the Magistrate?

MR. NOTT: Objected to, as calling for a legal conclusion.

THE COURT: Well, it is cross examination. Allowed.

A Yes.

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Q And such testimony as -- that question is withdrawn.
And, as such official stenographer, you are to take down,
when directed by the Court? A Yes.

Q The testimony of witnesses given under oath? A That's
correct.

Q That's true; isn't it? A Yes.

Q Now with reference to the paper Exhibit 2, marked for
identification, that wasn't taken under oath, was it? Yes
or no? A The minutes say --

MR. NOTT: Now, I object, until I offer the paper,
your Honor.

THE COURT: Now, you simply open the door for the
District Attorney to open the paper. There is nothing
before the Court now to show whether that paper is com-
petent, or whether it can be received in evidence.

MR. SNITKIN: Your Honor is absolutely right so far
as the proposition of law is concerned. But it seems
to me that, on cross examination, I have the right to
show to this jury, on cross examination, that this man
did an act which he had no legal right to do. However,
if your Honor thinks I open the door, I will withdraw
the question.

RE-DIRECT EXAMINATION BY MR. NOTT:

Q By whom were the questions put in the conversation

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shown in people's Exhibit 2 for identification? A They were put by Officer Reardon and Probation Officer Hand.

Q And by whom were they answered? A By the defendant, Anna Gross.

RE-CROSS EXAMINATION BY MR. SNITKIN:

Q Reardon was not the judge? A No, sir.

Q And Hand was not the judge? A No, sir.

BY THE COURT:

Q Where was this investigation? In the private room?

A In the judge's private room in Jefferson Market Court.

Q And the defendant was then arrested upon a charge?

A Well, I don't know whether she was under arrest or not at that time.

BY MR. SNITKIN:

Q Now just a minute. Did you understand the last answer that you made to the Court's question? A Did I understand my answer?

Q Yes. A I believe I did.

Q That the defendant Gross was not under arrest at the time she was taken into the private room. A I didn't say that. I said I didn't know, at that time, whether she was under arrest or not.

Q Why, don't you know that, when you took these alleged minutes, that she was under arrest by Mr. Reardon? A I didn't

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know at that time whether she was or not.

Q You know it now; don't you? A Know what?

Q That she was under arrest at the time you took her into this private room? A I don't know it yet.

Q And never found out, as an official stenographer, whether that woman was under arrest or not? A No, sir. I never took the trouble. I had no interest to find out.
BY MR. NOTT:

Q By whose instructions did you take those minutes?

MR. SNITKIN: Objected to.

MR. NOTT: Why, they are trying to show official misconduct on his part.

THE COURT: Objection overruled.

MR. SNITKIN: Exception.

A By the instructions of Judge Corrigan.

BY MR. SNITKIN:

Q You took certain testimony -- Mr. Anekstein, this morning, you were brought here, this morning, pursuant to the subpoena of the District Attorney? A Yes.

Q Not by the subpoena of the defendant? A Not this morning; no, sir.

Q Now, on the 9th of September, 1907, did you act as official stenographer in the Magistrate's Court, Second District, First Division, at the Night Session? A Yes.

Q Did you take the testimony in the case of the people

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of the State of New York on the complaint of William B. Mott versus Esther Maynard and Rose Belmore, defendants?

A I did.

Q Have you got the original minutes here? A No, sir, I haven't.

Q Will you look at the record which I show you in this case, and state whether or not that is a true copy of the original? Don't rush it now, but read it page by page. Just the testimony relative to Maynard and Belmore?

A I believe that is a correct copy.

MR. SNITKIN: I offer that in evidence, your Honor.

MR. NOTT: If your Honor please, I will waive his non-production of his original minutes, if the defense will do the same as to the two papers marked People's Exhibits 1 and 2 for identification. I don't ask them, you understand, to concede -- I am not now offering, or going to offer, these in evidence, and I don't ask them to concede that they are competent, relevant or material.

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THE COURT: Only that they are correctly transcribed?

MR. NOTT: Yes, sir; that's it exactly.

THE COURT: The papers, Mr. Snitkin, are not being offered, but, when offered and admitted, you can see that they contain a correct transcript of the testimony?

MR. SNITKIN: Well, your Honor, I assume that, later in the case, this matter may be used, and I contend that that transcript is not a proper transcript, just as Mr. Nott told me that this answer he didn't believe was true, and I agree with him, although this man just testified that is a true copy. I am quite satisfied that he is mistaken as to the testimony of the Belmore girl, when he makes her say that she made nine dollars, although he says it is true, and swears to it.

THE WITNESS: I said I believe it is true.

MR. NOTT: Well, I am not going to consent to this matter now, and then have them raise that objection as to my offering these papers, later.

MR. SNITKIN: Then we ask that it be marked for identification.

MR. NOTT: And I ask that the ^{that} ~~one~~ ^{witness} be marked be the one that ~~the~~ ^{was} filed with the Court, yesterday.

MR. SNITKIN: Well, that is yours.

MR. NOTT: No, that's not mine. It is the one that

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he brought here and filed, in answer to your subpoena.

MR. SNITKIN: All right. It's satisfactory. I will offer that copy instead.

(It is marked Defendant's Exhibit A for Identification).

BY MR. SNITKIN:

Q I want to ask you, is that all the testimony that you took, that night, on the night of the 9th of September, 1907?

MR. NOTT: What is "all"? I don't understand it.

BY MR. SNITKIN:

Q Relative to the case of the People, in relation to the defendant and the two women, Maynard and Belmore? A Yes, sir.

Q And did you take any other testimony in the private room adjoining the Court of Belmore and Maynard? A Not that night.

Q Now, when you say not that night, you mean on the night of the 9th of September? A Well, whatever the date is on the testimony.

Q But you did take some testimony of Maynard and Belmore, after that night? A I couldn't say positively whether it was of Maynard and Belmore, but I know I took testimony in the case of the other women, the next day.

Q I am talking of Maynard and Belmore? A I don't remember exactly.

Q Well, will you swear that you did not? A I will not swear either way, because I don't remember.

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M A R Y M A Y N A R D, a witness called on behalf of the
People, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. NOTT:

Q Now, Madam, will you kindly try to speak loud enough
for all the jury to hear you? What is your name?

A Mary Maynard.

Q Where do you live? A No. 11 Centre Street, Holyoke,
Mass.

Q No. 11 Centre Street, Holyoke, Massachusetts?

A Yes, sir.

Q And how long have you lived there? A 16 years, going
on.

Q And are you the mother of Esther Maynard? A Yes, sir.

Q And when was she born? A She was born the 17th of
June, 1890.

Q And where? A Fall River.

Q Massachusetts? A Yes, sir.

Q And has she lived with you ever since? A Yes, sir.

Q Is she your only child? A She is my only child.

Q What year did your husband die in? A The following
Christmas, in the same year.

Q In the same year that she was born? A Yes, sir.

Q That is, the Christmas of 1890? A Yes, sir.

Q Has your daughter been a working girl? A Yes, sir;
she worked in the mill along with myself.

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CROSS EXAMINATION BY MR. SNITKIN:

Q Now, Mrs. Maynard, kindly tell me your true name?

A My true name?

Q Yes. A My maiden name or my husband's name?

Q Well, just exactly what I asked you. Your true name, married name? A Mary Maynard.

Q Your maiden name? A Mary Walters.

Q Mary what? A Walters.

Q Were you ever known by any other name than Maynard?

A Never.

Q Sure about it? A Yes, sir.

MR. SNITKIN: I ask for the production of the affidavit made by this witness in the first trial, and marked as an exhibit in this case.

MR. NOTT: Here it is.

BY MR. SNITKIN:

Q Were you ever known as Esther McLoughlin? A I never was. My daughter was.

Q Now, listen to me, Madam. Were you ever known as Mary McLoughlin? A No, sir.

Q Sure about that? A Yes, sir.

Q Did you ever know George McLoughlin? A Yes; I know him.

Q Did you live with him as man and wife? A For a while.

Q Yes or no. A For a while.

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Q You were not married to him, were you? A No, sir.

Q The child, the girl Maynard, whom you call Esther Maynard, is that the child of Mr. Maynard, or McLoughlin's child? A No; McLoughlin's child.

Q The man with whom you lived, and were not married to?

A Yes, sir.

Q So that the Maynard girl, whom you describe as Maynard, is the illegitimate child of McLoughlin?

MR. NOTT: Objected to. She has answered it.

THE COURT: yes. Why repeat it. Does it add any more strength to the case?

BY MR. SNITKIN:

Q When that child was born, Madam, what name did you give her? When the Maynard girl, or the witness known as Esther Maynard, was born, what name did you give her?

A McLoughlin.

Q Esther McLoughlin? A Yes, sir.

Q What doctor attended you? A I didn't have any doctor.

Q No. A midwife? A Yes.

Q You had a midwife? A Yes, sir.

Q And to that midwife you gave Esther Maynard's name as Esther McLoughlin?

MR. NOTT: Oh, I object to that, as already asked and answered.

MR. SNITKIN: I submit that it is proper in this case, where the age is material.

THE COURT: I will allow the question, this case depending upon the age of the girl, and I think it is, therefore, competent.

MR. NOTT: I don't object to it, but as already asked and answered.

THE COURT: Whether she gave the name of the child to the midwife as Esther McLoughlin was not asked before.

MR. SNITKIN: No, sir.

BY THE COURT:

Q Did you give that name to the midwife? A No, sir.

Q What name did you give to her? A I gave the name when she was to be baptized, as Esther McLoughlin.

BY THE COURT:

Q Did you give any name to the midwife? A No, sir.

BY MR. SNITKIN:

Q No. As I understand you to have answered, you didn't give any name as the name of Esther Maynard, to the midwife?

A I said that, when she was going to be baptized, I did.

Q No. I asked you whether, when she was born, you gave the name of Esther Maynard to the midwife? Yes or no.

A No; I gave her McLoughlin.

Q That is you gave the name of this girl as Esther Mc

Loughlin to the midwife; is that right? A Yes, sir.

Q How long had you been living with Mr. McLoughlin?

MR. NOTT: Now, I submit that that is incompetent, immaterial and irrelevant. I object.

MR. SNITKIN: Now, I submit that the child appears to be here the bastard child of herself and Mr. McLoughlin.

MR. NOTT: But I must say that I don't see the use of rubbing it in, in this way.

THE COURT: No. And I will charge the jury that, no matter whether the child was an illegitimate child, or the lowest or vilest strumpet upon the public highway, if she was under the age of eighteen, and taken by this defendant for the purpose inhibited by the statute, the offence was complete; and only upon the question of the credibility of this witness, so far as the age is concerned, you may interrogate in this line.

MR. SNITKIN: Yes, sir; and that is my purpose.

THE COURT: And I do not see that any good purpose is being served by repeating the questions as to the unfortunate position of this girl.

MR. SNITKIN: Now, will your Honor permit me to except to the latter portion of your Honor's statement?

THE COURT: Yes; you may except.

MR. SNITKIN: And I submit, in all fairness, that I

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may be allowed to show how long she cohabited with Mr. McLoughlin, for the purpose of showing the age of the girl.

THE COURT: You may ask that question.

BY MR. SNITKIN:

Q Now, when was it in Fall River -- A Oh, please don't ask me that question.

THE COURT: Now, just contain yourself, Madam, control yourself.

BY MR. SNITKIN:

Q Now, Madam, when were you married to Mr. Maynard?

A When was I married?

Q Yes. A I was married in January.

Q You couldn't tell us the year? A I couldn't.

Q Is Mr. Maynard living or dead? A He is dead.

Q When did he die? A Christmas after my girl was born.

Q Christmas after your girl was born? A Yes, sir; in the same year.

Q You said, a minute ago, that Mr. McLoughlin died.

MR. NOTT: I object. She didn't say anything of the kind.

BY THE COURT:

Q Your husband, Maynard, died in the same year that the child was born? Is that right? A Yes, your Honor.

Q In December of the same year? A Yes, your Honor.

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Q And were you living then with Mr. McLoughlin, during the time that your husband was alive? A No, your Honor.

Q Now, just try and contain yourself. You married Mr. Maynard? Control yourself and answer my questions quietly, without weeping. A Yes, your Honor.

Q And you say that Mr. Maynard died in the same year that your child was born? A Yes, sir.

Q And your child was born on June 17th, 1890?

A Yes, sir.

Q Now, at the time that your child was born was Mr. Maynard alive? A Yes.

Q And you had left Maynard, I assume, and gone to live with Mr. McLoughlin? A No, sir; I never lived with him. I only happened to make that mistake, being in company with him.

Q Didn't you cohabit at all with Mr. McLoughlin?

A I just happened, by a mistake, to have this child by him.

Q You had this child by him? A Yes, sir.

Q And you were in wedlock at that time; were you not?

A Yes, sir.

THE COURT: Now, in justice to the child, Mr. Nott, if it can be affirmatively shown who the child is, as to the legitimacy of the child, I think that you ought to interrogate this witness.

MR. NOTT: I think so. Mr. Snitkin assumes that

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she was illegitimate.

THE COURT: It appears now she was a married woman at the time.

BY THE COURT:

Q Now, let us see. When did you meet Mr. McLoughlin, in 1890? A Well, I really can't tell you, your Honor; I couldn't tell you.

Q Well, had you been living with your husband at the time that you cohabited with Mr. McLoughlin? A No, your Honor.

Q You had left your Honor? A Yes.

Q And how long before you met Mr. McLoughlin did you leave your husband? A Well, about six months.

Q About six months? A Yes, sir.

Q And during the six months did you meet your husband, Maynard, at all? A No, sir.

Q You did not? A No, sir.

Q Well, after you left Mr. McLoughlin, did you go back to your husband? A No, your Honor. I've always lived alone, and brought that girl up.

BY MR. SNITKIN:

Q Mrs. Maynard, when were you married to -- that question is withdrawn. Your husband's christian name is what? A Peter Maynard.

Q Now when were you married to him? A I told you I was married in January.

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Q January? A Yes, sir.

Q You say you can't tell the year? A No.

BY THE COURT:

Q How long before he died? A I guess about twenty years, your Honor.

Q What? A I am married now about twenty years.

Q Before he died? A No, sir; I'm about twenty years now.

BY MR. SNITKIN:

Q You were married to Mr. Maynard for twenty years?

A Yes ; if I were living with him, it would be twenty years. We have been about twenty years married. If he was living now, we would be married twenty years.

Q Now how long were you married to him when he died?

A It would be about three years.

Q How many years? A About three years.

Q About three years? A yes, sir; I guess.

Q And he is dead about seventeen years? A Yes, sir.

Q That is twenty years, altogether? A Yes, sir.

Q Now, then, it wasn't -- it was just six months before you married Maynard that this girl was born; wasn't it?

MR. NOTT: Not married to Maynard.

MR. SNITKIN: I wish you wouldn't interrupt me, sir. I know what I am talking about.

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MR. NOTT: All right, if you do, but I didn't think you did.

BY MR. SNITKIN:

Q You understand me? You understand my question?

A No, sir, I don't.

Q Now, you say that you were married to Mr. Maynard in January? A Yes, sir.

Q But you can't tell these gentlemen here --

A I can't; I'm no educated woman.

Q Well, you can't tell the year? A No, I can't.

Q And at the time that you were married to Maynard, you were pregnant with this child? A Yes.

Q That's so; isn't it? A Yes.

Q I don't want to humiliate you.

THE COURT: At the time she was married to whom?

MR. SNITKIN: At the time she married Peter Maynard, she was pregnant with child.

Q And you were pregnant how long before you married Maynard; how many months? A Before I married Maynard?

Q Yes. A By this girl, you mean?

Q Why, of course. Did you have other children? A I told you in my last --

Q No, no; I am asking you now, did you have other children? A I had two.

Q Give me their names? A Well they were dead-born

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children.

Q Give me their names. A They were supposed to be Peter and Thomas. They were baptized.

Q You mean to tell the Court and jury now that you had two children, who, if born alive, you would have called or christened them Thomas and Peter? A Yes, sir.

Q Children of whom? Maynard or McLoughlin?

MR. NOTT: Now, is that material on this trial?

MR. SNITKIN: Yes, sir. I submit that it is, if your Honor please. I am going to connect it now, and show the age.

THE COURT: I will allow it. Objection overruled.

BY MR. SNITKIN:

Q Children of Maynard or McLoughlin? A Maynard's.

BY THE COURT:

Q Well, Madam, you say that Maynard died in the same year that the child was born? A Yes, your Honor.

MR. NOTT: That this girl was born. But she had two other children by Maynard, and was pregnant with one of them when she married. They came before. They were the older brothers that the girl, Esther Maynard, testified about.

BY THE COURT:

Q Let me see. The child of whom Mr. McLoughlin was the father is Esther Maynard? A Yes, your Honor.

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Q And Esther was born in 1890; is that right?

A Yes, your Honor.

Q In June; is that right? A Yes, sir.

Q And you say, in December of that year -- A My husband died.

Q Your husband died? A Yes, sir.

Q Well, now, I want to know whether you had any children between June, 1890, and December, 1890?

MR. NOTT: No, sir; she had the other children before, before she had Esther.

THE COURT: Well, Esther was born in 1890.

MR. NOTT: Yes, sir.

THE COURT: And she said that she married Mr. Maynard when she was in a state of pregnancy with Esther.

MR. NOTT: No, sir; with Peter or Thomas, I don't know which.

THE COURT: Then I do not understand it. I will question her further on that subject.

Q Now, with whom were you pregnant, with Peter or Thomas? A Well, it was a double birth. they were twins, your Honor.

Q And that was when? A Them boys, if they had alived, been baptized, and I would have brung them up, they would be around 19 years old now.

Q And Mr. Maynard was the father? A Yes, your Honor.

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Q Now, how long had you been married to Maynard when Esther was born? A Well, about three years.

Q About three years? A Yes, your Honor.

Q Well then you were married to Mr. Maynard? A Yes, your Honor.

Q And the first child born to you was whom? A Two twin boys.

Q Twin boys? A Yes, sir.

Q And Mr. Maynard was the father of these boys?

A Yes, sir.

QZ And it was during your married state that you met Mr. McLoughlin? A Yes, sir.

MR. NOTT: And now I think that has been cleared up entirely by your Honor.

BY MR. SNITKIN:

Q Do you mean to say, Madam, that, while your husband was alive --

THE COURT: She testified to that. Why ask her again?

MR. SNITKIN: Now, if your Honor please, I know that you want to be fair to all of us. But she stated -- and I leave it to the jury -- the first time, she said that she married Maynard when that child Esther was in her womb.

THE COURT: yes; that is in the record. Now, I

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asked her, at one time in the examination, and she said then that she was in the married state at the time she met Mr. McLoughlin, and she said that she committed the indiscretion. Now, again, she says that she was married to Mr. Maynard, and that it was during the married state that she had relations with McLoughlin. That is a matter of argument for the jury.

MR. NOTT: And I don't see any inconsistency in that, if your Honor please.

MR. SNITKIN: And now I object to that remark, and ask your Honor to instruct the jury to disregard it.

MR. NOTT: I thought your Honor intimated that there was some inconsistency, as you said it was a matter of argument; but I don't see any inconsistency at all.

THE COURT: The jury will disregard the remark.

MR. SNITKIN: And I will withdraw the last question, and put another question.

Q Now, at the time that you say that you were married to Mr. Maynard, you lived in the City of Fall River; didn't you? A Yes, sir.

Q What street? A I couldn't tell you the name of the street.

Q How long did you live in Fall River before you were married to Mr. Maynard? A I never lived in Fall River, while I was married to Mr. Maynard.

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Q Were you married to Mr. Maynard in the City of Fall River? A No, sir.

Q Where? A In Connecticut.

Q Whereabouts? A Dannsville.

Q How long did you live there? A How?

Q How long did you live there with Mr. Maynard?

A About a year, I guess, then I left there.

Q Where did you move from Dannsville, Connecticut?

A I moved to Fall River.

Q And what year was it you went to Fall River?

A I couldn't tell you, really.

Q How long did you live in Fall River? A I don't know.

Q You couldn't tell us? A No.

Q When did you leave Fall River? A Well, I'm living in Holyoke about 16 years.

Q You are living in Holyoke about 16 years? A Yes, sir. I came from Fall River to Holyoke.

Q And as to how many years you lived in the City of Fall River, before you went to Holyoke, you can't tell?

A No, sir.

Q Where did Mr. Maynard die? A He died in Connecticut.

Q In Dannsville? A I believe so.

Q You believe so? A I didn't see him when he was dead.

Q What year did he die in? A I told you he died the

Christmas after the girl was born; the same year the girl was born.

Q You don,t know the month?

MR. NOTT: Why, she said Christmas. Isn't that enough about the month?

MR. SNITKIN: Now, won't you stop interrupting me?

MR. NOTT: And I object to this useless waste of time. She has already stated the month, and the day of the month, in saying that it was Christmas.

MR. SNITKIN: She is an intelligent woman, and I want to test her memory.

BY THE COURT:

Q Do you know what month Christmas is in, Madam?

A December.

BY MR. SNITKIN:

Q Where were Peter and Tom born? A In Connecticut.

Q Whereabouts in Connecticut? A In Dannsville.

Q When did they die? A They were dead-born children.

Q What year? A I couldn,t tell you the year.

Q That's all right. How old are you, Madam? A 48 years.

Q When were you born? A I don,t know the year.

RE-DIRECT EXAMINATION BY MR. NOTT:

Q Now just a couple of questions, Madam. After the birth of this child, and your husband died very soon after,

did you then call her Esther Maynard? A Yes, sir.

Q And did you ever tell her that that was not her father?

MR. SNITKIN: One moment. I object to that.

MR. NOTT: If your Honor please, your Honor will recollect that, on the cross examination of Esther Maynard, defendant's counsel asked the girl what her true name was, and what her father's name was, and she said, as far as she knew, this and that and the other.

THE COURT: Yes; she said her name was Maynard, as far as she knew. Objection overruled.

MR. SNITKIN: Exception.

BY MR. NOTT:

Q Did you ever tell your girl what her parentage was?

A No, sir.

Q And until this case was tried, she never knew that anything was the matter? A No, sir; never.

Q Have you told her since the trial? A No.

Q And do you know whether she knows now?

MR. SNITKIN: I object to that question.

MR. NOTT: Well then, I will withdraw the question.

(The Court then admonished the jury in accordance with Section 415 of the Code of Criminal procedure, and took a recess until 2 o'clock.)

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After recess.

M A R Y M A Y N A R D on the stand:

MR. NOTT: If your Honor please, I understand that one of the jurors desires to ask a question.

THE COURT: Yes; he may ask the question.

BY THE SIXTH JUROR:

Q Where is McLoughlin at the present time? A I don't know, sir.

Q Do you know whether he is dead or alive? A No, sir, I don't know.

RE-CROSS EXAMINATION BY MR. SNITKIN:

Q Can you tell the Court and jury in this case the name of the minister that married you to Mr. Maynard?

MR. NOTT: Objected to, as not proper re-cross examination. I understood that both sides were through with this witness, and so announced, before recess.

MR. SNITKIN: No, your Honor announced a recess during the examination.

MR. NOTT: But I thought it was announced that both sides were through with the witness.

THE COURT: No. I will allow the question. The recess was declared while the examination was going on.

MR. NOTT: Then I object to the question as immaterial, irrelevant and incompetent.

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THE COURT: Objection overruled.

A I guess it was Greenville. I think that was the name.

Q In a church were you married to Mr. Maynard?

A I was married in the minister's house.

Q Where? A In the minister's house.

Q Where was the minister's house? A Some part of Dannsville, I guess.

Q Oh, in some part of that town? A Yes, sir.

Q Can you give the Court and jury the name of any witness who was present at the marriage between yourself and Mr. Maynard? A No, I couldn't; only the minister himself.

Q And then, if I am correct in understanding you, you can't give the date when the marriage took place between you and Mr. Maynard? A No, I can't.

Q Have you spoken to Mr. Nott about this case?

A No, sir.

Q Either at the first trial -- A No, sir, or the

Q Or the interval between the first and second trial? A No, sir.

Q Or to any other person? A No, sir.

Q Sure about that? A Eh?

Q Are you sure about that? A Yes, sir.

Q Did you speak to Mr. Reardon? A No, sir; I don't think I would know him, if I saw him.

Q Well, you were sent for? You live in Holyoke?

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A yes, sir.

Q And you were living there when your daughter was arrested? A yes, sir.

Q And you were sent for? A Yes, sir.

Q Do you know who sent for you? A No, sir.

Q You don't know that? A No, sir.

Q Well, when you came down from Holyoke to New York, where did you first go? A I guess it was Jefferson's Market.

Q Well, after coming from Holyoke to New York, you say ~~there~~ you proceeded to Jefferson Market? A Yes, I guess so.

Q Who did you see ther? A I don't know.

MR. NOTT: Objected to as immaterial, irrelevant and incompetent. I don't see what earthly bearing this has.

THE COURT: What is the materiality of this evidence?

MR. NOTT: I think we ought to finish this case at some time.

MR. SNITKIN: And I think that Mr. Nott is entirely unfair in that remark. I am trying to be as expeditious as possible, consistent with proving this woman's innocence. I ask the question to test the credibility of the witness, your Honor.

THE COURT: I will allow it.

MR. NOTT: And the witness has answered the question

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already, that she don't know.

BY MR. SNITKIN:

Q Do you know? A No, sir.

Q Now, Madam, what impresses you now that your daughter, the witness Esther Maynard, was born on the 17th of June, 1890? A What impresses me?

Q Yes. A Because I know she was.

Q Eh? A I know she was.

Q You rely entirely upon your memory? A Certainly.

THE EIGHTH JUROR: May I ask a question?

THE COURT: Yes.

BY THE EIGHTH JUROR:

Q How old was Esther at the time you moved to Holyoke?

A When I went to Holyoke?

Q Yes. A She wanted a month of being a year old.

BY MR. NOTT:

Q And you have lived there sixteen years? A Yes, sir.

BY MR. SNITKIN:

Q Wait now. You said sixteen years. Just a minute. Was it sixteen years or seventeen years? A Sixteen.

MR. NOTT: Was what?

BY MR. SNITKIN:

Q Do you remember this question being asked of you, and did you make the following answer -- I am reading from page 55 -- "Q Where do you live? A Holyoke, Mass." Is that

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true? A Yes, sir.

Q "Q How long have you lived there? A Sixteen years, going on seventeen." Is that true? A Well, it would be going on seyenteen.

Q Well, did you giye that answer? A I don't remember.

Q You don't remember that? A No, sir.

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EDWARD J. REARDON, a witness called on behalf
of the People, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. NOTT:

Q Mr. Reardon, what is your business? A - County Detective, in the office of the District Attorney of New York County.

Q And how long have you been employed in the office of the District Attorney of this County? A Since the 2nd day of January, 1902.

Q And prior to that time where were you employed?

MR. SNITKIN: That I object to as immaterial, irrelevant and incompetent.

THE COURT: Overruled.

MR. SNITKIN: Exception.

A I was Superintendent for the Anti-Policy Society, of the City of New York.

Q Is that the Society of which the late F. Norton Goddard was the head?

MR. SNITKIN: Objected to as irrelevant, immaterial and incompetent.

THE COURT: Allowed.

MR. SNITKIN: Exception.

A It is.

Q And how long were you Superintendent of that Society?

A About eighteen months.

Q And prior to that time who were you with? A The Legal

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Aid Society, of the City of New York.

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Q And how long were you with the Legal Aid? A Several years.

Q Now, you say you were employed by the District Attorney-- I withdraw that. Were you employed by the District Attorney as a County Detective, in the month of September, 1907? A Yes, sir.

Q And were you a special patrolman? A Yes, sir.

Q State whether or not you arrested this defendant? A I did, sir.

Q Well, on what date? A On the 9th day of September, 1907.

Q And where? A At the premises 163 West 27th Street, in the City and County of New York.

Q Now, where did you go, before you went to those premises? A The Second District City Magistrate's Court, the Night Court of the City of New York, Jefferson Market.

Q And what Magistrate was presiding there? A Joseph E. Corrigan.

Q By whose instructions did you go to the Magistrate's Court?

MR. SHLEKLE: Objected to as immaterial.

MR. HOET: I want to show that he was acting in the course of his duty; that's all.

THE COURT: Overruled.

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MR. SHIRKIN: Exception.

A By the direction of William Travers Jerome, the District Attorney of the County of New York.

Q And did you have a conference with Magistrate Corrigan?

A Yes, sir.

Q Did you have a warrant? A Yes, sir.

Q Who issued the warrant to you? A Magistrate Joseph M. Corrigan.

MR. SHIRKIN: Objected to, as immaterial, irrelevant and incompetent.

THE COURT: Overruled. It shows the history of the case.

MR. SHIRKIN: Exception.

BY MR. NOTT:

Q And, after receiving the warrant from Magistrate Corrigan, did you go anywhere? A Yes, sir.

Q To the premises in question? A Yes, sir.

Q And did anybody go with you? A Yes.

Q Who? A A Sergeant from the Third Inspection District Office, whom I met on my way.

Q Did he let you into the premises? A A colored woman.

Q Did you see the defendant there? A Yes, sir.

Q Where was she? A She was on the ground floor of the premises, near the street.

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Q Which room was she in, if you remember? A She was in a room, what is known as a parlor, on the ground floor, ground or street floor, of the premises.

Q Was it the front or rear room? A It was the front room.

Q Well, did you have any conversation with her? A I did.

Q Was there any one with her? A Yes. There were about six or seven women, who were in different stages of undress.

MR. SWICKIN: Now, I ask that that part of the answer be stricken out.

MR. NOTT: I consent.

THE COURT: Strike it out.

BY MR. NOTT:

Q A number of women? A Yes, sir; and men.

Q And in what costume were these women there, in the presence of the defendant?

MR. SWICKIN: Objected to, as immaterial, irrelevant and incompetent.

THE COURT: At the time of the arrest?

MR. NOTT: Yes, sir.

THE COURT: I will sustain the objection.

BY MR. NOTT:

Q Well, did you have any conversation with the defendant?

A I did.

Q In the house? I am speaking of the house now? A Yes, sir.

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Q And was anything said in her presence by any other people? A Yes, sir.

Q Now, state what was said and done there in the presence of the defendant?

MR. SNITKIN: I object to that, if your Honor please, on the ground that anything that any other person may have said, even though in the presence of this defendant, is incompetent, immaterial and irrelevant.

THE COURT: Objection overruled.

MR. SNITKIN: We except.

A At the time that I entered the premises, the door was opened, the --

Q No. Now, just come down to where I asked you. Begin there. Now, what was said and done in this room in the presence of the defendant? A I asked who was the boss, and the defendant, Annie Gross, said she was.

- And I asked her her name, and she told me her name was Anna Gross.

I told her that I had a warrant for her arrest, and she would have to go with me to the station house. She said all right. There was six or seven other women, and several men.

I asked some of the men in the place--

MR. SNITKIN: One minute. I object to that, if your Honor please.

Q Was it in the presence of the defendant? A Yes, sir; in the presence and hearing of the defendant.

MR. SNITKIN: Objected to as immaterial, irrelevant and incompetent.

THE COURT: Overruled.

MR. SNITKIN: Exception.

A I asked them who was the boss, and they said, pointing to Anna Gross, that she was. I examined those--

MR. SNITKIN: Now, I move to strike out that answer, if your Honor please, on the ground that it is immaterial, irrelevant and incompetent.

THE COURT: Overruled.

MR. SNITKIN: Exception.

THE COURT: I am going to ask if she contradicted that, an accusation made in her presence. Did she? A She did not.

MR. SNITKIN: Now, I respectfully ask that that answer be stricken out, on the ground that the question is immaterial, irrelevant and incompetent.

THE COURT: Overruled.

MR. SNITKIN: Exception.

A I also asked the colored woman, who let me into the place--

Q Now, determine what she said. After that, did you make an arrest? A I did, sir.

Q Where did you take her to? A The Second District Magistrate's Court, otherwise known as the Night Court of the City of New York.

Q How did you convey her there? A In the patrol wagon.

Q And was there anybody else in the wagon? A Yes, sir; about twenty-three other prisoners along with the defendant.

MR. SMITKIN: I object to that, as immaterial, irrelevant and incompetent.

MR. NOTT: I consent that the word "prisoners" be stricken out.

THE COURT: Yes; strike it out.

BY MR. NOTT:

Q Were there any other persons in the wagon? A Yes, sir.

Q How many? A About twenty-three.

Q And when you brought her into the Magistrate's Court, what happened there? A Well, the defendant called to me. She was seated on the bench for women prisoners, inside of the rail of the Magistrate's Court. She called to me, and told me she wanted to talk to me, and I told her she couldn't talk to me, unless a stenographer was present; and thereupon, the stenographer of the Court stepped into the Magistrate's room, together with the Magistrate's probation officer.

Q By whose direction did the Probationary Officer and the stenographer step into the room?

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MR. SMITKIN: Objected to as immaterial, irrelevant and incompetent.

THE COURT: Overruled.

MR. SMITKIN: Exception.

A By direction of the Magistrate.

Q All right. Now, after they had stepped into the room, you, the Probation Officer, and this defendant, did she state anything? A Yes, sir; she did.

Q What did she say?

MR. SMITKIN: I respectfully object to that, on the ground that it is immaterial, irrelevant and incompetent, it appearing that there is no foundation laid for the testimony, and it affirmatively appearing that, at the time any alleged statement was made by the defendant to this witness, that she was under arrest; and I submit that I have the right to examine, or the District Attorney should lay the foundation for it.

THE COURT: I will allow you to question the witness, to learn whether or not, the statements made by the defendant were made voluntarily by her, without constraint, and not under coercion.

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MR. NOTT: It already appears that it was made at the request of the defendant, but I will bring it out.

THE COURT: No, you need not, Mr Nott. The defence desires to question simply on that proposition alone.

MR. NOTT: Very well, sir.

THE COURT: Only on the question of whether there was any compulsion used by the police officer.

BY MR. SNITKIN:

Q Who was there at the time you brought this lady, the defendant, into that room? A Officer Hand, the Probation Officer of City Magistrate Corrigan, and the stenographer.

Q In the room? A Yes.

Q Now, when I say room, I mean the room adjoining the Court proper? A I understand what you mean, sir.

Q And I understand you to say, sir, that at the time you brought the defendant Gross into that room, after, as you say, she requested to speak to you, that Magistrate Corrigan left the bench, and went into that room? A I didn't say that. I said that the stenographer and Officer Hand were in there. The Magistrate was on the bench.

Q Then the Magistrate wasn't in that room? A No, sir.

Q You said, a minute ago, that he was?

MR. NOTT: And I beg pardon, and correct the statement. He didn't say so. He said Magistrate's. Corrigan's probation officer.

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BY MR. SNITKIN:

Q Did you say anything to this defendant about perjury?

A I did.

Q And I also informed the defendant that anything that she might say to me or any other person might be used against her in any court of criminal jurisdiction in this State.

Q Now, are you through, sir? A Why, it is a matter for the Court to say.

Q Are you through with that voluntary statement of yours?

MR. NOTT: I object to that. The witness answered the question.

BY MR. SNITKIN:

Q Did you say to her that you would send her to the Penitentiary, for one year? A I did not.

Q Now, this stenographer was the official stenographer?

A I so understand, sir.

Q And you brought this defendant into this private room? A She went in with me.

Q Now listen to me, please. I don't want that. Yes or no. A I went at her request.

Q When you get through, let me know; will you, Mr Rear-don? A I will.

Q Thank you; that's very kind of you. And these alleged statements that you claim ~~xe~~ she made to you were not in

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the presence of the Court?

MR. NOTT: Objected to, as already asked and answered several times.

THE COURT: He said that the Judge was not present.

MR. SNITKIN: I know, but I think I have the right to have it on the record.

MR. NOTT: It is on already, several times.

BY THE COURT:

Q Is that the fact, Mr Reardon? A The Magistrate was on the bench.

BY MR. SNITKIN:

Q Then you see you are running away from me again?

A Not in that room, but that is part of the court.

Q But it is separated by a door from the court room?

A Its in the Court House, sir.

MR. SNITKIN: Now, go ahead. He is your witness.

BY MR. NOTT:

Q Now, Mr Reardon, will you state to the jury as nearly as you can what the defendant said, on that occasion, in this room? A I told her, after she stepped into the room--

THE COURT: Is there any objection pending?

MR. SNITKIN: Why, yes. I object to this line of testimony, on the ground that it is irrelevant and incompetent.

THE COURT: Objection overruled.

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MR. SNITKIN: Exception.

A. (Answer continued:) I told her I was a County Detective from the office of the District Attorney of New York County.

And I then asked her if she was the boss of the place; and, during the questions--among the questions I put to her-- I asked her if she was the Madam, and she said she was Madam Annie. And I asked her also--

BY THE COURT:

Q The Madam of what? A I asked her if she was the Madam of the house.

Q Now just tell the jury what you said to her? A I asked her if she was the Madam, and she told me she was the Madam Annie. I also asked her how long she had been in charge of the house, and she told me three months.

BY MR. NOTT:

Q Yes. And do you remember anything else that you said to her, at the time? A Well, there were a number of questions put to her, of course, and I can refresh my memory from the stenographic minutes taken at the time.

Q Can you think of anything else now? A No, sir; not at the present time.

Q Do you recall whether you asked her anything about the use of cards in that house? A Yes, sir. She said that she knew that they used the night and day card; and I

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asked her if the cards were punched for the day or night time, that is, a double card, showing whether girls went up with men in the daytime or night time.

MR. SNITKIN: Now, I object. This man talks so fast that I can't have any opportunity to object. I object, on the ground that the cards are the best evidence, if your Honor please.

THE COURT: Objection overruled.

MR. SNITKIN: Exception.

BY THE COURT:

Q As I understand, this testimony that you now give relates to what she said to you and you to her? A Yes, sir.

Q You had no cards in your possession, at that time?

A I did; and I showed her a card which I took out of the drawer, which she opened for me, and which she had the key for, and which was locked.

BY MR. NOTT:

Q Well, what did she say about these cards? A She said, yes, that she knew that these cards were there, and that she knew that they were night and day cards.

Q Did she say what she was doing in the house? A I can't recall that she did. She told me that she was Madam Annie.

MR. SNITKIN: Now, I ask that the latter part of the answer be stricken out, as irresponsible to the Dis-

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trict Attorney's question.

MR. NOTT: That is consented to.

THE COURT: Motion granted.

Q Now, after that was the defendant arrested? A Yes, sir.

Q Did she say anything further to anybody? A She did.

Q Where did she make a further statement? A At the Second District Magistrate's Court, Night Court, City and County of New York.

Q Now state what she said there? A I asked the defendant--

MR. SNITKIN: One moment. Is that stating a record, if your Honor please? If it is, your Honor, I submit that the original evidence is the best evidence.

THE COURT: Why, suppose we had no stenographer present?

MR. SNITKIN: But I am not supposing that. I don't know to the contrary.

THE COURT: Well, suppose that there was a stenographer present. This evidence is admissible, and I admit it.

MR. SNITKIN: Exception.

A The defendant, Anna Gross, asked me who the complainant was. I pointed to Esther Maynard, the complainant in the case, who sat on a bench.

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She--I asked her if she had ever seen Esther Maynard before, and she said yes.

I asked her if she had seen her at 163 West 27th streetm and she said yes.

I asked her when she had seen her, and she said some time before.

I asked her if she recalled Esther Maynard and the other girl, and she said yes. I indicated both of them by pointing to them, and she said yes.

I asked her if Esther Maynard had been in that house, and she said yes.

And I asked her how long she had been in there, and she said five or six hours.

I asked her if Esther Maynard had gone upstairs with me, and she said yes.

I asked her how many, and she said about a dozen.

Q Did you ask who brought them there? A Yes.

Q What did she say to that? A She said that two pimps. And I asked her if she knew the names of the two pimps, and she said no, that they were out of town pimps.

Q Do you remember the costume in which the defendant was dressed that night? A Yes, sir.

Q What? A Long black silk gown, with openwork neck.

Q What kind of a hat?

MR. SNITKIN: Now, wait a minute. I object to

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that, as immaterial, irrelevant and incompetent.

MR. NOTT: In connection with her saying--

MR. SNITKIN: I object to the form of the question.

THE COURT: But it is too late. The answer is given.

MR. SNITKIN: Then I move to strike it out.

THE COURT: I will sustain the objection at the present time. You may have the privilege, later on, Mr Nott.

MR. NOTT: Very well, sir.

Q Now do you remember about how long it was after that before the complaint was sworn to? A Yes.

Q About how long? A I should judge it was after the Magistrate had returned from recess. They have a recess between twelve and one o'clock.

Q No. I mean the complaint--not in this case--not against the house, but I mean the complaint sworn to by Esther Maynard? A It was before that, it was several hours before that; I should judge between 10 and 10:30 o'clock at night, on the 9th of September. I believe it was Monday night.

MR. SNITKIN: I will consent that that paper be marked in evidence.

MR. NOTT: I consent.

MR. SNITKIN: Good. Then offer it in evidence.

A The formal complaint was sworn to afterwards, on the

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14th day.

MR. SNITKIN: Do you offer it in evidence as a People's Exhibit?

MR. NOTT: No, I don't offer it at all. I will not have any such error as was made in the Wolf case. I understood Mr. Snitkin to offer it in evidence, and I consented.

MR. SNITKIN: Yes; I said that, if they offered it, I would consent.

THE COURT: It will not relieve you any, Mr. Nott, if it is admitted by consent.

MR. NOTT: Yes, sir, I understand; and I don't offer it in evidence, because the Court of Appeals said in that case that it was not proper for the People to offer it.

THE COURT: Then it is not in evidence.

BY MR. NOTT:

Q Was the girl's mother at the time of the arrest there, on the night of the arrest? A No, sir, she was not.

Q And do you know how long it was before her presence could be secured, to make the corroborating affidavit? A Yes, sir; she came on the afternoon of the 14th of September, from Holyoke, Massachusetts.

Q Are you sure it was September? A Well, possibly in October.

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Q Well, it was some time later before she came down there? A Yes, sir.

Q So that the complaint could be sworn to, and she could make a supporting affidavit? A Yes, sir.

MR. SNITKIN: I object to that. Now, wait a minute. I object to that. I object to the question, on the ground that it is purely a conclusion on the part of the witness, and assuming a state of fact not in evidence; and on the further ground that it is incompetent, immaterial and irrelevant.

THE COURT: Well, it is a little leading.

MR. SNITKIN: And leading, in addition to that.

BY THE COURT:

Q What was the purpose of bringing the mother?

MR. SNITKIN: Well, your Honor will pardon me, but I object.

THE COURT: Objection overruled.

MR. SNITKIN: Exception.

Q For the purpose of supporting the affidavit of the complainant, Esther Maynard, as to her age.

MR. SNITKIN: I object to that, as a conclusion on the part of the witness, particularly the words "supporting affidavit".

THE WITNESS: I know it to be such.

THE COURT: The witness is the officer who made the

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arrest, as I understand.

BY THE COURT:

Q Is that right, officer? A Yes, sir.

Q And you were in charge of the case against this defendant? A Yes, sir.

BY MR. NOTT:

Q And, in order to formulate the proper charge against the defendant, were you ordered to procure all available evidence? A I was.

MR. SNITKIN: Objected to.

THE COURT: Overruled.

MR. SNITKIN: Exception, your Honor.

CROSS-EXAMINATION BY MR. SNITKIN:

Q Now, Mr Reardon, anything that I ask you, I don't want you to assume is personal? A Not at all, sir.

Q You said you were a Special Officer? A I said I was a County Detective, in the County of New York.

Q No, wait a minute. You also said you were a Special Officer? A At the time this arrest was made.

Q You are not now? A No.

Q Mr Reardon, you are certain that you didn't arrest the defendant on the 14th of October? A I am certain about that.

Q May I ask you, did you read the testimony that you gave on the first trial, before giving the testimony here, this afternoon? A I recall some of it, yes.

Q I mean, did you read it? A I just looked it over for a second.

Q Of course. Just glanced it over? A Yes; just glanced it over.

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Q Yes. You glanced over the testimony, so far as it related to the testimony you gave downstairs? A No, sir. I didn't go through it; I didn't get a chance to go through it.

Q Your own testimony? A No, sir; I didn't get a chance to go through all of it. I don't suppose I got through two paragraphs of it.

Q Just skimmed over it? A No; didn't get a chance even to skim over it.

Q Now, are you sure that you didn't arrest this defendant, on the 14th of October? A Yes. I arrested her twice. I arrested her subsequent to the arrest in this case.

Q Now, you just wait a minute, sir. A Also for keeping a disorderly house in the same premises.

MR. SNITKIN: I object, and ask that the latter part of the answer be stricken out.

THE COURT: motion granted. And the jury will disregard the statement.

MR. SNITKIN: And I ask your Honor to kindly admonish the witness that he must not volunteer anything.

THE WITNESS: If your Honor please, I arrested this woman for keeping a disorderly house, twice.

MR. SNITKIN: I object to that, and move that it be stricken out, and that the witness be again admonished.

THE COURT: yes. Strike it out. And the jury will

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disregard it.

BY MR. SNITKIN:

Q I now ask you this question. Did you, on the 14th day of October, arrest this defendant, and charge her with the crime of abduction? Yes or no? A I didn't arrest her for abduction, on that day.

Q Now, that's all. You heard my question? A Yes.

Q And that's your answer? A Yes.

Q Didn't you testify on the first trial of this case, that you arrested the defendant on the 14th of October, 1907, on this specific charge? A Yes, sir. And then corrected it.

Q You did say that? A Yes; and corrected it.

Q Wait a minute. (Question repeated) A Yes; and corrected it immediately.

Q Yes; and finding you were mistaken, corrected it immediately? A Yes, sir.

Q You see, none of us are infallible. You had to look at the paper to state when you arrested her? A Well, I didn't have my book. I was called to the stand suddenly, and didn't have my book. I made, during that time, five or six hundred arrests, and simply said that I was mistaken as to the date, and immediately corrected it.

Q Well, will you let me know, when you are through?

A Yes.

Q You made five or six hundred arrests? A Yes; from the time I made the defendant's arrest, and appeared in the Supreme Court on the trial, I made that many arrests, at least.

Q And, of course, the events of every arrest are not vivid in your mind? A I am talking of this case, now.

Q Well, now, don't run away from me. Now I want you to be honest enough to tell us whether the details of all the five hundred arrests that you have made before and after this arrest, are vivid in your mind? A If they are still pending, yes. The moment a case is disposed of by the Courts, it is simply wiped out.

Q Well now you see I didn't ask you about that at all.

A Well, then, I answer yes.

Q Now you said, when you went to these premises the door was opened by a colored woman? A Yes, sir.

Q All right. May I ask you who you informed that you had a warrant? A The defendant, Annie -- this colored woman who opened the door, and who was convicted of vagrancy, on her own confession, and this defendant also.

MR. SNITKIN: Now, if your Honor please, it is evident what attitude this witness assumes here; and I again ask your Honor to caution the witness that he must not volunteer any testimony.

THE COURT: Yes. The answer will be stricken out, and the jury will disregard it, and it must not be re-

peated. Strike out the answer, and the jury will disregard the matter. The fact that this other woman was convicted of vagrancy must not militate, gentlemen, against the interests of this defendant. Strike out the answer.

BY MR. SNITKIN:

Q Now you say you found the defendant on the ground floor; did you? A I did.

Q Do you know the name of the woman that opened the door for you? Yes or no? A Yes.

Q What is her name? A By looking at the minutes, I can tell you. It was a colored woman, who, as I say, was convicted.

MR. SNITKIN: Now, Mr. Reardon, you have been admonished twice by the Court, and you insist upon doing that.

A My only way of getting at it, at this time, Mr. Snitkin, is by looking at the record.

Q Now I asked you her name, and you didn't say what it was. Can you or can't you? A Without looking at the record, no.

Q All right. You can't? A No.

Q Now, the moment you came in there, you asked who the boss was? A Not the moment I entered there.

Q Well, after that, you asked who was the boss?

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A Yes, sir.

Q And immediately the defendant came out and said she was? A No, sir, she didn't; not immediately.

Q I thought you said, on your direct examination, that you found her on the ground floor? A Yes, I did.

Q And that you asked who the boss was, and she said she was? A Yes.

Q Immediately in reply to your question? A No, sir.

Q How soon after? A My question was repeated several times to those present.

Q And how much time elapsed between your question and the answer that you received? A Possibly three or four minutes.

Q Possibly three or four minutes? A Yes, sir.

Q You said, first, that you were an officer?

A I did; and that I had a warrant.

Q And then you clothed yourself with the authority of the District Attorney; you said, "I am from the District Attorney's office?" A Not then.

Q Not then? A No, sir. I said I was an officer there to execute a warrant.

Q I also understood you to say that you met a sergeant from the Third Inspection District? A I did.

Q Where did you meet him? A About 26th or 27th street, on Sixth avenue.

Q That is, you met him on the way to execute the warrant?

A Yes, sir.

Q His name, please? A Hooligan, I think.

Q You are not certain? A No; I wouldn't be positive as to the name.

Q You won't be positive as to the name? A No, sir; but I know him to be a Police Sergeant, Detective sergeant, attached to the Inspection District in which this arrest was made.

Q And he went along with you; did he? A Yes.

Q To make this arrest? A Yes.

Q But you are not certain about his name? A No, sir.

Q Now, the first time that you went there to arrest this defendant, upon the charge she is now being tried on, and, after you had corrected it from October 14th, that -- it was September 9th, wasn't it? A Yes, sir, it was.

Q And you spoke of this lady that admitted you to the house, didn't you, this colored woman? A I wouldn't call her a lady.

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Q Well, you know that we differ even as to gentlemen?

A Yes.

Q Yes. A No gentleman---

Q That's all, that's all.

MR. LOTT: Is that all with the witness?

MR. SMITKIN: No; I mean as to this discussion.

Q Now, this woman--- A Female.

Q Female? That's good. Now, did you have any talk with this female? A Yes, I did.

Q And this female, did she tell you that she was in charge of that house? A Yes, sir.

Q And had been for several minutes? Yes or no? A No.

Q Do you remember testifying in the Magistrate's Court, in the case entitled The People of the State of New York, on the complaint of Edward J. Reardon, vs. Millie Overstreet; September 11th? A Yes.

Q And do you remember testifying as follows: "Q I asked her--" referring to the Overstreet woman or female-- you would rather have it female? A Much rather.

Q "--if she was there several nights previous. She said yes." A That is, in charge of the door leading to these premises.

Q Oh, I see that fine distinction? A Yes, in charge of the door leading to these premises.

Q But you did so testify? A Yes.

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Q And then you know, when you had this woman charged with charged with crime, why, you were going to conserve therights of this woman, and inform her that anything she said would be used against her? A I didn't have the charge made.

Q Now, wait a minute. Don't fence with me.

Mr. NOTT: Now, I object to these comments.

BY MR. SNITKIN:

Q You were going there to execute a warrant? A Yes, sir.

Q And was mindful of the rights of this woman, and so watchful of her rights that you told her that anything she said would be used against her? A I did it because it is a rule of our office to inform a defendant as to her rights. That's my duty as an officer. It has been clearly defined by the courts.

Q Well, suppose you give us the authority, while you are at it? A Why, there are several decisions that you know of, Mr. Snitkin.

Q Well, suppose you give us one of them? A Well, I suppose, as a lawyer, you ought to know them, Mr. Snitkin.

Q Well, I know you, but it doesn't seem that I know you thoroughly? A That's no fault of yours.

Q Now, can you tell us the day of the week that you went to the East 27th Street? A The first or second occasion?

Q The first time? A The time she was arrested on the

charge of abduction, or keeping a disorderly house? Which do
you mean, counsellor?

MR. SNITKIN: Now, I ask that-- your manner is
sufficiently indicative. You need not impress it on us
any more. I ask that the latter part of the answer be
stricken out, as irresponsible to my question.

THE COURT: Motion granted.

Q Now, you understand, sir, that the charge here is ab-
duction? A Yes, sir.

Q Now then, confine yourself to that charge.

MR. WOTT: And I submit that, if he asks for the
date of the arrest, he should explain what arrest he
means.

BY MR. SNITKIN:

Q Now, do you know when you went to this house, the
first time? A Yes, sir.

Q The day of the week? A Yes, sir.

Q What day of the week? A Monday.

Q Now, I will take page 67, so that I may not mislead
you: "Q So that, when you said the first time was the
14th of October that you arrested this defendant, you were
somewhat mistaken? A Yes, sir." Did you make that answer to
that question; didn't you? A Where?

Q On the first trial? Didn't you understand what I said?

A Will you repeat it, Mr. Snitkin?

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Q Certainly I will. (Repeats). Did you make that answer to that question? A I say yes.

Q All right, sir. A And I immediately corrected it.

Q And now I read from page 68: " Q What day in the week was it that you went to the premises 163 West 27th Street--" And then this answer follows the question I have just read--- "A I couldn't say. I have made five or six hundred arrests since that time." A I have since discussed my record book, as to the time when this defendant and others were arrested, and I find it to be Monday night.

Q When did you conduct your record? Since the other trial? A Yes, sir.

Q At whose suggestion? A At the suggestion of the District Attorney in charge of the prosecution.

Q At the suggestion of Mr. Nott? A Yes, sir.

Q Now, Mr. Reardon, have you told this jury all that this defendant Gross said to you, in this private room, where you conducted the examination? Yes or no. A No.

Q No? A No.

Q You have simply stated those matters asked of you by Mr. Nott? A Yes.

Q Did you ask the defendant if she leased the house?

A I believe I did.

Q Can you tell this jury what she said to you in answer to that? A She said no.

Q Did she say no? A Yes, sir.

MR. NOTT: Now, just one minute. If your Honor please, I would like to have it appear from the record that Mr. Snitkin is now referring to and reading from People's Exhibit 2 for identification.

MR. SNITKIN: I have the right to interrogate him on any matter---

MR. NOTT: I don't question your right at all. I simply wish to have it appear on the record that he is interrogating him from People's Exhibit 2 for identification.

MR. SNITKIN: And I object to that, your Honor. You can't make stage play, and say, "I want it noted before the Court and jury that I am reading from a paper that is an exhibit." Mr. Nott used that to ask him certain questions.

MR. NOTT: Certainly. And I want to have it appear that he is doing it, too. That's all I want. I don't object to his asking questions from it at all. I only want it to be noted, to have it appear on the record, that he is reading from People's Exhibit 2, the same paper I did.

MR. SNITKIN: I submit, your Honor, that is an improper remark to make.

MR. NOTT: I don't see how I can compel the counsel to do that.

MR. NOTT: To do what?

THE COURT: To make the record show what he is reading from. Is that paper marked for identification?

MR. NOTT: Yes, sir.

THE COURT: Then, on re-direct, you may question the witness. There is a way of getting it on the record, but I cannot direct the stenographer to note that fact.

BY MR. SNITKIN:

Q Didn't this woman also tell you that all she had to do with the place was that she worked there? Yes or no? A At that time, yes.

BY THE COURT:

Q She told you that she worked there? A Yes, sir.

Q When was that? A That was at the time this woman was in the Magistrate's room, in the Second District Magistrate's Court, after her arrest on this charge, and at her request.

Q She told you that she worked there? A Yes, sir.

Q Was that the time that she said she was the Madam of the house? A Yes, during that-- later on, during that examination, she said that she was known as Madam Anna, that she was Madam Anna. The record which Mr. Snitkind has got in his hand shows that.

MR. SNITKIN: Now, I ask that the latter portion of that answer be stricken from the record.

THE COURT: Yes, it is not responsive.

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BY MR. SNITKIN:

Q Mr. Reardon, isn't it true that this is the first time that you have ever stated before a court and jury, in this case, that the defendant told you, at the time that you arrested her, and took her into this private room, where you conducted the examination, with the aid of the stenographer, that she was Madam Anna? Isn't it really the first time? A No. I so stated before City Magistrate Corrigan.

Q Did you so testify Before Judge Dowling and a jury?

A No, I didn't. I wasn't asked the question.

Q Of course you didn't. A I wasn't asked the question.

Q And you knew the same facts, then, on the 26th of November, 1907, when you gave the testimony? A I wasn't asked that question, at that time, sir.

Q Wait a minute. You knew the same facts, pertaining to the alleged statements made to you by this defendant, on the 26th of November, when you testified in this case for the first time, as you do now? A To the statements made by the defendant?

A Yes. A Yes.

Q Now, look at the record of your testimony, and indicate where you said that she said she was Madam Anna.

A He said that he didn't, and that he wasn't asked the question.

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THE WITNESS: I wasn't asked that question.

BY THE COURT:

Q Did you state that she said she worked there, on the last trial? A No, I didn't.

BY MR. SNITKIN:

Q You didn't volunteer that at the last trial? A I testified, on the first trial, that she told me she was boss, and I so testify now.

MR. SNITKIN: Now, I move that that be stricken out, because absolutely no question has been asked. I have not asked him a question.

THE COURT: Strike it out.

BY MR. SNITKIN:

Q Were you as free to volunteer information on the first trial as you are now?

MR. NOTT: Objected to. I object to the form of the question.

THE COURT: Sustained.

Q Mr. Reardon, in the many arrests that you have made, has it ever occurred in the testimony that you gave in over five hundred cases, that you made a mistake?

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MR. NOTT: Well, I object to that, if your Honor please, as calling for a conclusion.

MR. SNITKIN: Why, a man ought to know. I am testing the credibility of the witness.

THE COURT: I will allow it. It is cross examination.

BY MR. SNITKIN:

Q (Repeated) A No, sir.

RE-DIRECT EXAMINATION BY MR. NOTT:

Q Now, were you summoned suddenly to the stand, and put on the stand unexpectedly? A Yes, sir.

Q And at that time had the stenographer written out the notes of this conversation? A No, sir.

MR. SNITKIN: Objected to, as immaterial, irrelevant and incompetent.

THE COURT: Overruled.

MR. SNITKIN: Exception.

Q And were you asked about the interview that took place in that private room? A I was not, sir.

MR. NOTT: The People rest, if your Honor please.

MR. SNITKIN: Now, if your Honor please, the defendant respectfully moves that all the testimony given by the witness Rose Belmore, with reference to any conversation had between herself and the defendant gross, be stricken from the record, and the jury asked to disregard it, on

the ground that that testimony was incompetent, immaterial and irrelevant, so far as the charge in this case is concerned.

THE COURT: Denied.

MR. SNITKIN: We except. I now ask your Honor to direct the jury to acquit this defendant, on the ground that there is a variance between the proof and the indictment.

THE COURT: Where is the indictment, Mr. Clerk? In what respect?

MR. SNITKIN: The taking is alleged in the indictment to have taken place on the 5th. All the testimony goes to show that any act was committed, if any act was committed, it was on the 4th.

MR. NOTT: And then I move to amend the indictment, so as to have it read the 4th, instead of the 5th.

THE COURT: Motion granted.

MR. SNITKIN: And it being discretionary with your Honor, of course, we will take no exception.

MR. SNITKIN: Now, I respectfully move your Honor to advise the jury to acquit the defendant, on the ground that the People have failed to make out a case sufficient, it seems to me, to warrant the defendant to be put on her defense.

And I need not cite authorities to your Honor, but

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there is not, in my humble judgment, that quality of evidence, not the quantity, whereby your Honor can safely say that a case has been made out against this defendant, beyond a reasonable doubt.

The age, of course, which is the most material element of the three which goes to make up the crime, your Honor will agree with me, is so unsatisfactory, that it borders on the danger line, to submit a defendant to her defense.

The testimony as to that is vivid in your Honor mind, as it is in mine, and, as I say, it is unnecessary to cite authorities to your Honor, because you are experienced in these matters; and I say that the people have failed to make out a case, under the section of the penal Code.

THE COURT: Of course, in a case of this character, it becomes a question of law for the Court to determine whether there is any corroboration; and, if the Court concludes that there is corroboration, it does not mean that the Court indicates that the defendant is guilty of the charge, but, after the Court passes upon the question of whether there is legal corroboration, then the sufficiency of the corroboration, and the faith to be given to the corroborative evidence, is a question for the jury to determine.

MR. SNITKIN: Now, will your Honor pardon me for a

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moment? Isn't the Belmore girl just as guilty -- assuming now that the defendant committed this crime -- isn't the Belmore girl just as much a procuress and abductor as the defendant would be, and isn't she an accomplice in this crime?

THE COURT: Where is the evidence that the Belmore girl procured the Maynard girl?

MR. SNITKIN: She was the one that met her in her aunt's house and took her to these two men, and flirted with them, and took her along to New York, and went together with her to this house in 27th street.

MR. NOTT: Why, it appears in the evidence that she thought that she was going to change her room, her furnished room, and didn't know where she was going until she arrived there.

MR. SNITKIN: Yes; and it appears that she knew the character of the house very soon after she got there. And she has known the Maynard girl for a year.

THE COURT: I think that there is a question of fact here for the jury. Motion denied.

MR. SNITKIN: Very well. We respectfully except.

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OPENING ADDRESS FOR THE DEFENSE

of

NATHANIEL LEVY, ESQ.

May it please your Honor:

And gentlemen of the jury:

You have now heard the evidence in this case on the side of the People; and, before you were sworn as jurymen, you recall that I distinctly and separately asked you gentlemen whether you all had the necessary time that would be required for the consideration of the evidence in this case, and if you would consider the evidence carefully, and not hurry over it, and allow nothing else to interfere with your careful consideration of all the evidence.

And now I assume, and I trust I am right in believing, that even now, at this moment, you gentlemen have not made up your minds, or fixed upon any determination as to the guilt or innocence of this defendant; but that you will reserve your decision, your judgment, until you have heard the evidence on behalf of this defendant.

And that, after you have heard all the evidence, that you will then carefully consider all the evidence, and render a just verdict according to your best understanding.

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I so have your promise, because you so swore when you were impaneled; have I not?

Now, in this case, gentlemen, this defendant is accused of a very serious crime. It is defined under Section 282 of our Penal Code as the crime of abduction; but, from the evidence as it has already been submitted, I believe that the District Attorney will rely entirely upon that part of the section which relates entirely to the reception of this girl in that house, and does not lay any particular stress upon the question of taking.

Now, I would like to know what the District Attorney would elect, at this time, whether he elects upon the entire section, or merely upon the portion which I pointed out.

MR. NOTT: I rely upon the section which makes it a crime to feloniously take, receive, harbor, employ or use, or cause to be taken, received, harbored, employed or used, a female under the age of 18, for the purpose of prostitution.

MR. LEVY: Now, your Honor, there is no evidence here that the defendant took --

MR. NOTT: Now, is this a summing up, if your Honor please?

MR. LEVY: No; I just want you to elect, Mr. Nott,

THE COURT: Why, the statute is in the disjunctive form, all the way through. The taking might be a crime, or thereceiving, or harboring, or using, or causing or procuring to be taken, or harbored or used. The indictment, of course, might charge all of the acts by joining them into one. But, even if there is not a taking, and there is a reception, or the employing, or the harboring, or the causing to be used or employed or harbored, for the purpose inhibited by the statute, the offence is complete.

MR. LEVY: I so understand it, your Honor. But, inasmuch as each one of these acts described by the section makes it a crime, in itself, and as there is no evidence of the taking by the defendant, I ask Mr. Nott to elect.

THE COURT: He is not obliged to elect, because it is all joined in one.

MR. LEVY: Well, then, will we take from the jury that part which referred to the taking?

THE COURT: No; it is unnecessary. Anything in the indictment which is a surplusage need not be referred to.

MR. LEVY:

Now, gentlemen, in defence of this woman, we will prove that she was employed as a cook in those premises.

And, if we prove to your satisfaction that she was employed there, she certainly couldn't be guilty of this crime. That is conceded, and the Court will so charge you.

Now, we will show you that she was employed as a cook in those premises, and that she bore an excellent reputation before she became needy, and was compelled to accept that kind of employment.

We will show you she was not a procuress, that she was not a kidnapper, and that she didn't abduct anybody, and that she was employed upon a salary, upon wages, in those premises; and that she was not the keeper in that house, and that she was not the lessee of the house, and had no control of the house, physical or otherwise,

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delegated to her by any other person in that house, either on that night, or at any other time.

And we will show you that the story which was related here by these two girls is absolutely untrue.

We will also show you that the statements which were made by the officer, who was so anxious to testify, are absolutely false and untrue.

And we will show you that there is something in this case which actuates these witnesses in trying to convict this particular woman of this crime, probably to shield behind the defendant the real Madam or owner of those premises. That is entirely for you.

Now, gentlemen, if we prove these circumstances--and also bear in mind, if we show you that, in connection with these circumstances, a very grave and serious doubt exists in this case, as to whether this girl is under the age of eighteen, and that her mother is mistaken as to the time of her birth, why, then, if we convince you of these facts, I trust that, under the oath which you have taken, when you were sworn as a jury, you will give this poor woman a fair and impartial trial; and, if there exists any reasonable doubt in your minds, after the entire case is submitted to you, arising from the evidence as you will hear it submitted to you, I hope and trust you will give her the benefit of that doubt, and render a

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verdict of acquittal.

MR. LEVY: I understand, if your Honor please, one of the jurors has indicated that he desires to go away at four o'clock; and, if I might make the statement now, if the Court would be good enough to grant an adjournment at four o'clock.

THE COURT: Yes.

THE DEFENDANT'S TESTIMONY.

S A M M I C H A E L S O N, a witness, called on behalf of the defence, being duly sworn, testified as follows:

DIRECT-EXAMINATION BY MR: LEVY:

Q Now, Mr Michaelson, will you be good enough to talk loudly, so that these gentlemen over here can hear you, also.

What is your full name? A Sam Michaelson.

Q What is your business? A Butcher and grocer.

Q Butcher and grocer? A Yes, sir.

Q Now, talk louder, will you please? You are a butcher and grocer? A Yes; I supply groceries and butchers.

Q Now, how long have you been a butcher and grocer?

A About twelve years.

Q Twelve years? A Yes, sir.

Q Where is your place of business, where has your place of business been, during that time? A I don't understand you.

Q Where is your place of business, your shop? A 214

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West 30th street.

Q How long have you been in business there? A Twelve years.

Q Twelve years? A Yes, sir.

Q Did you do business as a butcher and grocer, with the premises--in the premises--with the occupants of the premises 163 West 27th street? A Yes, sir.

Q Who did you get your orders from in that house for groceries and meat? A This woman here (indicating the defendant).

Q Which woman? A The cook.

Q The cook? A Yes, sir.

Q Do you mean the defendant? A Yes, sir.

Q You say she is the cook in those premises?

MR. NOTT: Now, I object to that, as calling for a conclusion.

THE COURT: Objection sustained.

MR. NOTT: And I move that the answer be stricken out.

THE COURT: Motion granted.

BY MR. LEVY:

Q Do you know who was the person who controlled those premises?

MR. NOTT: Well, I object to that, as calling for a conclusion and as too indefinite.

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THE COURT: Objection sustained.

Q Who paid you for the meat and groceries which you delivered there? A A woman by the name of Rose.

Q Madam Sadie Rose? A I don't know any other name but Rose.

MR. NOTT: If your Honor please, is that name to be put in his mouth?

MR. LEVY: Oh, look at the character of the witness, your Honor. He is so stupid.

MR. NOTT: Yes; look at the character of the witness.

BY THE COURT:

Q Do you know the first name of the woman who paid you the money? A No, sir; I don't know her first name.

BY MR. LEVY:

Q How long have you been leaving meat and groceries in that house? A Six months.

Q For six months? A Yes, sir.

Q And how long did you see this woman there, this defendant? A She was only one week there.

Q Only one week? A Yes, sir.

Q Now, when you were delivering meat and groceries there, did you see her doing anything there? A She was cooking there.

Q Where? A 163 West 27th street.

Q I know, but what part of the house? A In the

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kitchen, down stairs.

Q Now, the kitchen is where? On what floor? A Downstairs.

Q On the ground floor? A Yes, sir.

Q Talk louder, will you? All of these jurymen want to hear you, and they are entitled to hear you, and your testimony isn't worth a cent, unless they hear you, and I can't hear you here at all. Now, will you tell this jury who paid you for your meat and groceries?

MR. NOTT: Objected to, as immaterial, irrelevant and incompetent, if your Honor please, it having no bearing whatever on this charge. Somebody else might pay for his meat and groceries, but I don't see how it is material.

MR. LEVY: Question withdrawn.

Q Were you paid for your meat and groceries in those premises? A They used to pay me every day.

Q And you were paid in those premises; weren't you?

A Yes.

Q Now, were you ever paid for meat and groceries in those premises by this defendant? A No, sir.

MR. NOTT: Objected to. Won't you wait, when you see me rise to make an objection? Now I move that the answer be stricken out, as immaterial.

THE COURT: Of course, under the statute, it matters

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not whether the person pwned, or kept, or maintained the place. The statute means a person who aids or assists, or abets, counsels, advises or procures another to commit a crime is a principal.

MR. LEVY: That's true, your Honor; but this is a circumstance to show that this woman had no control over the premises.

MR. NOTT: It doesn't tend to show it at all. The circumstance that she didn't pay the butcher bill doesn't show. We are not trying her now for maintaining a disorderly house. We are trying her for the crime of receiving and using this girl. I don't think that this has any bearing at all.

MR. LEVY: Well, but, if your Honor please, if we ask whether this woman is the proprietress of the place, he will object to it as a conclusion.

MR. NOTT: I certainly will. But this has no probative force at all. Suppose that this woman that has been referred to, the woman who was keeping the door, was on trial for keeping the door, for aiding and abetting in running the house, would the fact that the woman at the door didn't pay the butcher's bills, would that fact have any bearing on the case at all?

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THE COURT: You have to prove it here by the witness that she was in the place, doing cooking.

MR. LEVY: Yes, sir.

BY THE COURT:

Q Did you see any other persons in that place? A No; I didn't sell no place else; only that place 163 West 27th Street.

THE COURT: I will sustain the objection.

BY MR. LEVY:

Q How many times were you in that house? A I used to go there every night.

Q Every night? A Yes, sir.

Q Now, you went there, every night, for what purpose?

A To get orders for meat.

Q For what? A For butcher and grocers.

Q For meat and groceries? A Yes.

Q Now, when you went into that house, did you go into the kitchen to get orders? A Yes, sir; I used to go into the kitchen.

Q Now, have you got any book in which you enter your orders, or any bills? A I have got bills. I never used to keep any books, because it is three months that place is closed already.

Q Now, have you got any bills, showing the manner in which you do business in those premises? A I have got dif-

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ferent bills. I haven't got no bills from that place, 163.

Q Now, have you got your business card? A Yes; that's my bill, (indicating). I ain't got no card.

Q Well, will you let me see one of those bills heads? Now, Mr. Michaelson, are you a member of the firm of H. Michaelson & Son? A Yes, sir; that's my father.

Q But you are a member of the firm, aren't you? A Yes, I am.

Q And when you delivered meat to these premises, did you present your bill right away with the meat? A I used to send the bill in themorning, and used to go tollect, at night.

Q You used to send the bill in the morning, and used to go to collect, at night? A Yes, sir.

Q And you were paid by this Miss Rose? A Yes; Miss Rose used to pay me.

Q Now, have you had any conversation with Officer Rear-don, outside of the Court room just now? A Yes, sir.

Q Now, were you insulted outside of the Court room, just now by him?

MR. NOTT: Objected to.

THE COURT: Sustained.

Q What did he say to you, outside of the Court room, just now?

MR. NOTT: Objected to.

THE COURT: Sustained. The proper way is to call

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Officer Reardon, and interrogate him as to what he did or said.

MR. LEVY: Now, if your Honor please, I want to lay a foundation for the conversation with Officer Reardon.

MR. NOTT: And then it is laying it backwards.

THE COURT: Yes. Then call Officer Reardon. You are just taking the converse of the proposition.

CROSS-EXAMINATION BY MR. NOTT:

Q Mr. Michaelson, how long had you been serving those premises? A About six months.

Q And did you know that it was a house of prostitution?

A Yes; I know this.

Q You knew it all the time? A Yes.

Q You tell this jury that this woman had been there only one week? A Yes.

Q Now, are you positive about that? A Certainly, sure.

Q What? A Sure.

Q Well, do you mean by that to say that you only saw her for a week; is that right? A I see her only for one week there.

Q And you went downstairs? A Yes, sir.

Q But whether she was in other parts of the house, you don't know? A Well, there is the kitchen downstairs.

Q I say, you don't know whether she is upstairs or not?

A No, I don't know.

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Q Now, if she has testified that she was there about three months, would you contradict that?

MR. LEVY: Objected to. Don't answer that.

THE COURT: Is there any evidence as to that?

MR. NOTT: Officer Reardon has testified that she so stated in this interview which was taken down, and I am now reading from People's Exhibit 2 for Identification. He said he asked her how long she had been there, and she said three months.

MR. LEVY: It's in the record, but I object to it as immaterial, irrelevant and incompetent.

THE COURT: Objection overruled.

MR. LEVY: Exception.

Q If she stated that she had been there over three months, would you contradict her as to that?

MR. LEVY: Objected to. I object to the form of the question.

THE COURT: Sustained.

Q Well, if she so stated, do you say that that is untrue?

MR. LEVY: I object to that as to form, also.

THE COURT: Sustained.

Q Do you know whether she has been there three months or not? And just saw her there for one week.

Q That's the only time you saw her there, in the kitchen?
A Yes, sir.

Q And she used to give you the orders for meat and groceries? A Yes; when I saw her there for one week.

Q Did you know whether she was in that house on August 23rd, or not? A I didn't see her, no, sir; I didn't see her only for one week there.

Q Do you know whether she was there then or not, August 23rd? A I don't remember that month.

Q Well, when was the week that you saw her? A That was the week after the Jewish holidays.

Q Well, what date was it? A I couldn't tell you the date; I don't remember.

Q Well, what month was it? A It was about three months ago, I think.

Q I didn't ask you how long ago it was, but what month it was that you saw her there? A I couldn't tell you the month.

Q You couldn't tell us the month? A No, sir.

Q Was it in the summer time or winter time? A Well, it wasn't summer or winter. It must have been in the Spring.

Q In the Spring? A Yes.

Q You are sure of that? A Well, it was after the Jewish holidays. Then it was.

Q Well, which holidays do you mean? A After all the Jewish holidays.

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Q Well, what month do they come in? A I don't know.

Q You don't know? A No, sir.

Q How long have you been in this country? A About 13 years.

Q 13 years? A Yes, sir.

Q Were you paid in cash or by check? A Cash.

Q And how long after she left did you continue serving the house? A I didn't serve no more.

Q After this woman left? A After this woman left I didn't serve that house no more.

Q You didn't serve it any more? A No, sir.

Q Why? A Because it was closed up, that place.

Q And don't you know that it was opened again, and closed again? A No; they didn't open it, that I know; they didn't tell me to bring up any more stuff there.

Q What quantity of supplies did you leave there, every day; for how many people? A They didn't me for how many people.

Q Well, how large quantities of supplies did you leave there? A They used to pay me two or three dollars a day.

Q What did you leave there? A Butcher and groceries; meat and groceries.

Q Meat and groceries? A Yes, sir.

Q Well, you are a judge of how many people were there to eat the meat and groceries; aren't you? A Well, they

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used to get about two dollars and a half or three dollars a day of meat and groceries.

Q These supplies for how many people did you leave there?

A They never used to tell me how many people. They used to give me the order to bring, how much to bring, and I bring it.

Q Well, could you judge from the amount of supplies you left there how many people were there?

MR. LEVY: Objected to.

THE COURT: Sustained.

Q Well, how did you know that this was a house of prostitution? A Because she told me.

Q Who told you? A That woman (indicating the defendant).

Q The defendant? A Yes, sir.

RE-DIRECT EXAMINATION BY MR. LEVY:

Q Now, Mr. Michaelson, did you see any other cook in that kitchen before that week? A yes, sir; there was another woman there; there was a fat woman there before.

Q And that woman used to give you also the orders for supplies?

MR. NOTT: Objected to, as leading.

THE COURT: objection sustained.

Q And had you had the same dealings with the woman who

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was previously engaged in the kitchen there, as you had with this defendant?

MR. NOTT: Objected to.

THE COURT: sustained.

BY THE SECOND JUROR:

Q How did you get into the kitchen? A I used to get into the kitchen, I used to ring the front door, and then they opened the front door.

Q Well, did you go through the parlor, or the hall?

A I used to go through the hall.

Q Who opened the door for you? A The colored woman that used to be there.

MR. NOTT: Now, if your Honor please, I ask that witnesses be instructed to remain in the room, after they have testified.

THE COURT: yes. Issue the order, Mr. Clerk.

BERTHA HIRSCHBERG, a witness called on behalf of the defense, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. LEVY:

Q What is your name, Madam? A Bertha Hirschberg.

Q And where do you live, Madam? A 211 East -- 235 East 11th street.

Q 235 East 11th street? A Yes, sir.

Q You live there with your husband?

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MR. NOTT: Now, I suggest that he don't begin to lead.

THE COURT: Well, on these immaterial questions.

MR. NOTT: Yes, sir, I know; but it will just lead up to more.

BY MR. LEVY:

Q Now, you are a married woman, are you? A Yes, sir.

Q You live with your husband? A Yes, sir.

Q Have you got any children? A Yes, sir.

Q And what is your husband's name? A Isidore Hirschberg.

Q And do you know this defendant? A Yes, sir.

Q How long have you known her? A I know this lady for the last three years.

Q Now do you know other people that know her?

A I don't know.

Q I will repeat the question. You evidently don't understand me. You know other people who know her?

A I don't know.

Q Do you know other women who know her? A I don't know; no, sir.

Q You don't know? A No, sir.

Q Now, do you know what her reputation is for peace and good character?

MR. NOTT: Objected to, if your Honor please, on the

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ground that it doesn't appear that she knows anybody that knows her.

THE COURT: Well, I have been looking at a case, the Van Gaasbeck case; have you looked at it?

MR. NOTT: yes, sir.

THE COURT: I must confess that there is some portion of that opinion that I fail to understand.

MR. SNITKIN: And that case holds that negative evidence is good evidence.

MR. NOTT: But even there they must show a foundation, but showing that there are other people who know her.

THE COURT: Now, in the first portion of the decision, Mr. Nott, this occurs (reads). The witness was then asked as to what his reputation was.

MR. NOTT: But he said, first, that he knew what it was, and that was proof of his knowing other people that knew him. You can't prove reputation in any other way.

THE COURT: But the Court of Appeals says (reads). Now it appears from this opinion that they have absolutely upset every decision on the subject which treats as to what is necessary to prove good reputation.

MR. NOTT: Well, in the first case, the witness testified that he was familiar with the reputation of the defendant.

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THE COURT: Yes.

MR. NOTT: And this witness has not so testified.

THE COURT: I will sustain the objection, for the present. Well, is it your theory, then, that, if a witness says that she is familiar with reputation, without knowing other people, she can testify?

MR. NOTT: No, sir, I don't think that is sufficient. I understand in that case the witness said that he did know other people who knew him.

THE COURT: No, he did not. In the Pekarz case, the Court of Appeals said that good character must be proved as a fact.

MR. NOTT: Yes, sir, that is the fact.

THE COURT: And now it seems, in this case of Van Gaasbeck, that the witness did not say that he knew other people who knew the defendant, but said that he was in a position to testify to the character, and the court said in that case that it was permissible.

MR. NOTT: But he did say that he knew the reputation of the defendant.

THE COURT: I will read it again (reads).

BY MR. LEVY:

Q Mrs. Hirschberg, do you know Mrs. Singer? A No, sir.

Q Or Mrs. Berger? A I guess Mrs. Singer is the housekeeper where Mrs. Cross used to live. I think I know her.

BY THE COURT:

Q Do you know her? A Yes, I do know her, because I went --

BY MR. LEVY:

Q Now, do you know Mrs. Berger? A Yes, sir.

Q Now, do you know whether they know Mrs. Gross here, whether Mrs. Singer and Mrs. Berger know Mrs. Gross?

A I think they do.

Q Now, have you heard them talk about her? A No, sir.

Q Have you talked with them about her? A No, sir.

Q Now, do you know what Mrs. Gross' character is?

MR. NOTT: Objected to.

THE COURT: You have got to conclude your question.

MR. LEVY: But then, under that decision, your Honor, follows the next question, as to her reputation, whether it is good or bad.

THE COURT: Reputation for what?

BY MR. LEVY:

Q For peace and sobriety and decency and respectability?

MR. NOTT: I object to that as entirely too general.

THE COURT: You have got to confine yourself to the reputation concerning the particular case.

BY MR. LEVY:

Q Well, do you know what her character is with regard

to decency and respectability? A Well, I know her --

BY THE COURT:

Q Now just answer that question yes or no.

A Yes.

BY MR. LEVY:

Q What is it? Good or bad? A Good.

THE COURT: Now, do not answer that question. Strike out the answer.

MR. NOTT: And I object, on the ground that they have laid no foundation whatever.

THE COURT: Now, Mr. Nott, this is a matter of great importance. And I will say that this Van Gaasbeck case, while it introduces no ~~rule~~ new rule, as to giving negative testimony, and as to the traits of a person, and does not prohibit evidence from observation, it seems to me that, if the witness is not acquainted with other people who know the defendant, it is questionable whether or not, if she is not acquainted with other people, the evidence is admissible, under this decision.

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MR. NOTT: Then, rather than run any risk, I will not object. I withdraw the objection. I don't see any importance to the testimony, anyhow.

THE COURT: As there is no objection, I will allow it.

A It's good.

BY MR. LEVY:

Q It is good? A Yes, sir.

CROSS-EXAMINATION BY MR. NOTT:

Q Now, how long have you known Anna Gross? A Three years.

Q What? A Three years.

Q Where did she live when you first met her? A 16 First avenue.

Q 16 First avenue? A Yes, sir.

Q And how long did she live there? A She lived there about two years.

Q Do you know what her business was then? A She was cooking for some boarders.

Q Of her own? Cooking for her own boarders? A For some boarders.

Q Some boarders? A Yes, sir.

Q Well, were they her boarders? A No, sir. There were strange men that used to go there, and live there with her.

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Q Well, that's what I say. They boarded with her?

A Yes.

Q How long did she live there? A Twoyears.

Q And then where did she go? A Then where she go?

Q Yes. A Then I didn't see her no more.

Q You didn't see her any more? A Yes, sir.

Q Have you seen her since? A I have seen her in the street, but I never asked where she lived.

Q Yes. How long ago did you see her in the street?

A About six or seven months ago.

Q And who asked you to come down ~~here~~ to testify?

A Anna Gross.

Q I see. Did you know that she had been working in a house of prostitution? A No, sir.

Q What? A No, sir.

Q Did she tell you that? A No, sir.

Q And she asked a married woman, a married lady friend of hers, to come down here and testify? A I wasn't a friend of hers. I dealt with her. I had a furniture store, and she bought off me.

Q (Question repeated.) Without telling you she lived in a house of prostitution? A Yes, sir.

Q Well, if you had known that she had lived in a ~~gen~~ house of prostittution, would you consider that a woman who lived in such a place had a good character for decency?

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MR. LEVY: I object to that, because it misstates the facts. She claimed to be a cook in the premises, and that is a different thing.

Q Would you say that a woman who lived in a house of prostitution, and helped to carry on that kind of a house, had a good reputation or character for decency?

MR. LEVY: Objected to.

THE COURT: I think you should bring it within the Elliott case. Would that change her opinion?

MR. NOTT: Yes, sir.

BY MR. NOTT:

Q If you had known that she had lived in a house of prostitution, would that change your opinion as to the decency of her character?

MR. LEVY: I object to that, if your Honor please.

A Well, I didn't know that.

THE COURT: Objection overruled.

Q I know you did not. But if you had known she lived in a house of prostitution, would that change your opinion as to the decency of her character? A Well, I didn't know anything about such houses.

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Q Well, I know that. (Question repeated). A Well, I know her for a respectable woman.

Q Will you please answer my question, Madam? A Well, I don't know what you mean.

Q Well, you know what a house of prostitution is, don't you? A Yes.

If

Q ~~You~~ knew that she had lived in a house of that sort, would that change your opinion as to her character for decency?

not

A Well, I would go for a witness then.

RE-DIRECT EXAMINATION BY MR. LEVY:

Q Oh, wait a minute. If she was working in a house of the kind described, as a cook, that wouldn't change your opinion of her character; would it?

MR. NOT: Objected to.

A Well, she has to make a living.

THE COURT: I will allow that.

BY MR. LEVY:

Q That wouldn't necessarily, in your opinion, make her a disreputable woman? A Sure not.

Q You would still entertain the same opinion of her character? A No, sir.

Q Would it not? A I don't know what you mean.

Q You would still have the same opinion? A Well, sure I will. She has to make a living.

Q If she was trying to make a living in such a

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house, as a cook? Yes or no? A Yes.

RE-CROSS EXAMINATION BY MR. NOTT:

Q Now, Madam, do you tell the jury here that you consider it all right for a woman to go and cook in a house of prostitution? A Well, I don't know about that. I don't know what to say.

Q Well, do you think it would be all right? A Well, she has got to make a living, I suppose. When I go to her and collect money, she has to pay me.

Q Would you do that? Would you go to cook in a house of prostitution?

MR. LEVY: Objected to.

THE COURT: Allowed.

MR. LEVY: Exception.

A I don't need to cook. I have a husband now. If I wanted to make a living, I don't care, if they pay me, where I go to cook.

Q And then you would go into such a house, and associate with the women that live in such a house, and cook for them?

A Yes, sure, if I was a cook. What is the difference?

Q What's the difference? A Yes, sir.

BY MR. LEVY:

Q And if you had to make a living for yourself and your children, would you do it? A Yes, I would, sure.

(The Court then admonished the jury in accordance

with Section 10 of the Code of Criminal Procedure, and

adjourned the further trial of the case until Friday morn-

ing, March 14, 1908, at 11 o'clock).

TRIAL RESUMED.

New York, January 24, 1908.

I E N A S I N G E R, a witness called on behalf of the defendant, being duly sworn, and examined through an interpreter, Joseph Marcowitz, testified as follows:

DIRECT-EXAMINATION BY MR. LEVY:

Q What is your business, Mrs Singer? A Janitor of the house No. 16 First avenue.

Q How long have you been janitor there? A Four years.

Q Did this defendant live in those premises during that time? A She lived there about three years ago, but it is two years she moved out.

Q How long during that time did you know this defendant?
A Since she moved into my house.

Q Well, now, do you know what the defendant's business is?

MR. NOTT: Objected to, as calling for hearsay unless she has seen her working.

THE COURT: If she knows.

MR. LEVY: Well, I intended it that way, if she knows.

MR. NOTT: But I think they ought to draw out first how she knows, because it is apparent that otherwise it will be hearsay. He can ask her if she has ever

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seen her working anywhere.

THE COURT: Well, would I not know that a man was a lawyer, practicing, although I had not seen him trying a case in court? Some of the most celebrated lawyers never come into a court room.

MR. NOTT: Yes, sir; because a lawyer can practice just as well in his office as in a court room, but I don't think that you would know that he was a lawyer, perhaps, unless some one told you.

BY THE COURT:

Q Do you know what business this defendant is engaged in, if any?

MR. NOTT: I ask that it be answered yes or no.

A All that I know is, that when she lived by me, she used to keep boarders, and cook for them, and she made a living out of them.

BY MR. LEVY:

Q Do you know other persons who know this defendant?

A Yes, sir; I know a lot of people.

Q Do you know what her reputation for decency and respectability is? A Yes; I know that she is a fine woman.

MR. NOTT: Well, I ask that that be stricken out as inresponsive, if your Honor please.

THE COURT: Yes. Motion granted.

BY MR. LEVY:

Q Answer yes or no, please? A Yes.

Q Is her reputation for decency and respectability and good behavior good or bad? A Very good.

CROSS-EXAMINATION BY MR. NOTT:

Q Just wait a minute. How long is it since you have seen the defendant? A Since several months.

Q How long have you been in this country, madam? A Fourteen years.

Q Well, you speak English; don't you? A Well, I can, a little bit, but not very good.

Q Well, I guess you speak pretty well. I'll just try, a minute. Now, where did you see her last, where was she?

A She moved out in 13th street from me.

Q Where was it that you saw her when you last saw her? A She go for a cook.

Q I didn't ask you where she went. I asked where you saw her? A (No answer.)

(The question is repeated through the interpreter.)

A She lived at 13th street.

Q Is that where you saw her? A I used to go there, with my children, to visit.

Q And that was how many months ago? A Over two months.

Q And did you see her last fall, in September? A Yes, sir, I did.

Q At 13th street? A Yes, sir.

Q Did you know, at that time, that she was employed in a house of prostitution? A All that I knew was that she went to be a cook.

Q Will you please answer that question? Did you or did you not know that she was working in a house of prostitution?

A That I don't know.

Q Did she ever tell you that? A No, sir.

Q Eh? A No, sir.

Q Was it the defendant that told you that she was a cook? A Yes, sir.

Q And that's all you know about it? A Yes, sir.

Q If you had known that she was an inmate of a house of prostitution, would you testify that her character for decency was good? A I would always state a good reputation about her.

Q That is to say, you don't think it is any objection to a person's reputation, that they are employed in a house of prostitution? A I can't say nothing badness against that woman.

Q Will you please answer my question? I'm not asking you about this woman now. The question was, Do you consider it an objection to a person's reputation for decency that they have been employed in a house of prostitution? A I would always state good about her.

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Q Now, I didn't ask you about that. I asked you--

MR. SNITKIN: Now, the witness didn't say that. One of the juror's said that she didn't say that, and that you didn't interpret the answer correctly, Mr Interpreter.

THE INTERPRETER: I will repeat the question to her.

A As long as she is a fine woman, I must state it; and, if she wasn't a fine woman, I wouldn't state it.

Q I didn't ask you that. (Question repeated.)

MR. LEVY: I object to the form of that question.

It is assuming that this woman is an inmate of a house of prostitution, the same as a prostitute.

MR. NOTT: I assumed that in the question.

THE COURT: I will allow the question.

MR. NOTT: Now, just get that question right, to her, Mr Interpreter.

(The question is repeated by the interpreter.)

A Yes.

Q Does that mean that you do consider it an objection?

A Good.

Q Would you take a position in a disorderly house?

MR. LEVY: I object to that, if your Honor please.

MR. NOTT: Now, it seems to me that that is perfectly competent, on cross-examination, and it is her idea of what is a good reputation.

THE COURT: I will allow it.

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MR. LEVY: Exception.

A To make money, I would.

REDIRECT-EXAMINATION BY MR. LEVY:

Q You don't mean by that that you would take employment in a house of prostitution as a prostitute; do you?

MR. NOTT: I object to the form of the question.

THE COURT: I allowed your question on the subject, and I will allow this question.

A Not on this. Only to work, but not to commit anything wrong.

Q Well, would you consider it indecent or disreputable if, by reason of necessity, you were compelled to work as a cook in a disorderly house?

MR. NOTT: Objected to, as already answered.

THE COURT: She has answered that, that, to obtain work and employment, she would work there. I will sustain the objection.

A N N I E B E R G E R, a witness called on behalf of the defence, being duly sworn, testified as follows:

DIRECT-EXAMINATION BY MR. LEVY:

Q Mrs Berger, do you speak English? A No.

Q Now, if you do speak English, I would like to have you speak English. Mr Nott would like you to speak it?

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A I can't speak English.

Q Well, now, you try to speak English? A I can't.

MR. LEVY: Well, we will try to get along in English. You don't speak very well.

Q Now, where do you live? A Second avenue.

Q What number? A 71.

Q How long have you lived there? A About two months.

Q Where did you live before that? A Before that I was in the country.

Q Where in the country? A Coney Island.

Q And are you a married woman? A Yes, sir.

Q What business are you in? A Restaurant.

Q A restaurant? A Yes, sir.

Q How long have you been in the restaurant business?

A About ten years.

Q Ten years? A Yes, sir.

Q Where? A I got in Chrystie street a restaurant, and Coney Island.

Q How long have you been in the restaurant business in Chrystie street? A Six years in Chrystie street.

Q Do you know this defendant? A Yes, sir.

Q How long do you know her? A I got a restaurant with her together.

Q No. How long have you known her? A I know this woman for the last ten years.

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Q And did you employ the defendant in your restaurant as a cook?

MR. NOTT: Objected to, as leading.

THE COURT: Don't lead the witness.

A She was a partner.

Q And as a partner what did she do? A She was cooking and tending.

Q For how many years? A Two years was by me.

Q Do you know other persons who know her? A Yes, sir.

Q What is her reputation for decency and respectability and good behavior? Do you know what her reputation is for decency and respectability and good behavior? Do you know?

A I know her as a fine woman, as a decent woman.

Q Well, is her character good or bad?

MR. NOTT: Well, I object to that question. They are going away off from the issue here now.

THE COURT: Good for what?

MR. NOTT: They don't even ask her opinion, but ask her whether her character is good or bad.

BY THE COURT:

Q Now, what is the reputation of the defendant for honesty, respectability and morality?

THE COURT: Ask her that question.

BY MR. LEVY:

Q Do you know what this defendant's reputation is for

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decency, and respectability and good behavior? Yes or no?

A Good.

Q No, I didn't ask you that. Answer yes or no?

A Sure, I know.

Q What is it? Good or bad? A Good.

BY MR. NOTT:

Q Mrs Berger, you say you have been living at 71 Second avenue for two months? A Yes.

Q You understand me? We get along all right in English. And what business are you in now? A My husband is a working man.

Q Do you keep any restaurant now? A No.

Q How long since you gave up your restaurant on Chrystie street? A Five years ago.

Q And how long did you keep it there? A Two years.

Q And what was the number on Chrystie street? A 173.

Q 173 Chrystie street? A Yes, sir.

Q Was that a café? A No, sir; restaurant.

Q A restaurant? A Yes, sir.

Q Did you sell liquor there? A No, sir.

Q And you and this defendant were partners? A Yes, sir.

Q And what was the name that you conducted business under? A I don't understand.

Q What was the sign on the store? What did it say?

A I don't understand.

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(The question is repeated through the interpreter.)

A Restaurant.

Q Did it give the name of the firm? A Yes, sir. My name.

Q But what was the firm name? A Berger & Bittner.

Q Now, this defendant's name is Bittner; isn't it?

A That's her husband's name.

Q Well, she is a married woman? A Yes, sir.

Q And that's her husband's name? A Yes, sir.

Q And at that time was she living with her husband?

A Yes, sir.

Q And do you tell this jury that she was living with her husband then? A Yes, sir.

Q Don't you know that her husband had left her?

MR. LEVY: Oh, I object to that, if your Honor please.

A I don't know.

Q Where did she live then? A I don't understand.

Q Where did Mrs Bittner live at that time?

MR. LEVY: Objected to.

THE COURT: Allowed.

A She lived at No. 16 First avenue.

Q No. 16 First avenue? A Yes, sir.

Q Now, was she living then with her husband? A Yes.

Q And in what business was her husband? A A working

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man; he was working.

Q Now, you broke up your partnership after two years?

A Yes, sir.

Q Have you seen her since? A (No answer.)

(The question is repeated through the interpreter.)

A Yes.

Q Where? A I lived with her together on 13th street.

Q Yes. And when was that? A Just to-day, a year ago; a year ago to-day.

Q You lived on 13th street? A Yes, sir.

Q Together? A Yes, sir.

Q Was her husband living with her then? A No, sir.

Q And was that before you went down to Coney Island?

A Yes, sir.

Q Did you keep a restaurant in Coney Island? A Yes, sir.

Q Now, you and she lived together on 13th street? A Yes, sir; she lived on the first floor, and I lived on the second floor.

Q Yes. Did you used to see her in the evenings?

A Yes, sir.

Q Did she get home very late? A No, sir; about ten or eleven o'clock.

Q Do you know where she was working then? A I don't.

Q Did she ever tell you? A She didn't.

Q Did you know that she was ever employed in a house of

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prostitution? A No, sir.

Q Did she ever tell you that? A No, sir.

Q Does that make--in your opinion, does it make any difference in a person's character and reputation if they work in a house of prostitution?

MR. SNITKIN: Now, give the answer that she gave.

MR. NOTT: And I ask that the interpreter, if your Honor please, do not take his instructions from the counsel for the defendant, but from the Court.

THE COURT: You interpret just as the witness gives it to you.

(The question is repeated by the interpreter.)

A You could be honest all over.

Q Well, have you ever worked in a house of prostitution?

MR. LEVY: Objected to.

THE COURT: Overruled.

MR. LEVY: Exception.

A No, sir.

Q Would you work in one?

MR. LEVY: Objected to, as to form, if your Honor please.

A If I would have to support myself, I would.

Q If you could make money by it, you would just as soon work in a house of prostitution?

MR. LEVY: I object to that. That is unfair to

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the witness. Does the District Attorney mean to infer that she would work there as a prostitute, or what?

THE COURT: No; the witness says that she would not. I will allow the question.

(The question is repeated by the stenographer.)

MR. LEVY: I again object to the question, as to the form, if your Honor please.

THE COURT: Allowed.

MR. LEVY: Exception.

THE COURT: I think it is fair to the witness to state what kind of work.

MR. LEVY: That's the point of my objection. He is assuming that she would work there as a prostitute.

BY MR. NOTT:

Q Would you work in any capacity in a house of prostitution, where your sister women were prostituting themselves to a life of shame; would you work in any capacity in a house like that? A I would undertake work as a cook.

REDIRECT-EXAMINATION BY MR. LEVY:

Q But you wouldn't work in a house of prostitution to make money as a prostitute; would you? A I would not.

MR. NOTT: You would let others do that for you.

MR. SNITKIN: Now, that remark was entirely improper, and we ask that the jury be instructed to disre-

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gard it.

THE COURT: I did not hear the remark.

MR. NOTT: And I will ask the question, then.

BY MR. NOTT:

Q You would let other girls in the house do that; would you?

MR. LEVY: Objected to.

THE COURT: Sustained.

A N N A G R O S S, the defendant, being duly sworn, testified as follows:

DIRECT-EXAMINATION BY MR. LEVY:

Q Now, Mrs Gross, what is your maiden name? A My maiden name is Anna Gross.

Q And what was your husband's name? A Bittner.

Q And you are separated from him, are you not? A Yes, sir.

Q When did he leave you? A Over a year ago.

Q Over a year ago? A Yes, sir.

Q And what is your business? A My business is cooking.

Q How long have you been employed as a cook? A About two weeks.

Q You mean in this place? A In this place.

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Q You say you worked in this house, 163 West 27th street, for two weeks? A Yes, sir; two weeks and three days.

Q As a cook? A Yes, sir.

Q Who employed you? A Mrs Rose.

Q Who? A Mrs Rose.

Q And she paid you? A Yes, sir.

Q What salary were you getting? A Six dollars a week.

Q When did you go to work there in the morning, or during the day? What time in the day did you go to work?

A Ten o'clock.

Q And how long did you stay there? A Until ten in the night.

Q And then where would you go? A Home.

Q Where was your home at that time? A 13th street.

Q What number? A 331 East 13th street.

Q Now, are you the owner of those premises at 163 West 27th street? A No, sir.

Q Are you the lessee of them? A Eh?

Q Are you the lessee? A I don't know what you say.

Q Have you got the lease of that house? A No, sir.

Q Are you interested in that house as the landlord, or housekeeper, or janitress, or proprietress, or Madam, or in any other way? A No, sir.

Q Do you remember--you were present here when Esther

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Maynard testified; weren't you? A Yes, sir.

Q Now, were you present in that house at the time of her arrest?

MR. NOTT: Of Esther Maynard's arrest?

MR. LEVY: Yes. Oh, no.

Q To come down to the night of your arrest, in that house. In what part of the house were you arrested by Mr Reardon? A Downstairs in the kitchen.

Q Now will you explain to the jury where you were, where that kitchen is located? A The kitchen is on the ground floor; and first is the diningroom, and then the kitchen.

Q The diningroom is in front? A Yes, sir.

Q And the kitchen is in the back? A Yes, sir.

Q Is there a parlor on that ground floor, too? A No, sir.

Q No more than two rooms on the ground floor? A That's all.

Q One is the front room, which is the diningroom?
A Yes, sir.

Q And the other is the kitchen in the rear? A Yes, sir.

Q And the parlor is where; do you know? A The parlor is upstairs.

Q Now, Mrs Gross, you were present, were you not, when Esther Maynard and this Belmore girl were brought into that

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house by those two men? A Yes; I were there.

Q And where were you at that time? A I was in the kitchen.

Q Did you see--who spoke to those two men and those two girls, at that time? A When they come in, there was nobody in the room, and, after that the Misses came in.

Q Did you open the door for them? A No, sir.

Q To let them in? A No, sir.

Q Now, did you see the Madam in this house speak to these two girls and these men? A Yes, sir.

Q Immediately after they came in? A No, sir.

Q How soon after? A About ten or fifteen minutes later.

Q And, during the time that they were waiting for the Madam, what were they doing there? A They were sitting in the diningroom.

Q And then Madam Rose came in? A Yes, sir.

Q And then did you see her go up to these parties?
A She went into the diningroom.

Q And what did she say and what did they say? A She asked them if they wanted to take the place, and they said yes. And she asked them if they were in a place before, and the girls said yes, they were in Springfield somewhere.

Q Now, go on and tell what was said there? A And so she asked them how old they are, and one said she is twenty-

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one, and the other twenty-three.

Q And which one said she was twenty-one? A I didn't see.

Q You didn't see? A No.

Q But you heard it? A Yes, I heard it.

Q Now, you heard the two girls testify here, on this trial; haven't you? A Yes.

Q You heard Esther Maynard and the Belmore girl both say that one of the men, known as Jack, did all the talking?

A I don't know; I don't know nothing about it.

Q Then you heard them testify that they spoke to you. Is that true? A No, sir; they never talk to me.

Q And did you hear them testify that, in answer to other questions you asked them, how old the girls were, and whether they had been previously in a house of prostitution, and that they answered your questions; is that so? A Did I ask them?

Q Yes. A No, sir; I never asked them girls.

Q And you heard Madam Rose ask those questions? A Yes, sir; I was sitting right by the door, in a chair there.

Q Now, as a matter of fact, didn't you hear them testify that only one man, known as Jack, came in with those two women? Now, as a matter of fact, didn't you see both of those men there?

MR. NOTE: Now, he is leading her right along.

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MR. LEVY: I think, perhaps, you are right. I will withdraw that question.

BY MR. LEVY:

Q Now, was there one man or were there two men with those two girls? A Two men and two girls.

Q Now, Mrs Gross, did you receive or take these girls into this house for the purpose of prostitution? A No, sir.

Q Are you sure of that? A I am sure; yes.

Q Did you take their clothes away from them, and lock them in a closet? A No, sir; I ain't got nothing to do with their clothes.

Q And did you take them up into a bedroom, and show them the bedroom? A No, sir.

Q And did you tell them that they should sit in the parlor, and when men went upstairs with them, they should have sexual intercourse with men, and charge them a dollar? A No, sir.

Q And that you were to punch a card for every time they stayed with me, upstairs? A No, sir.

Q And that they were to give you half of every dollar that they got? A No, sir.

Q And did you receive any money from either one of these girls in that house at any time? A No, sir, I didn't receive no money from anybody.

Q Did you hear both girls state that, when Esther May-

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nard came downstairs, after having been with men upstairs, that she gave you some money? A No, sir.

Q Did you hear her say that? A If I heard her?

Q Yes. You heard her say that, in court, here? A Yes.

Q Is that true? A No, sir.

Q Did you do so? A No, sir.

Q Now, Mrs Gross, come down to the night of your arrest, when you were arrested by Officer Reardon. You saw Mr Reardon on the stand; didn't you? A Yes.

Q You heard Mr Reardon say that he rang the bell, and the door was opened by somebody; you heard him say that; didn't you? A Yes.

Q That he immediately announced who he was, that he was an officer from the District Attorney's office? A I don't know anything about that.

MR. NOTT: No, he didn't say that. He announced that he was from the District Attorney's office, after he got to the Jefferson Market Police Court, if I'm not mistaken.

MR. LEVY: No. Pardon me. I distinctly recollect that Mr Reardon, on cross-examination, said, in answer to Mr Snitkin's examination, as soon as he entered the premises, he said that he was from the District Attorney's office, and said that he had a warrant for the place.

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MR. NOTT: I don't dispute that. But you said he was an officer from the District Attorney's office.

BY MR. LEVY:

Q Well, did he do so at that time? A No, sir.

Q Did he say that he had a warrant for the arrest of the Madam, at that time? Did you hear any such statement? A No, sir.

Q Did you hear him say anything like? A I heard him talking here. I didn't hear him talking there nothing.

Q Now, did you come forward, on that occasion, as he says, and say, "I am the Madam. I am the boss"? A No, sir.

Q And did he then arrest you, after you said that?

A No, sir; he was never talking to me there.

Q Did you hear him say on the stand here that a number of the girls in that house pointed to you, and said you were the Madam; did you hear him say so? A Yes.

Q Did they do so? A No, sir.

Q And were you pointed out by anybody as the Madam of those premises, to Mr Reardon? A No, sir; I never told him.

Q Now, will you please tell this Court and jury exactly what happened when you were arrested? A When I was arrested?

Q Yes; when you were arrested; just what happened, what took place? A I was sitting in the kitchen, getting dressed to go home, and so somebody come downstairs, and said, "I think

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the house is pinched," and I was sitting there, and a man come in, and said he was an officer, and nobody can go out, and nobody can come in.

And I said, "I want to go home," and he said, "No, nobody can go out from this house now."

And, a few minutes later, I don't know what time that took, so they brought the patrol wagon, and they took all of us to the Station House.

Q They took you to the Night Court or Station House?

A Yes.

Q Now, Mrs Gross, you further remember Mr Reardon, Officer Reardon, testified, yesterday, on that stand, when he said that, in the Police Court, in the Magistrate's Court, I mean, after your arrest, that you called him over to you?

A No, sir.

Q And told him that you wanted to speak to him? A No, sir.

Q Is that so? A No, sir; I was sitting on the bench in the Police Court.

Q Now, you heard him say that he took you into a room, with a stenographer, and that he told you that anything you might say would be used against you; you heard him say that; didn't you? Did he say so? A No, sir.

Q Now, will you tell this Court and jury just exactly what did happen there in that court room? A They brought me

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there to the court, and I was sitting there, in the chair.

Q Now, nobody can hear you, and this last gentleman must hear you, or none of the others will hear you? A When they brought me to the Station House, we all sit down on the chairs, and that officer come over and took me in the private room, and he asked me was the Misses there.

He asked me was any of the girls there, the Misses, and I said no.

So he asked me if I can tell where the Misses is, and I said no, I didn't know where the Misses is now.

I wouldn't tell him where the Misses lived, because he was going to take me to the Misses. So he asked me.

Q Well, did he threaten you? A Yes.

Q Well, tell us what he said? A So he said, if I wouldn't tell him the truth, he is going to send me to the Penitentiary for one year, and I said, "If you can find me something wrong, you can send me."

Q Well, did anything else take place? A After I was sitting there about an hour, in that room.

Q Well, did you at any time that you were in that room tell Officer Reardon that you were the Madam of that business, or the boss of that house? A No, sir.

Q What did you tell him? A I was the cook there.

Q You told him you were the cook there? A Yes, sir.

Q And what did he say when you told him you were the

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cook there? A I shall tell him where the Misses lives, and I said, "I don't know where the Misses is. The Misses comes there in the daytime."

And he ask me, "Is she there in the night?" and I said, "No; she is never there in the night. She is there in the daytime."

Q One moment. Oh, Mrs Gross, these two girls, they testified, as you remember, that you said--you asked them whether they had any clothes? A No; I never asked the girls anything.

Q They also testified that you sent a man out to get some wrappers? A No, sir.

Q You didn't do that? A No, sir.

Q You didn't send out for any wrappers? A No, sir; I didn't have no business with no clothes, with no wrappers.

Q Now, did you take their clothes from them, and lock them up in a closet? A No, sir.

Q Did you give them any wrapper or any garments to put on? A No, sir; I never give nobody there anything to put on.

Q Mrs Gross, Mr Reardon testified, yesterday, that he obtained one of those cards by getting the key from you to a certain desk, and that you opened the desk, and that he obtained one of those cards therefrom. Did you give him any key? A No, sir; I never give him no key, and he

never seen no cards there. That man didn't have time to talk to me. He didn't talk to me there at all.

(The Court then admonished the jury in accordance with Section 415 of the Code of Criminal Procedure, and took a recess until two o'clock.)

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AFTER RECESS.

A N N A G R O S S, the defendant, being cross-examined,
testified as follows:

CROSS-EXAMINATION BY MR. NOTT:

Q Your real name is Anna Bittner? A My real name is
Anna Gross.

Q You married a man by the name of Bittner; didn't you?
A Yes.

Q Have you ever been divorced? A No, sir.

Q You are still married to him? A Yes.

Q Then your real name is Anna Bittner; isn't it?

A Yes, sir.

Q And you say he left you about a year ago? A Over
a year ago.

Q Over a year ago? A Yes, sir.

Q Where were you living when he left you? A In 13th
street.

Q Yes. In 13th street? A Yes, sir.

Q And you had boarders there? A Yes, sir.

Q You kept boarders at this place? A Yes, sir.

Q And worked out? A No; when I kept the boarders, I
was home.

Q When did you begin working out? A When the boarders
stopped by me, and I couldn't make a living, so I went out.

Q Well, we don't know when that was, madam. When did

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you stop--when did you begin, in what month, working out?

A I don't know about the month. It was after the holidays.

Q How long before your arrest was it that you began working out anywhere? Not at this place only, but at any other place? A I wasn't working nowheres before, before I got arrested; before that place.

Q That's the only place you worked at? A Yes, sir.

Q Did you ever work in the premises 210 West 40th street?

A No, sir.

Q Are you positive? A Yes, sir.

Q Didn't you keep the door at that house? A No, sir.

MR. NOTT: Will you have Officer McCarthy step in, please?

Q Now, I want you to think that over. Are you certain that you never worked at the premises at 210 West 40th street in this city? A No, sir, never.

Q Who told you of this place in this house? A Some woman.

Q What is her name? A Lippman.

Q How long have you known her? A I know her a couple of years already.

Q Did she work in a house of prostitution? A No, sir.

Q How did she happen to know about this place? A I don't know.

Q What? A I know her.

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Q Well, how did she know about this place? A I don't know. She is a peddler. She goes around.

MR. LEVY: Your Honor, I want to object to that last question, as calling for the operation of the mind of another person.

THE COURT: Well, it is answered. Objection overruled.

BY MR. NOTT:

Q When was it that you went to this place? A What do you mean?

Q When did you go to this place, 163 West 27th street?

A What day?

Q Yes. A One Saturday.

Q How long was that before your arrest? A A week.

Q What? A A week.

Q Are you certain of that? A Yes, sir.

Q Do you remember being taken into the private room there, in the Police Court? A Yes.

Q And Reardon was there? A Yes, sir.

Q And was another officer there, Magistrate Corrigan's Probationary Officer, Officer Hand? A Yes, sir; there was another policeman.

Q And was there a stenographer there? A Who.

Q A man who wrote down what you said, a stenographer?

A I don't remember this.

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Q Was there a third party there, besides the two officers?

A Yes, sir.

Q And one of the men wrote down, that man, while you were speaking? A Yes, sir.

Q I read from People's Exhibit 2 for Identification. Was this question asked you--

MR. LEVY: I object to that. I object to his reading from any exhibit not in evidence, or any paper not in evidence.

Q Do you remember that this question was asked you, and you made this answer--

MR. LEVY: Objected to.

THE COURT: Wait until the question is heard.

BY MR. NOTT:

Q Do you remember that this question was asked you, and you made this answer: "Q How long have you been in charge of that house?" And you answered, "I'm there about three months."? A No, sir.

MR. LEVY: Objected to.

A I never answered that.

THE COURT: Wait a moment, madam. Strike out the answer.

MR. LEVY: I object.

THE COURT: Overruled.

MR. LEVY: Exception.

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Q Were you asked that question? A Yes.

Q And did you make that answer? A No, sir.

Q Do you know how the stenographer got it down? A I don't know.

MR. NOTT: Call Officer Hand; will you please?

Q Is that the officer that was with you in the room (indicating)? A He wasn't in police clothes.

Q Yes; he was in plain clothes, but is that the man?
A I think it was him.

MR. NOTT: All right; then just step out again, officer.

Q Now, then, do you know--

MR. SNITKIN: Wait a moment, please, until he steps out.

BY MR. NOTT:

Q And do you deny that you said to Reardon, in his presence, and in the presence of the stenographer, that you had been there three months? A Yes, sir.

Q Can you give any explanation to this jury how that stenographer got that down? A I don't know.

Q When they asked you how long you had been in charge of that house, what did you say? A I told them over a week.

Q I see. Now--

MR. LEVY: Now, if your Honor please, will you have that last question repeated? I didn't hear it.

(It is repeated by the stenographer.)

BY MR. LEVY:

Q Do you understand that question?

MR. NOTT: I object, if your Honor please, to the witness being coached while on the stand.

THE COURT: I will sustain the objection, at the present time. On the redirect, you may interrogate the witness.

BY MR. NOTT:

Q Now, where were you, madam, on the 23d day of August, if you remember? A (No answer.)

Q What? Were you in this house, on that day? A I don't know anything about that day.

Q Have you ever been convicted? A No, sir.

Q Weren't you convicted on the 23d day of August, 1907, of keeping a disorderly house at 163 West 27th street, and fined \$75, in the Court of Special Sessions? A No, sir; not me.

Q Well, ^{an} Anna Gross was convicted at that address for keeping a disorderly house at that address; and you say it wasn't you? A No, sir; it wasn't me; I never was arrested there.

Q You were never arrested there? A No, sir.

Q Where were you arrested? A I was once arrested, the last time; that's all.

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Q You have only been arrested once? A Yes, sir.

MR. LEVY: May I interrupt a moment? I understand that we have the attorney in the court room now, who represented the Anna Gross, at that time. Do you object to his presence in the court room now?

MR. NOTT: Well, the Court has ordered all of the witnesses out.

THE COURT: Mr Nott, I think, although objection was made, under the various decisions, as you know, asking the witness whether she has ever been arrested, was improper.

MR. NOTT: Well, she volunteered the statement that she had been arrested only once.

THE WITNESS: Yes, sir; the last time.

THE COURT: Well, I think, under those decisions, it is not proper.

MR. LEVY: And I don't raise the objection, your Honor.

THE COURT: It cannot affect the credibility of the witness, under the decisions.

BY MR. NOTT:

Q Well, when you said you had been arrested only once, did you mean in this case? A Yes; in this case.

MR. LEVY: Then, I don't object at all.

BY MR. NOTT:

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Q Now, then, I ask you, if you have ever been arrested in other cases? A No, sir.

MR. LEVY: Objected to. Now, please give me a chance to object. It is answered, and I have no objection to make now. Don't go so fast, Mrs Gross. Give me an opportunity to object, when I want to object.

BY MR. NOTT:

Q Were you convicted on the 24th of December, 1907, of keeping a disorderly house at 163 West 27th street, convicted in the Court of Special Sessions, and fined \$50? A No, sir.

Q Was there another woman in this house named Anna Gross?

A There was another woman there that had two names, Annie and Rosie.

Q Was her name Gross, too? A I don't know her second name.

Q And was it that woman who was convicted? A I don't know, sir.

Q Well, do you know who the woman was who was convicted, on those two occasions, from that house, under your name?

A No, sir.

Q Did you ever authorize ~~any~~ anybody else to use your name there? A I don't know.

Q Did you ever tell anybody else that they could give your name there? A No.

Q Now, you say that you went to this house about a week

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before your arrest? A Yes, sir.

Q Who did you see there? A Who I seen there?

Q Yes; who engaged you? A The Missis.

Q Well, what was her name? A Rose.

Q Well, what is her first name? A Sadie Rose.

Q And did she tell you it was a house of prostitution?

A She told me she has got lady boarders.

Q She told you she had lady boarders? A Yes, sir.

Q Did she tell you it was a house of prostitution?

A No, sir.

Q Did you know that it was a house of prostitution?

A Yes.

Q When did you find it out? A After I was there.

Q When, after you got there? A The next day.

Q And you still kept on working there? A Yes, sir.

Q How many women were there there, as a rule, in that house?

MR. LEVY: I object to that, if your Honor please.
We are not trying a disorderly house here, your Honor.

THE COURT: Objection overruled. It is not for that purpose that it is admitted.

MR. LEVY: Exception.

Q How many women were there, as a rule? A I don't know.

Q Didn't you used to see them all in the diningroom?

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A Yes; sometimes six, eight, ten.

Q And sometimes more? A I've never seen more.

Q How many were there , on the night of your arrest?

A I don't know.

Q Didn't you testify that there were seventeen? A I don't know if they was all there.

Q Didn't you testify that there were seventeen women arrested there? A No, sir.

Q Didn't you say that, in answer to your lawyer?

A There were seventeen people arrested, yes.

Q There were seventeen arrests ? A Yes.

Q Now, how many of those were women? A Nine or ten.

Q Nine or ten? A Yes, sir.

Q Now, what time did you used to go there? A Ten o'clock in the morning.

Q And what time did you used to leave? A Ten o'clock, and sometimes before ten; when I got through with my work.

Q And sometimes after ten? A Yes, sir.

Q What time was it you were arrested? A I don't know what time it was; about ten o'clock.

Q What? Wasn't it later? A I can't tell if it was later.

Q Now, on this Tuesday in question, you say that you were in the kitchen when these girls came in; is that right?

A I was in the kitchen; yes.

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Q Is the kitchen the next room to the diningroom?

A The kitchen is before the diningroom.

Q Before it? A Yes, sir.

Q Isn't the diningroom in front? A The diningroom is in front and the kitchen in back.

Q And the rooms are next to each other? A Yes, sir.

Q Is there a door in between? A Yes.

Q Is that kept open or closed? A Open.

Q And these girls were in the diningroom? A Yes, sir.

Q And where you? A In the kitchen.

Q And you heard--who was it that they talked to? A The Missis.

Q Sadie? A Yes.

Q And you say she was only there in the daytime? A Yes, sir.

Q Is that right? A Yes, sir.

Q Who did she leave in charge, when she went away in the nighttime? A Another woman.

Q What? A Another woman.

Q And what was her name? A Rosie.

Q What? A Annie.

Q What? A Rosie; Annie; she had two names.

Q She had two names? A Yes.

Q And was she there, that day? A When the arrest was?

Q Yes. A I think so; I think she was there.

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Q And was she there, the day these girls came? A No; she comes later.

Q And now Miss Annie there, at the time you heard these girls talking? A Yes.

Q And Miss Sadie, too? A Yes.

Q Both there? A Yes, sir.

Q But you were not? A (No answer.)

Q You were not there? A I was in the kitchen.

Q Were you cooking? A Yes, sir.

Q How were you dressed? A How was I dressed?

Q Yes. A Just like the cook; an apron, a waist; and you know all what a cook has.

Q Yes. Now, you say that you heard Miss Sadie, or one of these women, ask these girls where they came from? A Yes.

Q And if they had ever been in a house before? A Yes, sir.

Q And if they wanted a place there? A Yes, sir.

Q And so that, at that time, you knew that Miss Sadie was receiving those girls? A Yes, sir.

Q Into her house? A Yes, sir.

Q And you knew what she was receiving them there for, to use as prostitutes?

MR. LEWY: Now, I object to the form of that question.

THE COURT: Overruled.

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MR. LEVY: Exception.

THE COURT: On cross-examination, leading questions are permissible; even questions which show that it was a conclusion of a fact.

MR. LEVY: But it is calling for the operation of the mind, or the conclusion of this witness.

MR. NOTT: Well, that is just what I am trying to get at. That is the very gist of the case.

THE COURT: I will allow it.

MR. LEVY: How can we, on cross-examination of this defendant, by questions of this character, indicate by statements made by this witness, the commission of a crime by a third person? How far is that material, as far as she is concerned?

THE COURT: She testified that she was in the adjoining room. I will allow it. Objection overruled.

MR. LEVY: Exception.

BY MR. NOTT:

Q And you knew that she was receiving those girls, to use them in her house?

MR. LEVY: Objected to.

THE COURT: Overruled.

MR. LEVY: Exception.

Q Is that correct? A I don't know what for she took them.

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Q Why, Mrs Gross, didn't you hear her ask if they had been in a house before? A Yes, sir.

Q And if they wanted a place there? A Yes, sir.

Q And you knew that they were coming there to be two girls in that house; isn't that right? A Yes.

Q What? A Yes.

Q Yes. Now, were you in the diningroom, or next door in the kitchen? A In the kitchen.

Q What? A In the kitchen.

Q But you heard all this through the door? A Yes.

Q Yes? A Yes, sir.

Q And you weren't arrested for four or five days after that? It was four or five days after that before you were arrested? A Yes, sir.

Q And you remembered that conversation? A Yes, sir.

Q Though you were in the next room? A Yes, sir.

Q Then were these two women--did one of these women take these girls upstairs? A The Missis told them to go upstairs; yes.

Q Now, at the time that you saw this woman receive these girls, you were helping in carrying the business in that house; weren't you? A What?

Q Why, you were cooking for them, and feeding them?
A Yes.

Q And they couldn't stay there unless they got meals?

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MR. LEVY: Objected to. They could get their meals outside; couldn't they?

MR. NOTT: That's for the witness to answer.

THE COURT: I will allow it.

MR. LEVY: Exception.

BY MR. NOTT:

Q Why, the people that eat the meals they you say you cooked, were the Madam, the woman in charge of the house, and these girls? That's right; isn't it.

BY MR. LEVY:

Q You understand that question? A No, sir.

BY MR. NOTT:

Q Who was it that ate the meals that you cooked, you say, in that house? A The people in the house.

Q That is, the Madam, the woman in charge, and the girls?

A Yes, sir.

Q And it was for those people you cooked the meals?

A Yes, sir.

Q Now, which of the women took the girls upstairs, as you say? A Sadie.

Q Now, can you tell this jury any reason why these two girls should both come into court, and say that it was you that they had that talk with? A I don't know what it is.

Q You don't know? A No, sir.

Q And do you know any reason why those two girls should say that it was you who took them upstairs? A I don't know.

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Q Had you ever been upstairs? A No, sir.

Q Did you go upstairs with them? A No, sir.

Q And you had never been upstairs in all the time that you were there? A No, sir.

Q Sure about that? A Sure. I never was up there; I never was upstairs.

Q Do you know where the parlor was? A Upstairs.

Q What? A Upstairs.

Q On which floor? A On the first floor.

Q The first floor? A Yes, sir.

Q Front or back? A Front.

Q And how do you know that? A Because I heard talking the parlor is in the front.

Q That's the only way you know? A Yes, sir.

Q That the parlor was in front? A Yes, sir.

Q And you heard all that away down in the kitchen?

A Yes.

MR. LEVY: Now, one second. If your Honor please, the District Attorney puts a misconstruction on the answer. The witness conveys that she heard them say in the dining room, downstairs, that the parlor was upstairs.

MR. NOTT: No; she said that she heard talking upstairs in the parlor.

MR. LEVY: No. It may be misunderstood, and understood both ways.

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BY THE COURT:

Q Were you ever in the parlor? A No, sir.

BY MR. NOTT:

Q Do you know any reason why these girls, both of them, should testify that you went to them in the bedroom, and had them take their clothes off? A I don't know.

Q Did you see a man bring in wrappers for the girls?

A No, sir.

Q What? A No, sir.

Q Do you know how they got their wrappers? A No, sir; I don't know.

Q Well, you were there still in the kitchen; weren't you? A They didn't bring nothing into the kitchen.

Q But did you hear anything said about wrappers?

A No, sir.

Q Do you know how they got their wrappers? A No, sir.

Q Did you see a man there? A No, sir.

Q So you heard-- so that part you didn't hear? A No, sir.

Q On that night in question, how many girls did Esther-- how many men did this girl Esther go up with? A I don't know anything.

Q Did you tell Officer Reardon that she had been up with about a dozen? A No, sir; I never told nothing to Officer Reardon.

Q And so that is entirely false, what he said? A Sure.

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He never asked me anything about it.

Q And he never asked you a question about it? A No; he never asked me nothing.

Q Did you see -- after these two girls went upstairs, did you see them again? A No, sir; I never seen them.

Q Did you see them at supper in the dining room? A No; I wasn't there at supper time.

Q You are certain of that? Now, I don't want to mix you up in any way or entrap you. Do you remember whether or not those two girls went upstairs, and you saw them again?

A No; I didn't see them again until I was arrested.

Q You didn't see them again down in that dining room?

A No, sir.

Q At supper? A No, sir.

Q That night? A No, sir.

Q What time did they have supper in that house? A From 6 to 7.

Q What? A From 6 to 7.

Q Had they gotten their supper when these girls came in?

A Yes.

Q What? A Yes.

Q Did they serve-- didn't they serve any refreshments or food there, during the night? A I don't know anything about it.

Q What? A I don't know anything about it.

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Q Didn't these girls who were sitting up all night get anything to eat? A 12 o'clock they get their lunch.

Q Who gave it to them? A The chambermaid.

Q What's her name? A I don't know her name. She is a colored girl.

Q Now, at the time you saw these girls, did they at any time have kimonos on? A Yes.

Q Where were they when you saw them with Kimonos on?

A (No answer.)

Q Where did you see them with the kimonos on? A When they come down to eat.

Q I am speaking of these two girls. A I never seen them two girls.

Q In kimonos? A No, sir.

Q Didn't the other girls have anything on when they came down to eat? A Yes; kimonos.

Q And did you use to serve them, when they came down to their supper? A The chambermaid served them.

Q Didn't you use to be in the dining room at all?

A No, sir; I used to be always in the kitchen.

Q Now, how long did you see these two girls? A I saw them there about ten or fifteen minutes.

Q You saw them there about ten or fifteen minutes?

A Yes, sir.

Q And you didn't see them again until you saw them in

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the police court? A I never saw them until that day, in the police court.

Q And you say to the jury that you picked them out as the same girls in the police court, and identified them, although you had seen them but for fifteen minutes? A Yes, sir.

Q And though you were not in the same room with them? A Yes, sir.

Q When they were in the house? A Yes, sir.

Q You were in the kitchen and they were in the dining room? A Yes, sir.

Q And yet you tell the jury that you knew them again, when you saw them in the police court? A yes, sir.

Q Is that right? A Yes, sir.

Q Did you know the names of any of the girls in this house? A No, sir; I didn't know the names.

Q Didn't you hear any of them called by their names? A No, sir.

Q Was there a girl named Blanche Gross? A I don't know.

Q What? A I don't know.

Q Was there one called Rosie Cohen? A I don't know the names of the girls in the house.

Q You didn't know any of them? A No, sir.

Q Didn't you know one called Annie Weiss? A No, sir.

Q What was the colored woman's name? A I think Millie

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was her name.

MR. LEVY: Now, if your Honor please, this witness was asked if she knew any of the names of the girls in that house, and now he is asking from a paper a lot of names. That paper isn't in evidence.

THE COURT: Well, he can read from the ceiling, if he choses. Objection overruled.

MR. LEVY: Well, it was held differently in the case of the People against Davy, a rape case.

THE COURT: 179th New York?

MR. LEVY: Yes, sir.

MR. SNITKIN: In that case, if your Honor please, of course, the charge was rape, and among the reversible errors-- this was a case in Niagara County,-- was that the District Attorney examined the witness on the stand on collateral matters, as is being done now; except, in that case, the girls and boys were brought forward; and the effect is the same now.

The object of this examination is to impress the jury with an unfavorable opinion of the testimony given by this witness; and I submit that the cross examination is improper.

THE COURT: In the Davy case, as my recollection is, while the defendant was on the stand, the District Attorney asked a witness to stand up, and asked, "Didn't you permit

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this and this upon that person?"

MR. SNITKIN: Yes, sir; and that's just this case. It matters not whether a person is brought into the court or not. The evidence is identically alike, and the purpose is the same.

THE COURT: No. I will tell the jury--

MR. SNITKIN: Now, suppose she answered that she doesn't know them; and to disprove that witnesses couldn't be called.

THE COURT: Certainly not.

MR. SNITKIN: And then I submit that it is unfair, because we can't call any witnesses to contradict that statement.

THE COURT: Gentlemen of the jury, on matters of a collateral character, about which the District Attorney is examining the witness, I tell you that the People are bound by the answers of the witness, and no presumption must be indulged in against her because of those answers, and you must not be affected by the reading from a paper by the District Attorney.

MR. NOTT: Well, it is for the jury, if your Honor please, to say whether her denials are true or not; but the jury are not bound by it, by her denials.

THE COURT: No; but the People are bound by it; and the credibility of the testimony is for the jury to determine.

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MR. NOTT: Certainly.

THE COURT: But, in the Davy case, the proposition was entirely different. In that case, of course, the Court of Appeals did condemn the conduct of the Prosecutor.

MR. NOTT: Certainly; because they brought in a lot of little girls, with skirts above their knees.

Q Was there a girl there by the name of Annie Krauss?

A I don't know nobody by that name.

Q And Mollie Katz? A I don't know nobody by that name.

Q Or Jennie Blum? A I don't know.

Q Now, who were the men who came in with these girls?

A It was two fellows.

Q Do you know their names? A No, sir; I don't know their names.

Q But do you know what they were? A No, sir.

Q Did you state in court that two pimps brought these girls there? A No, sir.

Q Were you asked who they were, and did you say that they were two out-of-town pimps? A I didn't know them at all.

Q Did you say that? A No, sir.

Q Now, isn't it a fact that, when you were brought into court, and arraigned on this charge of abduction, that you told Officer Hand, that man, the Probation Officer, who has been in here, that, if the abduction charge could be dropped, that you would plead guilty to keeping a disorderly house? A No, sir.

MR. SNITKIN: I object to that, to the question, as absolutely imputing to the defendant another crime.

THE COURT: She is asked if she said that. Objection overruled.

MR. SNITKIN: Exception.

A No, sir.

Q And so, if Officer Hand will testify that you did say that, it isn't true?

MR. SNITKIN: Objected to.

THE COURT: Sustained.

Q Do you remember when you were in the private room being asked this question: "Q You are known as Madame Annie; aren't you? A My name is Madame Annie." A No, sir; I never had another name.

Q Well, did you answer that question in that way?

A No, sir.

Q Did he ask you that question? A He asked me the question, and I said, "I'm the cook there, and my name is Annie, but not Madame Annie".

Q Then, do you know how the Stenographer got that down, Madame Annie?

MR. LEVY: Objected to.

THE COURT: Objection sustained.

Q What did these men say while they were in there, talking in the dining room? A I don't know.

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Q What? A I didn't hear anything from the men.

Q I see. You only heard what the girls said? A Yes, sir.

Q What? A Yes, sir.

Q You didn't hear anything that the men said, at all?

A No, sir.

Q What? A No, sir.

Q I see. And you don't know their names or who they are? A No, sir; I don't know.

Q Now, who represented you as attorney in the Magistrate's Court? A I don't know.

Q What? A I don't know.

Q Well, you had an attorney there, didn't you? A Yes.

Q What? A Yes.

Q Well, what is his name? A I think Levi.

Q What? A Levi.

Q Levy or Levi? A I don't know if it was Mr. Levi or Mr. Levy.

Q It wasn't this Mr. Levy? A No, sir.

Q Another Mr. Levy? A Yes, sir.

Q And where did you procure your attorney? A He was sent to me.

Q Who sent him to you? A I don't know. The man come over, and asked if I was arrested in 163 West 27th street, and I said yes, and he said he was sent to me.

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Q And he didn't tell you who sent him to you? A No, sir.

Q Now, who was your next lawyer?

MR. LEVY: Objected to. What has that got to do with this case?

MR. NOTT: Well, it is very material on the question of her being a common, ordinary poor cook there.

MR. LEVY: Wel, suppose the madam retained counsel for all of the women there, arrested there?

MR. NOTT: But she didn't.

THE COURT: Allowed.

MR. LEVY: Exception.

A I don't know.

Q Didn't you have Mr. Maurice Meyer? A yes.

Q Didn't you talk with him? A No, sir.

Q Do you know who sent him to you as your lawyer?

A No, sir.

Q Do you know who sent Mr. Snitkin to you? A Who sent Mr. Snitkin?

Q Yes. A No.

Q You don't know? A No, sir.

Q Why, he is trying this case twice, and you don't know who sent him to you?

MR. LEVY: I object to the form of the question. It is argumentative.

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THE COURT: Well, I will sustain the objection to the last question.

BY MR. NOTT:

Q Do you tell this jury that you don't know who sent your lawyer to you? A No, sir.

Q Do you know who sent this Mr. Levi to you? A No, sir.

Q You don't know, either? A No, sir.

Q You never asked him? A No, sir.

Q You had no curiosity about it? A No, sir; I never was talking to him.

Q And you tell the jury that you have gone out of the business altogether? You have no longer anything to do with a house of prostitution?

MR. LEVY: Be fair with the witness. What business?

MR. NOTT: The business that she was engaged in at that house.

MR. LEVY: As a cook? Now, please be fair with the witness.

BY MR. NOTT:

Q I say that you have no longer anything to do with a house of prostitution?

MR. LEVY: I object to the question. Now, be fair to the witness.

MR. NOTT: Now, I object to any such remark. I am absolutely fair with the witness.

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THE COURT: I will sustain the objection.

MR. NOTT: But isn't it material, your Honor, to ask if she is still connected with any disorderly house?

THE COURT: But not in that form.

BY MR. NOTT:

Q Do you still work in a disorderly house? A I don't understand.

Q Since you were arrested, have you worked in another disorderly house? A No, sir.

Q But, in spite of that fact, you say that certain parties that you don't know have been to these lawyers? A Yes, sir.

Q Is that right? A Yes, sir.

Q And you have paid nothing for them? A No, sir.

Q What? A No, sir.

Q Do you know what became of the girls that were taken in that raid?

MR. LEVY: I object to that as incompetent, immaterial and irrelevant.

THE COURT: Objection sustained.

Q Well, did anybody send them any lawyers?

MR. LEVY: Objected to, on the same ground.

THE COURT: Objection sustained.

Q Well, isn't it a fact that they all pleaded guilty?

MR. LEVY: Objected to, on the same ground.

THE COURT: Objection sustained.

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MR. LEVY: And I ask your Honor to instruct the jury to disregard that last statement.

THE COURT: Yes; gentlemen of the jury, disregard it.

MR. NOTT: It wasn't a statement at all.

MR. LEVY: What was it?

MR. NOTT: It was a question.

Q Well, did you see anybody in the police court, any lawyer, representing those girls?

MR. LEVY: I object to it on the same ground, as immaterial, irrelevant and incompetent.

THE COURT: Objection sustained.

Q Who went on your bail?

MR. LEVY: Objected to, on the same ground, as immaterial, irrelevant and incompetent.

MR. NOTT: It is on the same question, your Honor, as to her status in that house.

THE COURT: Objection overruled.

MR. LEVY: Exception.

Q Who went on your bail bond? A I don't know who went the bond for me. I don't remember the name.

Q Somebody got him for you? A Somebody sent him over.

Q Do you know who sent him? A No, sir.

Q You have no idea? A No, sir.

Q Well, can you tell the jury why anybody should do all this for you? A Well, I was in prison; I can't tell.

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the card that is marked day; isn't it? A It is a day and night card; yes." A No, sir.

Q Did you make that answer? A No, sir.

Q Do you tell this jury that you didn't make that answer?

A Yes, sir.

Q "Q It is a day and night card, and you do it by the punch system? A Yes, sir"? A No, sir, I never answered this.

Q Were you asked about the day and night--

MR. LEVY: Wait, wait. Let her answer.

MR. SNITKIN: She was in the middle of the answer.

MR. NOTT: Well, I would like to know whether these remarks are addressed to me or the Court. I thought she had finished the answer.

THE COURT: Let her answer.

BY MR. NOTT:

Q Were those questions put to you? A Yes, sir.

Q And what did you answer? A I answered no.

Q Did you ever have any trouble with that Stenographer, Mr. Anekstein?

MR. LEVY: I object to that.

THE COURT: Objection overruled.

MR. LEVY: Exception.

Q Did you ever have any trouble with him? A I don't know who he is.

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Q (Question repeated.) A I don't know.

Q You have no idea? A No, sir.

Q Did you pay the bondsman anything? A No, sir.

Q And you can't tell why anybody sent him, or who sent him? A No, sir.

Q You have no idea at all? A No, sir.

Q A bail bond was given for you, and you have been out on bail? A Yes, sir.

Q Now, did you ever see any of those cards in this house?

A No, sir.

Q What? A No, sir; I never see no cards.

Q You never saw any cards at all? A No, sir.

Q And you are certain of that? A Yes, sir.

Q And did they have day cards and night cards? A I know nothing about cards.

Q You don't know anything about it? A No, sir.

Q Well, do you think that that Stenographer that was in the Magistrate's room with you, do you think that he was a mind reader?

MR. LEVY: I object to that, if your Honor please.

THE COURT: Objection sustained.

Q Was this question asked you, when you were in that private room: "Q And you worked your business by the card system; didn't you? That is, a card is punched, as a girl goes up with a man in the daytime, it is punched on that part of

Q You don't even know who he is? A No.

Q Were you asked this question: "Q Do you recognize that card (handing card to witness)? A (No answer.)

"Q And was that found in your drawer? A It was found in a drawer." Did you say that? A I don't remember.

Q Were you shown a card when you were in the private room there? A No; there was no card shown.

Q No card shown to you? A No, sir.

Q Nothing of that sort ever happened? A No.

MR. LEVY: Now, if your Honor please, I want to call to your Honor's attention that, on direct examination-- on cross examination where Mr. Snitkin-- Mr. Nott objected to Mr. Snitkin proceeding in the same manner that he is proceeding; and Mr. Nott doesn't continue with the same questions and answers that show that she was the cook there. That shows how unfair he is in this trial.

MR. NOTT: Do you want me to read them all? Do you consent that I read it all?

MR. LEVY: No. Don't be spectacular.

MR. NOTT: Spectacular? I offer now to read the whole thing, with the consent of the defense. Do you consent?

MR. LEVY: Of course we don't. That is only stage pay.

THE COURT: Now, I have said that, if anything was not read by the examining counsel, the defense might have

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the opportunity, later, to bring it all out, as I said during the examination of Mr. Snitkin.

MR. NOTT: Well, I have made an offer, if your Honor please, and I would like to know whether it is accepted or not. I offer to read the whole thing in evidence.

MR. LEVY: Now, nobody answered that offer, and why be spectacular about it?

MR. NOTT: Well, is my offer accepted or refused?

MR. LEVY: I refuse your offer, because you know it's improper.

MR. NOTT: I don't know that at all. And, if you want it in, you can have it.

Q How were you dressed at the time you were arrested?

A Just the same what I am now.

Q Just the same? A yes, but I didn't had that coat on.

Q What kind of a hat did you have on? A No hat at all.

Q No hat at all? A No, sir.

Q Sure about that? A Yes, sir.

Q And did you have a dress, with a low neck in it, open work? A No; just like I am now.

Q And is that the dress that you always wore? A yes.

Q And did you have a white silk shirt waist? A No, sir.

Q Did you have a white shirt waist? A A colored waist when I was in the kitchen.

Q Did you have a white waist? A Light, not white.

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Q Is that what you have got on now? A No, sir; I am just dressed like I was in court.

Q I see. You haven't made any change in your appearance at all? A No, sir; just the same what I was.

Q Well, you own a hat; don't you? A yes.

Q What? A Yes.

Q Why don't you wear it?

MR. LEVY: Now, I object to that, if your Honor please.

Q Have you been working anywhere since you left this house?

MR. LEVY: Objected to as immaterial and incompetent.

THE COURT: Objection overruled.

MR. LEVY: Exception.

A (No answer.)

Q Do you understand the question? A No.

Q What? A No.

Q Have you been working anywhere since you were bailed out? A Sure I worked.

Q Where? A Some places.

Q Where? A I can't tell you where.

Q Tell the jury one place where you have been working since you left there? A I was working there where I lived.

Q Where? A For the housekeeper.

Q Where? A 16 First Avenue.

Q 16 what? A First Avenue.

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Q And what were you doing there? A What I was doing?

Q Yes. A Just washing.

Q Washing? A Yes, sir.

Q Living there? A Yes, sir.

Q And where else have you worked? A Nowheres.

Q Didn't you tell the jury that you worked in some places?

A Only there; because I went every day to court.

MR. LEVY: Now, haven't we gone far enough on this subject? What difference does it make what she did, after she was arrested? Suppose that she was engaged in some unlawful business, what bearing has it on this case?

THE COURT: I will overrule the objection.

MR. LEVY: Exception.

BY MR. NOTT:

Q Did you say, a minute ago, in answer to my question, you had been working in some places? A Up there where I was living, I worked; nowhere else.

Q (Question repeated.) Did you tell me that, a moment ago? A Up there.

Q Will you please answer the question? A Because I couldn't go to work. I was every day in the court.

Q I didn't ask you where you worked. But what you told me, a minute or so ago.

(The testimony is repeated by the Stenographer.)

Q Now, where were those persons? A Up there where I

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lived.

Q Well, why did you say places then? A Well, it means place.

Q Oh, I see. Who have you been working for? A Up there in the house where I live.

Q For whom? A Mrs. Singer, where I lived in the house.

Q Mrs. Singer? A Yes, sir.

Q Did she testify here? A Yes, sir.

RE DIRECT EXAMINATION BY MR. LEVY:

Q Mrs. Gross, so far as you know, you don't know whether Madam Sadie or Rose retained me, or Mr. Snitkin, or Mr. Leon Levy, to represent you in all these matters? A I don't know.

Q And the same lawyer that appeared for the other girls who were arrested in that house appeared for you in the police court?

MR. NOTT: Objected to, as grossly leading, But the and the witness has already answered that.

THE COURT: Objection sustained.

Q Did the same lawyer appear for you that appeared for the other women? A Yes.

Q And as far as you know, that lawyer was retained by Madam Sadie Rose?

MR. NOTT: Objected to.

BY THE COURT:

Q Do you know who retained Mr. Levy and Mr. Snitkin

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to represent you?

MR. SNITKIN: Objected to as immaterial, irrelevant and incompetent.

THE COURT: Overruled.

MR. SNITKIN: Exception.

A No, sir.

BY MR. LEVY:

Q Now, do you know of any reason why you are being prosecuted on this complaint? A No, sir.

Q Instead of Madam Sadie Rose?

MR. NOTT: Objected to.

THE COURT: Allowed.

A No, sir.

Q Was Madam Rose there when you were arrested? A No, sir.

MR. LEVY: Now, I offer in evidence-- can I have that original complaint? Oh, may I ask this one question where she is now?

THE COURT: yes

BY MR. LEVY:

Q Mrs. Gross, you were asked by Mr. Nott a question, and I want to know whether you understood it, when you answered it. Were you ever in charge of that house? A No, sir.

Q For a week or any length of time? A No, sir.

Q Never? A No, sir.

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MR. SNITKIN: We offer in evidence, if your Honor please, on behalf of the defendant, a certified copy of the record in the case of The People against Esther Maynard and Rose Belmore.

MR. NOTT: Why, I object to this for a great many reasons, if your Honor please. I object to the reception of that paper from the police court, if your Honor please, on the ground that it is not properly proven, and, if it were properly proven, it would be immaterial, irrelevant and incompetent. And it is also on a collateral matter, as to which they interrogated these two girls, and they answered fully as to the same matters. It is simply as to their arrest, and the charge of soliciting, and that has been gone into fully.

THE COURT: Well, what is this affidavit offered for, for what purpose?

MR. SNITKIN: The object of the offer is, if your Honor please, that the Belmore girl testified here that all she did was to ask this officer who arrested her for soliciting, was to ask him for a cigarette; and I have shown by her testimony here that she claimed that she didn't commit the crime.

MR. NOTT: If your Honor please, she said that, after that, a price was mentioned there, either a dollar or two dollars, I forget which. And, moreover, this is a col-

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lateral matter which should bind them.

THE COURT: On the question of --

MR. NOTT: It is only competent as affecting the credibility on a collateral matter. We cannot try that case here.

MR. SNITKIN: That's true enough. We can't try a collateral issue, but I can offer a record in evidence.

MR. NOTT: Well, that's trying it. It is contradicting on a matter where the answer binds, as your Honor just instructed the jury, a few minutes ago. I will find the place where she testified.

THE COURT: The Appellate Division, in one of my own cases, Mr. Nott, the People against Bloch, affirmed a ruling where I allowed a matter of a collateral character to be contradicted, because it was germane to the issue.

For example, Bloch was charged with incest, and he denied that he had had improper relations with his sister.

The father of the defendant testified-- the defendant was asked whether he had not stated to his father that the sister approached him, and asked the defendant to have meretricious relations with her-- the defendant denied that fact. I allowed the father to testify; and when he did testify, he contradicted the defendant; and that question was discussed by the Appellate Division.

MR. LEVY: And your Honor's decision was affirmed.

on that.

MR. NOTT: But there is a conversation here between Rose Bellmore and an officer, which, if it had any bearing at all, had only the bearing of affecting her credibility; and you could not get a better example of a purely collateral matter.

Now, I read from page 111, your Honor, of the record of this case:

"A It was him asked us how much we wanted. Q You said what? A A dollar. Q Did you say what for? A No, sir. Q What did you ask a man for a dollar for, that you had never met before? A Because he asked us what we wanted, and we said a dollar. Q Did you say a dollar for the room? A No, sir. Q A dollar for yourself? A Yes, sir. Q And what did he say it was for? A He didn't say what it was for. Q Well, what did you think it was for? A We thought he wanted to stay with us."

So that it is not contradictory in any way.

THE COURT: How does the matter you refer to, Mr. Snitkin, contradict the witness Belmore, upon the record here?

MR. SNITKIN: It is a record of a court of final jurisdiction, so far as the complaint against those women is concerned. If it was not a court of final jurisdiction in that particular case, I admit that my friend would be

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right.

THE COURT: But the trouble is this: That a collateral matter must be germane to the case.

MR. SNITKIN: It is. Now, the main point here is the age of the girl.

MR. NOTT: I don't concede that, at all.

THE COURT: The record is as to the Belmore girl?

MR. SNITKIN: As to both girls.

THE COURT: If it is a question of age, I will allow you to show that the complaining witness made declarations as to her age that seemed to contradict her statement here.

MR. SNITKIN: No, sir. But on the question of age, her subsequent conduct, and her conduct before she entered this house, is absolutely material, so far as her credibility is concerned; and, so far as the jury, who are the judges of the fact, are to pass upon the credibility of this witness. And now, I offer in evidence, practically, a record of conviction.

MR. NOTT: I object to that, when it shows distinctly that she was discharged.

THE COURT: Objection sustained.

MR. SNITKIN: Perhaps I shouldn't have said a record of conviction.

MR. NOTT: I should think not.

THE COURT: I will sustain the objection.

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MR. SNITKIN: We respectfully except.

THE COURT: I sustain the objection, upon the ground that it does not appear to the court that the paper offered is offered for the purpose of contradicting the witness, since the witness, in substance testified that she was arrested for soliciting a man, or soliciting the officer; and that the information asked of this witness was elicited by the defendant, on cross-examination, on a matter affecting her credibility, purely of a collateral character. Under those circumstances, the rule in the Stokes case, and in the case of the People against DeGano applies.

MR. SNITKIN: Will your Honor pardon me, before you rule upon that?

THE COURT: Yes.

MR. SNITKIN: There was a question asked the girls if they didn't solicit. That is my impression as to the import of the question; that is, if they did not solicit men, not a single man, and my impression is that they said they did not. And there is a paper before your Honor that flatly contradicts them on that point. I don't want to read it.

THE COURT: Objection sustained. In the Stokes case the witness was asked, "Did you steal a certain article?" And she said, "No." And the witness from whom she stole the article was in Court. They allowed the witness to take

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the stand and contradict the witness who said that she did not steal the property.

The Court of Appeals reversed the conviction. In the Bloch case, I allowed the contradiction, because it was the defendant who had made a statement, and the contradiction was in a material matter.

MR. SNITKIN: Well, perhaps your Honor is right, as there is oral testimony, and the written testimony might not make it any stronger, and I don't take an exception.

Now, I offer in evidence the complaint made by the girl Esther Maynard against the defendant.

MR. NOTT: And is that the one that went in evidence before?

MR. SNITKIN: Yes; that was admitted in the other trial.

(It is marked Defendant's Exhibit D in evidence).

MR. SNITKIN: Now, gentlemen of the jury, this being in evidence, I respectfully direct your attention to it.

(Mr. Snitkin reads the exhibit to the jury).

ALEXANDER I. HAHN, a witness called on behalf of the defense, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. LEVY:

Q Mr. Hahn, you are an attorney and counsellor at law?

A Yes, sir.

Q Duly admitted to practice in all the courts of record in this State? A Yes, sir.

Q And how long have you been an attorney? A Ten years.

Q You are an associate of Mr. Snitkin's, are you not?

A Yes, I am.

Q And you went to-- did you attend at the public library in the City of New York, and examine the statutes of the State of Massachusetts, with regard to the requirements of those statutes in connection with the filing and recording of births, marriages, and deaths?

MR. NOTT: One moment. Did this gentleman say he was a member of the Massachusetts Bar?

MR. LEVY: No.

MR. NOTT: Then I object to the question. You can't prove foreign law in that way, if your Honor please.

MR. LEVY: Well, if Mr. Nott is going to be technical, we will offer in evidence the statute, and ask him if he read it.

MR. NOTT: Well, I will object to that.

THE COURT: You cannot prove foreign law in that way, gentlemen.

MR. SNITKIN: If your Honor please, if an attorney reads a statute in the public library---

MR. NOTT: What public library?

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MR. SNITKIN: In a library. The object of this testimony is for the purpose---

THE COURT: I know; but there is a way of getting in the evidence.

MR. SNITKIN: Yes, sir; by introducing the statute, or calling a person who has read the statute.

MR. NOTT: That is as to a domestic statute.

MR. SNITKIN: No, sir; a foreign statute. An attorney has a right to state that he read the statute, and state what is required. First, I will identify the statute, or we can offer the book in evidence.

MR. NOTT: You can't do that. You must prove it, like any other document. It isn't admissible on the proof of the certificate of the Secretary of State, as in our State.

BY MR. SNITKIN:

Q Now, I will ask you this question: Are you conversant with the laws of the State of Massachusetts, so far as they relate to the filing---

Objected to.

MR. SNITKIN: Shall we suspend a moment, your Honor? Will your Honor permit me to state the object of the offer?

MR. NOTT: Well, that's very apparent.

THE COURT: No.

MR. SNITKIN: Now, suppose you read this and see if

you will not consent to it. You are always pleading for fairness.

MR. NOTT: All right. I will renew my offer. If you will admit the Police Court papers that I asked you to admit, I will admit that for you.

MR. SNITKIN: No, sir. The way to prosecute is not to persecute.

MR. NOTT: The way to do it is to get at the truth.

THE COURT: Mt. Nott, if you can show by an attorney of a State that a book purports to be the statute of a foreign State, it is admissible.

MR. NOTT: Yes, sir; but not by an attorney who is not an attorney of that State.

THE COURT: No.

MR. NOTT: Why, it is purely hearsay evidence.

THE COURT: Of course, it requires somebody from that State, some attorney.

MR. SNITKIN: Well, I have laid the foundation by asking the witness if he is familiar with the statutes of Massachusetts, referring to marriages, deaths and births.

THE COURT: But that is as to the statute law.

MR. SNITKIN: Well, are you familiar with the common law of Massachusetts, as to the filing of births, marriages and deaths?

THE COURT: Well, what is the common law?

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MR. SNITKIN: It is a common law State. It has no
code.

THE COURT: But it has statutory law.

MR. SNITKIN: Oh, yes; it has statutory laws.

THE COURT: No. As to the law of that State, an
attorney of that State must testify.

BY MR. SNITKIN:

Q Are you familiar with Chapter 29 of the Revised Laws
of Massachusetts?

MR. NOTT: Objected to as immaterial, irrelevant and
incompetent, whether this gentleman is familiar with it or
not.

THE COURT: Objection sustained.

MR. SNITKIN: Exception.

Q Have you read Chapter 29 of the laws of Massachusetts,
in the library of the District Attorney's office of this
County?

MR. NOTT: Objected to.

THE COURT: Sustained.

MR. SNITKIN: Exception.

Q Look at this volume, and state what it is.

MR. NOTT: I object to his stating that, as calling
for hearsay.

THE COURT: He may look at the volume.

BY MR. SNITKIN:

Q Now, do you know where that book was taken from? A I

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do.

Q Where was it obtained from?

MR. NOTT: Objected to.

THE COURT: Overruled.

A From the library of the District Attorney of this County.

Q Of this County? A Yes, sir.

Q That is, in this building? A Yes, sir.

Q Now, what is that book?

MR. NOTT: I object to that, if your Honor please.

THE COURT: Objection sustained.

MR. SNITKIN: Of course, if I am not impertinent, may I know, your Honor, the ground of the objection?

MR. NOTT: It is incompetent, immaterial and irrelevant.

THE COURT: It is incompetent. There is a way of proving it, as I have said.

BY MR. SNITKIN:

Q Well, have you read Chapter 29 of the Laws of Massachusetts, relative to the filing of births, marriages and deaths?

MR. NOTT: I object. The same objection. I make the same objection as I did before, when that question was asked, and when your Honor ruled upon it.

THE COURT: Objection sustained.

MR. SNITKIN: Exception. I offer the statute in

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evidence.

MR. NOTT: I object, if your Honor please.

THE COURT: Sustained.

MR. SNITKIN: We except. I offer in evidence a certificate of Arthur B. Brayton, City Clerk of the City of Fall River. The exhibit that I hold in my hand, or the paper, or, rather, the paper being certified by Judge McDonough, Judge of the Second District Court of the County of Bristol, certified by the Clerk of the Court, and bearing the seal of Fall River, and bearing the seal of the Second District Court, Fall River, as to the marriage-- as to therecord of birth of Esther Maynard.

MR. NOTT: May I see it?

MR. SNITKIN: Certainly. That is all, Mr. Hahn.

MR. NOTT: No questions. Well, I have no objection to this paper.

MR. SNITKIN: What?

MR. NOTT: I have no objection.

MR. SNITKIN: Then it is offered in evidence.

(It is marked Defendant's Exhibit C in evidence).

MR. LEVY: The defendant rests.

MR. NOTT: You want to read that exhibit, don't you?

MR. LEVY: Just one moment.

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MR. SNITKIN: And I will read this exhibit to the jury. (Reads).

J O S E P H B . R O S E N B A C H , a witness called on behalf of the defense, testified as follows:

DIRECT EXAMINATION BY MR. LEVY:

Q Mr. Rosenbach, you are an attorney and counsellor of the City of New York? A Yes, sir.

Q Duly admitted to practice in all the courts of record in this State? A Yes, sir.

Q How long have you been an attorney at law? A Since August, 1897.

Q And you are in partnership with a lawyer named Leon Levi? A Yes, sir. That's correct.

Q And did you represent a woman by the name of Anna Gross, in certain proceedings in the Magistrate's Court, in Jefferson Market Court?

MR. NOTT: Does that refer to this case, if your Honor please?

A Well, yes; that's what I want to know.

BY MR. LEVY:

Q Did you ever represent this defendant in Special Sessions or any other Court? A Yes, sir; I represented her in this case, this particular case, in Jefferson Market Court.

Q Now, did you ever represent her, or defend her, in any Court upon a charge of keeping a disorderly house?

MR. NOTT: Objected to, as immaterial.

THE COURT: Do you recall that you asked the defendant about that; if she was ever arrested and convicted on the charge of keeping a disorderly house?

MR. NOTT: Yes, sir; and she denied it, and that settles that. If I put in proof in rebuttal, then it would be proper for them, in sur-rebuttal. At the present time, it certainly is not.

THE COURT: I will allow the evidence.

MR. NOTT: And, also, the fact that he didn't represent her, doesn't prove anything. There are thousands of other attorneys in this City. How does the fact that this gentleman didn't represent a woman named Anna Gross prove anything?

THE COURT: I thought it referred to this particular defendant?

MR. LEVY: Yes, sir; it does.

THE COURT: I see what you mean. I thought you had produced an attorney who did defend one Anna Gross, and that this defendant was not the same person.

MR. LEVY: Yes, sir; and that's it exactly.

THE WITNESS: That's correct, sir.

MR. LEVY: And at the same raid.

THE WITNESS: No.

THE COURT: I will allow that.

THE WITNESS: I don't remember the question now.

(It is repeated by the stenographer).

A Why, I can straighten counsel out in this matter. He seems to be confused.

THE COURT: Yes.

THE WITNESS: To exactly conform to the truth. I can, perhaps, make it clear to the jury.

THE COURT: Yes.

THE WITNESS: There was-- sometime -- I think it was during the month of August-- I am not sure of the exact time-- but if the records of the Court of Special Sessions were produced, I could be exact as to the time-- but around the latter part of August, or the first of September, I plead guilty in the Special Sessions for an Anna Gross, not the defendant, of keeping a disorderly house, and she was fined.

BY MR. LEVY:

Q And from what premises? A 163 West 27th Street.

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

CROSS-EXAMINATION BY MR. NOTT:

Q And how many times did you plead that woman? A Well, I don't know whether it was more than once or not.

Q You can't remember that? A No, sir.

Q Did you plead her in October? A Sure, Mr. Nott.

Q Why, wouldn't you remember, if you pleaded guilty for

the same woman, from the same house, within the same month?

A No, sir; I wouldn't, Mr. Nott, because I had very many cases of the same sort.

Q Lots of them? A Yes. I think I had in the neighborhood of bail cases, awaiting trial in the Court of Special Sessions, something like 80 or 85 cases, of a similar nature.

Q Yes. And how do you happen to remember this particular case in the latter part of August? A Well, I'll tell you.

Q Yes. A I was subpoenaed, in the last trial, and the officers in this particular case of Anna Gross that I have reference to, told me --

Q No, I don't want what they told you. I am asking you this: Now, then, if you can't remember about any other case, how can you remember about this August case, or the October or September case? A Well, I'll explain that to you, Mr. Nott. The Anna Gross that I had reference to, in answer to counsel's question, was in a case pending against the very house out of which this woman was arrested.

Q Yes. A And, at that time, we not only represented the Anna Gross who was convicted, and fined, but also the defendant in this particular case.

Q All right. And I now ask you whether you can remember whether that same woman that you represented was tried in September? A Well, that's the time-- I think that's the

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time that I have reference to.

Q Well, how about August 23rd? A Well, I am telling you I can't be exact as to whether that same woman was brought there twice or not, but I am sure that it was not the defendant

Q Was Anna Gross, white, native of Austria, housework, of 163 West 27th Street, convicted on September 24th-- I mean, convicted on October 22nd, and fined \$50? A Well, I guess that's about the fine. The fines usually ranged about \$50.

Q Was Anna Gross arrested on August 23rd, and also fined \$75? A That I am not sure of. As I said, I don't remember whether there were two cases of Anna Gross, or not.

Q You can't remember that? A No, sir; I can't.

Q Of course-- you know who were the occupants of that house at the time, August 23rd? A Who were the occupants?

Q Yes. A It was a disorderly house.

Q Yes; and did you know the occupants? A I don't know what you mean by that question.

Q I mean, were you acquainted with them? A The inmates?

Q Yes. Acquainted with them, with their faces, their individualities? A No, sir.

Q And you don't know whether this woman, (indicating the defendant) was working in that house or not, at the time? A No, sir.

Q And you don't know how that name of Anna Gross happened to be given in the Special Sessions? A In the Police Court.

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Q In the Police Court? A No, sir.

Q And you don't know whether the woman who plead guilty under the name of Anna Gross, in the slang of the day, was not a "ringer"; do you? A Oh, no; because I represented her in the Police Court and in the Special Sessions.

Q Well, how do you know that she wasn't a ringer in the Police Court? A Well, I don't know about that. I didn't know anything about the case before it got there.

Q And do you regard it as a peculiar co-incidence that there was an Anna Gross there, who was not this defendant, in August, and again in September, and was convicted and fined twice? A Well, I don't know what you would call it, but I think it is rather peculiar. But the officers' names must be attached to the affidavit upon which an arrest was made, and the conviction was had. Of course, they don't have as many cases as I had of this kind, at that time.

Q I take your word for it that the woman who pleaded guilty down there was not this woman? A That's the truth.

Q But you don't know whether this defendant was working in that house or not? A Oh, no, sir; I never went in the house.

MR. LEVY: We rest, your Honor.

THE COURT: Now, how about that book, that statute book?

MR. LEVY: We have withdrawn it, your Honor.

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MR. SNITKIN: There is no necessity now of proving it
your Honor. The District Attorney admitted in evidence
the certificate that I read to the jury, and we withdraw
that offer of that book.

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R E B U T T A L.

H E N R Y H . H A N D , a witness called on behalf of the People, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. NOTT:

Q You are a member of the Municipal Police Force?

A I am.

Q And where were you attached, on or about the 9th day of September, 1907? A To the First Court, as Probation Officer to Magistrate Corrigan.

Q You were Magistrate Corrigan's Probation Officer?

A I was.

Q And how long did you act as such for him? A Something in the neighborhood of five or six weeks, I believe.

Q And were you acting for him as Probation Officer on the 9th of September, 1907? A I was.

Q Do you remember this defendant being brought, on that night, to the Jefferson Market Court? A I do.

Q And was Magistrate Corrigan holding Court? A Yes, sir.

Q Now, state to the jury whether you accompanied this defendant, Mr. Anekstein, the stenographer, and Mr. Reardon, into the Magistrate's private room? I made a mistake. I didn't mean to say private. This defendant, Mr. Anekstein and Officer Reardon into Magistrate Corrigan's private room?

A I was present.

Q Yes. And did you hear questions put to this defendant, and answers made by her? A I did.

Q And did you ask some of the questions? A Just a few.

Q And can you tell whether, as the questions were asked, and the answers were given, Mr. Anekstein was taking notes?

A He was.

Q Now, did you have-- before you went into this room-- did you have any talk with this defendant? A This defendant was placed in my custody, pending her remand, in order that she would be secured from getting in contact with the inmates of the house, who were also arrested.

MR. SNITKIN: I ask that the latter part of the answer be stricken out.

MR. NOTT: I consent.

THE COURT: Strike that out.

Q Well, was she placed in your custody by the Magistrate?

A Yes, sir.

Q And did you have any talk with her? A Yes, sir.

Q State what it was?

MR. SNITKIN: Objected to as immaterial, irrelevant and incompetent.

THE COURT: Was the attention of the defendant directed to this matter?

MR. NOTT: Yes, sir. I asked her if she stated to

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Officer Hand that, if this abduction charge against her was dropped, she would then plead guilty of keeping a disorderly house.

THE COURT: Objection overruled.

MR. SNITKIN: Exception.

Q Now, state, Officer, what the conversation was that you had with the defendant at that time? A I asked her didn't she think she was in bad. She wanted to know what the charge was. I stated that I believed she was charged with abduction, and keeping a disorderly house. The two girls in question were in an adjoining room, with Miss Miner.

Q Who is she? A She was the woman probation officer of the Court. And she asked could she look at them.

Q The defendant did? A Yes, sir. And I allowed her to go as far as the door, and peer into the adjoining room. She came back, and asked me what I was there for, and I told her I was the Judge's Probation Officer, and she then stated that she would plead guilty to keeping a disorderly house, if she could get away with the abduction charge.

MR. SNITKIN: Now, I ask that the answer be stricken out, on the ground that it is immaterial, irrelevant and incompetent; and on the further ground that it is an attempt to prove the commission of another crime, which I submit, under this charge, is incompetent; and on the further ground that the testimony is prejudicial to the

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interests of the defendant, so far as the charge in this indictment is concerned; and I respectfully ask your Honor to direct the jury to disregard that evidence.

THE COURT: Objection overruled.

MR. SNITKIN: Exception.

Q And after that, Officer, did you go into the-- I withdraw that. Did you have any further conversation with her before you went into the private room, when this interview took place? A I told her that I didn't know--

MR. SNITKIN: One moment. I object to the answer, because it isn't responsive to the question.

THE COURT: The answer is yes or no.

BY MR. NOTT:

Q All right. Yes or no? A I had, yes.

Q Well, will you now state what that was? A I told her that it would be a hard matter for her to beat the abduction charge on a plea of disorderly house, because the two women were there.

Q What did she say? A She said that, if I would see the Judge, she would give me something.

Q And did you report that to Magistrate Corrigan?

A No.

MR. SNITKIN: Well, I object to that as immaterial, irrelevant and incompetent.

MR. NOTT: Withdrawn.

THE COURT: Objection sustained.

Q Well, did you go into the room where this interview took place afterwards? A Yes. I was there all the time.

Q Now, state whether or not you heard this defendant asked the question as to how long she had been in charge of that house? A I did.

Q And what was her reply thereto?

MR. SNITKIN: One moment. I object to that as not proper rebuttal. It is immaterial, irrelevant and incompetent, being collateral matter, and having been answered in the negative, the District Attorney is, I submit, bound by it.

MR. NOTT: How is it immaterial?

THE COURT: Have you any question in the record tending to show that the witness asked the questions of the witness?

MR. NOTT: I have shown that he asked a few questions.

THE COURT: This particular question?

BY MR. NOTT:

Q Did you ask this particular question, or hear it asked?

A I heard it asked, and, I believe, later I asked it.

THE COURT: Now, was the defendant's attention directed to that question?

MR. NOTT: Yes, sir; I asked her whether, in that

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room, at that interview, whether this officer--

THE COURT: That appears in the testimony?

MR. NOTT: Yes, sir.

THE COURT: Objection overruled.

MR. SNITKIN: Exception.

A yes, sir.

Q And what did you hear her answer? A Something in the neighborhood of three months.

Q That's what she said? A yes, sir.

Q Now, will you state, Officer, whether or not you asked, or heard asked, at that same interview, a question as to whether or not this defendant was known as Madam Anna?

MR. SNITKIN: I object to that question.

THE COURT: The defendant's attention was directed to this question, also?

MR. NOT: Yes, sir.

THE COURT: Objection overruled.

MR. SNITKIN: I want to state my grounds. As incompetent, irrelevant and immaterial, and not proper rebuttal, and being collateral matter. The question having been asked of the defendant, and answered in the negative, the District Attorney is bound by the answer. And, on the further ground that there is no proof that the witness who is now being asked the question, did actually ask the defendant the question, in person.

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THE COURT: Did you direct the defendant's attention as to who was present at the interview?

MR. NOTT: Yes, sir. And I had this officer in and she identified him, when he was called into the room.

THE COURT: And was her attention directed as to whether any one asked her that question?

MR. NOTT: Yes, sir.

THE COURT: Objection overruled.

MR. SNITKIN: Exception.

Q Did you hear that question asked? A I heard it asked.

Q And what was her reply to that? A She said she worked there; that she was known as Madam Anna, but she worked there.

Q Now, Officer, I ask you if you, at that same interview, heard anything asked her about night and day cards?

A I did.

Q What was she asked, and what did she reply, as near as you can recollect? A When a woman goes up in the day, it is punched "day"; and when she goes up in the night time, it is punched "night".

Q Was that the question or answer? A That was the answer. The question was asked, I believe, was there cards, and a card was shown her by Reardon; and she says, "When the girl went up in the day time, it was punched "day"; and when she

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went up in the night time, it was punched "night". I believe the card had seven or eight punches in it.

Q After that were you present when the defendant went back into Court? A When she went into the Police Court?

Q Yes. A I was.

Q Did you hear her say anything further there? A In the Police Court?

Q yes. A I wasn't near enough to get her testimony.

CROSS-EXAMINATION BY MR. SNITKIN:

Q Now, just a minute.

MR. SNITKIN: Let me have that which you read from, please.

MR. NOTT: Here it is.

BY MR. SNITKIN:

Q What day was this? A I believe it was entering on to the 10th day of September; from the 9th to the 10th; about midnight.

Q Of course, you made a special memorandum about this case; didn't you? A None whatever.

Q How many cases were brought in the Night Court, that night? A Oh, probably 120.

Q 120? A Yes, sir.

Q Can you tell this jury now of one single instance where a woman, arrested at night, was brought into the private room of Judge Corrigan, with this exception? Yes or no? A There was none that I had charge of.

Q Yes, that's it. You say, at that time, you were Judge Corrigan's Probation Officer? A Yes, sir.

Q But you are not now? A Not now.

Q No. How many cases have you had as Probation Officer in

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the six weeks that you served the Judge? A Oh, possibly 348
two dozen; twenty to two dozen; I ain't positive just how many.
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Q Do you remember every conversation that you had with
any of the twenty or twenty-four probationers placed in your
charge? A I remember some.

Q Some? A Yes, sir.

Q But not all of them? A That would be a physical
impossibility.

Q Yes, that's it, a physical impossibility? A Yes.

Q Did you testify on the first trial of this case?

A I did not.

Q Who brought you down here? A District Attorney Nott
had a telephone message left at the 16th Precinct.

Q How about Mr. Reardon? A For me to report at 2 p. m.

Q (Question repeated.) A I don't know anything about
him.

Q You don't mean to say you don't know anything about him?

A As regards this case.

Q Oh, as regards this case? A Yes.

Q Did you see Mr. Reardon in the corridor, this afternoon,
before you came on the stand as a witness? A I saw him, yes.

Q Just before you were called? A Well, I left him out
there on a chair.

Q And did you speak to him about the case? A Yes, sir.

Q Yes? A Yes, sir.

MR. SNITKIN: That's all of you.

MR. NOTT: That's all. And now I offer in evidence

People's Exhibit 2 for Identification. Any objection?

MR. SNITKIN: Oh, yes; of course there is. I object to it, on the ground that the proper foundation hasn't been laid, in the first place, and--

THE COURT: Objection sustained.

MR. NOTT: If your Honor please, you will remember that, when this was marked for identification, and prior thereto, the Stenographer testified that he took correct stenographic minutes of the testimony, and that he correctly transcribed this, and that this was a correct stenographic transcript, I mean, a correct transcript of his stenographic minutes; and he testified that he didn't have the stenographic minutes.

THE COURT: Well, what became of the stenographic minutes? He did not testify as to that.

MR. NOTT: He said that he didn't have them. And, as I understand it, the rule has been relaxed, that, when a stenographer testifies the transcript is correct, it is admissible.

THE COURT: I think you have got to account for the original.

MR. NOTT: Well, I have accounted for it by his saying that he didn't have it.

THE COURT: Well, he did not say so.

MR. NOTT: I think he so testified.

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THE COURT: No. I think you abandoned it on the statement of the Court that the original should be produced.

MR. NOTT: Anekstein, in the first place, testified that he produced that paper in obedience to a subpoena duces tecum issued by the defendant and it is the defense that is now objecting.

MR. SNITKIN: And from that it doesn't follow at all that it is competent.

THE COURT: Was that statement reduced to the form of a deposition?

MR. NOTT: No, sir.

MR. SNITKIN: No, sir.

THE COURT: Well, I think you are entitled to the original, Mr. Nott.

MR. NOTT: Well, my recollection is that he testified that he didn't have his original notes.

THE COURT: On page 62, the Court said that, if the minutes were here,, they would be the best evidence; and you said that that was then as far as you could go.

There is no doubt about it being a correct transcript, but, when it comes to the question of identification, the practice usually followed is to call the stenographer and have the stenographer first identify the minutes and then have the stenographer state whether, by reading in a record, he could state what the person testified. If he

answers no, you may ask him, "Is there any method by which you can refresh your recollection?" and then he proceeds to give the testimony from the stenographic notes; and, when it is done by consent, the transcript can be read.

MR. NOTT: Well, I consented to the putting in of that Magistrate's paper, and I asked the defense to consent to the introduction of this paper, which is here on their own subpoena.

THE COURT: The question is, as I understand it, addressed to counsel. Is there any reply?

MR. SNITKIN: Well, now, we have subpoenaed records. If the stenographer will bring down all the records, I will consent that they go in, and that this go in. I want to state now, in open court, that the stenographer didn't bring down all the records called for by that subpoena.

MR. NOTT: What records do you want?

MR. SNITKIN: The statement made by Belmore and Maynard, in this private room.

MR. NOTT: There were none such taken down.

MR. SNITKIN: And not only is this paper objectionable, because no proper foundation is laid, but supposing that it is identified--

MR. NOTT: Well, I don't want any argument. I simply want to know whether they will consent to its admission or not.

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MR. SNITKIN: I address your Honor on a simple proposition of law.

THE COURT: I do not care to have any argument. Do you consent?

MR. SNITKIN: No, sir.

THE COURT: Can't you have the stenographer come here, with his original record?

MR. NOTT: I can, upon an adjournment. He isn't here now.

THE COURT: But, even if he brought the original record, it is not admissible. You have got to resort to the same procedure to contradict a witness, even though the stenographer took it down, of calling the stenographer, and having him testify to his original record.

MR. NOTT: What your Honor means, I take it, is that I could only ask for the stenographer's testimony as to the questions I asked the defendant about?

THE COURT: precisely. And, if you wish to ask as to the other matters, you must recall the defendant, and ask her about it.

MR. NOTT: And is there any objection on the part of the defense to my putting in evidence those special matters about which I asked the defendant when on the stand?

MR. SNITKIN: There is.

THE COURT: Then I will give the District Attorney an

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opportunity to subpoena the stenographer's minutes and the stenographer who took the testimony. Have you any other evidence?

MR. NOTT: No, sir; that is my only evidence. And what I want to know is, supposing, at the present time, we rest here, would your Honor send the case to the jury to night? I am very anxious, and I believe counsel for the defendant is, to go to the jury to night.

MR. SNITKIN: Yes, thank you; that would meet with our approval. I will be very brief.

THE COURT: Well, if that be the case, I will allow each side fifteen minutes. The charge will take as long as both of you take summing up. It is now 4 o'clock. Do the jury want it, to night?

THE FOREMAN: Yes, sir.

THE COURT: How long do you want, Mr. Nott?

MR. NOTT: Oh, I will agree to take the same time that Mr. Snitkin does; I will take the same time as he wants.

THE COURT: How long do you want, Mr. Snitkin, to sum up?

MR. SNITKIN: I am going to endeavor to limit myself, and, if I don't, you limit me.

THE COURT: Well, how long do you want?

MR. SNITKIN: Well, I think, I can do it in twenty minutes.

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THE COURT: Very well.

MR. SNITKIN: And I will submit the case on your Honor's charge, without summation.

MR. NOTT: I will do that.

THE COURT: Very well, then. I will give you, gentlemen of the jury, ten minutes recess, before the Court charges you.

(The Court then admonished the jury in accordance with Section 415 of the Code of Criminal Procedure, and took a recess for ten minutes.)

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AFTER RECESS.

THE COURT'S CHARGE.

Gentlemen of the Jury:

The defendant, Anna Gross, is indicted upon a charge of abduction. The charge against the defendant, briefly stated, is that, on the 4th day of September, 1907, in the Borough of Manhattan, County of New York, the defendant did feloniously take, receive, harbor, employ and use, and cause and procure to be taken, received, harbored, employed and used, one Esther Maynard, who was then a female under the age of 18 years, to wit, of the age of 17 years, for the purpose of prostitution, against the form of the statute in such case made and provided.

Section 282 of the Code reads:

"A person who takes, receives, employs, harbors or uses, or causes or procures to be taken, received, employed, harbored or used, a female, under the age of 18 years, for the purpose of prostitution, is guilty of abduction."

Under this statute, it is necessary for you to find from the evidence, beyond a reasonable doubt, two things: First, did this defendant receive, employ, harbor, or cause to be received, employed or harbored, or cause to be used, a female, to wit, a girl, Esther Maynard, for the

purpose of prostitution; and, secondly, at the time that the girl was received, employed, or harbored by this defendant for the purpose forbidden by the statute, was she under the age of 18 years?

In determining whether or not the girl was under the age of 18 years, you should consider all of the evidence in the case, including the testimony of the girl herself and of her mother.

You will remember that the mother testified that Esther Maynard, or Esther McLaughlin, was born on the 17th day of June, 1890; and that, at the time that the alleged abduction took place, the girl was under the age of 18 years.

The mother fixed the time of the birth of the complaining witness, she said, because her husband, Mr. Maynard died on Christmas of the same year in which the child was born, and that she was positive that the child was born June 17th, 1890.

The law, however, independent of the testimony of the mother, gives authority to the jury to determine the age of the child, the statute providing:

"Whenever, in any legal proceedings, it becomes necessary to determine the age of a child, the child may be produced for personal inspection, to enable the Magistrate, Court or jury to determine the age thereby."

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If you come to the conclusion that Esther Maynard, or Esther McLaughlin, was a female under the age of 18 years, at the time she was received at the house of this defendant, and harbored or used or employed by her for the purpose of prostitution, then you will have established one of the important elements in the case. If you come to the conclusion that the girl was over the age of 18 years, then the case of the People must fail. But, as I have said, on the question of age, you are to consider all the evidence, and exercise your own sound judgment in determining from the appearance of the girl as to how old she was at the time she entered this house.

If you come to the conclusion that she was under the age of 18, you may pass to the next question: Was this girl received, employed, harbored, or caused to be received, employed or harbored, and caused to be used by this defendant for the purpose of prostitution?

You have heard the testimony of these two girls. Both of them related to you the circumstances under which they went to this house; saying that, upon entering the house, they went into a room in that house, with one Jack, and that Jack had a conversation with this defendant, in their presence, and that thereupon this defendant told the girls to go upstairs.

They also testified that a man brought wrappers

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into the room by order of the defendant, and that this defendant gave the wrappers to these girls; and that they were instructed what sum of money they would charge men who came there for the purpose of having sexual intercourse with them; and the girl Esther Maynard claimed that she delivered part of the proceeds resulting from the selling of her body to men who visited the house to this defendant.

In the affidavit made by the witness Esther Maynard in the police court, which you have heard read, she stated that the conversation with the defendant was had in the parlor, and not the dining room, as she testified here, and that a wrapper was given to her upstairs.

MR. LEVY: And that she gave the money to Sadie Rose, each time, your Honor.

THE COURT: And that she and the other girl were told to go upstairs and get a wrapper; and that they returned to the parlor, from which they subsequently went upstairs with men; and that the money was given to a woman named Sadie, each time, and that Sadie punched the card.

The two girls also testified that the defendant asked Jack if the girls had ever been in a house of prostitution before, and that Jack replied, in their presence, that they had been in a house of prostitution; and, also, that the defendant inquired how old Esther Maynard was, and that Jack replied that she was 19 years of age.

I charge you, as matter of law, gentlemen of the jury, it matters not whether the girl Esther Maynard was an illegitimate child, or whether, prior to the time that she came to this house, she had prostituted her body to men. Even if she were the vilest strumpet, if she was under the age of 18 years at the time she entered this house, and was received by this defendant, or harbored or employed by her, or caused to be received, or harbored or used for the purpose of prostitution, then the statute was violated. The question of the dissolute character of the prosecutrix becomes important in so far only as to what faith and credit you can give to the testimony of a dissolute woman.

The Legislature of this State has made it a felony for any one to receive or use a girl under the age of 18 for the purpose forbidden by the statute. A girl under the age of 18 years cannot give consent to her own defilement. It is immaterial whether the appearance of the girl indicates to the mind of the person who receives her for the inhibited purpose that she is over 18 years; or whether, on inquiry and interrogation, that person believes that she is over the age of 18 years. The statute is violated, if it subsequently develops that the prosecutrix was, at the time she entered the place for the inhibited purpose under the age of 18 years.

In other words, while a jury has the right to

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determine the age of the girl from her appearance, that right is not delegated to the person who receives the girl for the unlawful purpose. The question of knowledge on the part of the defendant at the time the girl went to that house is immaterial. The statute provides that a person who takes, receives, harbors, employs or uses, or causes or procures to be taken, received, harbored, employed or used a female under the age of 18 years, for the purpose of prostitution, is guilty of a felony.

In order to ascertain whether the girl was received there, or was harbored, employed or used there for the purpose prohibited by the statute, you should consider all the evidence in the case.

It is not denied that this place was kept and maintained by somebody as a disorderly house. Now, if the complaining witness, Esther Maynard, went there, who received her? Who caused her to be employed, who caused her to use her body for the purpose inhibited by the statute?

You heard the testimony of the two girls as to how the women in that house were dressed, and how they conducted themselves; and the testimony of the defendant that, when she had been employed there only one day, she learned that the house was conducted as a disorderly house.

You are to determine from the evidence whether these girls went to that house, and, if they did go there,

for what purpose. If the complaining witness went there for the purpose of prostitution, who received her, who harbored her, who caused her body to be used, who employed her for the purpose of prostitution?

It makes no difference whether the person who received or used Esther Maynard for the purpose of prostitution was or was not, in fact, the owner of the house, for the statute provides that, if any person receives, harbors, uses, or causes to be used or employed a female under the age of 18 years, for the purpose of prostitution, the offense is complete.

The statute also provides:

"A person who aids, assists, abets another in the commission of a crime, or who counsels, advises or procures another to commit a crime, is a principal."

Therefore, if you come to the conclusion, beyond a reasonable doubt, that this defendant did aid, assist or abet Esther Maynard to be employed in that house; and that this defendant did, in fact, receive and employ her, and allowed her to prostitute her body, in violation of law, it matters not whether this defendant was or was not, in fact, the owner of that house; because the statute provides that a person who aids, assists and abets another in the commission of a crime is guilty as a principal.

Now, gentlemen of the jury, in determining whether

or not this girl is under the age of 18, you may consider the evidence of the mother, and the appearance of the girl on the stand, her conduct and deportment, her facial expression, her physical appearance, all these circumstances, as to whether she impressed you as being over or under the age of 18 years at the time in question.

Evidence was presented by the defense tending to show that there was no record of the birth of one Esther Maynard in the records of vital statistics of the State of Massachusetts, from the year 1887 down to date. You will recollect that the mother testified that the girl was baptized under the name of Esther McLaughlin.

Now, gentlemen of the jury, the testimony of Esther Maynard, by itself, is insufficient, because the statute provides that no conviction can be had for abduction upon the testimony of the female abducted, compelled or defiled, unsupported by other evidence. In other words, there must be corroborative evidence tending to support the claim of the Prosecution in material particulars, so that, if a conviction be had in the case, it will not rest wholly upon the testimony of the girl defiled. But, under our law, the corroborative evidence may come from any source, provided that the evidence be of a character that carries with it weight and conviction to the minds of a jury.

The girl Rose Belmore is a competent witness. She

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testified that she was present when Esther Maynard went to this house, and as to what took place at that time.

While it is true that she testified that she is a woman of dissolute character, and while some of our courts have held that the testimony of a prostitute should be corroborated, the testimony of a prostitute, if believed by you, may be given faith and credence, unless you believe that the testimony of a prostitute should not be given any weight. That is a matter for your determination.

While the law says that the corroborative evidence should extend to every material particular, it does not mean that the corroborative evidence, of itself, should establish the crime. It is sufficient if the corroborative evidence tends to connect the defendant with the commission of the crime, and all the circumstances in the case should be considered by you. Each circumstance, taken by itself, may be insufficient; but when all the circumstances, taken together, indicate that the testimony of the girl who was defiled is corroborated, the statute is complied with.

There must be corroboration as to the girl's age, that she was under 18 years of age, at the time that she was received, or caused to be received in this house, or used or caused to be used by the defendant for the purpose inhibited by the statute.

There must be corroborative evidence tending to

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show that this defenddant did receive the girl, or employ her, or cause her to be received and employed for the purpose of prostitution.

So, gentlemen, you will see that, while the statute makes the offense of abduction a felony, it establishes limitations as to what proof is essential in so far as corroborating the testimony of the girl Esther Maynard is concerned. But, as I have said, while corroborative evidence is necessary to support the testimony of the girl in material particulars, the statute is satisfied if you believe that the corroborative evidence tends to connect the defendant with the commission of the crime, and shows that there is additional or other evidence in the case to support the claim of the complaining witness.

The defendant denies that she employed Esther Maynard for the forbidden purpose, and denies that she had anything at all to do with the employment of the girl, or with the harboring of the girl for that purpose, or that she received any moneys whatever from her.

While, gentlemen of the jury, there is evidence in this case tending to show that this defendant was in a disorderly house, she must not be convicted because the girl Esther Maynard was in a disorderly house. She can be convicted only if you believe, beyond a reasonable doubt, that this defendant did receive, employ, harbor or use, or cause

to be received, employed, harbored or used the girl Esther Maynard for the purpose of prostitution, or aided and abetted and assisted in the commission of this offense.

She is entitled to the benefit of the presumption of innocence, until guilt be proved to your satisfaction, and beyond a reasonable doubt.

She is entitled to the benefit of every reasonable doubt arising from the evidence in the case. But it must be a reasonable doubt, a doubt for which a reason can be given, not a mere surmise or conjecture; and a jury must not resort to the doctrine of reasonable doubt because of a refusal on their part to do a disagreeable duty. That is not a reasonable doubt.

A reasonable doubt is such a doubt as reasonable men may entertain, after a careful and honest review and consideration of all the evidence in the case.

The defendant offered evidence of good character. Good character is no excuse or justification for the commission of crime. Good character should be considered by a jury as any other probative evidence in the case. Good character, our courts have held will, of itself, create a reasonable doubt where, without it, none would exist.

Now, gentlemen, treat this case as you would any other criminal case. Sympathy for the girl or for the mother, or prejudice against the defendant, should not

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enter into your judgment in the disposition of the case. Nor should you be moved by any feeling of pity or compassion for this defendant because she is a woman. The individual on trial in a criminal case must be disregarded. Every person called to this bar is entitled to the benefit of a fair and impartial trial. No matter whether the person on trial be the greatest benefactor of the community, or its humblest citizen, man or woman, all should be judged alike. There should be no discrimination.

Your verdict should be based only on the sworn evidence in the case, so that you may do equal justice to the People and this defendant.

The magnitude of this offense, gentlemen, must not be underestimated by you. The Legislature has defined the law as I have read it to you, and the law provides that a girl under the age of 18 years cannot give consent to her own defilement. This wise legislation was enacted for the protection of the purity and chastity of womanhood, so that the girl of tender years cannot sell her body, or submit to unlawful sexual intercourse, the object of the statute being to protect the morals of young womanhood.

So, in this case, if you come to the conclusion, beyond a reasonable doubt that this defendant did receive, the girl Esther Maynard, she being at that time under the age of 18 years, and that she received, or harbored, or employed,

or used, or caused her to be used there for the purpose inhibited by the statute, or aided, abetted and assisted any other person in receiving, harboring or using her for that purpose, your verdict should be, guilty of abduction; and, otherwise, not guilty.

What faith and credit should be given to the testimony of a witness rests entirely with you. If you believe that any witness has wilfully testified falsely in any material particular, you are authorized, but not bound to disregard the entire testimony of such witness; and that rule applies equally to the witnesses called by the People, and to the witnesses called by the defense.

The case is with you, gentlemen.

MR. LEVY: I ask your Honor to charge the jury, that, if any reasonable doubt exists in their minds from the fact that the People failed to produce the cards, characterized as night and day cards, testified to by the officers, that they should then give the benefit of that reasonable doubt to the defendant.

THE COURT: The defendant is entitled to the benefit of every reasonable doubt arising from the evidence, is the law, and I have charged it.

MR. LEVY: I, also, ask your Honor to charge, that, if there is any reasonable doubt existing in the minds of the jury, arising from the failure to produce the

baptismal certificate or birth certificate of the girl Esther Maynard, that then they are authorized to acquit this defendant.

MR. NOTT: If your Honor please, there is no evidence that there was any baptismal certificate, in the first place.

MR. LEVY: She said she was baptized.

MR. NOTT: Yes. And, in the second place, that would apply equally to the defendant. It is equally accessible to them, and equally possible for them to produce it, if it was in our power; and they have taken measures, as it appears, to produce it.

THE COURT: I decline to charge in the language requested. But you may take that fact, gentlemen of the jury, into consideration. That is to say, if there was at any time a record showing the birth of this girl, and it was not produced, you may take that fact into consideration. You must weigh all the evidence.

MR. LEVY: I ask your Honor to further charge this jury that, if any doubt exists in their minds as to the age of this girl, from the non production of her reputed father, Mr. McLaughlin, that they should then give this defendant the benefit of the doubt, and acquit her.

THE COURT: I decline to so charge, in the language requested. The word reasonable, as referring to

doubt, is not used. There must be a reasonable doubt. The gentlemen of the jury may take that fact into consideration. Counsel says, if there is any doubt, and the law says the doubt must be a reasonable doubt.

MR. NOTT: And I ask your Honor to charge the jury that Mrs. Maynard said that she didn't know where McLaughlin was, or whether he was alive or dead; and there is no evidence to show that he knew even of the birth of this child.

MR. LEVY: I ask your Honor to charge the jury, that, if a reasonable doubt exists in the minds of the jury, from the fact that the mother-- from the testimony of the mother of the child, of Esther Maynard, where she testified that she didn't know the date of her own birth, and that she relied entirely upon her memory when she gives the date of the birth of this child, and that she didn't know when she was married--

THE COURT: All these facts may be considered by the jury; and, if there is a reasonable doubt as to the age of this girl, the defendant must have the benefit of it, and that is the law.

MR. LEVY: And, also, from the fact that she doesn't remember the date when she was married; and, also, the fact that she stated in her evidence that she was pregnant with child at the date of her marriage with Maynard,

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in answer to your Honor's question; and, also, from the fact that she gave birth to two still-born children, and she doesn't know the date of their birth and death--

THE COURT: Now, you must not review the testimony in a request, counsellor. I repeat, gentlemen of the jury, that you must consider all the evidence; and, if you have a reasonable doubt as to the age of this girl; and, if you come to the conclusion that she was not under the age of 18 years, at the time, the case of the People must fail. I see no good purpose in reviewing all the evidence in this way, counsellor.

MR. LEVY: Well, I ask your Honor to charge the jury, that they have the right to have the evidence reread to them, if they please.

THE COURT: Yes.

MR. LEVY: And that, if any reasonable doubt arises in the minds of the jury from the fact that the night and day cards, testified to by the officers, are not produced, that they should give the defendant the benefit of that doubt, and acquit her.

THE COURT: They should give her the benefit of that doubt. I so charge.

MR. LEVY: Now, I, also, ask your Honor to charge, that, if any reasonable doubt exists by reason of the failure of the People to produce the key, which Officer

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Reardon testified he received from this defendant to open the desk from which he got the cards, that they should give her the benefit arising from that fact.

MR. NOTT: There is no evidence that he kept the key, or knows anything more about it.

THE COURT: The defendant is entitled to the benefit of every reasonable doubt arising from the evidence in the case.

MR. NOTT: I ask your Honor to charge the jury as to the motive to lie, as to the defendant and these girls, and especially what interest this girl and her mother have to lie about the girl's age, when, if the girl was over 18 years of age, she would have been discharged from the House of Detention months ago.

THE COURT: Gentlemen of the jury, in determining what faith and credit should be given to the testimony of a witness, it is proper for a jury to consider what motive, if any, actuates the particular person to give the testimony which he or she gives.

It is for you to consider who has the greatest interest in the outcome of the case, who would be prompted to either exaggerate or falsify the evidence.

In this connection, you must understand that a person charged with crime has an interest, as well as the person who comes to court to give testimony against that

person. But who has the greater interest to give the testimony which he or she gives is a matter peculiarly for you to determine.

Any further requests?

MR. NOTT: No further requests, your Honor.

THE COURT: You may retire, gentlemen.

MR. SNITKIN: Will your Honor allow that complaint to go to the jury?

THE COURT: The complaint can go to the jury only by consent.

MR. LEVY: Well, we consent to it.

MR. NOTT: Do the jury ask for it?

THE FOREMAN: In case it's necessary, we will send for it.

THE COURT: Very well. You may retire, gentlemen.

(The jury retired at 4:55 p. m.)

(The jury returned to the court room at 5:50 p.m., finding the defendant, Not Guilty.)

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