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I N D E X.

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Lizzie Harzo	1			
(Recalled)	48			
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#250

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

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

-against-

PAUL DRENKA
.....

Indictment filed the 17th day of January 1910.

Indicted for violation of Section 2,450 Sub-division

2 Penal Law.

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

For People: Assistant District Attorney Appleton, and

Deputy Assistant District Attor-

ney Millard H. Ellison.

For Defendant: Harry Kopp, Esq and Henry Ernstein, Esq

Tried before

HON. OTTO A. ROSALSKY, Judge,

and a Jury.

On the First day of February 1910.

L I Z Z I E H A R Z O, called as a witness in behalf of

the people, being duly sworn and examined, testified

through the Interpreter Louis Lustig, who was duly

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sworn to act as Interpreter as follows:

BY MR. ELLISON:

Q Where do you live, A At the present time 165 East 10th Street, Mrs. Minor's.

Q How old are you? A 18.

Q How long have you been living in this country? A It was two years last October.

Q Where did you come from? A From Hungary Europe.

Q Are you here alone or with your parents?

Objected to as incompetent, irrelevant and immaterial.

Overruled and exception.

A All alone.

Q What did you do after your arrival here? A I went to work in a place as a servant girl.

Q Did you continue that kind of work up to December 1909.

Same objection, ruling and exception.

A Yes sir.

Q Where was the last place that you were employed as a domestic? A 178 Second Avenue.

Q With whom? A Mr. Hendelsman.

Q How long had you been working there? A Four months.

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Q How much had you been receiving a month?

Objected to as immaterial.

THE COURT: How material is that?

MR. ELLISON: I will show that.

Objection overruled. Exception.

A First off \$15, and then \$16, a month.

Q Do you know the defendant Paul Drenka? A Yes.

Q When and where did you first meet him? A A friend of his introduced me to him on the corner of 8th Street.

Q About how long prior to December 29th 1909? A

MR. KOPP: I understand her to say a friend of his introduced her.

THE WITNESS: A friend of his.

MR. KOPP: I move to strike it out as a conclusion.

THE COURT: Yes. That is a conclusion. Strike it out.

BY MR. ELLISON:

Q About how long before December 29th 1909? A About four months before December 29th, 1909.

Q Between the time that you met him and the 29th of December 1909, how frequently did you see the defendant Drenka. A I saw him sometimes every day but I did not speak to him all the time.

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Q Besides seeing him did you ever communicate with him by phone or by letter?

Objected to as incompetent, irrelevant and immaterial.

THE COURT: With whom?

MR. ELLISON: The defendant Drenka.

THE COURT: I sustain the objection.

BY MR. ELLISON:

Q Did you have any other communication with him besides seeing him.

Objected to upon the same grounds.

Overruled and exception.

A Sometimes through the telephone.

THE COURT: One moment. Before that answer can be admitted you will have to show whether she was able to recognize the voice of the defendant.

MR. ELLISON: I will consent that the answer be stricken out.

THE COURT: Strike it out.

BY THE COURT:

Q When was the date of the first meeting?

BY MR. ELLISON:

Q What was the date of the first meeting with the defendant Paul Drenka? A December.

Q What is the date as near as you can remember? A I believe it was on a Sunday; I couldn't tell you what day.

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or what month.

Q When was the last time that you saw the defendant prior to the 29th day of December 1909. A The day before the 29th day of December.

Q Can you tell us when you left Mrs. Hendelsman where you were working as a domestic? A December 23rd about 3 o'clock in the afternoon.

Q When had you seen the defendant Drenka, if at all, before that time, when was the last time?

Objected to, as having been already answered.

MR. ELLISON: Not this question, I asked her when she saw the defendant prior to her leaving Mrs. Hendelsman's.

Objected to as incompetent, irrelevant and immaterial. Overruled and exception.

A I believe it is two days before I left the place.

Q Did you have any conversation with him at that time?

A No sir.

BY THE COURT:

Q Did he say anything to you or did you say anything to him? A About four or five days previous to the day I left the position I told him---

THE COURT: No, two days before you left the employment did the defendant say anything to you or

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did you say anything to him? A I did not speak to him about anything at that time---only four days before that.

Q Did he say anything to you? A He told me that if my job is too heavy for me he will give me an easier position.

BY MR. ELLISON:

Q Did you see him three or four days before you left Mrs. Hendelsman? A Yes.

Q Now what did you say to him and what did he say to you at that time if anything? A I told him that my position; was too hard for and he should look for me for an easier job.

Q What did he say. A He told me it is all right.

Q Now what if any other conversation did you have with him at any time prior to your leaving Mr. Hendelsman's in regard to your leaving Mrs. Hendelsman's?

MR. KOPP: I object unless time is fixed.

THE COURT: I overrule the objection for the present. The time will be fixed later on.

MR. KOPP: It is very indefinite.

THE COURT: I understand but he will follow it up.

Exception.

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THE WITNESS: He told me that he always wanted me to work easier than I am working now.

BY MR. ELLISON:

Q. Did he ever tell you what he meant by working easier? A That I should be a waitress, it is much easier.

MR. KOPP: I object as irresponsible. The answer is either yes or no.

Objection overruled. Exception.

BY MR. ELLISON:

Q Had you had any conversation with him in regard to the amount of money that you were making each month?

THE COURT: Fix the time when this last conversation was had.

BY MR. ELLISON:

Q When was that last conversation had with the defendant Drenka that you have just testified about? A About four days before I left my position.

Q Had he had any talk with you about the amount of money that you were making at Mrs. Hendelsman's?

Objected to as leading, incompetent, irrelevant and immaterial. Overruled and exception.

A No sir, never.

Q What was the day that you left Mrs. Hendelsman's place? A It was on the 23rd day of December on a Thursday.

Q Did you see the defendant Drenka that day? A Yes.

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Q Where? A I saw him in the place where I went to on West 21st Street.

Q Describe that place? A It was a private house.

Objected to as incompetent, and immaterial.

THE COURT: I sustain the objection, for the present and the answer will be stricken out.

BY THE COURT:

Q Who went with you to West 21st Street? A Mangold came up for my baggage and we went up there together.

MR. KOPP: If your Honor please this indictment charges the defendant with being in a house in 79th Street, I do not see what 21st Street place has to do with it.

MR. ELLISON: That is right.

THE COURT: Strike out the reference to the premises on West 21st Street and that Mangold brought her there, and the Jury will disregard the evidence.

BY MR. ELLISON:

Q Did you have any conversation with him that day---with the defendant Drenka? A Yes.

Q What did he say to you and what did you say to him?

A He told me to stay there until he will find another position for me.

THE COURT: To stay where?

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THE WITNESS: 21st Street.

MR. KOPP: I object upon the ground there is no evidence that she ever was in 21st Street.

THE COURT: I do not see the materiality of this witness. Why not try the issue laid in the indictment. Objection sustained.

BY MR. ELLISON:

Q When was the next time that you saw the defendant Drenka? A

MR. KOPP: What date.

BY MR. ELLISON:

Q After the date you testified as having left Mrs. Hendelsman's house---you saw him two days later is that right?

MR. KOPP: I object as leading she has not said that. You ask her what date and then you say two days later.

MR. ELLISON: She testified she saw him that day, the day she left Mrs. Hendelsman's house, she met him that afternoon.

MR. KOPP: I move to strike out the question as leading.

THE COURT: Read the testimony.

(The Stenographer reads the following from the examination of the witness.) Q What was the

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day that you left Mrs. Hendelsman's place? A Around the 23rd day of December on a Thursday. Q Did you see the defendant Drenka that day? A Yes."

BY MR. ELLISON:

Q When did you see the defendant Drenka, after the 23rd, when was the first time? A Two day's after.

Q Where? A He came up to me in 21st Street.

Q What did he say to you and what did you say to him if anything? A He asked me how I am and I told him I am all right.

Q When did you see him next? A Two day's after.

Q Where? A He was up to see me at 21st Street.

Q When did you finally leave 21st Street? A I don't know what day it was.

BY THE COURT:

Q Do you know when Christmas was? A Yes.

Q How many days after Christmas? A I believe I was six days up in 21st Street.

MR. ELLISON: The witness testified that she left her place on the 23rd---that would make it the 29th.

MR. KOPP: I move to strike it out.

Motion denied.

THE WITNESS: We were there six days altogether.

BY THE COURT:

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Q Did you go to the 21st Street house the day you left Mrs. Hendelsman's employment? A Yes.

MR. KOPP: I object to that upon the ground that it is incompetent, irrelevant and immaterial.

Overruled and exception.

BY MR. ELLISON:

Q During those six days how often had you seen the defendant Drenka? A Two or three times.

Q And where did you go after leaving the 21st Street house? A 510 East 79th Street.

Q And who if anybody was with you when you went over there?

Objected to as incompetent, irrelevant and immaterial.

Objection overruled and exception.

MR. KOPP: I also object as leading?

Objection overruled? Exception.

A Mangold.

BY MR. ELLISON:

Q About what time was it that you got over to 79th Street with---

THE COURT: Mangold, what difference does that make whether Mangold went with her?

MR. ELLISON: It does not make any practical

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difference.

THE WITNESS: I do not know the exact date. I believe it was about the 30th.

BY MR. ELLISON:

Q Had you had any conversation with the defendant Drenka about going over to the 79th Street place, before you went over there?

Objected to as leading.

Overruled and exception.

THE COURT: There is no doubt these questions are leading; but where an interpreter is used it is sometimes necessary. This conversation was had on the 30th of December. If she has any recollection of the conversation she can state what the conversation was. Was there any conversation had with her prior to going to 79th Street.

MR. KOPP: In connection with her going to 79th Street---that is the question. In other words the question affords her the subject matter upon which she is to answer. I don't mind her relating any conversation she had with the defendant.

THE COURT:- I overrule the objection.

Exception.

THE WITNESS: I never spoke to Drenka about going to 79th Street---always Mangold was the one who spoke to

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me about it.

BY MR. ELLISON:

Q When was the first time that you saw the defendant Dranka after reaching the 79th Street house? A I called him up on the telephone on the same evening and he came over to see me.

Q What if anything was said at that time, what did you say to him or what did he say to you?

Objected to as incompetent, irrelevant and immaterial and in this connection I ask your Honor to look at the indictment. This indictment charges the defendant with placing this girl in the house for the purpose of prostitution on 79th Street. This conversation was had in 79th Street after the girl was placed there and what possible bearing that can have to the purpose of placing her there for prostitution I do not know.

Objection overruled? Exception.

A I told him that Mangold occupied the room---rented the room in his name and he was very angry.

THE COURT: Strike out the words "He was very angry".

BY MR. ELLISON:

Q What did he say? What did the defendant Dranka say

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to you? A He told me that he is very angry because he don't was anybody to do anything in his name.

THE COURT: She told him that Mangold had hired the room in the defendant's name?

THE INTERPRETER: Yes.

THE COURT: Then the defendant told her he was angry?

THE INTERPRETER: Yes because Mangold used his name.

MR. KOPP: Your Honor lets that word angry stand on the record?

THE COURT: Of course, yes. Angry is the word used by the defendant.

BY MR. MILLISON:

Q What if anything did he say to you about what you were doing for a living?

Objected to as incompetent, irrelevant and immaterial and upon the further ground that it is leading.

Objection overruled. Exception.

A He told me just to stay there until I get another position.

Q How long did you remain in the 79th Street place?

A I believe it was about nine days.

Q How often did you see the defendant Drenka there during that time?

Objected to as incompetent, irrelevant and immate-

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rial.

Overruled and exception.

THE COURT: Of course, all this evidence has to be connected---

MR. KOPP: Do you hold that if this defendant visited this witness after she was placed in 79th Street and he could be tried under this indictment.

THE COURT: I have not so held.

MR. KOPP: All right.

A Every second day.

BY MR. ELLISON:

Q Now did you make any money while you were in the 79th Street place?

Objected to. Objection sustained.

Q What if anything did you do for a living while you were at the 79th Street place?

Objected to as incompetent, irrelevant and immaterial.

THE COURT: Objection overruled subject to the promise of the District Attorney to connect ~~it~~ the defendant with the acts charged against him in the indictment.

MR. ELLISON: Exactly.

MR. KOPP: I except.

THE WITNESS: Mangold brought me up men and he told me if I would have sexual intercourse with them

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I will have money.

THE COURT: What Mangold said I cannot allow for the present.

MR. ELLISON: We will show the agency of Mangold.

THE COURT: If both were concerned in placing this girl in the place and the purpose of so doing was that she was to prostitute her body and cohabit with persons for unlawful sexual intercourse, and this defendant unlawfully received money on account of placing the female in the house, for that purpose--- both why, that is the charge in the indictment---and if were concerned in that crime, both were guilty, but the danger lies in admitting evidence of that character at this time, unless you can connect the evidence.

MR. ELLISON: Will your Honor permit me to withdraw this witness for the present and call Mangold?

THE COURT: You may keep this witness on the stand yet and withdraw the last question.

MR. KOPP: Do I understand that your Honor on your own motion strike out the answer to the last question--if so I take an exception.

THE COURT: Do you want that in the records?

MR. KOPP: I do.

THE COURT: I will allow it then. You are now opening the door for what Mangold did. I will allow

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the question to stand---I did it for the purpose of protecting the defendant's interests. Ex Read the question and answer.

The Stenographer reads the question and answer as follows: "Q What if anything did you do for a living while you were at the 79th Street place? A Mangold brought me up men and told me if I will have sexual intercourse with them I will have money."

THE COURT: Do you want that to stand, Declaration of Mangold in the absence of this defendant, after the act was committed in putting the woman in the place, are not binding upon this defendant, because such declarations are simply binding upon Mangold, but, if you want it to stand on the record I will allow it.

MR. KOPP: I will consent to have it stricken out.

THE COURT: Strike it out.

BY MR. ELLISON:

Q What did you do there?

THE COURT: Try to omit conversations---get the witness to testify as to certain acts.

Q What did you do there? A Whenever Mangold brought me customers I had sexual intercourse and they paid me for it.

Q How much money did you take in from sexual intercourse during the time you were in the 79th Street Place?

Objected to as incompetent, irrelevant and immate-

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rial and irrelevant not binding on the defendant.

Objection sustained.

Q Did you take in any money?

Objected to. Objection sustained.

MR. KOPP: May I ask your permission to move to strike out the subsequent question and answer upon the ground it is not binding on the defendant.

THE COURT: You should allow it to remain in the record for the benefit of the defendant. I am striking out declarations made by Mangold in the absence of this defendant, for, I will strike out any evidence whether favorable or unfavorable on your motion. I will strike it out, but, I am here to protect the rights of the defendant as well as the interests of the people. That evidence is not unfavorable to your client. On the contrary it shows that Mangold brought the men to the place with whom the woman had improper relations. If you want it stricken out I will strike it out.

MR. KOPP: No, I will let it stand.

THE COURT: I struck out the other evidence, because there was a declaration, what Mangold said and that evidence is hearsay and incompetent as against this defendant.

BY MR. ELLISON:

Q Did you receive any money from prostitution while you

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were in those premises?

Objected to upon the same ground.

Objection sustained.

MR. ELLISON: The only way that I can show that this defendant received any money from her is to show that she received the money.

THE COURT: No. The charge is any person who shall receive any money, or valuable thing for or on account of placing in a house of prostitution or elsewhere any female for the purpose of causing her to cohabit with any male person or persons to whom she is not married shall be guilty of a misdemeanor. That does not mean that the money which the defendant is alleged to have received must come as the result of her having prostituted her body. It is immaterial. She may take the money from the bank and give it to him. What you have to show is that she was put in this place for the purpose of causing her to cohabit with any male person to whom she was not married, and that the defendant's purpose in putting her there was to receive unlawfully money.

BY MR. ELLISON:

Q. Did you give any money to the defendant Paul Drenka while you were in the 79th Street house?

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DEFENDANT

Objected to, as incompetent, irrelevant and immaterial.

Objection sustained.

Q Do you know the defendant Philip Mangold? A Yes.

Q And where did you first meet him?

Objected to; overruled; exception.

MR. KOPP: He is not a defendant in this case.

MR. ELLISON: One Philip Mangold---they are jointly indicted.

Objection overruled. Exception.

A In an Intelligence office.

Q Did you ever meet the defendant Brenka and Mongold together?

Objected to unless the date is fixed.

Objection overruled. Exception

THE COURT: I will permit the District Attorney to fix the date.

THE WITNESS: No sir.

BY THE COURT:

Q Never met them together? A Never met them together.

The Court admonishes the Jury in accordance with Section 415 of the Code of Criminal Procedure and takes a recess until two o'clock.

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After recess.

PHILIP MANGOLD called as a witness on behalf of the people, being duly sworn and examined testified as follows:

MR. KOPP: Do you withdraw the last witness?

THE COURT: The witness is withdrawn.

MR. ELLISON: Temporarily withdrawn.

DIRECT EXAMINATION BY MR. ELLISON:

Q You have been jointly indicted with the defendant Drenka---don't you understand? A I don't understand.

Q What language do you speak? A Hungarian and German.

THE COURT: Speak to him in German.

The witness now testifies through the interpreter Mr. Lustig who is sworn to translate from English into German and from German into English.

The question is repeated through the interpreter.

MR. KOPP: We concede that. It is a matter of record.

BY MR. ELLISON:

Q What is your answer?

Objected to as incompetent, irrelevant and immaterial the matter of record.

THE COURT: It is a matter of record, but he may answer the question.

THE INTERPRETER: He understands Hungarian.

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THE COURT: You better then proceed in Hungarian.

THE WITNESS: Yes.

Q What business are you in? A Waiter business.

Q Do you know the defendant Paul Drenka? A I know him since the last four months.

Q Where did you meet him? A Second Avenue---first I met him at the Cafe Commercial on Second Avenue between 5th and 6th Streets.

Q Between that time and the 29th of December 1909 how frequently did you see the defendant Drenka?

Objected to as incompetent, irrelevant and immaterial.

Overruled and exception.

A In the first two months I had not met him. In the last two months I met him every day.

Q That is during the months of November and December?

A Yes.

Q When would you usually meet him? During the day or at night.

Same objection, ruling and exception.

A In the afternoon, in the evening and sometimes during the night.

Q Did you know the complainant Lizzie Harzo? A Yes I know her.

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Q How long have you known her.

Objected to as incompetent, irrelevant and immaterial.

Overruled and exception.

A Three and a half months.

Q Where did you first meet her? A I met her first in an employment office on East 4th Street.

Q When did you first find out that the defendant Drenka knew Lizzie Harzo?

Objected to as calling for a conclusion.

Objection sustained.

Q Did you ever have any conversation with the defendant Drenka in regard to Lizzie Harzo?

Objected to as incompetent, irrelevant and immaterial.

Overruled and exception.

A No sir.

The question is repeated.

Objected to as having been already answered.

Objection overruled; exception.

THE WITNESS: Yes sir--- afterwards.

Q When?

MR. KOPP: I move that the word afterwards be stricken out. The answer is indefinite and not responsive.

LIZZIE

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He said "Yes--afterwards".

BY THE COURT:

Q Explain what you mean by afterwards? A About three weeks before the girl was persuaded to go into this business.

Objected to.

THE COURT: Strike out the words "Before she was persuaded to go into this business".

BY MR. ELLISON:

Q State what he said to you and what you said to him at time? A He told me that the girl went out at nine o'clock in the evening and she made \$12.

Objected to as irresponsible and not binding on the defendant.

THE COURT: I sustain the objection and the Jury will disregard the evidence.

BY MR. ELLISON:

Q What if anything did he say to you about the girl leaving the place she was working at?

Objected to as leading, incompetent and immaterial and not binding upon the defendant.

Objection sustained.

Q At the time you said you had this conversation with the defendant Drenka, what did he say to you about the girl Lizzie Hargo and what did you say to him if anything?

Objected to. Overruled and exception.

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MR. KOPP: For the purposes of the record this objection is taken upon the previous grounds stated on the last objection.

THE WITNESS: I did not tell him anything, and he did not tell me anything.

Q When did Drenka first speak to you about Lizzie Harzo?

Objected to as incompetent, irrelevant and immaterial

THE COURT: If at all.

Objection overruled. Exception.

THE WITNESS: It was two or three days before Christmas.

Q What did he say to you?

Objected to, as not binding upon the defendant and as incompetent, irrelevant and immaterial.

THE COURT: What is objected to.

MR KOPP: What he said to the girl.

MR. ELLISON: No, that is not the question.

The question is repeated as follows:

Q When did Drenka first speak to you about Lizzie Harzo?

Objection overruled. Exception.

A He told me that let us go and look for a room for the girl.

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Q What else did he say? A He told me that from to-day on the girl will be in the business.

Q Did he explain the business? A He told me that we agreed with the girl that she is going to be a whore from that day on.

Objected to.

Q Who did he say he meant by the word "we"?

Objected to.

THE COURT: Did the defendant use the word "we" agreed with the girl that she would be a whore from to-day on?

A Yes.

MR. KOPP: Do you allow that question?

THE COURT: It is unnecessary.

BY MR. ELLISON:

Q What if anything was said about the money to be earned by her as a prostitute?

Objected to as leading.

Overruled and exception.

A He told me "see I have got nice clothes and diamonds and you have nothing and you will have nice clothes and diamonds."

MR. KOPP: I move to strike out the answer as irresponsible.

Motion granted.

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The question is repeated as follows:

Q. What if anything was said about the money to be earned by her as a prostitute. A. He will save the money and he will have money.

The question is repeated.

Objected to as incompetent, irrelevant and immaterial.

THE COURT: The question is certainly a leading one but since an Interpreter is used in this case and it apparent to the Court that the witness does not understand possibly, I will allow the question, although it is leading.

MR. KOPP: Assume for the sake of argument that this witness answered in the affirmative as to some agreement that was to be made as to the disposition of the money earned by prostitution, what possible bearing has that on the indictment. The indictment pre-supposes that the money was paid on account of the placing of this girl. Nothing to do with the proceeds of prostitution.

THE COURT: This statute is phrased very poorly. It is the work of an apprentice. "Any person who shall receive any money or other valuable thing for or on account of placing in a house of prostitution or elsewhere a female for the purpose of causing her to ce-

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habit with any male person or persons to whom she is not married, shall be guilty of a misdemeanor.

MR. JACOBY: The money may be received a week or month after the placing and the defendant might be guilty. He does not have to get his money before he places her in there.

THE COURT: What I want the District Attorney to guard against is evidence that the defendant received the proceeds of prostitution, as in admissible under this charge. You see what I mean Mr. Appleton.

MR. APPLETON: The point is now, to get the conversation from this witness that he had with the defendant--- any conversation that he had is material.

THE COURT: True, but I had better sustain the objection raised by counsel to the last question.

BY MR. ELLISON:

Q After that conversation what if anything did you and Drenka do?

MR. KOPP: I object. Fix the time.

BY MR. ELLISON:

Q After this conversation that you referred to.

MR. KOPP: How soon after? Was it after he was indicted---I do not know when.

The question is repeated.

THE WITNESS: Then we found the rooms---

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MR. KOPP: I object. No time has been fixed. Conversations too remote and indefinite to be admissible in evidence.

Objection overruled? Excepition.

BY THE COURT:

Q Where? A 165 West 21st Street.

Q Who went with you? A Me and Paul Drenka.

Q Anybody else? A Nobody else.

Q What did you do when you got to the premises on West 21st Street--- now, on the 29th day of December 1909, in the Borough of Manhattan, County of New York, did you see the defendant.

BY MR. ELLISON:

Q On the 29th of December 1909 did you see the defendant Paul Drenka? A Yes.

Q Where? A 165 West 21st Street.

BY THE COURT:

Q What occurred there if anything? A When we were up to the 21st Street room, the girl told us that somebody is inside---

Objected to, Objection sustained.

BY THE COURT:

Q State what if anything occurred between the defendant and you on that occasion? A Paul Drenka and I hired rooms uptown and the girl moved uptown.

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THE COURT: When---just follow the indictment
Mr. Ellison.

MR. APPLETON: Will your Honor permit me to ask
him a few questions?

THE COURT: Yes.

BY MR. APPLETON:

Q Did you have a conversation with this defendant
Drenka about the middle of December 1909?

MR. KOPP: There has been an answer put in on the
last question.

MR. APPLETON: I consent that it be stricken
out.

BY MR. APPLETON:

Question repeated as follows:

Q Did you have a conversation with this defendant
Drenka about the middle of December 1909? A Yes.

Q Now what did Drenka say to you and what did you say
to Drenka about the 15th day of December 1909 about the girl
Lizzie Harzo?

MR. KOPP: I object as calling for a date previous
to the date in the indictment and as incompetent,
irrelevant and immaterial.

Objection overruled; Exception.

A We did not speak anything about anything at that time.

Q Do you remember the defendant saying something to

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about Lizzie Harzo having a day off?

Objected to.

MR. APPLETON: I asked him that to refresh his recollection.

THE COURT: Did he make any statement in writing?

MR. APPLETON: Yes.

THE COURT: Can he refresh his recollection from that statement?

MR. APPLETON: He cannot read. That is the trouble

BY MR. APPLETON:

Q Can you read English? A No.

Q Were you in Mr. Ellison's office? A Yes.

Q Did you tell Mr. Ellison when you were in his office that on or about the 15th day of December 1909 Drenka told you that Lizzie Harzon had a day off and that he was going to get her and you should use her for the purpose of making money for himself.

Objected to as incompetent, irrelevant and immaterial.

Overruled and exception.

A Yes.

Q What else did he say to you on that occasion? A He did not tell me anything else.

Q Did you talk with Drenka about Lizzie Harzo again,

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after that conversation? Only when we moved.

Q Did you see Lizzie Harzo in the premises 165 West 21st in the County of New York?

Objected to as incompetent, irrelevant and immaterial, not binding upon the defendant.

Objection overruled. Exception.

THE COURT: Simply for the purpose of fixing the time.

THE WITNESS: I took her over there and I saw her there.

Objected to as not responsive?

THE COURT: Strike out the words "I took her over there" and the Jury will disregard that.

BY THE COURT: Did you see her there? A Yes.

BY MR. APPLETON:

Q Do you know who Lizzie Harzo went with to the premises 165 West 21st Street.

Objected to as immaterial.

Objection sustained.

Q Before Lizzie Harzo went to 21st Street had you talked with Drenka at all or did Drenka say anything else to you before she went to that house?

Objected to as having been already answered.

Objection overruled. Exception.

A I spoke to him an evening before and he ~~wants~~ told me he

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would like to see me next day.

Q Did you go and see the defendant next day? A
Yes.

Q Did the defendant say anything to you on that occasion? A He asked me to go and look for rooms with him.

Q What did you ~~do there~~ and the defendant then do on that day? A We went about half past one and looked and we took rooms.

Q Where did you take the rooms? A 167 West 21st Street.

Objected to.

MR. APPLETON: I will connect it and if not I will consent that it be stricken out.

MR. KOPP: I move that the answer be stricken out upon the ground as incompetent, irrelevant and immaterial.

THE COURT: Strike it out.

MR. APPLETON: The defendant went with this witness to take those rooms.

MR KOPP: What bearing has that on the charge contained in the indictment. He is charged with placing

MR. APPLETON: I have to show that he placed her in the place and received the money as the result of placing there for and on account of doing it.

THE COURT: The indictment does not charge the 21st

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Street place bu the 79th Street place.

MR. APPLETON: I have to show the preliminary step, just what led up to it.

MR. KOPP: The preliminary steps show a different crime entirely to that charged in the indictment.

MR. APPLETON: That may be; sometimes a different crime has to be shown, but at the same time it is involved as a part of the crime alleged.

THE COURT: I do not think it makes any difference what occurred in the 21st Street house.

MR. APPLETON: I do not ask for what occurred there. I am not going to prove anything that occurred there except conversations if any which took place between this witness and the defendant Drenka.

THE COURT: Let the last answer be stricken out and confine yourself to that line of inquiry.

MR. APPLETON: This witness is very ignorant and it has to be done through the Interpreter and it is rather hard to get the connection.

MR. KOPP: This witness is a very willing witness and you will have no trouble with him at all.

BY MR. APPLETON:

Q Cannot you talk English? A No--a little.

Q Now, you say you and Drenka went from where to hire some rooms? A Yes.

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Q What did Drenka say to you while you were going around hiring the rooms? A. Where I got with him---

MR. KOPP: I object to it unless the conversation took place at the time they went to hire the room.

MR. APPLETON: That is part of the question.

THE Witness answers in English as follows:

A. When I go with him to look for a room Paul Drenka said you see I fix you and dress you good up and you have every thing; you see I don't work and I have diamonds and everything and you are all right when you stay with me and watch only the girl, and I got for the girl.

Q And then what? A And send customers up for the girl and Paul Drenka said to me go to 178 Second Avenue and I go up there and the girl was there.

Objected to.

Objection overruled; Exception.

Q You went up to 178? A 178 Second Avenue to the Mrs. where she was a servant girl.

Q Do you refer to this girl Lizzie Harzo here? A Yes.

Q And did you see Lizzie Harzo there? A Yes sir she was dressed up and she was ready.

Q Answer my question, did she go anyway with you? A Yes.

Q Where did she go with you? A She comes with me from

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178 to 21st Street.

Q You went to 21st Street? A Yes.

Objected to. Overruled and exception.

Q Who was at 165 West 21st Street when you and Lizzie Harzo arrived there? A Paul Drenka waiting there.

Q Did Lizzie Harzo from that time on live at 165 West 21st Street, yes or no?

Objected to as incompetent, irrelevant and immaterial

MR. APPLETON: I will connect it absolutely.

Objection overruled. Exception.

Q Did Lizzie Harzo then live at 165 West 21st Street if you know? A I don't understand.

Q Did she sleep there at night? A Paul Drenka?

Q No, Lizzie Harzo? A Yes.

Q How many nights? A Six nights.

Q Now after that did Lizzie Harzo go to live anywhere else?

Objected to as incompetent immaterial and irrelevant.

MR. APPLETON: I will connect it.

THE COURT: Do not use the word live.

BY MR. APPLETON:

Q Did she go to sleep anywhere else?

Objected to. Objection overruled.

THE COURT: Did she go anywhere.

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BY MR. APPLETON:

Q After she had been six days at 165 West 21st Street, did Lizzie Harzo then go to premises 510 East 79th Street in the County of New York? A Yes.

Q Now do you know who hired the flat at 510 East 79th Street? A Yes.

Q Were you present when it was hired, yes or no? A Yes.

Q Who hired it? A Paul Drenka said to me---

Q No? A I don't understand what you say?

Objected to. Objection overruled. Exception.

Q Do you know that lady there (indicating)? A No, not that lady.

MR. KOPP: What is the lady's name?

MR. APPLETON: Mr. Schroeder.

BY MR. APPLETON:

Q Do you know her? A I do not know.

Q Did you go with Lizzie Harzo from 165 West 21st Street to 510 East 79th Street? A Yes.

Q Was there anybody else who went with you at that time? A No.

Q Did you speak with Paul Drenka before you took Lizzie Harzo over to 510 East 79th Street? A No.

Q Did Paul Drenka speak to you? A Paul Drenka

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spoke to me.

Q What did he say? A He said tomorrow I go and look in an uptown room; I want a flat.

Q Go on? A And I go in 79th Street in the new houses and Paul Drenka came with me and I took a room in this house for \$4. a week---a flat.

Q A flat? A Yes.

Q Who hired it, Drenka? A Paul Drenka was with me when I wanted to pay the rent and Paul Drenka said you tell my name--Paul Drenka's name---Hungarian---you write the name, and I write Paul Drenka and he told me to write tailor and I wrote tailor, profession, and I write 1880, where I was born.

Q What flat did you take in 510 East 79th Street? A I take three rooms and bath and kitchen.

Q Do you know the number of the flat? A Yes, 18.

Q What floor was it on? A Ground floor.

Q Now, Drenka was with you when that was done? A No when the officers came and I came with Paul Drenka ---

Q That is not what I asked you---was Drenka with you? A Yes, he was with me, Paul Drenka was with me.

Q Did Drenka tell you to get the girl?

Objected to as leading. Overruled.

Q Did Drenka tell you to go and get Lizzie Harzo and bring her over to 510? A He said I go and Lizzie have

\$13. in the bank and she shall take the \$13. from the bank and bring the money up and I am 7 o'clock there.

Q. Where? A. 510 East 79th Street.

MR. KOPP: I move to strike that all out as irresponsible.

Motion denied and exception.

Q. Did Lizzie go and get \$13. out of the bank, yes or no?

Objected to.

A. Yes.

Q. Were you with her when she did it? A. Yes, when she got it out of the bank, yes.

Q. Did she carry the \$13. with her over to 510? A. Yes, and she gave me the \$13.

Objected to. Objection overruled. Exception.

Q. Did you go then over to 510 East 79th Street?

A. She came with me.

Q. Was there anybody there when you got there? A. No, I and she and 7 o'clock was Paul Drenka there.

Q. In the evening? A. In the evening.

Q. What day was that, the 24th of December? A. The first day we moved there.

Q. After the girl Lizzie Harzo was in the premises 510 East 79th Street, were any men brought in to her, yes or no?

Objected to as incompetent and immaterial.

Objection withdrawn.

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Q Did the defendant bring any men into Lizzie Harzo after she reached the premise 510 East 79th? A I don't understand that question.

Q Did Drenka bring any men in to Lizzie Harzo in the premises 510 East 79th Street? A Did Paul Drenka bring men?

Q Yes? A No.

Q Were any men brought in?

Objected to. Objection overruled. Exception.

A I bring the men myself. I gave the address and bring the men myself.

MR. KOPP: I want to get my objections on the record. I object to that last question upon the ground it is incompetent irrelevant and immaterial--That is the question whether any men were brought into that flat.

Objection overruled. Exception.

BY MR. KOPP:

Q Do you know how many days they stopped at 510 East 79th Street.

MR. KOPP: I object unless he specifies who they are.

BY MR. APPLETON:

Q How many days Lizzie Harzo stopped there? A Yes.

Q How many days did she stop there?

Objected to as incompetent irrelevant and immaterial.

Overruled and exception.

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A About sixteen days.

Q How many men were brought in on an average each day that you know.

Objected to; overruled; and exception.

A I don't know---two or three every day.

Q Ever any more than two or three? A No---and two or three or four or five days I don't bring no men at all.

Q Do you know if Drenka brought any in? A Paul Drenka don't bring mens.

Q Did you see any men go into the room with Lizzie Harzo?

A Yes.

Objected to as incompetent, irrelevant and immaterial.

Objection overruled. Exception.

Q Did you see what Lizzie did---what did you do with thdd \$15. Lizzie Harzo gave me you? A With what she gave me I bought soap and everything. I bought for \$1.50. Paul Drenka came at 7 o'clock and asked the money from me \$11.50 and I gave it to him.

Q Was Lizzie Harzo there when you gave it to him? A Yes.

Q Did she see you give him the \$11.50? A Yes.

Q After that was any money given by Lizzie Harzo to Paul Dronka? A Yes.

Q Do you remember how much? A Every dollar what she makes.

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Q Every day? A Yes every day at 2 o'clock/

Objected to as incompetent, irrelevant and immaterial and as calling for a conclusion.

Objection overruled. Exception.

THE COURT: Strike out the words "What she makes --" but, she gave him money.

BY MR. APPLETON:

Q How did she earn the money if you know?

Objected to as incompetent, irrelevant and immaterial.

A I don't understand.

Q How did Lizzie Harzo get the money that she gave to Paul Drenka?

Objected to. Sustained.

Q Where did she get the money from?

Objected to. Sustained.

MR. APPLETON: I want to show she got it from these men and he then received it for and on account of having placed her in that house.

THE COURT: I think it is unnecessary. If you show that this defendant for the purpose of causing the prosecutrix to cohabit with men put her somewhere and in consideration of that he received money or valuable thing, the crime is complete.

BY MR. APPLETON:

Q You saw the men go to the room with Lizzie Harzo? A



Yes.

Objected to upon the same ground. Overruled and exception.

Q. Did you see any of the men who went to the room with Lizzie Harzo give her any money? A. I do not was in there.

Objected to. Sustained.

Q. How much money did you say that Lizzie Harzo gave to the defendant each day at 2 o'clock? A. Sometimes \$12, and \$15. \$10---I don't know. I don't want to state.

MR. KOPP: I ask to strike out the answer upon the ground the proof is not within the indictment.

THE COURT: I understand the purpose of the District Attorney is to connect this evidence in order to show that the defendant did receive money on account of placing this complaining witness in a place for the purpose of causing her to cohabit with any male person to whom she was not married.

MR. KOPP: The indictment alleges a specific amount, and in the second place unless it is conclusively shown that the defendant had knowledge that this money was paid to him on account, it is not binding upon him.

THE COURT: That would be a question for the Jury to determine.

MR. KOPP: In my opinion it is a question of law.

Objection overruled. Exception.

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BY MR. APPLETON:

Q Did you on or about the 7th day of January go anywhere---did you go to Police Station about the 7th? A Yes.

Q What station did you go to? A Fifth Street Police Station.

Objected to as incompetent, irrelevant and immaterial.
Overruled and exception.

Q Fifth Street? A Fifth and First Avenue Police Station.

Q Who did you see there? A I saw first the officer.

Q Did you see that officer (Officer McCartoon)? A Yes.

Q Did you tell officer McCartoon what had happened in 510 East 79th Street?

Objected to as incompetent, irrelevant and immaterial
not binding upon the defendant.

Objection sustained.

CROSS EXAMINATION BY MR. KOPP:

Q How long have you been a waiter---don't you understand English? A Yes.

Q How long have you been a waiter in a restaurant? A Been nine months in this country and four and a half months I will in one place.

Q The other four and a half what were you doing last?
A The first month I was sick when I came here.

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How long have you been ~~king~~ living with this Lizzie Harzd

A Eighteen days--16 or eighteen days.

Q Did she give you any money? A No.

Q Did you sleep with her? A No.

Q Were you in the flat? A Yes, I lived in this flat.

Q Did you ever ask her for any money? A No.

Q Why did you go to the police station? A Why I feel that---that a man---because a young girl taken in the business and took in this house and I do not can't eat and I cry and the detectives can see I cry for a young girl in my nationality being in this business.

Q You were touched. You felt sorry for the little girl? ~~and sorry~~ A Yes, and sorry for me.

Q You felt sorry for yourself? A Yes.

Q Did you realize that you were doing a wrong at the time you made this alleged agreement with Drenka to put the girl in business? A I don't understand.

Q Did you realize at that time---you say Drenka made a proposition to you to take the Marzo girl and put her in a flat and make money. A Yes. I am afraid of this man. This man asked me and I am afraid of him. This man kill me.

Q Have you spoken with anybody about this case?

MR. APPLETON: I conceded that he talked to Mr. Ellison about it, when the police offices brought him

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over.

BY MR. KOPP:

Q Have you talked to anybody else besides Mr. Ellison and the police officers about this case?

BY MR. APPLETON:

Q About Drenka and you, did you tell anybody else about it? A No, I don't tell nobody.

BY MR. KOPP:

Q Have you received any promise from the District Attorney? A Yes, I got to my friend and tell him what the trouble is with me.

Q And did this District Attorney tell you he was going to be easy with you if you told the truth? A No, Nobody said anything. I gave myself and I did everything myself.

BY MR. APPLETON:

Q Did anybody promise you you would get out? A No, nobody.

Q After you spoke to your friend you went to the police? A Yes.

Q And you were arrested? A Yes.

Q And you were brought from the Tombs to the witness stand now? A I came first with the detective and looked and worked with the Detective and caught the first fellow--girl and everything.

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Q You have been in prison ever since that? A I never was before.

Q Ever since you told that to the police officer? A Yes.

Q You went to the police and made a statement to them before you were arrested, you were not arrested when you went and told the police about it? A No, I was not arrested.

Q You were not arrested until after you told the police about this affair? A I was arrested here in this house

Q And when you came to this court as a witness? A Yes.

RE-CROSS EXAMINATION:

Q Do I understand you to say that you helped the detectives get evidence in cases like this? A No.

Q Just in this case? A I don't understand.

Q You went to the detectives and told them all about Drenka and this Harzo girl? A What.

Q You went to the detectives and told them about Drenka and this Harzo girl. A I told the detectives about Drenka living with two girls.

Q And then the detectives went with you and arrested Drenka? A Yes, I told him about Drenka is in the Cafe Europe.

Q Then they went with you to the Cafe Europe? A Yes sir. The detectives stayed outside and I go and Paul was

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there and I go in the drug store and call for Paul Drenka to the phone and when I don't do that Paul Drenka can go away and can touch me and kill me. I know that.

Q Where were you arrested? A Me?

Q Yes? A Arrest me here in this house when I was arrested---when all the things was ready and I was here.

Q You were arrested here? A Yes.

L I Z Z I E H A R Z O resumes the stand.

DIRECT EXAMINATION CONTINUED BY MR. APPLETON:

Q You can talk some English? A Yes.

Q You could talk well enough in English to tell us how long ago was it that you first met Paul Drenka? A About four months.

Objected to as having already been gone over.

THE COURT: She has gone over that.

Q When did you go to the premises 165 West 21st Street, to live, do you remember that? A Yes.

Objected to as immaterial, irrelevant and incompetent

THE COURT: You have gone over that.

THE WITNESS: I went over December 23rd.

THE COURT: Strike it out.

THE COURT: You may proceed as to what occurred in the 79th Street house?

BY MR. APPLETON:

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Q In the 79th Street house, you remember being there?

A Yes.

Q Did Drenka come to the house to see you? A Yes, Drenka was over there when I went.

Q Did men come in there and visit you and go to your room with you? A After, when Drenka go away, Mangold go away too and Mangold took a man about a half an hour after and---

Q Did many men come into the rooms there to see you?

A Where?

Q In the rooms in 79th Street, a number of men? A I don't sure.

Q Did they go with you to a bed room? A Yes.

Q And have sexual intercourse with you? A Yes.

Q How much did each man pay you?

Objected to as incompetent, immaterial and irrelevant and not binding upon the defendant.

Objection overruled. Exception.

A Some pay \$2.

Q And some how much? A \$5.

Q What did you do with the money that you took from those men for having sexual intercourse with you?

Objected to as incompetent, irrelevant and immaterial and not pleaded in the indictment.

Objection sustained.

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MR: APPLETON: I withdraw the question.

BY MR. APPLETON:

Q Did you give the money to Paul Drenka that these men gave you?

Objected to as incompetent, irrelevant and immaterial.

THE COURT: I sustain the objection to the form of the question.

Q Did you give Paul Drenka any money.

Objected to. Objection overruled. Exception.

A Yes, I gave him \$19. but he bought me this coat which I have.

Q How much money did you give Paul Drenka in all, altogether? A Altogether---I don't know for sure how much I gave him.

Q About how much? A He spent all on me, what I gave to him.

Q That is he told you he did?

Objected to as having been already answered.

Objected overruled. Exception.

Q You love Paul Drenka? A Yes sir.

Objected to as incompetent, irrelevant and immaterial.

Overruled and exception.

Q Who was the first man ever had sexual intercourse

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with you? A Paul Drenka.

Objected to as incompetent, irrelevant and immaterial.

Objection sustained.

THE COURT: Strike out the answer and the Jury will disregard it.

MR. APPLETON: I think now, it plainly appearing that the girl has admitted that she loved Paul Drenka, that the circumstances leading up to her entering upon this life are competent for this Jury to take into consideration in determining the facts. It seems to me it is competent to show that the girl was taken from an honorable position as a servant girl getting \$15. a month.

MR. KOPP: I object to counsel making any statement.

THE COURT: There is no need to go into that.

MR. KOPP: You appreciate that these statements are all made for the purpose of prejudicing the Jury.

THE COURT: The Jury will disregard any statement not borne out by the evidence.

BY MR. APPLETON:

Q Answer the questions asked you and leave it to Paul Drenka's lawyer to bring out any explanation he wants.

MR. KOPP: I take an exception to those remarks and ask that they be placed on the record.

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THE COURT: The Jury will disregard the remarks of the District Attorney.

BY MR. APPLETON:

Q How much money did you give to Drenka?

Objected to as having been already answered.

Question withdrawn.

Q Did you receive any money from any other source except from the men who had sexual intercourse with you--Did you receive any money from any other source while you lived in the premise 510 East 79th Street in the County of New York, except the money you received in payment for sexual intercourse that you had with men.

Objected to as immaterial.

Objection sustained.

MR. APPLETON: I have to show that he put the girl in there for the purpose of causing her to cohabit with men not her husband, and that the defendant received money on account of placing her there for that purpose. Can I not eliminate that this girl received money from any other source in the world except from prostitution---showing that she got the money only from prostitution and that she delivered it to the defendant?

THE COURT: What difference does it make from whom the money came?

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MR. APPLETON: I will not press it.

BY MR. APPLETON:

Q. Were you married to any of the men that you had sexual intercourse with? A. I don't want to marry nobody.

BY THE COURT:

Q. Were you married? A. No sir.

BY MR. APPLETON:

Q. You were not married to any of the men with whom you had sexual intercourse? A. No sir.

Q. Did you draw \$13. out of the bank before you went over to 510 East 79th Street? A. Yes I did.

Q. To whom did you give that money? A. I gave it to Mangold.

Objected to as incompetent, irrelevant and immaterial.

Objection overruled. Exception.

Q. Did you see what Mangold did with the money? A. He went away and he bought some stuff.

Q. And then he came back? A. He came back.

Q. And Drenka came in ~~in~~? A. Yes.

Q. And did you see Mangold give the money to Drenka?

A. Yes.

Objected to. Objection overruled. Exception.

NO CROSS EXAMINATION:

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ANTONETTE SCHROEDER, called as a witness
on behalf of the people, being duly sworn and examined
testified as follows:

DIRECT EXAMINATION BY MR. APPLETON:

Q What is your business? A 502 East 79th Street,

Q What is your business? A Collector of rents, --cler-
ical work.

Q Are you in the employ of the people who own and oper-
ate number of model apartment houses on 79th Street? A Yes.

Q They include what numbers?

MR. KOPP: I will concede that she is the agent
of the landlady of the premises 510 East 79th Street,

BY MR. APPLETON:

Q Do you recollect the 24th of December 1909? A The
24th?

Q The 29th? A Yes.

Q Do you recollect the 29th day of December 1909? A Yes

Q Did you see the defendant, Paul Drenka on that day? A
Yes.

Q Was the co-defendant Mangold with him? A Yes.

Q Did they say something to you? A They wanted to see
a small apartment.

BY THE COURT:

Q Did they tell you that? A Yes.

BY MR. APPLETON:

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Q Tell what Drenka said to you and what Mangold said to you in the presence of Drenka? A Mr. Mangold came in first and he asked---

Q Never mind what he said then---did Drenka come in after? A Yes.

Q Tell what happened while Drenka was there? A They wanted to see a four room apartment on the ground floor.

Q Could you remember what was said? A He said he would take the apartment.

Q Who said that? A Mr. Mangold and I asked one of the--

Q You said something about wanting to see an apartment, what was said? A This was before Drenka came in.

Q Did you go with Drenka to show him the apartment? A No.

Q Did you see Drenka go to the ground floor? A Yes.

Q Who did he go to the floor with? A With Mr. Mangold and one of our assistants.

Q You saw him go? A Yes.

Q Did you see what apartment they went to? A Yes.

Q What apartment? A 510 East 79th apartment 18.

Q Apartment 18 in that house? A Yes.

Q And on what floor is that apartment? A Ground floor.

Q Did they come back to see you? A Yes.

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Q What did Drenka say to you? A He said we will take that apartment.

Q Did you ask Drenka if he was married? A Yes.

Q Tell us what Drenka said about that? A We took his application. He gave the name of Paul Drenka living at 339 East 11th Street, occupation as tailor; that he was a Bohemian and that he was married.

Q Drenka said that, this man over here? A Yes.

BY MR. KOPP:

Q This man said that? A There were two men together. I won't say just which one said it.

Q You don't know which one said it? A No.

BY THE COURT:

Q Was this defendant present? A Yes.

BY MR. APPLETON:

Q Who paid the rent, who paid the money? A I don't know.

Q The second week who paid the money? A It was only--- I don't know---it was paid in the office. I collect in that house.

NO CROSS EXAMINATION:

T H O M A S H A R P E R, called as a witness in behalf

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of the people, being duly sworn and examined, testified
as follows:

DIRECT EXAMINATION BY MR. APPLETON:

Q What is your employment? A Doorman of Police.

BY THE COURT:

Q What precinct? A The 15th.

BY MR. APPLETON:

Q In the month of January what precinct were you in?

A The 15th.

Q Where is that? A 5th Street and First Avenue.

Q Was this defendant Drenka there in that station house?

A Yes.

Q Do you recollect the face? A Yes.

Q What date? A The morning of the 11th of January.

Q Did this defendant Drenka give you anything while you
were there, or while he was there? A He gave me a message.

Q I hand you this piece of paper and I ask you if that
is the paper that the defendant Drenka gave you? A Yes.

The Paper is marked in evidence People's Exhibit 1.

MR. APPLETON: Do you concede that this is a
correct interpretation of the message?

MR. KOPP: Is it marked in evidence?

MR. APPLETON: The letter is in evidence and the
interpreter of course is not.

MR. APPLETON: May I withdraw the witness to put
the interpreter on the stand?

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L O U I S L U S T I G, called as a witness in behalf of the people, being duly sworn and examined testified as follows:

DIRECT EXAMINATION BY MR. APPLETON:

Q Where do you live? A 1759 Madison Avenue.

Q I show you People's Exhibit 1 and I ask you if you know in what language that is written? A In the Hungarian language.

Q Do you read the Hungarian language? A Yes.

Q Can you translate Hungarian language into the English language? A Yes.

Q Will you translate People's Exhibit 1 now from Hungarian language into the English language? A This is very bad handwriting I will have to take my time.

Q We will give you that? A "Be so kind and if the girl will call, tell her that I am here and that tomorrow morning I will be taken to the 57th Street Court and tell Mangold that he should not say anything and send me something to eat with coffee. Be to my aid and if you speak to the girl---if you can speak to the girl, tell her that she does not make a bad life that I support her."

Q But that I support her or will support her? A "I support her."

Q That she does not make a bad life but I support her? A Yes.

Q Have you translated that correctly? A That is the

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best of my ability.

Q Is it correct as you have translated it, yes or no? A
Yes.

T H O M A S H E R P E R resumes the stand.

DIRECT EXAMINATION CONTINUED BY MR. APPLETON:

Q What did the defendant say to you when he handed to you
People's Exhibit 1. A He asked me have it sent over by
messenger.

NO CROSS EXAMINATION:

T H E P E O P L E R E S T.

MR. KOPP: If your Honor please I move to exclude
the instrument offered in evidence by the District At-
torney upon the ground it is incompetent, irrelevant
and immaterial.

THE COURT: The instrument was given by the ~~man~~
~~man~~ defendant to the doorman?

MR. KOPP: Its contents are incompetent, irrele-
vant and immaterial.

MR. APPLETON: By the defendant to the doorman
to be delivered.

THE COURT: Motion denied. Exception.

MR. KOPP: I now move to dismiss the indictment
upon the ground that the people have failed to make out

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a case. In that connection I want to say that this defendant was indicted under sub-division 2 of Section 2460 of the Penal Code.

THE COURT: The Penal Law.

MR. KOPP: The Penal Law rather. That section provides that any person who shall receive any money or other valuable things for or on account of placing in a house of prostitution or elsewhere---there is absolutely no proof in this case that there was any money received by this defendant on account of placing her in that flat #510 East 79th Street. If, from the ~~degre~~ evidence adduced in this case, your Honor can find that there has been money paid to the defendant by this woman the Harzo girl, you can readily see that is not making out a case, because the intention of the legislature, if it was anything, was to prevent this barter of women---in fact this whole white slave legislation was responsible for this additional section enacted in 1907 in regard called compulsory prostitution. What the legislature intended by this is evidently to prevent men trading with women. It was not intended to cover a case where a man ordinarily lives with a woman and lives on the proceeds of her prostitution. That is governed by the vagrancy act. It certainly did not intend to come under that section. That is proved in this

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proved in this case. If you should believe for the purpose of making out a prima facie case, that this man Drenka did live with this Harzo woman, or if he did not live with her, if he engaged this flat and she thereafter paid to him the proceeds of the prostitution, you can readily see that there is no prima facie case been made out under this indictment, because after all it is the usual case of a pimp and nothing else. It is not a case where a man places a woman and charges a certain consideration for the placing of her there---that consideration passing either from a third person or from the woman directly. That must be a consideration. Do you mean to say that the evidence will justify, in this case, in going to the Jury, that this woman paid Drenka \$13. or \$20. or several amounts at several times, and that that was the consideration for the hiring of that flat? That is as far as the receiving of the money as the consideration for the placing of her there. Next it says that he must place her there for the purpose of prostitution or co-habiting with persons to whom she is not married. Now of course if we should concede the question of consideration passing between the woman and the men co-habiting with her, it is an ordinary case of prostitution. Where is there any proof that this defendant knew that this woman was committing prostitution in that house in 79th Street. Is

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there any proof that this man was every present at any time that a man called to see her?

THE COURT: How about the testimony of Philip Mangold. Mangold testified that this defendant said "Let us go and look for a room for the girl and that from the day on the girl will be in the business---we agreed that the girl would be a whore from the day on."

MR. KOPP: Assuming that there is such evidence here what is the proof that any prostitution was committed in the flat in 79th Street.

THE COURT: The girl testified to that.

MR. KOPP: The girl testified to it---that there was prostitution? Assume for the sake of argument that Mangold and Drenka did have that conversation; supposing no prostitution ever took place, do you say that the prosecution has made out a case in so far as prostitution is concerned?

THE APPLETONS: The girl testified that she had sexual intercourse.

MR. KOPP: I appreciate that fact.

THE COURT: The agent of the house testified that this defendant was present at the time the flat was hired. The girl testified that she occupied the flat and had improper relations with men none of

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whom were married to her. Mangold testified to what this defendant said to him, and the question is, in my judgment, one for the Jury to determine, whether or not this defendant unlawfully received money on account of placing a female in that place for the purpose of causing her to cohabit with ~~man~~ male persons, to whom she was not married.

MR. KOPP: And you hold further, on the question of receiving money on account of, that that is also a question for the Jury, whether such money was received and paid on account---is a question for the Jury.

THE COURT: Exactly.

MR. KOPP: I take an exception.

THE COURT: It is a question of law in the first instance whether the people have made a case, and then it is a question for the Jury to find from all the evidence.

MR. KOPP: You deny my motion to dismiss?

THE COURT: Yes.

Exception.

THE DEFENSE RESTS.

MR. KOPP: I now renew my motion to dismiss the indictment upon the grounds previously stated.

Motion denied and exception.

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MR. KOPP: I ask your Honor to direct the
Jury to acquit the defendant.
Motion denied. Exception.

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