

START

2746

CASE

CASE #2746

INDEX

	Direct	Cross	Redirect	Recross
Isidore Bernstein	2	9		
John Bischoff	11	16		
John E. Sheedy	18	27		
John Bischoff (Recalled)		33		
Frank Taylor	34	36		
William Reilly (Resumed)	37	42		
Henry Spengler	43	45		
William Goldberg	45	57	82	
Harry Goldberg	83	96		

CASE #2746

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

-----x
THE PEOPLE OF THE STATE OF NEW YORK :

-against-

LOUIS MEISEL, impleaded with
HARRY GOLDBERG, WILLIAM GOLDBERG, et al.

Before:

HON. JOHN F. McINDYER, J.

and a jury.

-----x
Indictment filed May 8, 1919.

Indicted for grand larceny in the second degree, &c.

New York, January 15, 1920.

APPEARANCES.

FOR THE PEOPLE: ASSISTANT DISTRICT ATTORNEY JACOB GOLDSTEIN.

FOR THE DEFENDANT: WILLIAM G. KIER, ESQ.

Peter P. McLoughlin,

Official Stenographer.

1919
3312
CASE #2746

2
ISIDORE BERNSTEIN, a witness called on behalf
of the People, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. GOLDSTEIN:

(At the request of defendants' counsel the witnesses
were excluded from the court room.)

(The witness states he lives at 218 Madison Street.)

Q What is your occupation? A Shipping clerk.

Q During the month of April, 1919, did you work for Bischoff
& Harris? A Yes, sir.

Q Where was their place of business? A 56 East 13th Street,
New York.

Q That is in the County of New York? A Yes, sir.

Q How long had you been working for Bischoff & Harris prior
to that date? A Three and a half months.

Q What were your duties as shipping clerk? A Packing up
goods and shipping it out.

Q Did you on the day before the 24th of April, 1919, prepare
three cases of goods and packages of goods for shipment? A Yes,
sir.

Q Will you tell us for whom those cases of goods were intended?
A The Chicago Rubber Clothing Company.

MR. KIER: Now, if your Honor please, I understand that
this witness is a shipping clerk and he should be instructed
that if he is state as to whom these goods were intended for,
he should testify as to his own knowledge.

THE COURT: Yes. You may testify of your own knowledge.

CASE #2746

MR. GOLDSTEIN: Testify of your own knowledge.

BY MR. GOLDSTEIN:

Q Did you pack the goods? A Yes, sir.

Q Wrapped the packages? A Yes, sir.

Q Tell us for whom those cases of goods were intended? A The Chicago Rubber Clothing Company, Racine, Wisconsin, that was one case I think; one case for Archer Straus Rubber Company, Framingham, Massachusetts; one case for J. L. Gittleton, Montreal, Canada; that Chicago Rubber Company is two cases, and then there were two packages for Ben Fliegel No. 30 West 21st Street.

Q Will you tell his honor and the Jury what was in the cases and the packages?

MR. KIER: Did he pack them?

MR. GOLDSTEIN: Yes.

THE WITNESS: The cases contained cotton goods, cotton and woolen goods and plaid linings.

Q Did you put the names on the packages? A Yes, sir.

Q What names did you put on the packages? A Ben Fliegel.

Q What address? A 30 West 21st Street.

Q On the packages that were intended for that house? A Yes, sir.

Q Who put the names on the cases? A Mr. Bischoff.

Q That is the names of the consignees? A Yes, sir.

Q That was done in your presence? A Yes, sir.

Q Were the characters in which the names of the different con-

CASE #2746

cerns were written -- were they large? A Yes, sir.

Q Do you remember the exact number of pieces, the yardages of the goods that were contained in those packages and cases? A No, sir; I don't think I do.

Q Will you look at this memorandum and see if that will refresh your recollection. Simply say yes or no?

MR. KIER: I object to that unless he made the memorandum.

THE COURT: He may use the memorandum for the purpose of refreshing his recollection even though he may not have made it.

A Yes, sir.

Q You say that will aid you in remembering just what you placed in those cases and packages?

MR. KIER: Your Honor rules that though he had nothing to do with this paper --

THE COURT: Any paper which may enable a man to remember he may use.

Q Tell his Honor and the Jury just what you had placed in these cases and packages that were consigned to those concerns whose names you mentioned a few moments ago?

MR. KIER: Apparently he is going to read from this paper verbatim. I object to it.

THE COURT: After having read the paper can you testify from memory?

THE WITNESS: To Ben Fliegel No. 30 West 21st.

MR. KIER: I object to his reading from the paper. I under-

CASE #2746

stand the paper is simply to refresh his memory.

THE COURT: That is what the object of it is.

Q Look at it carefully? A Ben Fleigel, the packages contained, one package contained silk goods and the other package contained cotton wool goods, and the cases --

that
Q Can you tell us the number of pieces ^{that} those two packages contained and the yardages? A The case contained about 300 yards and the packages about 175 yards -- and the cases -- two cases for the Chicago Rubber Clothing Company contained about 3000 yards of linings, and the one case for Archer Straus Rubber Company contained about 900 yards of cotton and wool goods, and one case for J. L. Cittleson, Montreal, Canada, that contained ten pieces of R. C. Tweed and that contained 56 yards of plaid linings; that is all.

Q I show you these two pieces of goods and ask you whether those are two of the pieces of goods you placed in one of those cases? A Yes, sir.

Q In what case did you place those goods?

MP. KIER: I object to the witness coming down and looking at some marks upon these goods and then referring to a piece of paper that he never made or hadn't anything to do with the making of.

THE COURT: Look at the paper and then refresh your memory and testify from memory.

THE WITNESS: This was a package for the Chicago Rubber

CASE #2746

Clothing Company.

Q Did you pack these goods in the other cases, contained in the cases intended for the various concerns whose names you mentioned under the supervision of Mr. Bischoff? A Yes, sir.

Q One of the members of the firm of Bischoff & Harris? A Yes, sir.

Q He helped you, in fact? A Yes. Sometimes he did.

Q Now, do you recall the morning of April 24th, 1919, do you recall that morning? A Yes, sir.

Q Did anyone come into your store and call for goods? A Yes, sir.

Q Did he tell you who he came from?

MR. KIER: I object to that.

A Yes, sir.

Q What is that?

THE COURT: I will allow him to state that someone told him he came from somebody, but I won't let him state anything else unless it was in the presence of the defendant.

MR. GOLDSTEIN: I understand your Honor does not allow the question?

THE COURT: I won't allow it at this time.

MR. GOLDSTEIN: Question withdrawn.

Q Did you hand those three cases and two packages to anyone that morning? A Yes, sir.

Q Did you assist that person in loading a truck which was stand-

CASE #2746

h-6

ing outside of the premises occupied by Bischoff & Harris?

Objected to. Question allowed and exception.

A Yes, sir.

Q When you got outside on the sidewalk did you find a man by the name of Harry Goldberg there?

MR. KIER: I object to that for two reasons, the question is leading, and second it is immaterial.

THE COURT: Objection sustained.

Q Did you find anybody else outside? A Yes, sir.

Q Who? A Harry Goldberg.

MR. KIER: This line of examination as to what occurred in relation to these goods being taken by other persons where the defendant was not present -- I object to all that line of examination.

Objection overruled. Exception.

THE COURT: I receive this testimony because I understand the theory of the prosecution is that this defendant with Harry Goldberg, William Goldberg and ^{one} Liebenschart, were acting together and in concert with the same felonious intent; in other words they confederated for the purpose of stealing the property in question.

MR. KIER: I object to this line of examination.

Objection overruled; exception.

Q Now, you say you found Harry Goldberg outside? A Yes, sir.

Q Did you assist him in loading that truck? A Yes, sir.

Q Did Harry Goldberg do likewise? A Yes, sir.

CASE #2746

h-7

8

Q Did you give anyone who called any documents? A Yes, sir.

Q Answer yes or no? A Yes, sir.

Q I show you these papers and ask you what they are? A This is an order I gave this party to pick up some goods from the New England Steamship Company.

MR. KIER: I object to that.

THE COURT: He may state that he gave these papers to someone, but what their contents were I will not permit.

THE WITNESS: I gave them papers to the same man that took up the goods.

MR. GOLDSTEIN: I ask that they be marked for identification.

(Papers are marked People's Exhibit 2 for Identification.)

Q Did the truck drive away? A Yes, sir.

Q Then did you go inside into the store of Bischoff & Harris?
A Yes, sir.

Q When was the next time that you saw the merchandise that you had given to that person that morning? A At Police Headquarters about two o'clock.

Q Were these pieces, Exhibit 1, part of the goods which you found at Police Headquarters? A Yes, sir.

Q Did you recognize the two pieces of goods as the goods you had given that person that morning? A Yes, sir.

MR. KIER: I object to that and ask that it be stricken out, what occurred at Police Headquarters in the way of iden-

CASE #2746

h-8

tifying the exhibit.

THE COURT: I will allow it to stand.

MR. KIER: Exception.

Q Were there any marks about the goods or anything about the goods by which you could identify them as the goods which you had given to that person that morning?

MR. KIER: I object to that as too general, and as leading.

Objection overruled; exception.

Q Did you identify these goods as the goods of Bischoff & Harris that you had given to that party on the morning of April 24th?

A I identified it by the tickets and by the marking on the cases.

Q You mean by the names? A Yes sir; everything.

Q And the addresses? A Yes, sir.

Objected to. Objection overruled; exception.

Q Do you know this defendant, Louis Meisel? A I don't think I do.

Q Did you see him at Police Headquarters? A Yes, sir.

Q It was a rainy morning wasn't it, the morning of the day on which these goods were given to that man who called for them at your place? A Yes, sir.

MR. KIER: I object to that as leading.

Objection overruled; exception.

CROSS EXAMINATION BY MR. KIER:

Q Mr. Bernstein, when you were asked to identify these goods, you stepped from the witness chair, you stepped from the witness

CASE #2746

stand and you looked at this card (Referring to People's Exhibit 1)?

A Yes, sir?

Q Attached to the goods? A Yes, sir.

Q And you looked at that paper to see if it was corresponding, is that true? A Yes, sir.

Q Isn't it a fact that the way it occurred was -- you were looking at this and then seeing the corresponding numbers on that particular paper that you by that means identified these as the goods you had given to the wagoner, the man who had the wagon to take them away? A I don't yard the goods; Mr. Bischoff takes the yardage.

Q When you stepped from the witness stand and looked at this card, and then looked back at this paper, it showed that the numbers on the card and the paper coincided. Now, isn't it a fact that it was because they coincided on that paper and because it was shipped the same day and so forth that you then say that these are the goods you gave to the wagon man to take away, isn't that the idea? A I don't think it is.

Q The only way you know these were the goods is because the numbers on that card and the numbers on that paper correspond, is that the idea? A Yes, sir.

Q That is how you know that these are the goods by looking at this and looking at that paper? A Yes, sir.

Q To see that the numbers correspond? A Yes, sir.

BY MR. GOLDSTEIN:

Q At the time you gave these cases and packages did you get a

CASE #2746

h-10

11

receipt?

Objected to.

Q Did you ever get these papers? A No, sir.

Q Did you ever see these before? A No, sir.

Q This paper? A Yes, sir.

Q When did you see it for the first time? A The same day that he signed me up on it.

Q Signed you up on it — what do you mean? A He signed with me for the goods that he took.

Q Who did? A Liebensart.

BY MR. KIER:

Q You don't mean the defendant? A No, sir.

Q You mean the man who came and called for these goods?

A Yes, sir.

Q Not this defendant? A I don't think that's him.

(The papers last referred to are marked People's Exhibit 3 for Identification.)

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

DIRECT EXAMINATION BY MR. GOLDSTEIN:

Q Where do you live? A 14 McDonough Street, Brooklyn.

Q Are you a member of the firm of Bischoff & Harris? A Yes, sir.

Q Where is the place of business located? A 56 East 15th Street.

CASE #2746

Q New York County? A Yes, sir.

Q What is the nature of the business? A Cotton goods.

Q How long have you been in business at that address? A I have been in business on my own account about eight years.

Q What is the number? A 56 East 13th Street.

Q Do you recall the morning of April 24th, 1919? A I do.

Q Do you know whether your shipping clerk had prepared for shipment three cases of goods and two packages for that morning?

A Yes, sir.

Q Were those cases and packages prepared under your immediate supervision? A Yes, sir, they were.

MR. KIER: I object to that language. "Immediate supervision", I think that is improper.

Q What did you do yourself in regard to these cases and packages? A I laid out the goods myself on account of this young man being in our employ --

Q State just what you did? A I laid out the goods and took the yardages of them also.

Q Can you tell us for whom these cases and packages were intended? A Yes sir, I can, I have a memorandum with me.

Q From a memorandum? A I have a memorandum with me.

Q Can you remember without looking at any memorandum? A Yes, sir.

Q Will you tell us the names of the persons to whom these goods were to be consigned? A The packages were for Ben Fleigel, a city

CASE #2746

h-12 13
address, and one case for the Chicago Rubber Clothing Company of
Racine, Wisconsin, and two cases were for Archer Straus Rubber
Company, Framingham, Massachusetts.

Q Can you remember the number of pieces of goods that were in
the packages for Ben Fleigel? A Not without reference to the mem-
oranda.

Q Have you got a memorandum in your possession from which you
can refresh your recollection? A I have.

Q Will you look at it and see if you can refresh your recollec-
tion? A Yes sir. Package 2036 contained three pieces of silk,
227½ yards valued at \$127.80.

Q Was that the reasonable market value? A Yes sir, the
reasonable market value at that time, these goods were sold one day
prior to the shipment.

Q Continue? A The other package, No. 2032 contained three
pieces of cotton and wool mixture, 239½ yards valued at \$191.50.

Q Were the numbers on the packages? A Yes sir, I have given
the numbers 2036 and 2032.

Q Was the address written on the packages? A Ben Fleigel,
30 West 21st Street.

Q How about the cases? A Two cases marked Archer Straus
Rubber Company, 2031 and 2032, containing 802-7/8 yards of cotton
wool mixture valued \$602.13, and 855½ of woven linings \$213.88,

Q Were the numbers on those cases? A Yes sir, 2031 and 2032.

CASE #2746

h-13

14

Q Was the name stencelled on the cases? A It was marked on.

Q Did you mark them yourself? A Yes sir, I did.

Q Did you also mark the addresses? A Yes sir, Archer Straus Rubber Company, Framingham, Mass.

Q How about the case of goods that was to be consigned to the Chicago Rubber Clothing Company? A It contained twenty pieces of 54 plaid \$317.88.

Q What was the reasonable market value on that day? A 83½ cents a yard -- 1705½ yards \$400.73.

Q When did you see these goods again? A At Police Headquarters.

Q That is after they left your premises? A Yes.

Q Did you see the cases there? A I saw the cases and the packages.

Q Were those the same cases that left your place that morning?
A Yes, sir.

Q I show you these two pieces of goods here, marked People's Exhibit 1, and ask you whether two pieces are part of the goods which were contained in the cases intended for the Chicago Rubber Clothing Company of Racine, Wisconsin?

MR. KIER: I object to that, and to any identification which has taken place somewhere away from the court, away from any judicial proceeding and not in the presence of the defendants, as irrelevant to the issue.

MR. GOLDSTEIN: He says he saw the merchandise there.

CASE #2746

h-14

15

THE COURT: He saw the merchandise in the place where it was packed and subsequently he saw some of it in Police Headquarters. What is the matter with that identification?

THE WITNESS: The packages and the cases also had our stencil showing where they came from.

Objection overruled; exception.

Q You mean the name of Bischoff & Harris was stencilled on the packages and cases? A Yes sir; it was with our full address, 56 East 13th Street, New York, written out, no abbreviations.

Q You say these two pieces of goods known as People's Exhibit 1 are part of the merchandise that left your premises that morning?

A They are.

Q And these two pieces of goods you also found at Police Headquarters? A Yes, they were taken out of the case consigned to the Chicago Rubber Clothing Company.

Q And kept by the Police Department as evidence? A Yes, sir.

Q And the balance returned to you? A Yes sir, returned to us that afternoon.

Q What is the total value? A About \$1500.

Q Of the merchandise -- the fair and reasonable market value of that merchandise thus described on that day? A (No answer)

Q Did you get the question? A No, sir, I didn't get it.

Q What is the reasonable market value of the merchandise you described a little while ago -- on the 24th of April, 1913? (No answer.)

CASE #2746

BY THE COURT:

Q Are you acquainted with the reasonable market value as it was on that day? A Yes, sir.

Q You have bought and sold goods, wares and merchandise of a like character? A Yes, sir.

Q How long have you been engaged in the business? A About fourteen or fifteen years.

CROSS EXAMINATION BY MR. KIEB:

Q This is Mr. Bischoff? A Yes, sir.

Q Mr. Bischoff what is the nature of your business in relation to these articles, a jobber in these goods? A In a way, yes.

Q You are not the manufacturers of them? A No sir, we are not mill owners.

Q As I understand it these goods are sent by mill owners to you to sell to other parties? A No, sir, not sent to us to distribute; we buy them outright and sell them.

Q You buy from the manufacturers and sell them? A Yes, sir.

Q You really are jobbers? A Merchandising men.

Q Are these figures that you have given here, as you have been testifying are the cost to these different parties for these goods? A Yes, sir.

Q Do you or your firm fix these values on the goods? A In competition with firms handling the same class of stuff.

Q But that is the wholesale market price? A Yes sir, the market price.

CASE #2746

h-16

17

Q You consider yourself an expert on these pieces of goods, consider yourself as having knowledge of these? A Yes sir, I do.

Q Well you have to make values to make your sales, you make those values yourselves? A Yes, sir.

Q You bear those in mind? A I don't understand that.

Q Now, you first get these goods, as I understand it, from manufacturers? A Yes sir, we buy from manufacturers at a certain price.

Q And then you sell to other people at a certain other price? A Yes, sir.

Q Is that the idea? A Yes sir; buy the goods four or five or six months ahead and then we sell them at the time they come in for the market value.

Q All I want to know is your knowledge of the value of the goods. I withdraw my objection. This gentleman is an expert on values.

CASE #2746

J O H N E. S H E E D Y, a witness called on behalf of
the People, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. GOLDSTEIN:

Q What precinct? A Main Office Division, Truck Squad .

Q How long have you been a member of the Police Department of the City of New York? A Going on nine years.

Q On the 24th of April, 1919, where were you attached?

A I was attached to the Truck Squad.

Q On the morning of April 24, 1919, where were you? A I was on Lafayette and Grand street, opposite premises 174.

Q What time did you get there? A About 7 o'clock.

Q What were you doing there? A I was observing the premises 174 Lafayette street.

Q You mean you had those premises under observation?

A Yes, sir.

Q How long did you remain there? A I remained there about a week and a half.

Q You mean you had the premises there under observation for a week and a half? A Yes, sir.

Q I mean on the morning of April 24th, 1919 how long did you stay there? A I was there from 7 o'clock in the morning until about five minutes to ten.

Q How far away from the premises were you stationed?

A Well, right across the street.

Q Sometime around 9 o'clock that morning, did you see this defendant there? A I did.

CASE #2746

Q Will you relate the circumstances under which you saw him there and what he was doing there and so forth? A About 9.30 I saw a truck loaded with three cases and two bundles stop in front of premises No. 174 Lafayette street, driven by Harry Goldberg. The defendant and Willy Goldberg were on a covered delivery wagon following this truck. They went around to Grand street.

MR. KIER: I object to that and move to strike out the answer about Goldberg and somebody on another truck.

THE COURT: I will allow it. The theory is that they were acting in concert together. That is the theory that was announced yesterday by the District Attorney.

MR. GOLDBERG: And it is announced today, that is the theory upon which the Prosecution is proceeding.

THE WITNESS: (Continuing) They stopped at Grand street, coming around and walked north on Lafayette street and walked over to the truck where Harry Goldberg was just drawing a rain cover over the goods. Harry Goldberg handed the defendant and Willy Goldberg each a package, carried it over to premises 174 Lafayette street, left it inside the door; and the defendant and Willy Goldberg came over and assisted in taking off two cases and brought them over to the elevator. Harry Goldberg backed in his truck-- having two cases on the tail end of the truck-- backed in his truck and meantime he got off and went up in the elevator with the defendant and Willy Goldberg. At that

CASE #2746

time I crossed over and got up on the truck and I saw the marking on this package, the only mark I remember seeing was "Mass." Immediately I went across the street and watched the three come down, the defendant, William Goldberg and Harry Goldberg came down and they unloaded these two cases with the assistance of the elevator man, put the cases in on the elevator, went upstairs and I went over and spoke to the traffic officer and told him--

Q You had a conversation with him? A Yes, sir.

Q Is that right? A Yes, sir.

Q How faraway was the traffic officer from 174 Lafayette street? A I should judge 150 to 200 feet.

Q After talking to the traffic officer where did you go?

A I went around to Headquarters.

Q When you got to Headquarters who did you see there?

A I met Officer Reilly and told him what happened.

Q Never mind what you told Officer Reilly. You had a talk with Reilly? A Yes, sir.

Q After talking with Officer Reilly, did you take the officer to 174 Lafayette street? A Yes, sir; Officer Reilly and Mr. Spencer of the Pennsylvania Railroad.

Q Had he been at Police Headquarters? A Yes, sir.

Q At the time you talked to Reilly? A Yes, sir.

Q Did he go along with you? A Yes, sir, he went along to 174 Lafayette street.

Q When you got to 174 Lafayette street what did you do?

CASE #2746

A We walked up the stairs to the fourth floor and in those premises occupied by a man by the name of Braveman, a suitcase manufacturer we inquired.

Q Never mind. You had a talk with him? A Yes, sir.

Q Did you ascertain whether part of these premises were rented by a man named Cohen? A I did.

MR. KIER: I object to that and ask that it be stricken out.

THE COURT: I will let him state what he learned concerning the occupancy of the premises. He said he learned that the premises were occupied by a man named Cohen.

MR. KIER: That is the result of a conversation apparently, your Honor.

THE COURT: I will allow it to stand.

MR. KIER: I hardly think that is proper-- he learned they were occupied by Cohen-- I ask that it be stricken out.

Motion denied. Exception.

THE WITNESS: I spoke to Braveman and he informed me that Cohen--

THE COURT: Strike that out. You must not state what you were informed by anybody else, unless the defendant was present.

THE WITNESS: We walked into the premises, went into the office, came into office, and walked to the back of the premises and I saw these three cases and two bundles lying

CASE #2746

in the office.

Q Did you learn who occupied that portion of the premises in which you found those two cases and the three packages?

Objected to; objection overruled. Exception.

A I found out that Moe Cohen and a man by the name of Curin or Kurinsky --

Objected to.

THE COURT: I will allow that.

Q How long did you remain in the premises? A About twenty minutes.

Q People's Exhibit 1 for identification-- are these part of the goods that you found upon those premises that morning? A Yes, sir.

Q How long did you say you remained upon those premises with Officer Peilly? A About fifteen or twenty minutes.

Q During the time that you were there, did a man by the name of Moe Cohen come in? A He did.

Q And did you leave? A Yes, sir.

Q You left Officer Peilly behind with Moe Cohen? A Yes.

Q Where did you go? A I went out to East New York.

Q For what purpose? A To make an investigation.

Objected to. Objection withdrawn.

Q When you got to East New York how much time did you spend there? A About ten minutes.

Q What did you do there? A I called up Police Headquarters.

CASE #2746

Q Did you have a talk with anybody there, just yes or no? A No, sir.

Q I mean when you telephoned to Police Headquarters? A Yes, sir.

Q Speak to anybody? A Yes, sir, spoke to Sergeant Griffith.

Q After talking to Sergeant Griffith-- A He ordered me back to New York.

Q When you got back to New York did you go to Police Headquarters? A Yes, sir.

Q Did you there find this defendant? A Yes, sir.

Q With whom did you find him with in Police headquarters? A The defendant was with Willy Goldberg, Harry Goldberg and Jack Liebensart and Sol Seligman and Moe Cohen and Kurinsky.

Q Did you personally have a talk with the defendant Meisel at Police Headquarters? A Yes, sir.

Q State exactly what he said to you? A I asked Meisel how--

MR. KIER: I object to that. The defendant was under arrest. I object to what the officer said to him.

What the defendant said I don't object to.

BY THE COURT:

Q Had you arrested him? A Yes, sir.

THE COURT: Now what about it.

MR. KIER: I object to what the officer said to the defendant. What the defendant said I don't object to.

CASE #2746

THE COURT: The jurors are entitled to head what occurred in order to draw an intelligent conclusion. Now why isn't that competent.

MR. KIER: The question is what the officer said to this defendant. I object to that.

THE COURT: Do you mean to say that simply because this man was under arrest that an interrogatory propounded to him by the officer is incompetent?

MR. KIER: That interrogatory may have charged this man with a crime.

THE COURT: I will hear the testimony first and determine afterwards whether it is competent evidence.

THE WITNESS: I asked the defendant how he came to get in with this mob of thieves.

MR. KIER: I object to that.

THE COURT: I will allow it.

Exception.

THE WITNESS: He said that he didn't want to say anything at that time, and he would tell me something later. And up at the Magistrates' Court when he was arraigned the following morning, when he came out I questioned the defendant and asked him did he want to say anything then, and he said no not for a while. I did not see the defendant until around I think it was the 18th day of September, 1919.

Q Where did you see him? A I saw the defendant over at

CASE #2746

89 Cherry street.

Q How did you happen to see him there? A I received a telephone message that a party named Louis called up, I went over to the premises and I met this defendant at his house. His wife was there, and he told me that he wanted to come across and make a clean breast of the case. I said, "What do you want?" He says, "I want to tell you who is mixed up in it." He says, "I will tell you where Cohen has got another drop, I will give you all the information" he says, "I want to try and see if I can get a suspended sentence."

Q What is meant by that, "drop"? A A place where they receive stolen goods. I told the defendant I could not do anything for him," I says, "You have been locked up, you will have to see your lawyer, and also see the District Attorney". I made an appointment for the defendant the following night and I met the defendant at 14th street and 7th avenue, and I told him that I had been down and spoke to the District Attorney and if he wanted to come down that he should come down Monday the following week, I think it was, or Tuesday the following week-- I met the defendant -- he called me up on the telephone, and I met him and I brought him down to the Criminal Court Building. I went in to Part 1 and I spoke to Mr. Sullivan, the Assistant District Attorney, and I explained the situation to him and he told me to go up to a room on the --

Q Never mind -- A I went up to the Indictment Bureau

CASE #2746

and I spoke to some gentleman up there and I explained the case to him and he told me when I informed him what I had -- I told him if he wanted to see his lawyer he could come down willingly and could tell it, "I don't have to tell you, you can come down if you want to, you are out on bail. The District Attorney has got nothing to do with it". I says, "Tell the District Attorney everything you know", I says, "he will probably help you out which he said he would. That is all the conversation I had with the defendant.

Q You testified that you observed that one of the cases on that truck from which the defendant Meisel removed those cases was the mark Massachusetts? A Yes, sir.

Q You saw that personally? A Yes, sir.

Q That was on the last of the cases that went up? A Yes.

Q So that you saw that same case taken upstairs? A I did.

Q Did you see that same case upstairs again? A I did.

Q When you got back with peilly? A Yes, sir.

Q Now I show you these two pieces of goods and ask you if these two pieces, People's Exhibit 1 for identification were taken from that case that was marked Massachusetts? A Yes, sir, taken from that case.

Q Where were they left, at the premises or at Headquarters? A Removed to Headquarters.

Q For what purpose were they removed? A For the purpose of having them identified, put them in the Property Clerk's

CASE #2746

10
office.

27

Q For the purpose of evidence? A Yes, sir.

Q To be used on the trial of these defendants? A Yes, sir.

Q What did you do with the other merchandise? A Returned the merchandise back to the owner.

MR. GOLDSTEIN: I offer them in evidence at this time.

(The two pieces of cloth referred to are marked

People's Exhibit 1 in evidence.)

CROSS EXAMINATION BY MR. KIERSTEN:

Q Officer Sheedy you say you received a phone message from the defendant Meisel? A Yes, sir.

Q Meisel? A Yes, sir.

Q This defendant? A Yes, sir.

Q He phoned you? A Yes, sir.

Q Called up Headquarters, did you get on the wire?

A No, sir.

Q Afterwards you went to see him? A Yes, sir.

Q Who was present at his home when you had this conversation, was anybody present when he had this conversation with you in his home? A His wife was there.

Q Was she where she could hear everything that was said? A Yes, sir, she was telling me all about it.

Q What I mean is this. Was she in a position where she could hear the conversation? A Yes, sir; he sat at one side of the table and I sat at the other, and his wife was standing up.

Q All the time you had the conversation with him in rela-

CASE #2746

tion to this matter his wife was in a position where she could hear all the conversation? A Yes, sir.

Q You mean to say on that occasion he spoke about-- he wanted to get a suspended sentence? A Yes, sir.

Q In relation to this case? A Yes, sir.

Q And for this suspended sentence he asked you what you could do? A Yes, sir; I told him to give me all the information he could.

Q You were arranging with him to go to the District Attorney together--- did he make that suggestion? A He made that suggestion in front of his wife, also up at 14th street and 7th avenue and also at Bleecker street.

Q Did you come down to the District Attorney with him? A The following Tuesday.

Q He came down with you, didn't he? A Yes, sir, he came down to the building.

Q How long was he with you during this period around the building, the District Attorney's office? A He stayed outside and I went to Part 1.

Q How long a time after he came with you until he left you that day? A About twenty minutes or half an hour.

Q Didn't the suggestion come from you that he should go with you to the District Attorney? A He asked me could I help him out, and I said I can't help you out you can help yourself out.

Q Then did you say or did he say come to the District At-

CASE #2746

torney? A I said I will see the District Attorney.

Q But didn't the suggestion to see the District Attorney, didn't it come from you, you suggested to him to go see the District Attorney to be helped out, is that the idea? A He asked me could I help him out; he wanted to come across with a clean breast of the case and expose Willy Goldberg and Harry Goldberg, and tell where they hired the truck and everything; I told them that I couldn't do anything for him "You try to help me out", I says, "you give me the information and I will intercede or speak to the District Attorney.

Q Then you are the first person of the two that spoke about the District Attorney? A Yes, sir, certainly.

Q Isn't it a fact that he told you on this occasion, on the first occasion or the second that he was innocent, he was not guilty, but that he was willing to give all the information in order that the guilty parties should be found? A No, sir; he told me that he was sore on Willy Goldberg that Willy Goldberg came up to his house and threatened his wife.

Q Did his wife take part in that conversation at all? A I think she did.

Q Didn't the defendant in your presence say to Willy Goldberg that he was going to tell the whole truth, all that he knew they did, and that Willy Goldberg threatened him-- didn't he say that in your presence? A He said to me, "Don't say anything to any of them because", he says, "if they find I go

CASE #2746

down squealing", he says "they will beat me up and call me a squealer." And make it bad for my wife.

Q Did he tell you on any of these occasions you stated you had a conversation with him that this Willy Goldberg had told him not to tell the truth about that and threatened him he would be injured if he did. Didn't he tell you that?

A No, sir.

Q The defendant Meisel? A No, sir.

Q Say anything of that kind about Willy Goldberg ever threatening him if he really told the whole truth about this matter? A No, sir.

Q Didn't he tell you that these people had hired him to do this, and he didn't know the goods were stolen? A He told me the night before that Willy Goldberg and Harry Goldberg had suggested it to him.

Q And had hired him to do it? A No, sir; they suggested going out the next morning ^{and} do the job.

Q Did he at any time say he was guilty of this? A Yes, sir, he said he was mixed up with it just the same as the rest that he would like to see Harry Goldberg get out but Willy Goldberg he says he is the brains of it and he wants to see him go away.

Q Didn't he always say that he was hired by these people and he didn't know anything wrong about it? A No, sir.

Q Didn't he always persist in that? A No, sir, only once

CASE #2746

he said was not implicated in it was Jack Libensart.

Q Were you present when he pleaded at the pedigree examination, when he answered various questions as to his name and so forth; do you remember then he said to the clerk "I am not guilty"? A Yes, sir.

Q You heard him say that? A Yes, sir.

Q You were present at that-- did he admit to you that he was guilty-- do you mean to say that? A Yes, sir.

Q Previous to his saying that? A Yes, sir.

Q When he said to the clerk in your presence, "I am not guilty of this", did you make any comment or say anything to him regarding that statement there before the clerk? A No, sir.

Q Did you make any comment or make any statement at all at that time? A No, sir.

Q You know what I mean? A Yes, sir.

Q When a man stands there and you say that he told you he was guilty and he stands before the clerk in your presence and says, "I am not guilty", and you said nothing at all? A No.

BY THE JUROR:

Q When you found these six, seven or eight men in Police Headquarters did you know these men at all before that day, did you recognize them? A No, sir.

Q Why did you pick on this man and ask him what he was doing with this gang of thieves? A I asked them all.

Q You didn't pick out this man, and ask him what he was do-

AMENDED

CASE #2746

ing with a gang of thieves? A No, sir, I asked them all. -- different, various questions.

BY MR. GOLDSTEIN:

Q You know how he got to Police Headquarters? A Yes, sir, he was locked up.

Q By whom? A By Reilly.

Q And whom? A Detective Whitney and Morrissey.

Q Who else was locked up at the same time? A Why the defendant Harry Goldberg and Willy Goldberg and Sol Seligman and Jack Liebensart and Moe Cohen and Kurinsky.

Q When you got to Police Headquarters you found him there? A Yes, sir, found all the defendants there and this man.

BY MR. KIRBY:

Q Now, isn't it a fact that at the time of the arrest when they were taken to the Magistrates' Court Willy Goldberg and this defendant was sitting together that you called to the two of them sitting there that Willy Goldberg started to come and you said, "No, I want him and that Meisel then came up and you took him aside and that you said to him, "Now, look here, Meisel, your wife is in the family way and so forth", "you better come across and tell all you know about this", and then Meisel said to you, "I can't tell what happened but I am innocent of this affair", and you said something about telling and he said "No, I am innocent of this affair, I didn't know any

CASE #2746

of the goods were stolen, I am positively innocent of the affair. did that happen? A No, sir.

Q No conversation of that kind happened? A No, sir; outside the Court.

Q Anywhere, did that happen? A No, sir.

Q Where he told you he was innocent? A No, sir.

Q As a result of you asking him what did he do? A No, sir.

Q Nothing of that kind? A No, sir.

Q That incident of you calling to the two of them and telling Willy to go back and he coming forward nothing of the kind? A No, sir, not in the court room.

Q Any place in the world? A He came and spoke to me outside.

Q Did an incident like I have described happen any place in the world at any time since you saw him? A No, sir.

J O H N B I S C H O F F, a witness for the people, recalled.
BY MR. GOLDSTRIN:

Q What is the name of the trucking concern that did your business? A Taylor Rosenagele.

Q Where located? A 2 East 4th street.

Q What was the nature of the business they did for you?

A They took out our outgoing freight and brought in everything coming over the lines.

Q That was during the month of April, 1919? A Yes, sir, the same man has been doing my work for a number of years.

CASE #2746

F R A N K T A Y L O R, a witness called on behalf of the People, being duly sworn, testified as follows:

(The witness states he lives at 27 7th street.)

DIRECT EXAMINATION BY MR. GOLDSTEIN:

Q What is the name of your firm? A Taylor & Rosenegle.

Q The nature of your business? A Truckmen.

Q Where is your place of business located? A 21 East 4th street.

Q Located at that address during the month of April, 1919?
A Yes, sir.

Q Was your firm engaged in doing the trucking work for the firm of Bischoff & Harris? A Yes, sir.

Q How long had your firm been engaged in doing that work prior to April, 1919? A We done Bischoff & Harris's work ever since we have been in business.

Q You have drivers in your employ? A Yes, sir.

Q Did you ever authorize this defendant or Harry Goldberg or William Goldberg or Jack Liebensart or one Moe Cohen to call at Bischoff & Harris's on the 24th of April? A No.

Q 1919? A No, sir.

Q For the purpose of receiving merchandise? A No, sir.

Q You did not? A No, sir.

Q You did not? A No, sir.

Q Was this defendant, Louis Meisel in your employ at any time? A Yes, sir, two weeks before he took the truck away on the 22nd-- he worked me April 22nd, one day.

Q He was in your employ? A Yes, sir.

CASE #2746

Q How many days did he work for you? A Just one day.

Q Had you ever known him prior to the 22nd of April, 1919?

A No, sir.

Q How did he come to work for you? A We advertised for drivers, and he applied for a position and I put him to work.

Q Did a man by the name of William Goldberg ever work for you? A Yes, sir, he worked for me Monday and Tuesday of that week.

Q He worked for you on the 21st of April and the 22nd?

A Yes, sir.

Q Is that right? A Yes, sir.

Q Did this defendant quit his job on the 22nd of April?

A No, sir, the morning of the 23rd, he came there and I asked him what was the matter is he going to work and he said no, I want more money.

Q What else did he say? A That is all; a half an hour or fifteen minutes after they walked away Meisel and Goldberg.

Q William Goldberg worked for you two days? A Yes, sir.

Q That is the 21st and the 22nd? A Yes, sir.

Q This man worked for you on the 22nd? A Yes, sir.

Q And on the morning of the 23rd both William Goldberg and the defendant, Louis Meisel quit their jobs? A Yes, sir.

Q When did you see him again? A Well, I hadn't seen him for some time later; a few months later I seen him down at Police Headquarters.

Q Did you see him there a few days later? A That was on

CASE #2746

the 24th.

Q You saw him again in the Magistrates' Court? A Yes.

Q You testified as a witness there? A Yes, sir.

Q Also testified as a witness there before the Grand Jury?

A Yes, sir.

Q Isn't that so? A Yes, sir.

CROSS EXAMINATION BY MR. KIER:

Q Mr. Taylor, did he take out your trunk and tell you that your wheels were in very bad condition, that he didn't want to work for you on that account? A No, sir.

Q Were your wheels in bad condition, broken? A When I came to the stable the two were standing in front of it, they weren't working at all.

Q Did he call your attention to the wheels being in bad condition? A No, sir.

Q Nothing like that at all occurred? A No, sir.

Q Did he tell you the next day-- were you paying him three and a half a day? A I forget just what I was paying him at that time.

Q When he left he told you it was not enough money and that is why he was leaving you? A Goldberg said I want more money; all I know is he wanted more money; that is all.

Q Did he say to you one of the reasons why he left was because -- did he tell you a wheel was broken, and you told him to go over to the wheelwrights on Mulberry street and have it repaired, did such an incident happen as that? A No, sir,

CASE #2746

he was not working at all that day.

Q You say that he didn't say to you that the cause of his leaving was that you had broken wheels on your truck? A If the wheel was broken he could not drive it; we couldn't let the truck go out.

Q I am asking you? A I understand. I didn't send him to a wheelwrights.

Q Now then when he left you did he state to you, or say to you at the time one reason why he wouldn't work for you was because of the broken wheel? A No, nor.

Q Nothing like that occurred? A No, sir.

Q Has that occurred that there was a broken wheel in the blacksmith's shop where it was repaired. Do you know of anything of that kind? A No, sir, I don't remember anything about a broken wheel at all.

BY MR. GOLDSTEIN:

Q On the morning of the 23rd of April, 1919, you saw this defendant and William Goldberg leave your premises? A Yes.

Q Together? A Yes, sir.

Q Were they engaged in conversation? A Yes, sir, the two of them, standing together right outside of the door of the stable.

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

(The witness states he is a police officer attached to the Safe and Loft Squad.)

DIRECT EXAMINATION BY MR. GOLDSTEIN

CASE #2746

DIRECT EXAMINATION BY MR. GOLDSTEIN:

Q You are a member of the Municipal Police Force of this city? A Yes, sir.

Q How long have you been acting as such? A Twelve years.

Q On the 24th of April, 1919, where were you attached, what duty? A Attached to the Truck Squad.

Q On the morning of April 24th, 1919, did you see Detective Sheedy at Police headquarters? A Yes, sir.

Q Afterd you spoke to Sheedy, did you then proceed with Sheedy and a man named Spencer-- A Yes, sir.

Q To 174 Lafayette street? A Yes, sir.

Q When you and Spencer and Sheedy got to 174 Lafayette street, what did you do? A I went upstairs to this 4th floor.

Q With whom? A With Sheedy and Spencer?

Q State just what happened there and what you observed?
A I went up to the fourth floor of 174 Lafayette street, occupied by a man named Braveman. I entered the premises and I met Mr. Braveman and I asked him if he received any goods.

Q You cannot state what Braveman said to you outside of the presence of the defendant? A I searched the loft and found three cases and two packages that were identified by Sheedy as property he saw going in there.

Q What part of the Braveman loft did you find these goods and packages in? A Found them in the rear of the loft.

Q Did you learn as to who were the persons who occupied

9412746
CASE #2746

that portion of the loft upon which you found these goods or packages? A I did.

Q What are the names of those persons? A Cohen and Kurinsky.

Q Did you learn whether they were in partnership? A yes.

MR. KIRBY: I object to that.

THE COURT: Strike it out.

Q Now I show you these two pieces of goods known as People's Exhibit 1, and ask you whether this exhibit is part of the goods that you found upon the premises at 174 Lafayette street?

A Yes, sir, it is.

Q Do you recall whether these two pieces of goods were taken from a case that was there to be consigned to a firm out in Massachusetts? A They were.

Q Where were they removed from the case was it at the premises or was it at Police headquarters? A Yes, sir, Police headquarters.

Q Kept by you and Sheedy as evidence? A Yes, sir.

Q They have ever since been at Police headquarters?

A In the care of the property Clerk.

Q How long did Sheedy remain upon the premises at 174 Lafayette street? A About twenty five minutes.

Q Then what did Sheedy do? A I sent him to East New York

Q He went away, did he? A Yes, sir.

Q You and Spencer remained upon the premises? A Yes, sir.

Q Now after Sheedy left did anybody show up? A Moe Cohen

CASE #2746

Q Now, did you have a talk with Moe Cohen, just yes or no? A Yes, sir.

Q Did you search Moe Cohen? A I did.

Q Did you find these papers here known as People's Exhibit 2 for identification upon the person of Moe Cohen? A Yes, sir.

Q How soon after Moe Cohen arrived -- did you see William Goldberg at the premises? A I did.

Q And Harry Goldberg? A Yes, sir, I did.

Q And the defendant, Louis Weisel? A I did.

Q When did Harry Goldberg get there? A About fifteen minutes after Cohen.

Q When did William Goldberg arrive at the premises? A The same time as Harry.

Q When did Louis Weisel get there? A The same time as William and Harry Goldberg.

Q Did they come up one by one? A Together.

Q Is that your best recollection? A Yes, sir.

Q Did you have a talk with the defendant Louis Weisel?
A I did.

Q Did you have a talk with William Goldberg and Harry Goldberg? A I did.

Q In his presence? A Yes, sir.

Q Did you place the defendant under arrest? A Yes, sir.
I did.

Q Have you talked with him? A Yes, sir.

Q Did the defendant say anything to you in regard to the

CASE #2746

merchandise that you found upon the premises of Cohen and Kurim

A Yes, sir, he did.

Q Part of which is here in evidence? A Yes, sir.

Q State what he said to you. A I asked the defendant what he was doing up in the loft, and he said he was hired to help the other man to bring these goods there. So I had a conversation with Goldberg then, and asked him what he was doing there, and he said that he was driving along Broadway and met a man who asked him if he would do a job and he said yes, and the man told him to go to the hallway of 625 Broadway and get these goods he wanted delivered at 174 Lafayette street; he said he went to 625 Broadway and seen these goods and brought them down to the premises 174 Lafayette street; I asked him where the cases were and he said they were downstairs. I then went down to the street and I saw the truck--

Q Was Louis Meisel present at this conversation? A Yes.

Q proceed with the conversation? A No, sir, not at that time. I went to the street and I saw the truck with these cases marked Ferguson on them. I took the truck-- had the truck removed to Police Headquarters, and I came upstairs to the loft where the defendants were.

Q Did you search any of the defendants? A I did.

Q Which defendant did you search outside of Moe Cohen?

A I searched all the defendants.

Q I show you these papers and ask you when it was you saw them for the first time? A The first time I saw them I

CASE #2746

h-1

42

took them from William Goldberg.

Q In the presence of the defendant? A Yes, sir.

MP. GOLDSTEIN: I ask that they be marked for identification.

(Marked People's Exhibit 3 for Identification.)

Q Did you have any conversation with the defendant at Police Headquarters? A No, sir.

Q After you brought them to Police Headquarters Sheedy came back? A Yes, sir.

(At this point the Court admonished the jury in accordance with Section 415 of the Code of Criminal Procedure and took a recess until 2 o'clock.)

A F T E R R E C E S S

2 P. M.

W I L L I A M R E I L L V, a witness for the people, resumed the stand.

CROSS EXAMINATION BY MR. KIER:

Q Isn't it a fact that you took these from Harry Goldberg?

A William Goldberg.

Q Took them from William Goldberg? A Yes, sir.

Q Certain about that? A Yes, sir.

Q Sure it wasn't Harry? A Yes, sir.

Q You are positive now from your best recollection?

BY MR. GOLDSTEIN:

Q You are testifying now from your best recollection, I

CASE #2746

assume? A Yes, sir.

Q Your best recollection is that you took, People's Exhibit 3 for Identification from William Goldberg? A Yes, sir.

Q In the premises 174 Lafayette Street? A Yes, sir. Police Headquarters.

HERN V SPENGLER, a witness called on behalf of the People, being duly sworn, testified as follows:

(DIRECT EXAMINATION BY MR. GOLDSTEIN:

Q Where do you live? A Cedar Manor, Jamaica, Long Island.

Q Mr. Spengler, on April 24th, 1919, were you the elevator runner in the premises 174 Lafayette Street in the County of New York? A Yes, sir.

Q How long have you been engaged in doing such work at those premises? A Engaged in the same business --

Q How long were you employed as elevator runner in 174 Lafayette Street prior to April 24th, 1919? A About a year or so.

Q On the morning of April 24, 1919, did you this defendant on those premises? A Yes sir.

Q Will you state the circumstances under which you saw him there, about what time he came there? A About nine o'clock or half past nine he came there, sometime in the morning -- that young man and two other young men came there with three cases and two packages and we put them into the elevator, and I may have helped -- I do not remember, put them on the elevator and took them up to

CASE #2746

the fourth floor and took them off.

Q Did you take them down again? A They went in and took the cases and I suppose I closed the elevator door and came down.

Q Did you go up with your elevator and bring them down later?
A Yes, sir.

Q Did you see this defendant return to those premises at any time after that? A Well, they came back afterwards in about an hour or so.

Q When you say they whom do you mean? A These three young men.

Q This defendant? A Yes, sir.

Q And the two other men who were with him? A Yes, sir.

MP. GOLDSTEIN: I would like to have the other two men men brought into court.

(The defendants Harry Goldberg and William Goldberg stand at the door.)

Q Are these the two men that came there with Meisel that morning? A Yes, sir.

Q Are these the two strange men who came with Meisel on the second trip? A Yes, sir.

Q Did you see a truck in front of the premises 174 Lafayette Street that morning? A Yes, sir.

Q Did you see it on the occasion when Meisel came there the first time? A Yes sir; I saw they had three cases --

Q Did you see this defendant Meisel remove a case of goods and

CASE #2746

two packages you refer to on that truck? A I wouldn't say I actually seen him move them.

Q Do you know that he brought them out of the truck into your elevator? A He brought in about three.

Q Did you see the truck in front of the premises on the occasion when he came there the second time? A Yes, sir.

Q Was there anything on that truck? A Yes, sir. Cases.

Q Did the three men go up together on their second trip? A Yes, sir.

Q You took them up there? A Yes sir, without any cases; I took them up empty.

CROSS EXAMINATION BY MR. KIER:

Q On this second visit you say -- or rather on the first trip, the first time you saw this defendant, the three of them went up in your elevator, is that the idea? A I believe so, the best of my recollection.

Q When you are swearing that way you mean you are not so awfully certain, that is what you really think, it is some time ago and that is your best recollection? A Yes sir; that is my best recollection.

Q When they came down isn't it a fact that this defendant came down alone in your car afterwards? A That I don't remember.

Q You don't know whether that is true or not? A No, sir.

WILLIAM GOLDBERG, a witness called on behalf of:

CASE #2746

the People, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. GOLDSTEIN:

Q Where do you live? A 365 Madison Street.

Q You are one of the defendants in this case, in this indictment? A Yes, sir.

Q You pleaded to grand larceny in the second degree? A Yes, sir.

Q How long do you know the defendant, Louis Meisel? A I know of Louis Meisel, the day I worked for Charles Casen, the truckman.

Q How long is that? A That is a few days before this thing happened, six or seven days before it happened.

Q Did you also work at one time for Mr. Taylor and Rosenagle? A Yes, sir.

Q Casen is a truckman, is he not? A Yes, sir.

Q So are Taylor & Rosenagle? A Yes, sir.

Q You say that the first time you met this defendant was when you were working for Casen? A Yes, sir.

Q Sure about that? A Yes, sir.

Q This defendant came to your home? A Yes, sir.

Q When was the first time that he came to your home? A The same night that he came in, the same night that he worked for Casen.

Q Was that about five or six days prior to the day of your arrest? A Yes, sir.

Q Did he come there again? A Yes, sir.

CASE #2746

Q How many times was he in your home between the time you first met him and the day you were arrested? A Twice to my figuring that I can remember, twice.

Q Do you recall seeing this defendant in your home on the evening of the 22nd of April? A Yes, sir.

Q 1919? A Yes, sir.

Q That was two days before your arrest? A Yes, sir.

Q Did you have a conversation with him, have a talk with him? A Well I had a little talk with him.

Q Did you leave your home after that? A Yes sir -- Well after that talk there -- you mean on the 22nd?

Q Two nights before or two days before your arrest? A Yes, sir.

Q Did you have a talk with him in your home? A Yes, sir, over in my home.

Q What is that? A After I had a talk we took a walk and took in a picture show.

Q Did you on that night meet a man named Harry Goldberg? A Yes sir, that was one day before.

Q So that it was on the 21st that you met Harry Goldberg? A Yes sir, with Louie Weisel together; that was exactly three times, not two.

Q So that on the first occasion when Weisel called at your home it was on the 21st? A Yes, sir.

Q That was three days before the day you were arrested?

CASE #2746

h-7

48

A Yes, sir.

Q Now, after you had a little conversation at your home did you go out? A We went out then.

Q Did you meet a man named Harry Goldberg? A Yes sir, met a man named Harry Goldberg.

Q That man was brought in -- A He just went downstairs.

Q He was brought in now along with you? A Yes, sir.

Q What was said between you and Harry Goldberg and Louis Meisel when you got together and where did you go together? A We got together in front of a pool room at Jackson and Monroe Streets -- between Monroe and Perry Street.

Q Now tell his Honor and the Jury what you said and what Harry Goldberg said and what Louis Meisel said that night? A That night they came in to talk there, he had an idea how to go up to a place and get some goods, and an idea what place, and he asked him about that place and his truckman to get some goods. So Harry Goldberg talked up and he knows where the place is that they buy the goods. And so the following day we had an appointment to meet a fellow by the name of Moe Cohen around three o'clock in the afternoon we went down to No. 1 Elizabeth Street to see this Moe Cohen.

Q Now, just a moment. When you say the following day do you mean the day before you were arrested or two days before you were arrested? A Two days before I was arrested. I cannot explain myself so well.

Q Who was the man that suggested the idea of going around to

CASE #2746

different stores and picking up merchandise and selling it or receiving it. Speak up Goldberg? A I can't quite remember that.

Q When was the first time that you heard the name of Bischoff & Harris? A The first time I heard of the name of Bischoff & Harris?

Q Yes. A The first time I heard the name of Bischoff & Harris was after I worked for Taylor & Rosenagle, and after Louis Meisel worked for them.

Q Who was the one that mentioned Bischoff & Harris on the occasion you and Meisel and Harry got together? A Louis Meisel.

Q What did he say to you? A You can go up there and in that place there and get some goods there.

Q How long did you talk together that night? A That night we had a conversation for about an hour I guess, around that.

Q Who was the one that suggested the name of the man who bought the stolen goods? A Harry Goldberg.

Q What name did he suggest? A The name that buys stolen goods, Moe Cohen.

Q Did he mention his address? A He mentioned his place No. 1 Elizabeth Street.

Q Did Harry Goldberg run a pool room? A Yes.

Q Was it in front of his pool room that this arrangement was made? A Yes sir; in front of his pool room.

Q When did you see Meisel again? A I seen him the next day.

CASE #2746

Q Where did you see him? A We met in front of Monroe and Jackson and VanZandt to Cohen's place. There was his sister there.

Q When you say we whom do you mean? A Me, Harry Goldberg and Louis Meisel.

Q What time did you get there that afternoon? A About half past one, around that time.

Q You proceeded over to Moe Cohen's place, A Yes sir; 1 Elizabeth Street.

Q What kind of a place of business was that? A A second hand clothing place.

Q Did you find Moe Cohen when you got there? A No, sir.

Q Did you see his sister there? A Yes, sir.

Q Did you have a talk with his sister? A Yes, sir.

Q And how soon after you spoke with Moe Cohen's sister did Moe Cohen arrive? A About fifteen or twenty minutes later.

Q You there and then had a conversation with Moe Cohen? A Yes, sir.

Q Who partook in that conversation? A Louis Meisel and Harry Goldberg. Harry Goldberg knew him and he was doing all the talking to him.

Q Where did this conversation take place? A Right in front of his place.

Q On Elizabeth Street? A Yes, sir.

Q What was said, what did Moe Cohen say, what did you say, and what did Meisel say? A Well, Moe Cohen asked us, each of us in-

CASE #2746

dividually, what we were doing, and I said I was working with Casen's that one day, I was driving a truck, and told him I was driving crockery. He says that's no good. He asked Louis Meisel what was he driving and he told him he worked driving drygoods and all sorts of things like that; he asked him a couple of houses and he mentioned some houses and told him it was all right.

Q Did he mention the name of Bischoff & Harris? A Yes, sir.

Q Did he mention Ferguson? A Yes, sir.

Q Mention any other? A No, sir, not that I heard; I didn't hear him mention any other houses.

Q Well, continue, what else was said? A He said to meet him tomorrow morning at the stables, that he would furnish the truck and we could get that stuff.

Q What did Harry Goldberg say. You said before that Harry Goldberg was the man who knew Moe Cohen? A Yes sir; Harry Goldberg was the man who knew Moe Cohen.

Q Now, when you first laid your eyes on Moe Cohen what did Harry Goldberg say to him? A He asked him "What do you say" and told him he has got an idea like this, that he puts the idea to us, and so Moe Cohen said "That's a good idea" he would go to work and see what he could do.

Q What was the idea? A The idea was to go up to the place and find out the people who worked for this truckman and get the goods.

Q Goldberg was the man who said that to Moe Cohen, is that

CASE #2746

right? A Well, he --

Q Just give us your best recollection? A I ain't trying to give anything else. I am trying to give it the way it came out. It is about eight months ago and it puzzles me like.

Q Well before you left Cohen did anything transpire between you? A Before I left Cohen?

Q Yes. Was there any arrangement made between you? A Meet him the next morning.

Q Was any arrangement made between you, Meisel and Harry Goldberg as to who was to go in and get the first load? A By tossing up a coin we made the arrangement we should go in for the first load.

Q Where was that coin tossed? A Outside of Moe Cohen's place.

Q Was Moe Cohen present? A Yes, sir.

Q Upon whom did it fall to go in and get the first load? A It fell upon Louis Meisel.

Q Now, did you make an arrangement to meet the following morning? A Yes, sir.

Q Where? A Around Water Street and Montgomery Street, the stable.

Q Who suggested to go to that stable?

MR. KEIR: I object to these various questions. Some of them are leading. I would take it it is better that he proceed to tell what happened and what he did without any questions.

CASE #2746

along this line. They are somewhat leading.

THE COURT: Avoid leading questions if you can and bring out the narration.

Q - Tell us what else took place between you and Moe Cohen and this defendant and Harry Goldberg that day? A Well, I was the first one, probably must have been the first one, I ain't exactly sure, I met Moe Cohen outside.

Q How did you come to go to the stable? A Moe Cohen told us to meet him at the stable and he would fix it up to get the truck or trucks.

Q Did you go to that stable the following morning? A Yes sir, we did go to that stable.

Q When you got to the stable whom did you find? A Moe Cohen was standing in front of the stable.

Q Where was the defendant Louis Meisel? A He came later.

Q Did Moe Cohen stay there or did he go away? A He went away. He was there about ten minutes and then he went away.

Q How soon after that did Louis Meisel arrive? A About twenty minutes later, around that time.

Q When did Harry Goldberg show up? A He was just coming down on the run from the stable upstairs.

Q What did you do that morning? A That morning Harry Goldberg took a truck, and me and Meisel was on that little wagon there; Harry Goldberg took the truck as far as 13th Street and Fourth Avenue, and Louis Meisel took the truck from him; Harry Goldberg

CASE #2746

got off the truck and walked over to Bischoff & Harris and Louis Meisel went inside the store of Bischoff & Harris and got the goods and went up on the truck and drove away. A couple of blocks later he came along there and Harry Goldberg took the truck from him and Louis Meisel came on my wagon, and we rode down to 174 Lafayette Street.

Q How did Harry Goldberg come to take the truck away from Meisel? A Because a truckman of Taylor was standing there and he seen him so he had to get around on it, because he was a fellow from Taylor's who came to the place, and Louis Meisel was going along with his truck, pulling ahead of Bischoff & Harris' where the other truck was, and he came around -- he had to do that.

Q Did Meisel call out? A Yes, sir.

Q How did he call out, demonstrate how he acted on that occasion. Do you know what I mean? A I don't get you.

Q You say he called out? A Yes, sir.

Q What did he say, who did he call to? A He called to us, to me and Harry. I was driving the wagon.

Q What did he say? What were the words that he used?

A Something like "I think they got me. They are coming", or something like that.

Q What did Harry Goldberg do? A Harry Goldberg jumped off the truck, and I took my wagon on the side seen Harry take the truck from him and Meisel came up on my wagon.

Q You and Meisel did what? A Rode down to 174 Lafayette

CASE #2746

Syreet and took the little wagon up on Grand Street and waited for the truck to come along.

Q And did the truck come along? A Yes, sir.

Q Was Harry Goldberg driving it? A Yes, sir.

Q When you got to Grand Street did you get off your wagon?

A Yes, sir.

Q Did Meisel get off likewise? A Yes, sir.

Q Where did you go then? A We went to 174 Lafayette Street.

Q And did you find Harry Goldberg over there? A Yes sir, we found Harry Goldberg over there.

Q What did you and Meisel do with regard to the truck and the cases and packages that were on the truck? A We had to go upstairs in the place there?

Q How did you get them up? A Harry Goldberg and Louis Meisel were working downstairs and I walked upstairs, to get the goods coming up, take them off the elevator and bringing it in the other loft, the other part of the loft building.

Q Did you find anybody there when you got upstairs? A I found a man there; I don't know who he was, or what he is.

Q Do you know his name? A His name is Louis Kurinsky.

Q Did you see Harry Goldberg showing these papers, People's Exhibit 3 for Identification, to Kurinsky? A He handed it to Mr. Kurinsky.

Q Was that in the presence of Meisel? A Yes sir, that was in the presence of Meisel.

CASE #2746

Q After you got into these premises what did you do? A I was waiting around then to get some money for these goods there, and this fellow Moe Cohen was sent for -- The first rolls were brought there -- and Moe Cohen was sent for.

Q Yes. A Then we went to get the second load.

Q Who do you mean by we? A Me and Meisel and Harry Goldberg.

Q Where did you go then? A We went to 625 Broadway, Fergusons, we went to the Mercer Street entrance.

Q Who was guarding the truck? A Harry Goldberg.

Q Who was driving the light wagon? A I was driving the light wagon.

Q Was Meisel on the light wagon with you? A Yes, sir.

Q When you got to 625 Broadway, to Ferguson's, you stopped your truck? A Yes sir, stopped it on the Mercer Street side, the truck, the big truck.

Q What became of the light wagon? A On the corner.

Q Who went inside to Ferguson's? A Harry Goldberg.

Q Did you see him come out with any goods? A Yes, sir.

Q How many cases of goods? A About six cases.

Q Where was Meisel at the time? A Standing with me near the corner, right near the place.

Q Did you assist and did Meisel assist in loading that truck? A No sir, they had enough help there.

Q Did you see Harry Goldberg drive the truck away? A Yes, sir.

CASE #2746

Q In what direction did he go? A He went south, going down south on Mercer Street.

Q What did you and Meisel then proceed to do? A Jumped on the wagon, the small wagon, went around the place there, and we left the truck again, at Grand Street instead of bringing it up to Lafayette, you can't leave it unless you have got goods coming in or coming out.

Q Did you get off the wagon? A Yes, sir.

Q Did you go over toward 174 Lafayette Street? A Yes, sir.

Q What happened there? A Harry Goldberg went upstairs and we sent Harry Goldberg, that is, me and Meisel, he didn't come down, so Meisel went upstairs and after a little while I went upstairs later and I got locked up or arrested up there.

Q Was your wife at home on the occasion when the defendant Louis Meisel called? A Yes, sir.

Q Was anything said between you and Meisel and Harry Goldberg as to who was to be the one who was to go out and get the second load of goods? A It was in the restaurant we chose each who should go and it was between me and Meisel.

Q How did you do, with your fingers? A Yes sir. Between me and Meisel, and it was Meisel's change to get the goods, and he should get the goods, it fell on him. That was leaving me out, the lucky one that I didn't go up there.

Q You say Harry Goldberg is the one who made the second trip?

A I am getting balled up.

CASE #2746

h-17

b7

Q Who made the first trip? A The first trip, and Harry Goldberg made the second trip; that was between me and Harry Goldberg. I am looking over in a different direction making me awfully unconscious sitting here.

Q That took place in the restaurant? A Yes, that took place in the restaurant.

Q After you left 174 Lafayette Street you went into a coffee house? A Yes sir, after the first load.

Q What did you say to the officer when he questioned you as to anything being left at that Lafayette Street address? A To the officer? I was talking to the officer and he just asked me what am I doing here, suddenly and then God's honest truth something struck in my head I should get an alibi and I said I came up here for some goods; I didn't say how I got the goods, I said I come up here for some goods.

Q You lied to him? A Yes, sir.

CROSS EXAMINATION BY MR. KIER:

Q You are a crook aren't you, answer me? A Yes, sir.

Q A thief? (No answer)

Q Well how many times away? A Once.

Q Where was this? A Elmira.

Q What was that burglary? A What was it?

Q Go on and answer, you answer me? A You will have to find that out.

Q I am asking you now, A I was there for grand larceny.

CASE #2746

h-18

57A

Q What did you steal at that time, A I didn't steal anything.

Q Innocent I suppose? A I ain't exactly innocent of it.

Q Did you go away if you are not exactly innocent. You are one thing or the other, innocent or guilty, that is all. A Yes, will have to look the records up.

Q I am getting it from you. I want to take your word for it, to prove that. You say you are a liar. What did you steal at that time, goods like this stuff? A No sir, I didn't steal any stuff.

Q What did you steal? A I was driving a horse and wagon that some fellows on the East side took away from me. I wasn't going to spueal on them. I knew what I done before; I ain't going to do it again, I got a lesson now, and that is why I am talking up the truth.

CASE #2746

Q1

58

Q After you got a couple of innocent fellows in trouble?

A No, sir, I didn't get no innocent fellows.

Q Now you told the District Attorney here you lied here a few moments ago, you admit you lied? A Yes, sir, to the last thing there.

Q You told lots of lies in your time about stealing and everything else? A No, sir.

Q You said you were not guilty when they had you brought here the other day, didn't you plead not guilty? A Yes, sir.

Q You were indicted and when you were called before the indictment you pleaded not guilty, didn't you? A Yes, sir.

THE COURT: My recollection is that he withdrew his plea here.

THE WITNESS: Do you want I tell you a lie? I will explain.

Q You can explain if you want to? A I am taking my medicine like a man, not like a kid, this fellow Meisel, you want me to talk. I will give you a talk. This fellow Meisel came to my house and to my wife where she works and told me to wait, I was working, he was driving on a wagon and they met me in the street, and he asked that I should make that resolution, I should tell about it, and now he goes back and I am telling everything all right, but trying to throw him in.

Q He hasn't said a word against you. You are testifying against him? A Yes, sir.

Q He hasn't said a word against you? A Everything is

CASE #2746

all right.

Q Let us come down to what you are saying now. You are testifying against him ain't you? A Yes, sir.

Q He hasn't said a word against you, has he? A Well dont scare me by hollering. You are hollering.

Q I will take it quietly. Has he said a word against you. You are a pretty good fellow. Has he said a word against you, am I mild enough for you? A Yes, sir, mild enough.

Q Answer me? A He didn't say nothing against me.

Q Why do you think he is trying to put you away? A Because it is the truth. What is the use of coming over that way like that now, talking about something ordinary.

Q Your name is William? A Yes, sir.

Q Didn't you and Harry threaten to beat this fellow up if he said a word about this case? A Do I look like a murderer?

Q Well, you look like almost everything. You are a thief, a crook and a burglar. A That is what he is doing any how.

THE COURT: No vituperation.

Q You are a burglar and a thief and all these things and you might be a murderer.

THE COURT: He said that he pleaded guilty. He has admitted his guilt. Haven't you gone far enough?

MR. KIER: He asked me if I thought he was a murderer

CASE #2746

and I say yes, he might be a murderer, and I want to answer him and be polite.

THE COURT: You have answered him.

BY MR. KIER:

Q Now you pleaded not guilty, and you told the District Attorney -- you lied-- you told the Court many lies, haven't you, you are a liar, aren't you?

Objected to. Objection sustained.

MR. GOLDSTEON: He didn't lie to the District Attorney. He told the District Attorney the truth and that is why he is here.

Q Didn't you in the last question when the District Attorney asked you if you lied about a certain thing didn't you say yes, you lied? A Yes, I didn't lie to the District Attorney; I lied to the detective up there.

Q You lied when you stood up in Part 1 at the time you said you were not guilty? A Well, listen, just now, wait a minute.

Q You wait a minute.

THE COURT: Let him answer.

THE WITNESS: I just want to state my side the way I feel about it.

Q I don't want your feelings. A I will give you my lawyer's view, when I go and hire a lawyer, I got to take his word, whatever he says, if he says stand, I stand, if he says lay down, I will be down. I paid \$150 to Goldstein and I didn't

CASE #2746

get no deal -- Goldstein, the lawyer. I am a married man. I was up in Elmira and I just fell in with this crowd, and I wanted to get a chance to try to tell you-- I may not look like a murderer or anything like that.

Q When you were arrested and went before the Magistrate's clerk you pleaded not guilty there, didn't you? A I pleaded not guilty there.

Q You lied there, didn't you? A I was trying to save myself.

Q Now you have lied so many times that these gentlemen of the jury -- how do we know when you are telling the truth.

Question excluded.

THE COURT: It is for them to say.

MR. GOLDSTEIN: I hope Mr. Kier will conduct himself with more decorum if your Honor please.

THE COURT: Mr. Kier knows that the State is called upon to make out the guilt of an accused person beyond a reasonable doubt, and that a defendant is never called upon to prove his innocence. Now you may proceed.

BY MR. KIER:

Q Now where do you say you first met this defendant Meisel, where? A Do you mean the first time?

Q The first time you ever saw him in your life? A Casen, the truckman.

Q Where was that? A Front and Jackson streets.

Q Were you working for the same man? A He worked there

CASE #2746

before me; I worked there; I worked there the same day he worked there.

Q That is the first time you ever met him? A Yes, sir.

Q How long did you work there together? A I worked there one day.

Q Never met him before that, and you both worked for the same man only one day? A Yes, sir, only one day.

Q Were you only engaged for the one day? A Only hired for the one day.

Q Now then when did you see this defendant Meisel again and where after that? A The next day there we went to Mr. Casen, I came around to see if I can't get work for the next day and if Casen was in court you can ask him.

Q Don't get nervous about it. Take your time. A I ain't coming out as no Bolshevik. Don't handle me like a dog. Now the next day to Mr. Casen -- I came down to see if he ain't got nothing to do and the next day he was there and he ain't got nothing to do and he took me and Meisel into a saloon up on Monroe street and Jackson street and he left his truck outside and bought us a drink and at that time I met Meisel and Meisel came to the house that same night.

Q Now wait a minute. The day that you worked there -- I want you to tell me the first time you met Meisel? A Yes, sir, that is the first time I met Meisel.

Q Then you met him the next day when a drink was bought?

A I seen him the next day too.

CASE #2746

Q Now as I understand it you met Meisel in this place of Casen's where you were working, did he leave that night-- you met him that day? A I didn't quit the job that night. I came down the next morning to see if I could get something else to do.

Q What time did you come the next morning? A I was down there about seven o'clock.

Q Didn't you come the next morning to meet this Meisel to ask him to get this stuff from these people for you? A I egged Meisel?

Q Didn't you ask him to? A No, sir, I didn't do nothing of the kind. The actual starting point, I will show you the point, you don't want to ask nothing like that.

Q Answer my questions. Didn't you tell Meisel that you and the other fellow Harry Goldberg, were in the business of hiring trucks? A Hiring trucks? Never was in the business of hiring trucks.

Q Did you tell him that? A No, sir, I didn't tell him nothing of the kind.

Q Didn't you have cards printed the Victoria Auto Co.
A (No answer.)

Q Didn't you have cards printed for the Victoria Auto Co. which you claimed was yours, yours and Harry's? A Well, that is something new to me; never had cards printed Victoria or any other kind.

Q Did you ever carry cards of the Victoria Auto Co.?

CASE #2746

A No, sir.

Q Claiming that you were the Victoria Auto Co.? A No, sir, never claimed that. if I did I would have a house.

Q 40 West 28th street. Did you ever have any connection with an auto company at 40 West 28th street? A An auto company?

Q Yes or no? A No, sir, I never did.

Q Well, then, that time you say you went out with Casen and Weisel and had the drink, that following day that you worked with him, what time was that? A I don't know exactly.

Q About the middle of the day, the afternoon, or when?

A In the morning.

Q About 11 or 12 o'clock? A No, sir; early morning.

Q You didn't work at all that day, you did not work that particular day at all? A No, sir; I didn't work that particular day.

Q You went there to see if they had work? A Yes, sir.

Q He told you that they didn't have work for you that day? A Mr. Casen did.

Q Did you come around again at any time? A No, sir, I didn't say nothing of the kind.

Q He left you after having a drink with you and Casen, and that is the last time you saw Weisel that day? A I seen him the same day at my house.

Q What day was that? A Don't ask me a question like that. You ask me what day? I could not remember, it is

CASE #2746

8 65
about eight months ago.

Q Well, April, wasn't it? (No answer.)

Q You were arrested on about -- do you remember about the day you were arrested? A I can't remember the date. When a fellow goes out working he don't think about that. He thinks about supporting his wife and child.

Q You are making a speech about your wife and child. I wouldn't hurt you? A You can't hurt me; I was hurt enough.

Q Was it 1919 that this happened, that is your arrest charged with stealing these goods. You don't know the year. What year was it? A Well, 1919.

Q What month? A I know you know the year and you just asked me to kid me along.

Q What month? A I don't know; it must be in April that is how they got the charge here.

Q Do you know whether it was the latter part of April? A I don't know the first, last or the middle, and I ain't trying to get saucy about it. You might think I was trying to get saucy.

Q You don't know what part of the month of April this happened? A No, sir.

Q After you Casen and Meisel were having a drink-- you say that night or the following night, was it that you say Meisel came to your home? A Yes, sir, he even spoke that day to my mother-in-law because my wife happened to be out.

Q You say he went to your house where was your house?

CASE #2746

A 365 Madison street.

Q In Manhattan? A Yes, sir.

Q Who saw Meisel at your house outside of yourself that night? A That night my mother-in-law seen him.

Q What is the lady's name? A I don't know her name.

Q She is not here I presume, is your mother-in-law here?

A I don't know. She might be bundled away somewhere.

Q What is her name? Annie, I think. I don't bother with my mother-in-law; I got my own troubles without bothering around with her.

Q You have even forgotten her name. You say your mother-in-law and wife were present when Meisel was there. Did he go upstairs or was he at the house downstairs? A Upstairs in the house.

Q How long was he there? A He was there about a half an house.

Q Did anybody else meet him, was the other Goldberg there? A No, sir he was over on Jackson street, me and him went to meet him there; that is what you are trying to get.

Q When you left your wife home with Meisel where did you go? A Me and Meisel went over to see Harry Goldberg.

Q Did you see him that night? A Yes, sir, we seen him.

Q Who was it proposed this robbery of this man's goods?

A Who proposed the robbery of this man's goods?

Q Who said you were going to rob a store? A We wasn't going to rob anybody; going upstairs to get the goods.

CASE #2746

Q That is stealing; it was a crime, a theft, of course?

A Yes, sir.

Q You are a criminal? A Yes, sir.

Q You didn't say a word, you just listened? A No, we finished up the rest, that is all.

Q Did you agree to it then? A Sure we agreed to it.

Q Who agreed to it first, Harry or you? A Well, I don't know who agreed to it exactly, first.

Q As I understand it this defendant had all the ideas of stealing, and you just listened, the two of you, you two boys, you and Harry. You don't want us to believe that? A Aint I pleading guilty to taking it. I was waiting and you aint giving me a chance to speak.

Q I want you to speak? A You ain't giving me a chance to speak. You ask a question and you are telling me so many thing, you are saying the same things, that is what you are trying to do.

Q Do you want the jury to believe that you two listened and that this defendant did all the talking of the crime, and you just listened to him and did nothing else. Do you want us to believe that? A We took part in it and that is why we are here; that is why I pleaded guilty, I took part in it.

Q You agreed to that in the conversation? A We agreed to take part in it, and Meisel was giving us that idea; that

CASE #2746

11

is all.

Q. Now then how long did this take place afterwards when you and Meisel had left your home and met Harry. How long did that conversation take place about doing something wrong, half an hour or an hour, come ahead, I don't want seconds or minutes? A Well about a half an hour or so.

Q. Anybody else present besides you three? A Just us three.

Q. That was at night? A Yes, sir.

Q. Now when did you see Meisel the next time after that conversation. Can you answer me? A I seen him the next day.

Q. Where? A Around my house; he was there three times.

Q. The next day he was in your house, and Harry with him, was Harry present at this next meeting? A Harry was around on Monroe street, we met Harry and we went down to Moe Cohen's place.

Q. The three of you to go to Moe Cohen's place? A Yes.

Q. You claim you saw Moe Cohen? A Yes, sir.

Q. At any time did the three of you, you and Harry and this defendant Meisel, at any time did you see Moe Cohen together? A A few words, he was brought down after his sister called him.

Q. That was after you saw the sister, a short time after Cohen came and joined you? A Yes, sir.

Q. Did you three men have a conversation? A Yes, sir.

CASE #2746

Q What did you say and what did Meisel say and what did Harry say. First what did you say to Cohen at that conversation? A I did not have much to say to because Harry Goldberg knew this Moe Cohen through a fellow on 17th street, and that is how he came to talk about him, Harry Goldberg was the one to talk to Cohen.

Q What did he say to Moe Cohen? A He told him that we got an idea and he says, "I will bring a truck and see what you can do." Moe Cohen asked me what did I work at, and I told him, I said, I worked for Casen for one day, and he said, what doing, and I said, driving crockery. He asked Meisel, and he told him that he was driving dry goods and crockery and everything, and he worked there long enough, and Harry Goldberg wasn't doing anything, he wasn't no driver, and so he told him what his idea was to go up there and get some stuff, that we should meet him the next day to get the truck down at the stable.

Q That idea of yours was to go to some house and get stolen goods and sell them to him? A Yes, sir.

Q He was a receiver of stolen goods? A Yes, sir.

Q You had done business with him before? A No, sir, never did.

Q Who did you do business with before? A Didn't do with anybody business.

Q What do you say was the cause of your going to Moe Cohen's, who suggested Moe Cohen? A Harry.

CASE #2746

Q Harry suggested Moe Cohen? A Yes, sir.

Q Not you? A No, sir.

Q You had no knowledge of Moe Cohen at all? A No, sir.

Q Are you sure about that? A I am sure about it.

Q At that conversation Meisel had nothing to say? A He didn't have much to say.

Q Did you and Harry tell Moe Cohen about the kind of stuff you were going to bring to Cohen-- did he say "Bring me anything that I can get cheap or what did he say?" A I don't exactly know what he said.

Q Did he know what kind of goods he was going to get?
(No answer.)

Q Did he say he knew what kind of goods he was going to get, did he talk about what he was going to get? A He knew what kind of goods he was going to get when Meisel told him he worked on dry goods, and that he knew what kind of goods he was going to get.

Q You say you were working on crockery? A I drove crockery for that day; I worked on Pier 22 East River.

Q What did you do before you worked that day? A I worked for the Crane Co.

Q Before that who did you work for? A For M. A. Goodman.

Q Why did you leave crane? A I was getting \$22 a week.

Q You left because you weren't getting enough? A Yes.

Q No other reason? A No, sir.

Q How many times do you say that Meisel was present

CASE #2746

when you had talks with Cohen? A Just once.

Q Only once? A Yes, sir.

Q Didn't you and Harry Goldberg see Cohen on other occasions after that? A No, sir.

Q Now how long after were these goods actually taken. How long after this talk with Cohen? A The next day.

Q The next day where did you first see Meisel at what time? A Around the stable.

Q At what stable? A At Montgomery and Water street.

Q Were you there or was he there when you went there?
A I was there first.

Q Where did he come from? A He came from his home; I don't know where he came from; I didn't sleep with him.

Q Where was Harry then, was he with you? A He was upstairs.

Q In your place? A In my place, I ain't got no place.

Q In the stable or wherever it was? A In the stable.

Q He was upstairs in the stable? A Yes, sir.

Q In other words you and Harry were at this stable when Meisel came there? A Yes, sir.

Q That was a stable, was it for trucks? A A stable
for trucks.

Q Was it that kind of business? A Yes, sir.

Q Trucking business? A Yes, sir.

Q Not an automobile stable? A No, sir.

Q Now then what happened when you say Meisel came from

CASE #2746

where he was upstairs and you were downstairs, what happened then at this stable. Did you all get together? A We met together.

Q Where, downstairs? A Yes, sir, in the stable; in front of the stable.

Q How were you connected with this stable working there, or did you know the man who had it, how did you happen to be there? A Moe Cohen was there and he told us that same night-- Moe Cohen this same night if we wanted a truck to go down and get it; we weren't sure of getting it.

Q Was Moe Cohen there? A Yes, sir.

Q Do you say that Cohen was there? A I ain't sure about that-- when Harry was there.

Q You were there? A Yes, sir.

Q You saw Moe Cohen? A Yes, sir.

Q That is a long time before Meisel came? A Yes, sir.

Q Meisel didn't see or meet Cohen again? A You will have to ask him if he did; I ain't got his eyes; I got my own eyes, and I must speak true.

Q Cohen wasn't there? A When Meisel came there?

Q You couldn't see him very well if he wasn't there?

A You are trying to push a fellow overboard.

Q I am sorry for you. A Not sorry for me. My wife is sorry for me.

Q Now there is no doubt that Cohen was with you before Meisel got to that stable to take out this truck, is that it?

CASE #2746

A Cohen was there and he told the Polack to give us the truck.

Q But Meisel was not there? A Well, he told Meisel the night before.

Q Please answer me. Meisel was not there when he told the Polack to give you the truck, was he-- when Cohen told the Polack to give you the truck Meisel was not present?

A No, sir; but he knew it was coming off.

Q Was Harry present? A Yes, sir; I don't know if he was present when Moe was there; now I don't know exactly.

Q Now then Moe told the Polack to give you the truck, you were there and you don't know whether Harry was there or not. Are you willing to say that? A Harry was there but Harry came from upstairs and he didn't see Moe.

Q Now did the Polack give you the trucks? A The Polack didn't have the trucks ready right away so he gave us the one truck.

Q Now he gave you one truck? A Meisel-- I don't remember whether when the truck was coming out--

Q The Polack gave you one truck, he got one truck ready? A He didn't give it to me; he had it outside in the street.

Q That was a big truck? A That was supposed to be for us, three fellows.

Q After he put this truck in the street did you and Harry get on the truck? A No, sir.

CASE #2746

Q What happened then? A Meisel was out there.

Q Meisel came up after Moe went away? A But the truck was outside.

Q Is that right? A Yes, sir.

Q Where were you when Meisel came? A I was right there; I was not on the truck, you are trying to sell me I was on the truck; you are telling me now and you ain't giving me a chance to tell you I was not on the truck.

Q Did you get off the truck when Meisel came along?

A I was standing outside the stable when Meisel came along, on the outside.

Q Where was Harry? A Harry just happened to come from upstairs; we had another wagon besides that.

Q Who was on that truck when Meisel came up? A Harry Goldberg.

Q What did he do, drive off? A Drove to 4th avenue and 13th street.

Q To 4th avenue? A Yes, sir.

Q Of your own knowledge who did he meet up there? A Me and Meisel.

Q Did he speak to you or Meisel? A The two of us, we was there, when the two wagons was ready.

Q Now then did they get the other wagon ready afterwards? A Yes, sir.

Q What kind of a wagon was that? A A shed wagon.

Q One horse? A Yes, sir.

CASE #2746

Q Was that brought in front of the place by the Polack?

A Yes, sir.

Q Who got on that? A Me and Weisel got on that.

Q Who drove? A I drove.

Q Weisel sat on with you? A Yes, sir, Weisel sat on with me.

Q Then where did you drive to? A We drive to where that truck was.

Q You drove? A Yes, sir.

Q You were driving? A Yes, sir; he didn't touch the lines; I drove that wagon.

Q Don't say we drove if you drove. He sat alongside of you, is that right? A Yes, sir; he sat alongside of me.

Q Where did you drive to? A Fourth avenue and 13th street.

Q Where you had arranged with Goldberg to meet him?

A Yes, sir.

Q You both have the same name? A Yes, sir.

Q What are you, brothers or any relation at all? A No, sir; no relation at all.

Q Are they your real names, or alias? A You can look up the record and find out.

Q Your record is bad enough. I don't want to look at it. Is that your real name? A Yes, sir.

Q You don't know whether it is your real name or not?

CASE #2746

A I don't know.

Q Now after you got there to 13th street and 4th avenue, did you find Harry there ahead of you? A Harry was there.

Q What was done when you drove up? A Meisel took the truck from Harry.

Q Took the larger truck, the big truck? A This was a wagon that I was driving.

Q Took it from Harry? A And drove to Bischoff & Harris's and Harry, instead of getting on my wagon walked over to Bischoff and Harris's and Meisel went inside and got the goods and Harry assisted him in putting the goods on the wagon or truck, I had the wagon up on the corner.

Q You say Meisel got on to the truck and drove it over to Bischoff & Harris's? A Yes, sir.

Q Harry followed on after him? A Yes, sir; he walked over.

Q How far is that? A Only a block.

Q Then after Meisel went into Bischoff & Harris's, Harry went in, followed him in? A No, sir; Harry didn't follow him in the place there.

Q Where were you all this time? A I was near the corner only a half a block away from the place.

Q Your truck alongside? A My wagon a half a block--that ain't alongside of him.

Q After they came out, after Meisel came out, Harry, I understand, assisted in getting these goods? A Yes, sir, put-

CASE #2746

ting the goods on the wagon.

Q What did you do? A Stand on the corner there.

Q You left with the goods, they didn't leave you? A After they put it on you didn't ask me if they put it on.

Q After they put it on what happened? A After he put the goods on Harry came to my wagon and Louis Meisel and I drove around -- Meisel came on my way, followed me up, I don't follow him because there was somebody else there from Taylor and Rosenagle, who belonged to the same truck was after the same goods or lot of goods that Meisel took from that place.

Q After they got the goods you followed up with your wagon? A No, sir, I went in front of him; he followed me up with his truck and hollered out, "Somebody coming, somebody caught him" and so Harry Goldberg took the truck from him.

Q Was anything put on the wagon? A No, sir, nothing at all put on my wagon.

Q Where did you go, to 174 Lafayette street? A Yes.

Q That is where the men on the big truck were driving to, 174 Lafayette street? A Harry Goldberg.

Q He did the driving? A Yes, sir, he did the driving from where he left.

Q This defendant sat on the truck? A With me.

Q That is on the small wagon? A Yes, sir.

Q You followed on? A Yes, sir.

Q When you got down to 174 Lafayette street who got

CASE #2746

off the wagon first, that is, off the wagon, who got off first?

A Off of what?

Q Did you leave your wagon before Harry got off his truck? A Well, Harry has his truck in front of the place, because I didn't have my wagon in front of the place; my wagon was on Grand street, and this was Lafayette street.

Q He got off then in front of 174 Lafayette street?

A Yes, sir.

Q Did you go up and assist him with these goods? A I did get off the wagon, and I did go up to assist him with two cases; I didn't assist Harry with any cases; I assisted in taking the cases-- they wanted to put two or three cases on the elevator that holds just enough for one case and I took it off and brought it to the back.

Q That is you went up into this building, this loft building, what floor was it you went to? A The fourth floor.

Q How long did you stay there? A I stayed there until the last load was up.

Q Where all this time was Moe Cohen? A Moe Cohen I don't know where he was.

Q Didn't you see him that morning, didn't you see him after you left him at the stable? when did you see him?

A No, sir, I didn't see him after the stable.

Q He gave orders regarding these trucks and then left you? A Yes, sir, as to this place at 174 Lafayette street.

Q He gave you orders? A Yes, sir, to Harry Goldberg orders.

CASE #2746

Q Meisel wasn't there when the orders were given? A Meisel heard where the goods was supposed to be the same night we met Moe Cohen at 1 Elizabeth street.

Q He wasn't there when the orders were given that morning? A He was there when he heard that though.

Q When did you see Moe Cohen again? A When we bought the second load there we seen him up in the place, up there.
in

Q He was there? A Yes, sir.

Q Did you say anything to him? A No, sir, I didn't say anything to him up there.

Q Do you remember in the station house when you and Meisel sat together on a bench after the arrest? A Me and Meisel sitting on the becnh?

Q In the Jefferson Market Court when you and Meisel sat together on the becnh, do you remember that? A No, sir, I don't remember that.

Q Were you sitting at any time with Meisel on a bench in the Magistrates' Court? A No, sir, I couldn't ever remember sitting on a bench.

Q Officer Reilly called you over, you went over to see Reilly, and you left him seated, do you remember that incident? A No, sir, I don't remember.

Q Nothing like that happened? A It might have happened but I don't remember it, I aint going to tell you what I don't remember.

Q Do you remember when you were together sitting on a

CASE #2746

bench and Shaddy says, "Come over here you" and Meisel got up and started to go to him and he says, "I don't want you, I want Meisel". Do you remember that happening? A No, sir.

Q You won't swear it didn't happen? A No, sir; I don't remember it.

Q Do you remember on the morning the wagon went away from that stable that this defendant Meisel was standing in front of Henry Brant's stable? A I know Henry Brant's stable.

Q Next door to the stable you speak of where you got your truck, do you know that place? A I know Henry Brant's stable.

Q Do you remember standing in front of it and you told him that you would get him a job to go to work and drive a truck. Do you remember that, telling the defendant Meisel? A Never said anything of the kind, that is what he is putting up a story to me. I got my medicine.

Q You are trying to be frank? A As frank as I can, but when I hear some stories put up to men. Why don't he take his medicine.

Q You didn't want to take your medicine when you fought this case all over? A I didn't fight at all.

MR. GOLDSTEIN: I object to this method of cross examination.

THE COURT: I want to give you a reasonable latitude but this is going beyond bounds.

CASE #2746

MR. KIER: The witness says to me why don't he take his medicine.

MR. GOLDSTEIN: It is only because of my extreme sense of fairness that I have not interposed any objection but I think Mr. Kier ought to conduct himself with a little more decorum.

MR. KIER: This defendant said to me, "Why don't he take his medicine"like a man". I want to ask him why he didn't take his medicine, and I want your Honor's ruling on that. Why didn't you take your medicine like a man, why did you fight the District Attorney for two days and only pleaded guilty when your case was falling to pieces?

THE COURT: I don't know whether he had in mind that the State is required to prove their case beyond a reasonable doubt, and then when he felt that they had established him to be guilty by proof then the defendant determined to plead guilty.

MR. KIER: It is up to him when he attacks this defendant and says "Why don't he take his medicine like a man", why didn't he take his. I ask him why. Why didn't you take your medicine like a man, and plead guilty and not fight for two days.

THE WITNESS: I wasn't fighting for two days. When I hire a lawyer he is supposed to know, I don't, I ain't no lawyer, he tells me to stand, and I got to stand, I got

CASE #2746

to do what anybody tells me. He told me to plead guilty right here and I pleaded guilty right away.

Q Do you say that you didn't tell this defendant that you would get him a job? A No, sir.

Q That you were a truckman, and wanted him to work for you in a legitimate business? A No, sir; I never said that.

Q Nothing of the kind? A No, sir.

Q That is true? A That is true.

Q Didn't you tell this defendant Meisel to go up to Casen and tell him not to press this case against you, that you knew the defendant was innocent and you were guilty, is that true?

A I told him that?

Q I am asking you, I don't know. A I never told him anything of the kind.

REDIRECT EXAMINATION BY MR. GOLDSTEIN:

Q When you got back to 174 Lafayette street did you find the same cases and packages that you and Meisel and Goldberg brought there around 9.30 o'clock in the morning? A Yes, sir.

Q Were those the cases and packages that were in the custody of the police officers? (No answer.)

Q Did the police officers have those cases and packages when you got there the second time? A Yes, sir.

Q You saw the same cases and packages? A Yes, sir.

Q That is what the police officers brought with you along to Police Headquarters? A Yes, sir.

CASE #2746

H A R R Y G O L D B E R G, a witness for the People, being
duly sworn, testified as follows:

(The witness states he lives at 236 Madison street.)

DIRECT EXAMINATION BY MR. GOLDBERG:

Q How old are you? A 21.

Q Ever been convicted of a crime before? A No, sir.

Q You pleaded guilty to grand larceny under this same indictment? A Yes, sir.

Q That this defendant is on trial for? A Yes, sir.

Q You are one of the defendants mentioned in this indictment? A Yes, sir.

Q Is that right? A Yes, sir.

Q Now, do you know Meisel? A Well, the day we were arrested; the day before we were arrested.

Q Where did you meet him the first time and how did you come to meet him? A Well the first time I met him was through William Goldberg, he came around.

Q Where? A On Madison and Jackson streets.

Q You have a poolroom in that neighborhood, haven't you?

A Not at that time, but before the crime was ever committed.

Q William Goldberg and Meisel met you in front of the pool room? A Well, it wasn't in front of the pool room.

Q You have a pool room? A Yes, sir.

Q Did you have a talk with Meisel and Goldberg on that occasion? A We had a talk over the goods, to meet tomorrow morning at the stable to go out and get some goods.

CASE #2746

Q Now just refresh your memory a bit. Did you meet the day before, or did you meet a few days before the day on which you were arrested? A Well, that is the time we went over to see the buyer that buys the goods, two days before.

Q Did you meet him that night? A In the afternoon.

Q Well, what I mean is the first time that you met Weisel did you meet with William Goldberg that night?

MR. KIER: I object to that as leading. He is leading all the time. Let him state when he met him. I object to the leading.

THE COURT: You may proceed.

BY MR. GOLDSTEIN:

Q Will you tell us when you met William Goldberg and this defendant? A It was about two or three o'clock in the afternoon.

Q I mean the first time when did you meet him? A About one in the afternoon, about around that time.

Q Was that the day on which you went to Cohen's? A Yes,

Q Now what was said between you and William Goldberg and this defendant on the first occasion that you had a conversation with him? A You mean Mr. Cohen?

Q No, before you went to Cohen's? A We didn't talk much over the thing; we just walked there without saying a word, just joking around.

Q How did you happen to go to Cohen? A Well, I knew him from a couple of friends of mine.

CASE #2746

Q Now Goldberg I want you to understand that you are under oath?

MR. KIER: I object to that.

MR. GOLDSTEIN: Now, just a moment. I am going to ask your Honor to advise this witness of the fact that he is under oath. This witness is not a willing witness.

MR. KIER: I object to that.

MR. GOLDSTEIN: And the Prosecution is obliged to encounter considerable difficulty in a case of this kind, as your Honor undoubtedly knows and as counsel for the defense undoubtedly knows.

THE COURT: What is the objection?

MR. GOLDSTEIN: I would like to have your Honor advise the witness, that he is under oath and that he must tell the absolute truth and answer the questions.

BY THE COURT:

Q Do you know that you have sworn to tell the truth?

A Yes, sir.

Q Nothing but the truth? A Yes, sir.

Q And the whole truth in this case? A Yes, sir.

BY MR. GOLDSTEIN:

Q Now before you got to Cohen's what was said between you and Meisel and William Goldberg? A We didn't talk about it anything at the time till we got to Moe Cohen's and then we were talking about it.

Q Who suggested going to Moe Cohen's? A I did.

CASE #2746

Q When did you suggest that? A That was the night before

Q What is that? A That was in the morning.

Q A moment ago you said the night before.

MR. KIER: I object to cross examination of his own witness.

THE COURT: I will allow it.

MR. KIER: He is cross examining and that is against the rule.

THE COURT: No, it is not.

BY MR. GOLDSTEIN:

Q Where did you meet Meisel and William Goldberg the night before?

MR. KIER: I object to that. He didn't state he met him the night before.

THE COURT: He said the night before and then he spoke of the following morning.

MR. KIER: I object to that.

THE COURT: Answer the questions directly., and make only truthful answers.

THE WITNESS: Yes, sir.

BY MR. GOLDSTEIN:

Q When you first met him was it in the morning or at night? A When I first met him at night and they came around the next morning to me-- that was just how it happened.

Q Tell me when you first met him?

MR. KIER: I object to that.

CASE #2746

THE COURT: I think it is clear now. He said he met him in the night, and then he met him the next day, in the morning and they were to go to Cohen's.

BY MR. GOLDSTEIN:

Q When you met him at night the first time what was said between you, William Goldberg and Meisel? A We were to meet the next day at one o'clock to see the buyer Moe Cohen.

Q What was said when you met that day, who spoke, if you spoke, say what you said and if Meisel spoke say what he said.

A Well, Goldberg asked me if I know buyer, and I said, yes, and I told him about I know some fellow named Moe Cohen, and he buys stolen goods, and he said all right, meet me tomorrow we will go down and see him. And so we met the next day about one o'clock in the afternoon and we went down to see Cohen.

Q What did Meisel say if anything at all that night? A I didn't know him then, that is the first time I know him-- that is the second time I seen him; I didn't know him much to talk to, but I was talking to Goldberg.

Q When you met him the next day where did you go? A One o'clock in the afternoon.

Q Where, on what street? A Madison and Jackson streets.

Q Where did you proceed to go? A Straight over to Cohen's place.

Q When you got to Moe Cohen's place did you find him there? A No, sir.

CASE #2746

Q Where was his place located? A Elizabeth street.

Q Was it his place or a place of a relative of his? A I think it was his father's place.

Q Did you find any member of his family there? A Yes.

Q Who? A His sister.

Q Did you have a talk with her? A Well, I asked her where Moe was.

Q Never mind what you said? You simply had a talk with her? A Yes, sir, I had a talk with her.

Q After you had a talk with her did she leave the premises? A Yes, sir.

Q Did Moe Cohen arrive? A Yes, sir.

Q How soon after? A Fifteen or twenty minutes.

Q Did you have a talk with Moe Cohen? A Yes, sir.

Q Was Meisel present? A Yes, sir.

Q Was William Goldberg present? A Yes, sir.

Q Where did you have this talk, in his place, or his father's place or outside on the street? A On the outside, right in front of the store.

Q Tell us what was said between you and ~~Meisel~~ and Moe Cohen and William Goldberg on that occasion? A Well, I introduced Meisel and Goldberg to Cohen, and I told him that we will have some stolen goods coming down and like to have a place where to drop it off, so he knows a place on Lafayette street to buy stolen goods. Well, then we tossed up a coin to see who goes in the first one to get the goods.

CASE #2746

Q Was Moe Cohen present when you tossed the coin? A He was standing right by.

Q Was that down on the street? A Yes, sir.

Q Upon whom did it fall to go in and get the first load of goods? A Meisel.

Q And what did you do after you tossed the coin? A We just told Moe Cohen that the load will be all right in the morning and we left.

Q Did you go any place the next morning? A Yes, sir.

Q Where did you go? A To the stable.

Q What stable? A Water street.

Q How did you come to go there? A We were told by Cohen that we hire trucks out of there and it is all right to get a truck there any time at all.

Q When you got there in the morning what did you do?

A He had the trucks all ready and he said--

Q Who got there first? A Well, I guess I got there first because when I got there nobody was there at the time.

Q Did you go upstairs? A Yes, sir.

Q When you came downstairs did you find William Goldberg there? A Yes, sir.

Q Did you find Meisel there also? A Yes, sir.

Q Did you rig up the horse? A Yes, sir.

BY THE COURT:

Q Did you say Cohen told you where to go and get the truck? A Yes, sir.

CASE #2746

Q Where did he tell you to go? A On Water street.

Q What number? A I don't exactly know the number, around the corner of Montgomery.

BY MR. GOLDSTEIN:

Q Do you remember near what street it was? A Montgomery street.

Q Water and Montgomery? A Yes, sir.

Q Is that on the corner or is it between two streets?

(No answer.)

Q Then where did you go from there? A I went down to Bischoff & Harris.

Q Did you drive the truck? A Yes, sir.

Q Was there any other wagon besides that? A Yes, sir.

Q Who was on the other wagon? A Mesel and Goldberg.

Q Did you go to Bischoff and Harris? A Yes, sir.

Q Did Meisel ever get on your truck before you reached Bischoff & Harris? A Yes, sir.

Q How far away from Bischoff & Harris's did Meisel mount your truck? A About a half a block away.

Q What did you do? A I went off the truck and I walked over to Bischoff & Harris's store.

Q When you got to Bischoff & Harris's store what did you do? A I stayed outside.

Q What did you see Meisel do? A He went inside the store.

Q Did he come out? A Yes, sir.

CASE #2746

Q Bring anything out with him? A Yes, sir.

Q Did you assist him? A Yes, sir.

Q What did you assist him to do? A Putting the case and bundles on the dtruck.

Q How many cases or bundles did he bring out? A I cant exactly remember how many it was,-- something like two cases and a couple of bundles.

Q Where did you go then? A In Lafayette street.

Q Did you get on his truck-- did you get on the truck?

A Yes, sir, about a half a block away from Bischoff & Harris's.

Q After you assisted him in loading the truck did you walk away or get on the truck? A I walked a half a block away from the place and then I got on the truck.

Q What did he do? A He jumped off.

Q When you got on his truck he jumped off-- did he hand you these papers here known as people's Exhibit 2 for identification? A Yes, sir, these are the papers that were there.

Q Did you drive the truck all the way downtown? A Yes, sir.

Q When you got down there did you find Meisel and William Goldberg there? A Yes, sir.

Q How did they go down if you know?

MR. KIER: I object to that.

A They had a light rig I suppose to go down.

MR. KIER: I object to that.

THE COURT: Don't testify unless you know.

THE WITNESS: I think he rode down there.

CASE #2746

(Question withdrawn.)

Q When Meisel mounted your wagon or when you mounted the wagon that Meisel was driving where was William Goldberg? A Well I didn't notice at that time where he was.

Q When you got downtown you found William Goldberg and Louis Meisel there? A Yes, sir.

Q Did you see their wagon there? A Yes.

Q Did they come over to your wagon? A Yes, sir.

Q What did you see both of these men do? A Well, we took the cases of the truck and put them in the hall, in the elevator.

Q And took them upstairs? A Yes, sir.

BY THE COURT:

Q Who do you mean by "we"? A Myself, Meisel and William Goldberg.

BY MR. GOLDSTEIN:

Q When you got upstairs what did you do with the packages? A We left them up there.

Q Did you see anybody up there? A Not at that time.

Q Do you know a man by the name of Kurinsky? A I heard of the name when we were arrested; that is the only time I came to know him.

Q Did you see Kurinsky there when you first got there?
A Yes, sir.

Q With these cases and packages? A Yes, sir.

Q Did you have a talk with Kurinsky? A Well,--

CASE #2746

Q Yes or no, did you say anything to him? A I didn't say anything to him-- I did say something to him, yes, sir.

Q Did you hand Kurinsky these papers here known as People's Exhibit 2 for identification? A Yes, sir.

Q Did you have a talk with him about these papers? A No.

Q That was the first time that you met Kurinsky? A Yes.

Q Did Cohen ever mention Kurinsky's name to you in the presence of Meisel? A No, sir.

Q At any rate you handed him these papers? A Yes, sir.

Q People's Exhibit 2 for identification? A Yes, sir.

Q Did you go downstairs in the street? A Yes, sir.

Q Meisel accompanied you? A Yes, sir.

Q And Goldberg as well? A Yes, sir.

Q Then where did you go? A Went over to Ferguson's on Broadway.

Q Where is Ferguson's place of business? A On Broadway.

Q Before you went to Ferguson's did you have any talk with Meisel and William Goldberg as to who was to make that trip? A Yes, sir.

Q Well, what was said? A Well, it fell on me; that was my load.

Q Did you toss a coin? A We chose out.

Q What method did you take of choosing--

MR. KIER: I object to that.

THE COURT: State what was said and what was done.

Come hurry up now.

CASE #2746

THE WITNESS: Well, we choose out and it fell on my turn to go in and get the goods.

Q What do you mean by choosing out? A With the fingers.

BY MR. GOLDSTEIN:

Q Did Meisel go up there with you? A No, sir.

Q I don't mean in the premises, but did he go up to 625 Broadway with you? A Yes, sir.

Q Ferguson's? A Yes, sir.

Q Were you driving the truck? A Yes, sir.

Q How did William Goldberg and Louis Meisel go up to the premises? A Well, with the other truck I suppose.

MR. KIER: I object to that unless he knows.

THE COURT: Strike out the answer.

Q Did you see him around the premises? A Yes, sir.

Q Around 625? A Yes, sir; it was on the opposite side, the back entrance of the place.

Q Did you load your truck yourself? A Yes, sir.

Q Did you have any assistance? A The clerks that worked there.

Q You mean the clerks at Ferguson's? A Yes, sir.

Q Then where did you go? A To a place on Lafayette street.

Q Did you see Meisel and William Goldberg drive away?
A Yes, sir.

Q You saw them on that light wagon, did you? A Yes, sir.

Q Did you then meet them later at 174 Lafayette street?

CASE #2746

A Yes, sir.

Q How many cases of goods did you have on your truck then?

A Six or eight.

Q At the time you got those cases of goods from Ferguson's did you receive from the shipping clerk, the man who handed them to you, these papers here known as people's Exhibits 3 for identification? A I did not look at them at the time, but they looked something like that.

Q How did they get into the hands of the police officers?

A Well, when I got up in the loft where we were arrested they were found in my pocket.

Q They were taken from you? A Yes, sir.

Q Now, when you got to 174 Lafayette street did you see William Goldberg and Louis Meisel on that light wagon? A Yes.

Q Where did the light wagon stop? A I can't tell you where it stopped.

Q I mean was it on Lafayette street or Grand street or Broome street or where? A Well, Grand street.

Q Did they walk over towards you to meet you? A They didn't walk towards me they were right near the place, they were standing when I came over.

Q Now did you go upstairs to the fourth floor? A Yes.

Q Did you go up there altogether? A I went up myself.

Q Did Meisel come up there after you? A Yes, sir.

Q William Goldberg also came up there? A Yes, sir.

Q When you got up there you were placed under arrest?

CASE #2746

A Yes, sir.

Q Isthat right? A Yes, sir.

Q There was a man by the name of Liebensart who was arrested at the same time as you? A Yes, sir.

Q Did you observe anything peculiar about Liebensart's clothes that day? A Well, somebody from Bischoff & Harris's identified him.

Q I didn't ask you that--

MR. GOLDSTEIN: I ask that it be stricken out.

THE COURT: Strike it out.

BY MR. GOLDSTEIN:

Q Did you observe anything about Liebensart's clothing that day, his trousers or his coat? A No, sir; I didn't take no notice.

Q Did you observe whether he had any--

MR. KIER: I object to that. He said he did not take any notice. I object to further questioning along these lines as it is immaterial.

Q Did Louis Meisel have a hole in his pants that day?

MR. KIER: I object to that.

Q Do you know? A No, sir.

Q Do you know whether he had or not? A No, sir.

CROSS EXAMINATION BY MR. KIER:

Q No doubt but that the defendant had these straight receipts? A They looked something like that.

Q Look again? A I ain't sure whether these are there

CASE #2746

but they looked something like them.

Q A few minutes ago you told the District Attorney they were taken from you, now which is it? A Well, they might have been taken from me; they look something like it, I ain't sure.

Q You swore they were; you didn't say I think before when the District Attorney asked you about them. You didn't say that you weren't sure: You said these were taken from you.

MR. GOLDSTEIN: He said they looked something like them. That is exactly what he said.

BY MR. KIRK:

Q Was anybody present -- was William present when these were taken from you? A No, sir.

Q Well they were taken from you, don't you know these were the particular receipts that were taken from you? A I don't know, I ain't sure, they look something like them but I ain't sure.

Q Were there other papers taken from you? (No answer.)

Q Were these papers taken from you? A No, sir.

Q Only one set of papers? A Yes, sir.

Q You are certain as to what part of the day you first met Meisel. Now I understood you said you first met him in the afternoon about one or two o'clock when you first saw him, is that true. What I want is your best recollection?

A When I first came to know him.

CASE #2746

Q You see the defendant there? A Yes, sir.

Q His name is Meisel? A Yes, sir.

Q What I want to know is when and where -- your best recollection as to when and where you first met him, first saw him, the first time in your life, where and when and what part of the day? A Well, what part of the day-- in the evening between two and three in the afternoon or four or five or something like that.

Q You don't think you could tell the day of the month or anything like that? A No, sir.

Q But you believe that it was between two and three o'clock in the afternoon when you first laid your eyes on this Meisel the first time? A Yes, sir.

Q It was not at night, was it? A No, sir; it was light in the street.

Q Where was it that you saw him for the first time in the afternoon and in what part of the city? A It was on Madison and Jackson street.

Q Who was with him when you first saw him? A William Goldberg.

Q Do you remember who first spoke and what was said?
A Yes, sir.

Q Well, let us hear it. A William Goldberg asked me whether I know some fellow that buys stolen goods and I said yes, and he would meet him for the next day.

Q That is you and William? A And Meisel too.

CASE #2746

Q Won't you tell me what was said. You have told me about what William said if you know somebody who buys stolen goods, and you told him-- what else did William say? A Well, he didn't say nothing, he just asked me to meet him the next day at two o'clock in the afternoon.

Q Now when that was said this defendant stood by and said nothing I presume, this Meisel? A No, sir.

Q He said nothing? A No, sir; nothing.

Q Now how far away was he from you two when you talked about that? A He was right alongside of us.

Q But he didn't take part in this conversation? A No, sir.

Q Now you did go to what is supposed to be Cohen's place, you don't know whether his father's place or whose place but you met Cohen there? A Yes, sir.

Q Now then who was with you when you met Cohen? A Goldberg and who else? A Meisel and myself.

Q This defendant and Goldberg and yourself? A Yes, sir.

Q Now who spoke first to Cohen? A I did.

Q Can you remember what you said? A I introduced Meisel and Goldberg to Cohen and I told him that we had some stolen goods and he said all right.

Q After you finished what you said what was done?

A Well, I told him we will be ready tomorrow morning and have the goods up there.

BY THE COURT:

Q At the time that you told Cohen you had some stolen

CASE #2746

goods where were the goods at that time? A We didn't know whether we were going to get them.

Q You hadn't taken them away? A No, sir.

BY MR. KIER:

Q And nobody had suggested to you up to that time where the goods were to be obtained? A No, sir.

Q You had no idea from where the goods had to be obtained or what kind of goods, did you? A No, sir.

Q Now Cohen I understand told you to meet him some place the next day, at a stable? A At the stable yes, sir.

Q I will ask you again as I don't think you answered it before, did he give you the number and street of the stable, did he give it to you? A He must have given it to William because he took me down there.

Q William took you down there? A Yes, sir.

Q Now I want you to answer this-- are you sure and certain that this Meisel was present when you had this talk with Cohen the first time? A Well we all met together.

Q Are you sure that this defendant was there? A Yes.

Q Sure about that? A Yes, sir.

Q Now the next day the defendant was present at the stable when you and Cohen and William had the talk too? A Yes.

Q No doubt about that? A Yes, sir.

Q No doubt that Cohen was there and you and Meisel and William? A Yes, sir.

Q At the stable? A Yes, sir..

CASE #2746

Q That is the second time that Cohen, and Willy Goldberg and Meisel got together? A Yes, sir.

Q Now how long, what length of time were you and Meisel and Cohen and Willy together at the stable, I don't want seconds or minutes-- was it half an hour or twenty minutes or how long? A I didn't see Cohen at the stable that morning; I said that before.

Q Now I am not asking you what you said before, witness, I am asking you very plainly if Cohen and you and Meisel and William were at the stable that morning and I understood you to say deliberately yes, didn't you? A That is my recollection.

Q Didn't you just tell me this-- you know I wasn't there-- didn't you just tell me that? A Yes, sir.

Q That you all four were there together? A Yes, sir.

Q Well is that twice you four were together? A I thought you were referring to the place on Elizabeth street.

Q I said the stable, there was no stable at the other place, was there? A I misunderstood you.

Q If you misunderstood me all right. A Yes, sir.

Q Your explanation is that you misunderstood me? A Yes.

Q You say that the last time that you saw Cohen was the night before when you three were together-- when you four were together, is that true? A The night before?

Q The afternoon before? A Yes, sir.

CASE #2746

Q Now, when you arrived at the stable that morning who was there? A Nobody was there.

Q Were you the first? A I was the first because I didn't see nobody coming down there.

Q Well, didn't you tell me that William Goldberg took you up there? A He did because he had the address to go there.

Q Who did, William? A Yes, sir.

Q William gave it to you? A Yes, sir.

Q William Goldberg? A Yes, sir.

Q You went up there and got there before William, is that true? A Yes, sir.

Q How long after you were there did William arrive?
A Well when I went upstairs to get the horses and when I came down William was there and Meisel was there, but I didn't see Moe Cohen there.

Q Meisel didn't say anything to you that morning?
A No, sir.

Q Did you hear William tell Meisel anything about hiring him to do some trucking work? A I didn't hear him say anything like that.

Q You know of the Victoria Auto Trucking Co. 40 West 28th street?- do you remember such cards printed in relation to such a company? A Not that I know of.

Q Didn't you have such cards in your pocket? A Not that I recall; I never had them.

Q Didn't you never see such cards? A I heard of the

CASE #2746

Victoria Auto Co.

Q Ever hear of that company? A Not that I know of.

Q Didn't you see a card in the possession of William of the Victoria Auto Trucking Co.? A No, sir.

Q You heard of it? A I heard of the Victoria Auto Trucking Co. I've never had any cards.

Q Did you know that William Goldberg was connected with the Victoria Auto Trucking Co.? A Not that I know of.

Q Wasn't it spoken of there between the three of you your self, Goldberg and Meisel? A The first time I heard of it -- the Victoria Auto Trucking Co.

Q You mean here is the first time you heard of it?

A Yes, sir.

Q Didn't you just state that you heard of it? A I heard of it as a trucking concern doing business.

Q What was the name of it? A The Victoria Auto Trucking Co.

Q Why did you tell me now that you heard of it for the first time? A About this case being mixed up in it.

Q You did hear of such a company? A Yes, sir.

Q Did you see a card of such a company? A No, sir, not that I know of; never seen it.

Q Did you know that William Goldberg was connected with that company? A No, sir.

(At this point the Court admonished the jury calling their attention to Section 415 of the Code of Criminal

CASE #2746

Prodedure, and adjourned the further trial of the case
until tomorrow , Friday morning, January 16, 1920, at
11 o'clock.)

CASE #2746

THE PEOPLE vs. LOUIS MEISEL, et al.
Trial Continued.

New York, January 16, 1930.

MRS. SARAH GOLDBERG, called and sworn
as a witness for the People, testified as follows:
(365 Madison Street, New York City).

DIRECT EXAMINATION BY MR. GOLDSTEIN:

Q Mrs. Goldberg, you are the wife of William Goldberg?

A Yes, sir.

Q One of the defendants in this case? A Yes, sir.

Q How long have you been married? A Four years.

Q Where did you reside on the 24th of April 1919?

A 365 Madison Street.

Q How long have you lived there? A Two years.

Q Do you know this defendant? A Yes, sir.

Q How long had you known him prior to April 24th, 1919?

A I had known him a week before this happened; he had been coming up to the house regularly; he had been asking for William Goldberg; he told me he had a position for him. He came up the first day and I was not at home, but he spoke to my mother, and the following day he mentioned William Goldberg to my mother six times. I told him not to come up. He, however, waited for William, and one evening he got him downstairs.

THE COURT: Did you hear him in conversation downstairs?

CASE #2746

gh2

107

THE WITNESS: I heard him. He said he wanted to see him downstairs that evening.

THE COURT: Was that said by this defendant in your presence and hearing?

THE WITNESS: Yes, sir; in my presence. He waited downstairs for him. He held his supper up; he walked down with him; he waited downstairs, and his brother was there.

THE COURT: Now, madam, what I want you to say is this: Did you hear this defendant say anything?

THE WITNESS: Yes, sir, I heard him say that --

Q To whom did he address that conversation? A To my husband.

Q Tell us what he said to your husband? A He said to my husband that he would get a position for him, and he has got a position for him and he can make some money for him.

THE COURT: William is your husband?

THE WITNESS: Yes, sir.

Q How many days prior to the day of your husband's arrest did that take place? A That was a week before this thing happened; he had been coming up regularly. I told him he should not come up to the house. One evening, however, he finally got him so that he could speak with him; he waited downstairs for him, and they walked down Jackson street.

Q How many days was that prior to your husband's ar-

CASE #2746

gh3

rest? A I couldn't remember. I think the following morning they went out together. I came downstairs and I told him to keep away; he said he was going to a different position; my husband told me to go away, and told him, "What has she got to do with this thing?"

Q When you say the following morning, you mean the morning following the night on which the defendant met your husband downstairs in front of your house? A Yes, sir, in the morning at seven o'clock, he came to the house; he waited for him downstairs, and they both went away together.

Q Did you see them go away together? A Yes, sir, and I followed them quite a few times.

Q What is your occupation? A I am a managing lady in a corsettiere.

Q Where? A 357 Grand street, New York City.

Q That is all you know about this defendant; is that right? A And he confessed that he and his brother made that story up --

MR. KIER: I object to that and move to strike it out.

MR. GOLDSTEIN: I consent to that.

CROSS EXAMINATION BY MR. KIER:

Q You say that this night you saw this defendant Meisel downstairs? A He came upstairs --

Q Was he downstairs? A Yes, sir, he was downstairs

CASE #2746

and they went both together.

Q Where were you when they were downstairs? A I came down after them; he whistled up for him.

Q He whistled up? A Yes, sir.

Q Did you follow your husband down immediately? A Yes, sir, and I saw the three of them go away.

Q Where did the three of them take the street car?

A On Jackson --

Q How far away from you? A I was halfway in the block, I went over and I told my husband to go away and --

THE COURT: Who was the third one?

THE WITNESS: His brother, he and another fellow went to speak to the other fellow.

Q Whose brother? A His brother.

THE COURT: What do you mean by his brother?

THE WITNESS: Morris Meisel.

THE COURT: His brother?

THE WITNESS: Yes, sir.

Q Well, when you first came down from upstairs, did you hear what was said between the parties, that is, between your husband and this defendant? A I did hear.

Q How far away were you? A I just came right after my husband; I went right after, and was in back of them, and he told him to send me away.

Q Is that all you heard, "send her away"? A Said

CASE #2746

gh5

they got a position for him.

Q That was all that was said in your presence? A Yes, sir, in my presence.

Q As to other things he said, your husband told you of them? A My husband never told me anything about them; if my husband had told me of them I would not have let him go.

Q You remember the day your husband was arrested? A Yes.

Q I presume you don't know the day of the month? A I do, yes, sir.

Q What was it? A It was April 23rd.

Q April 23rd of last year, 1919? A Yes, sir.

Q Now, madam, how long before that did you first see this defendant Meisel with your husband? A He would keep coming up to my house all this while.

Q Now won't you please answer my question. I am asking you a question. You say it was the 23rd of April, was it?

A Yes, sir, about that.

Q How long before that was the first time that you ever saw this defendant Meisel in the company of your husband?

A A week before that happened.

Q One week before the date of the arrest, which was April 23rd, you saw this defendant with your husband? A Yes.

Q On that occasion did you talk to this defendant, and he to you? A Yes, sir.

Q Was your husband present? A No, sir.

CASE #2746

gh6

Q When was your husband present; when this defendant Meisel was there, and you were there? A That evening before it happened.

Q What I want to get at is this: how long before the 23rd of April did you see this defendant Meisel and your husband together? A I saw them quite a few times together with him.

Q How many times? A Two or three times.

Q Within a week or ten days or what? A A week.

Q As I understand it, you saw your husband and this defendant Meisel together at your home one week before the date of the arrest, that is true, is it? A Yes, sir.

Q And that is the first time you ever saw Meisel with your husband? A I saw him before, before he spoke to my husband.

Q That is, the first time you ever saw this defendant was one week before the arrest, that is true? A That was one night, the night they made that thing up, that happened with them.

Q You say you saw this defendant Meisel and your husband together at your home a week before the date of the arrest? A A night before the arrest.

Q The night before? A Yes, sir.

Q Didn't you just tell me two or three weeks before the arrest? A I saw him a week before they got into this

CASE #2746

gh?

trouble; the night they made up to do that thing.

Q You saw him with your husband a week before he got into this trouble? A Yes, sir, the night before this happened.

Q I am getting it right, then. This defendant Meisel - your husband is William, you saw William and the defendant Meisel at your home one week before your husband was arrested, is that true; isn't it?

THE COURT: Ask her if it is.

Q Yes or no, madam. A Yes, sir, I saw him there.

MR. KEIR: That is all. No further questions.

REDIRECT EXAMINATION BY MR. GOLDSTEIN:

Q Was your husband working for Mr. Casen, the truck man, when this defendant came to your home?

MR. KEIR: I object to this, unless it is new matter, or relates to my cross-examination.

THE COURT: He may want to clear up the time.

Fix the time. This woman says a week before.

MR. KEIR: That is fixed now as positive.

THE COURT: If it can be cleared up, I want it done.

MR. KEIR: I object to its being cleared up.

THE COURT: No, you won't object. It will be cleared up, if it is positive --

MR. KEIR: She has testified --

THE COURT: I know it; but we will see whether

CASE #2746

gh8

she is in error. Proceed, Mr. District Attorney and see if the time can be fixed with some degree of precision.

MR. KEIR: I do not know of a rule of law, your Honor, where a witness is compelled to explain so as to make her testimony or his testimony consistent with other testimony. She positively swore a week before.

MR. GOLDSTEIN: Are you through, Mr. Keir?

MR. KEIR: I am through now, until you say something to which I have a right to object.

Q Do you know whether your husband worked for a man named Casen, who was a truckman? A Yes, sir.

Q Do you know just how many days before the day on which he was arrested he worked for Casen? A I think it was about one or two days before, a week before, one or two days, and this fellow came up and said he would give him a position --

MR. KEIR: I object. She says one or two days and then a week.

THE WITNESS: One or two days.

THE COURT: Stop talking (to the witness).

MR. KEIR: I object on the ground that it is an indefinite answer.

THE COURT: Strike it out.

Q Do you know whether your husband was working for Casen when Meisel came to your home? A No, I didn't know that.

CASE #2746

g49

113

Q Your best recollection is that this man Meisel came to your home about six days before the day on which your husband was arrested; is that right? A One day before he was arrested, that evening he came down and waited for him and went away with him.

Q How many days before that one day you have just mentioned did he come for the first time? A The first time he came and brought six dollars to him and then after --

Q Was that the time when he worked for Casen? A Yes, sir, he worked there and he brought his pay.

Q Who did he leave his pay with? A With my mother -- I was not home. Then he came the following evening and wanted to know where William was, and I told him William was not home. I told him not to come around there, but he had been coming all the time since.

Q How many days before the day your husband was arrested did Meisel come into your home with pay? A About three days before --

Q How many days before that incident, did you first lay your eyes on Meisel? A The night before this happened I traced them.

Q The night before the day on which -- A They went out.

Q No, what I want to know from you is how many days before the day on which Meisel left his pay in your home --

A That was three days ago.

CASE #2746

gh10

Q Did you see Meisel for the first time? A The first time was when he brought, when he gave my mother the pay, he came down and wanted to see Willie, that is the first time I saw him.

Q That was three days before the day on which your husband was arrested? A Yes, sir.

Q And on that day your husband worked for Casen, is that right? A Yes, sir.

MR. KEIR: If he knows.

Q Do you know it to be a fact? A I know after he came and told me he was working at the same place with him.

Q Let us get this clear: the first time you ever laid your eyes on Meisel was the day on which Meisel called at your home and left six dollars with your mother? A Yes.

THE COURT: You have no absolute knowledge of that.

THE WITNESS: He left that money.

Q But you saw him that same night again; is that right? A Yes, sir, that same night.

Q Did he mention to you in his conversation that he had been to your home and left six dollars with your mother for your husband? A No, he didn't say anything of that.

Q So that, to get this clear, the first time you laid your eyes on this man, Meisel, was three days before the day on which your husband was arrested?

MR. KEIR: Objected to as leading.

CASE #2746

gh11

115

THE COURT: Yes, it is leading.

Q Now tell us how many days it was that Meisel came to your home, the day before your husband was arrested?

A Three days before.

Q Then you were in error before when you said it was a week?

MR. KEIR: I object.

THE COURT: She may state whether she is in error or not.

A Three days.

RECROSS EXAMINATION BY MR. KEIR:

Q You have testified you saw Meisel and your husband a week before the arrest? A That was three days before the arrest --

Q I am asking you a question, and if you will listen to my question you will be able to answer it. You have testified two or three times here under oath that a week before the day of the arrest you saw your husband and the defendant Meisel; did you not so testify? A No, I didn't say I saw him a week before; I saw him three days before --

Q I didn't ask you that. Have you not so testified here? A I testified to that, but I am thinking on it now, and it is three days, I am positive.

Q Now you say it is three days -- A Of my figuration, only three days.

CASE #2746

gh12

116

Q Now, about the rest of your testimony, are you sure of the rest or as uncertain as to the rest of your testimony that you have given in this case; what other parts of your testimony are you uncertain about? Do you know of any other part that you are uncertain about of the testimony that you have given here? Do you understand me? A I certainly do.

Q Then answer that question? A Kindly repeat the question.

Q You have answered me that the first time you ever saw your husband with this defendant Meisel was one week before the arrest; three or four times you have testified to that; now I understand you to say that is not true; that is not true, is it? A It has been quite a few times; I can't remember how many times he has been coming to the house when I was out, but when I saw him --

Q Was it a week before? A Three days.

Q Do you remember swearing to a week? A It was three days.

Q Now it is not a week? A To my figuration it is only three days.

Q How many times yourself did you see him? A I saw him quite a number of times.

Q Give me an idea? Was it ten times? A I saw him more than ten times; he had been coming to my house asking

CASE #2746

gh13

117

for my husband --

Q How many times? A He had been coming to my home regularly.

Q I am speaking of how many times prior to the arrest?

A Three days.

Q How many times? A He has been there about twelve or thirteen times; he has been there.

Q Not prior to the arrest? A He has been there all this while, waiting for him; he wanted to tell him something, and it was important. I asked him to leave the message with me and he said it is very important.

Q Mrs. Goldberg, will you kindly tell me to the best of your recollection was Meisel, the defendant, at your home, prior or before your husband was arrested, before the date of the arrest? A Three days before.

Q How many times? A He had been there about twelve or thirteen times.

Q Before the arrest? A Before the arrest he had been coming up there regularly for him.

Q MR. GOLDSTEIN: Just a moment. Do not get excited, Mrs. Goldberg. You must remember to be very calm and cool. Listen to the questions.

MR. KEIR: I object to the instruction.

THE COURT: I think it is proper to admonish her because it is very apparent to me that she is not lis-

CASE #2746

gh14

178

tening to the questions. She says things she is not asked to speak about.

Q You said before, in answer to my questions, the first time that you laid your eyes on Meisel was three days before?

A Yes, sir.

Q The day on which your husband was arrested. Do you want his honor and the jury to understand that you saw the defendant, Louis Meisel, in your home, or about your home, ten or twelve times during these three days? A He has been coming up there waiting for him.

THE COURT: Answer the question.

Q Do you understand that question? A Three or four times, yes, sir, he was up.

Q What did you mean when you said before, ten or twelve times? A That is waiting for him each minute that he came around there and asked for him; waited for him when he came from work, until he finally caught him, where I could not get him first - that is what I mean.

Q How many times did you actually see Meisel from the time that you first laid your eyes on him until the day your husband was arrested? A About ten times.

Q You mean during this --

MR. GOLDSTEIN: I object to that.

A During - before.

MR. KEIR: I want an objection on the record to

CASE #2746

gh15

any further questions along this line, of the witness. 119

THE COURT: I am going to see whether it can be cleared up.

MR. KEIR: Exception.

Q You mean that during those three days from the time that you first laid your eyes on him until the day on which your husband was arrested, you saw this defendant about ten times? A Not exactly ten.

MR. KEIR: I object to that question.

THE COURT: Do you mean ten times after the arrest when he was out, the defendant was out on bail, or ten times before the arrest?

THE WITNESS: After, after he was out on bail.

THE COURT: After he was out on bail, he came to your house?

THE WITNESS: Yes, sir, after he was out on bail.

Q The first time, as I understand you, that you laid your eyes on Meisel, was three days prior to the arrest?

A Yes, sir.

MR. KEIR: I object to it as leading.

THE COURT: It is leading, but I want to say this, that I have a right to permit a leading question. This witness is apparently stupid; there cannot be any question of that. Now if there is anything that can be put to her that will clear up her mind, I will allow it to

CASE #2746

gh16

120

be done by way of a leading question.

Q Do you understand that question? A Yes, sir.

Q Three days before the day on which your husband was arrested, I understood you to say, on your direct examination, that you saw the defendant Meisel? A Yes, sir.

Q Where did you see him? A Downstairs.

Q Did he come upstairs to your place? A He came upstairs but I chased him down.

Q Did your husband go down after him? A No, my husband was at supper; he was standing whistling for him; my husband came down, and I walked right after him, and he spoke to him.

Q Did you see your husband and Meisel go away? A Yes, sir, and I followed them.

Q Anybody else in the party? A Yes, sir, his brother; they walked down Jackson street, and met Goldberg --

Q That you don't know anything about.

THE COURT: Were you there?

THE WITNESS: Yes, sir, I followed them, and they chased me.

BY MR. KEIR:

Q Then what did you do; did you go away -- went back home?

A I went home and put the baby to sleep.

Q Now, when did you see him again? A The following morning. Meisel came again and he called him down; he went

CASE #2746

gh17

121

down; he said he has got a good position; they went away to work and in the evening I got a telephone that they were arrested --

Q So that you saw Meisel but twice altogether -- the first time that you laid your eyes on him and the time that your husband was arrested?

MR. GOLDSTEIN: I object to that.

A Yes, sir.

MR. KEIR: I object to that as leading testimony.

THE COURT: I will allow it.

MR. KEIR: Exception.

BY MR. KEIR:

Q Now, Mrs. Goldberg, I have only one question. I understand that the arrest of your husband was made on the 23rd day of April of last year; is that true? A Between the 21st and 23rd, something like that.

Q All right. Now before that, how many weeks or days before that did you first see Meisel, this man (indicating the defendant)? A Two or three days.

Q Then you didn't see Louis before? A I saw him coming around.

Q And did not know what he was coming around for? but A But I did not know what he was coming around for, and that following evening I took a good look and I saw he was --

Q Before, two or three days, you did see him around?

CASE #2746

gh18

A He came around, but I didn't know what for.

Q A week before he came around, that is true? A A week before, no; that was his brother that came around.

Q His brother? A Meisel's brother.

Q And about five or six days, Meisel, before the arrest, came around for him? A Came around two or three days before.

Q Why did you say a week? A I cannot figure; I didn't understand the question, what you were asking me.

Q You say Meisel's brother came about a week before?

A Yes, sir, and Meisel came two or three days before.

BY MR. GOLDSTEIN:

Q Your husband worked at one time for Taylor & Rosenagle, did he? A Yes, sir.

MR. KEIR: I object to that.

THE COURT: If she knows.

Q Do you know that to be a fact? A Yes, sir.

Q Do you know whether Morris Meisel worked for Taylor & Rosenagle at the same time? A At the same time?

Q Or around the same time, do you know that? A Yes, sir, he worked at the same time --

BY MR. KEIR:

Q How did you know that your husband worked for Taylor and Rosenadel? A Because they came to my house.

Q Who came to your house? Mr. Taylor didn't come to

CASE #2746

gh19

123

your house? A No, sir.

Q You only say he worked for Taylor because he told you so? A My husband.

Q Who told you? A Louis Meisel told me he worked with my husband together.

Q How long before the arrest was this? A As soon as he got out on bail he came out to my house and told me that he worked with him together; he told me he wanted to help him out, to see my husband in the free.

Q You say your husband worked for Casen, you don't know when that was? A Before this happened.

Q You only know he worked for Casen because he told you so? A My husband told me nothing.

Q Were you at Casen's? A I didn't go down there.

Q How did you know then? A Louis Meisel told me.

Q That he worked for Casen and Taylor? A Yes, sir.

Q You don't know how long before the arrest, you were told that, about how long? A About two days.

Q That the brother was there? A His brother worked there all that while with him, together.

Q Mrs. Goldberg, do you mean to say his brother, Morris, worked for Taylor, to your knowledge? A He worked for one of the firm.

Q But you don't know. How did you learn? A Because he confessed the story in my presence.

CASE #2746

gh20

124

Q You mean to say that the defendant said that his brother worked with Taylor? A His brother gave him the receipt.

Q I am asking you, do you state that this defendant Weisel told you that his brother, Morris, worked for Taylor, yes or no? A Yes, sir.

Q When did he tell you this, how long before the arrest? A When he came out.

Q How long before the arrest? A When he came out, he confessed the story to me, that I should not --

MR. GOLSTEIN: That is all. The People rest, if your Honor please.

CASE #2746

1-g
125
(THE DEFENCE)

LOUIS MEISEL, the defendant, called as a witness, in his own behalf, duly sworn, testified as follows:
(Address: 89 Sheriff Street, New York City).

DIRECT EXAMINATION BY MR. KEIR:

Q Your name is what, Louis Meisel? A Yes, sir.

Q Where do you live? A 89 Sheriff Street.

Q Will you, in your own way, and loud enough for all those gentlemen to hear as well as his Honor, tell just exactly all about your case, and your connection with it, without any prompting of any kind? A All right. I worked for Charlie Casen at one time for three months, and I was working at what is known as a house clerk, being employed only by one -- that is by Mr. Casen to work for the General Plate or something like that, at 17 Howard Street, or 17 Walker Street, and I worked there three months. Then he put me on the stand and he paid me more money. He was paying \$24.00 on a house contract, but he promised me \$28.00 on a stand.

Q I want you to come down to the time when the stuff was stolen and to tell us your connection with it; don't float around two or three years before? A All right. So I went to work for Casen on a Friday. I worked but one day when Mr. Casen told me that Saturday, being a short day, there was nothing doing, but that I was to come in Monday to go to work. Well, as I remember, Mr. Casen told me to go to the B and O Pier, No. 21, East River, and

CASE #2746

3--g

126

and pick up a load of crockery. He told me that they had hired a new man that day, and that he was at Pier 16 East River, at the United Fruit Line, and that if I saw him there, to get on his truck and to go to the B and O, and get a load of the goods which we were going to deliver to Jacob M. Bloch, 110 Bowery.

After I passed Pier 16 I seen him, the defendant William Goldberg there; I had never seen him before; that was the first time I had laid my eyes on him; I didn't know who he was, or what he was. He told me, as I told him what my instructions wre, to go to Pier 21. He said, "that is all right." That is all the conversation I had with him. At that time I was employed on that Friday loading a Pier 31 East River. After all the trucks had been loaded, he told me to come down Saturday, Mr. Casen told me "nothing doing", and naturally told me to come in Monday. I do not know what he told William Goldberg; probably told him the same thing. Mr. Casen said, "Let's have a drink", so I went inside of the saloon and William Goldberg followed. Mr. Casen said "Three Whiskeys". I said, I did not drink whisky; I will have mine as beer; William Goldberg took the whisky. We went inside and William Goldberg said "Take a walk up to my house." I said, "No; my wife don't feel good, and I am going home, this Saturday anyway." He said then "Come to my house, we are friends now; it is all right. " I did not like his attitude, and I told him plain up I was going home. He said, "All right, if you want to go home, go home."

CASE #2746

Now then I worked for a truckman by the name of Weiss. He does work for the Paper Company that is on Grand and Canal -- a big concern --. I was taking goods to the ship when I met him for the second time; he was then driving a truck. He said to me, "Who are you working for?" I told him, "William Weiss." He said, "Why don't you go to work for me?" I said, "How is that?" He said, "I am in the trucking business. He showed me cards of his firm, known as the Victoria Auto Trucking Company, 42 or 40 West 28th Street. I said to him, "I have a good job. This fellow treated me fair, and I will stay with him." That was the second time I met him. The third time I met him was while I was working for William Weiss yet, I met him on Howard and Lafayette, between Lafayette and Centre Streets; there is a truckman in there, that basement here (indicating): I said "HelloWillie, ain't you trucking?" He said, I expect to get a job here as Chauffeur; I worked at it once before and I would like to get that job back. That was the third time I met him -- that was let me see -- no the time after; I worked for Casen say Monday morning, and a concern over in Brooklyn by the name of William Laskin, a coal concern, advertised for drivers. I had no money to go over the bridge, and I walked to the Bridge and watched for a truck so that I could go across on it. William Goldberg passed. He said, "Hello." I said, "Hello." He said, "Are you working?" He said, "I am working for Mr. Taylor." I said, "Who is Mr. Taylor?"

CASE #2746

128

He said he is a truckman on Fourth Street. I had never heard of him, and I had been a truckman for the last three or four years. He said "He does work for Hubbs", a paper concern. I said "I had heard of Hubbs". He said, "In case you don't get a job in Brooklyn, show around. So naturally I showed around. I went to work for Mr. Taylor, it was at nine o'clock in the morning. He asked me for my reference for I told him that I had worked Edward R. Leader, who does work for Lawrence, the big merchant. I don't know whether he called him up or not. I suppose he did, for he seemed satisfied with my reference and he put me to work. I went to work that day, and I was going along West Broadway, near Spring Street, when the rim of my wheel came off. I stepped to one side, and I went into a place, and asked the man if I could telephone, stating that I had no money, but that I wanted to speak to my employer. I was permitted to do so, and I called him up and said, "Mr. Taylor, the rim of the wheel came off, and if I take off the wheel the truck may break down and I will be stuck with my load." He said the best thing for you to do is to driver over to some blacksmith's shop, Billon's I think at Mott or Mulberry Street -- I am not sure of the street. However, I drover over there and had my wheel fixed, and I fed my horses. I came back and told Mr. Taylor that my wheel had been fixed, and I was going to ship the remainder of the goods that I had on my truck. I

CASE #2746

5--g

129

shipped them goods and came back to Mr. Taylor in the evening and he told me, "Go to the barn; go to the stable; you are through for the day." I went to Twelfth Street, to the stable there. When I got to the stable there was nobody there, but the watchman; you know the fellow that takes care of the trucks. He told me where to back the truck, and I backed it in and left the place. There was nobody there. I went home myself, and I told my wife. She said, "Are you working?" I said, "I went to work". She asked me how much --

Q Never mind what you told your wife; that is hearsay.

A(Continued) So the next morning, see, he did not tell me whether to take the horse or not -- I was waiting upstairs; the horses are downstairs and the trucks upstairs. I waited upstairs; I was there by myself. Mr. Taylor said to me, probably about eight o'clock, I have more time, I think he said that to me -- no, I asked Mr. Taylor if I could take the same horse and truck. He said to me, "Just a minute. I will let you know. They pulled the trucks out in the street and lined them up. He was to assign drivers, who would take that truck and this truck, and so on. He did not assign me. I said to him, "Mr. Taylor, I would like to get some information. How much do you pay?" He said I pay my drivers \$3.50. I said, "No, Mr. Taylor, Union men get \$24 for a single horse and \$36 for a double team." I said under that condition I cannot work for you. He said, "That is

CASE #2746

6--g

730

all I pay. and if you are a Union man, and do not care to work for me well and good." So I left him. To my recollection, I think William Goldberg had an argument with Mr. Taylor -- oh, he said something about driving a car -- I could not understand what it was; he left him also.

So I was walking down one block towards the Bowery, and I saw William Goldberg running down; he was whistling. I said, "What do you want? "Gee", he said, "What do you think of that? He wants to give me that same mare -- he meant a horse -- that was walking around without a damned sole on it, but I turned him down; but let him give me the gray and I will work for him." I said, "Naturally, you are a chauffeur," I said, "If I was a chauffeur I should get a good job." Then he said to me, "Come on, take in a picture show." I said, "No I am going home; there is no money at home, until I get home with it." He said to me, "Don't be a damned fool; take in a good show. What; are you going to worry about your wife; you live but once and die but once." I said I am under obligations. He said "I am sorry for you; I don't want to know you," but later he tried to straighten it out somehow, said, "Come in and have a drink." I said I did not drink whisky; I never drank it and won't drink it. With that conversation I left him. That was on Tuesday morning.

On Wednesday I went to Pier 35 East River, and I knew the load was down there. The loaders generally are on the

dock. they load rolls of paper for the Journal and the World

CASE #2746

and I went down there through a recommendation. He said, "Put him to work". I loaded rolls of paper on that day. He paid me \$5.00. I went home; that was Wednesday night. My wife was then in the family way and she did not feel at all well. So I stayed with her. I had another child to take care of besides the wife, and naturally when William Goldberg called up my house, and said "We will go somewhere," I said, "Well, my wife is pregnant, and I have to stay home with her, and we also have a child that has to be taken care of, and besides I am all settled down -- that is the reason I got married." He said, "Don't be a damned fool, have a drink." Meanwhile, all the time I am with him, he is urging me to take a drink, although I had told him I didn't touch it, no drink; nothing at all.

So on Thursday morning I had no prospects. I had only worked one day as a loader. I figured that a day lost for me was gone, so I thought I would go down and work for some of the truckmen that knew me. So Henry Brandt & Company, they have a stable, I think on Water or Cherry Street, I ain't sure whether, Water or Cherry, but anyways he conducts a stable in that neighborhood, and I had worked for Brandt at one time, and I thought that if he needed a driver he would ~~put me~~ put me to work. So I spoke to the foreman, I think his name is William, and he said to me, "Louis, if anything was doing I would put you to work.

Next door was a livery stable, and as I walked outside, I noticed William Goldberg standing right next to that

CASE #2746

livery stable. He said, "Hello, Lou, " I said, "Hello William, "Ain't you working? he said. I said, "No, but I thought I would call to see Mr. Brandt today. He then said to me, "Do you want to go to work?" I said, "Sure". He said, "I will put you to work. Do you remember me telling you about the trucking business? Well, I have a few houses. I said, "I wish you luck". He said, "If you want to go to work, you can." I said, "Will you pay me Union wages?" He said, "Yes". I said, "Under that condition I will go to work, if you pay me Union wages." As I remember then a single truck was standing in front of the livery stable, with a sorrel horse, a black horse, and what is known as a single shape truck, and with William Goldberg's cover on the outside. I said to me, "Is that your truck?" He said, "That is one of them." I said, "Have you another?" He said, "Yes." I said, "Where is it?" He said, it went to Jake's stable; he wanted to get a wagon, so as to stop the goods from getting wet. So he told me; he said; I was to go over to Jake's stables with him, and the wagon would be brought out. While we were waiting Harry Goldberg came down the run and said "Well, Willie, we got to get another man." William said, "Meisel is going to work for me. He is a regular truck driver: You know he has a good record; I can trust him with stuff. I would not take a stranger. He passed them remarks. Harry said, "Well, you know what you are doing William", and to my under-

CASE #2746

standing Harry and William were partners in the trucking business. I asked him, "Who is that fellow?" "He is the partner; he is taking me up in business; he owned a poolroom and sold it and he has invested the money in the trucking business." I said that is all right. It was none of my business, but the partners; I was working for William Goldberg, he hired me. He said, to me: "Well, Lou, you wait for that wagon; everything will be all right; you keep the wagon, and meet me at a certain place. I said, "Where?" He said, "When you get the wagon, I will let you know." The wagon came and he left it on Montgomery Street. This stable was on Cherry Street, and the wagon was on the other side of the street, around the corner, right ~~in~~ side street, going uptown; yes, uptown, and I spoke to William Goldberg. He had come over to me, and said, "Here Louis is your feed. He went away and told me before he went I was to meet him at 174 Lafayette Street, probably around nine o'clock, or somewhere around that time; he could not say for sure; if he was not there I was to wait for him. I drove the truck from that direction where I was at Montgomery into Grand street, up through Grand Street, all the way up to Grand and Lafayette, Lafayette and Broadway, so I went clear through Grand Street, turned right around; there was a Busy Bee, I went in and had a few things to eat; I ate frankfurters; I turned around and when I did so there was no

EXHIBIT

CASE #2746

truck there. I had another piece to eat and drank a sodawater. When I turned my back again, I noticed the same truck which I had seen, which I knew belonged to William Goldberg. So that morning I said to William Goldberg, I walked over and I didn't see anybody by the truck. I walked in a hall -- and there was William and Harry together. I said, "What are you doing here?" "Are these goods to be shipped or what?" He said, "No, they are City deliveries." He said, "Take the cases off." I said, "What are you waiting for?" He said, "For the elevator." The three of us then proceeded to take the cases off; in between taking the cases off Harry Goldberg was ringing the bell for the elevator. Finally the elevator man came down and put the goods on. I think he made three trips. I went upstairs with the goods, as directed by William Goldberg; I went up with the three of us, William, myself, and Harry; we went upstairs and put the goods in the middle of the loft, and Harry told me to go downstairs; he would see me downstairs, and give me some directions where to go. I rang for the elevator. Meanwhile, Harry and William were standing together over the cases. They had some receipts in their hands; they were speaking to some fellow there. I did not know the party. The way I understood, he was the shipping clerk. I had rang for the elevator and went downstairs. Before I went downstairs the elevator went up on the fifth floor to

CASE #2746

11-g

another man down, who had one of those car trucks like, with stuff in it. He went upstairs on the fifth floor and then went down to the street with me alone. As I went down alone, my instructions were to go over to my horse and wagon. I went over to my horse and wagon. As they came down they told me, Harry and William, to open the truck. I was still standing besides that single wagon. They told me going uptown and back inside of half an hour, if I wanted to go to it, I was to go to it, and to wait for them just like before; if he did not come, he would be here soon. I went to eat probably. I don't think it took me more than half an hour; I didn't have much money, and I had to economize. I went there and had my meal. As I went back I noticed the same truck with another load of goods on. Now, I did not know what the goods were, or who they came from, or what. I understood they were picking up the cases as truckmen. I went over and saw six cases and their numbers, and I stayed there. The door place was closed, you know, on one side, and I had no observation; so I go inside and I see William Goldberg there, and I said, "Hello, William." He said "Hello, how was it going with me." I said, "You are not making any money off me if you keep my truck standing idle." He said, "That is what you have to expect when you start in business. He sent me up -- No I only see William there, that is right. I said to William, "Where is Harry --

CASE #2746

well, rather I don't know his name, or Harry where is the other boys. He said, "You mean, Harry Holdberg?" He said, "Yes." I said, "Ain't you brothers?" I said, "How is it your names are Harry and William Goldberg?" He said, "That is nothing; we ain't brothers. He told me to go upstairs with him. We went upstairs. As I went upstairs I said to William: "Them cases came here while we were on the elevator?" He said, he didn't know, but will find out from his partner. So I go upstairs. We got off the elevator, mind you, me and William -- Harry had already gone upstairs, to meet a man who had been up there probably five or ten minutes, I ain't sure of the time, because I didn't see him go up; I seen that the truck had only recently arrived. I judge he had been up there five or ten minutes at the most. I went upstairs; somebody accosted me, and said, "What do you want?" So I said, "I am looking for the driver, the truckman, from the truckdownstairs"; "You are?" I said "Yes." He said, "Who are you?" I said, "I was here as a driver by that truckman". "Is that so?" To my astonishment, Officer Reilly had asked me them questions, and I had told him. When Officer Reilly walked away, this here William Goldberg said, "If you ever tell I hired you, I will kill you." I said, like this: "Now, there is no use in threatening me; when the time comes to tell the truth, you can kill me or not; I will tell the truth." So they had us arrested and brought us down to Headquarters, and as they brought

CASE #2746

us down to Headquarters, Mr. Sheedy, Officer, Sheedy, rather, took me to one side, and asked me, "Lou, I know you are not guilty, but you can tell the truth --

THE COURT: What did the officer, Sheedy, say?

THE WITNESS: "You ain't guilty of the case, the way it looks to me; if you tell me the truth, I will straighten things out, the way they ought to be." So I said, "Mr. Sheedy, I don't know nothing; I was only hired as a driver; I am an innocent man in the case. These two fellows sparred with me, as a driver, and shifted the whole responsibility on me. In other words, held me as a dupe, as I told him. He said, if you cannot tell the truth, what is the use of your speaking -- he thought I was lying. I sat down; that was down at Headquarters. We were shifted to the Jefferson-Market Court, and me and William were inside until we were admitted out on bail. We were kept up for hearing. We were sat inside, and officer Sheedy came inside and said, "Come here" -- not mentioning no names. I got up; right after I got up William Goldberg got up; we walked a distance of about four feet, when officer Sheedy said, "Sit down, William; I want to speak about Louis Meisel." He said, "Listen Meisel, your wife is in the family way; she is in a delicate condition, about to become a mother, and he said, if you know about this case you might as well tell the truth." I said, "What I tell you is the absolute truth; and when I get on the

CASE #2746

witness stand, I am going to tell the truth." He said, "Well, then if you do not want to tell me --" I said, "I have no knowledge that any crime was to be committed at the time I was employed." Then he said, "That is all." So he walked away. William Goldberg could hear that I was saying. I understand Officer Sheedy said on this stand that he had no recollection of his having called on me and spoken to me in the Magistrates Court. Well, it was about September 23rd, I don't exactly remember the date-- Officer Sheedy has got a record of it. I know that my wife and I had an argument two days before that time with William Goldberg, who said, "I know you are going to tell the truth; I will fix you; if you are a wise guy, I will give you \$500 to keep your mouth shut; I won't say I hired you; I will say I don't know you." I said, "You cannot, Brother; I have an obligation over my head; I am going to stick by them and not by you. So there was two days -- we broke into an argument and he left me and said, "Well, you will find out. I will ruin you in this; I will stick you up in mud, up to your neck. I admit I hired you, but there is no evidence to prove that I was the man that hired you. I am going to ruin you Meisel as hard as I can; I am going to tell Harry Goldberg about your testimony; I am going to say so. We had an argument that day, and that was I think the 21st; anyway,

CASE #2746

15--g

139

it was two days previous to Officer Sheedy visiting to my house. My wife had heard about this argument you understand; it happened upstairs in the house. She was feeling very bad. She told me, Lou, I cannot stand this any longer; I am going to call up Officer Sheedy, and have him right here, and have you tell him the truth. My wife called Officer Sheedy; he came to my house. I told Officer Sheedy the conversations I had had with William Goldberg, and had an argument, to my estimation, or way of speaking, that he was the fellow that had hired me. I said, I never seen Harry Goldberg. That was the first morning I ever seen him. Officer Sheedy said, the only thing to do is to turn States witness and tell the truth. I said, but I am willing to turn States witness, but if I am not guilty there is no use in my taking a plea. I will stand trial. I will tell the truth, to my knowledge; the way I know it; the way it happened; although I am not guilty. So he said, "Well, have it your way, but in case you want to meet me again -- no, he said, I will see the District Attorney about it, and let you know. Probably he went to see the District Attorney the same day. He told me, when I left him at 14th Street and 7th Avenue, according to his own testimony, which is true, to meet him at 14th Street and 7th Avenue; we were to have a talk with him about things going on. I had a talk with him. I asked him how he made out with the District Attorney

CASE #2746

if it were possible to explain my side of the story. He said, he is busy now, but come down some other day. We made arrangements to meet him some other day, and I made arrangements to meet him another day, and he left me.

In Part I, before Judge Rosalsky's court -- he was speaking to me in there, he did not want anybody on the outside see me speaking to him. I left him; I do not know who he wanted me to see -- some Assistant District Attorney -- I forget the name -- he said, however, he is busy; call yourself some other time; stop down while you are working, for a half an hour or so, that is, when you have got no goods on your truck, you can leave it outside, and go up and speak to the District Attorney. I remember the District Attorney was a tall, slim, fellow; I don't know his name; I cannot just remember his name. I spoke to him. He said, "Do you want to turn State's evidence?" I said, "I want to turn States evidence". He said, "Do you want to take a plea?" I said, I am not guilty, but to the best of my knowledge what I know about this case I am willing to tell, if I can help the State to prosecute the case. He said, "Well, the case is still on ~~happai~~, and I will let you know when it is assigned to Court. So I left him then and went back to my truck and went to work. Now that is all that relates to Officer Sheedy as regards to turning States evidence, or witness, although I was innocent and willing to tell the

CASE #2746

17-g

truth.

Now, William Goldberg, right after I was bailed out, mind you, he came upstairs -- I had sold my furniture to get out on bail -- I could not remain in jail ten months -- my wife was pregnant and I had all my ---

MR. GOLDBSTEIN: Your Honor, I object to that part.

THE COURT: Strike it out. Do not embellish your testimony by immaterial stuff. Come right down to the main issue.

THE WITNESS: All right. He came up to my mother's house. I was living with my mother, wife and two children; he came up to my house with his wife, and said to my mother, "Can I speak to Louis?" Yes, she said, "If you have something to say". "I want to tell the story" he said, and I will tell you what, "it looks bad for me. You are the only one that can help me out. You know how it happened; stick to me and get me out of it. You go over to Charles Casen and tell him to tell Ferguson not to rap me." I said, "What do you mean?" He said, "I have a wife and a child, and he also told a hard luck story about his father and mother being dead, and all that, and naturally it took my sympathy. I went with my wife and two children to Casen, who lives above the stable. William Goldberg's wife was with him and their child. We went upstairs. Mr. Casen said, "You know the truth?" "Why don't you tell what happened?" I said, "Mr. Casen, I worked for you; you were

CASE #2746

18--g

always nice to me; I don't see how you have got me mixed up in this." "I have no use for William Goldberg, even though his wife is here; I got information the time he worked for me, one day, that he had a criminal record, and that is the reason I worked him on the crockery; I could not give him dry goods; I was afraid to take a chance," Mr. Casen said.

Then his wife started to plead for mercy if only for her and the child. Mr. Casen said, "I would have had more respect for him, had it not been that I had working for me at the time a nice, respectable man, that I had trusted with all kinds of goods, thousands of dollars worth, and he had never failed me. I am willing to put you back to work at any time. He came around and said 'You are a honest fellow'". He said, "why don't you come upstairs." He went to the barber shop.

You want me to face the music; you put me in this trouble, and I want to get me out. He said to me, "You won't help me; you are going to tell the truth". Then he said, "I have no use for you, and we are going to ring you in." I didn't care

what they said. Now two weeks before this case came on or up, I had met William Goldberg before. I was working for Spia. It was in the afternoon, two weeks before the trial, and William Goldberg prepared to say that his name was Max Goldberg -- they called him Max. Max said to me, the way I understand it, they want to make up with William, and turn him out at all costs." I said that I

CASE #2746

19-g

143
did not want to know him if he had the nerve to put me in trouble and not nerve enough left to get me out. I don't want to speak to him. He said, "You know how it is Louis; if the case comes up for trial he will turn you out; he will state how it happened, and it will be all right." I said, "Well the case is coming up, and I will stick around and hear what he says." He tried to get around me and I deliberately turned him down." He said, "I will get you out". That is all the conversation we had.

As regards to my brother working for Mr. Taylor, that is a positive lie. My brother at that time was working for William Lang -- he trades under the name of the Lang Trucking Company -- and my brother had worked for Mr. Lang for a period of ten months, and I can testify that he was working for him at that time. She said I told her that my brother was working for Taylor. How could I tell her that he was working for Taylor if he was working for Mr. Lang? She said two days previous to the time I was committed on this charge, my brother had no she said, I think a week before, my brother had come around, previous to my coming around -- isn't that the statement she made, gentlemen

THE COURT: Do not interrogate the jury. Tell your story.

THE WITNESS: Well, that is the statement she made. So I recollect, I was not there for a positive fact, neither was my brother, because my wife was sick at the time, due to giving

CASE #2746

20-g

birth to a child. I was upstairs in my house, two days previous to that. He said, "Well, Louis, how is things? I suppose the wife has given birth to a bright son?" With that he left. He asked me to come around once in a while. I said, I cannot on account of my wife's condition. He then left me. Now she claims that my brother had been previous to that. Now I had known William Goldberg. The first time I laid my eyes on him, as I receollect, was that Friday morning he worked for Mr. Casen and the Saturday I left, when I worked for and quit Mr. Taylor on account of that wage question; he had worked there I think Monday and Tuesday, two days, and had been paid I think \$7.00, as I recollect. He said, "I am on the outs with my mother-in-law; I don't speak to her." We were just going out. He did not tell me this until we were about to leave. I had not known where he lived. He took me around to the neighborhood, and he said, "Take this money upto my mother-in-law. Give her \$6.00, to give to the wife, Sarah. Ask her to get me a clean white shirt."

Q You have told us, explained to us, the whole thing, Weissel, the delivery of these goods, etc., and your interviews with the Goldberg's; you have told us everything?

A Yes, but there are a few statements I would like to make.

CASE #2746

21-g

145

Q Tell briefly what further you want to testify to?

A So he had come around repeatedly to my house after the argument, and tried to get me in some way to go with him.

Q Who did? A William. I had known of him, because he admitted himself, while we were in the magistrate's court, that he had a prison record; that he had been in Elmira. Well, I said, to myself, "I will steer clear of that fellow."

Q You have told practically everything in relation to this case? A Yes, sir.

Q The gentle men here have important matters to attend to. We don't want to waste any time. A I understand.

Q What further important matter have you to tell in relation to this charge? A Nothing, except after this crime was committed, the way I understand it, is that William Goldberg met me at some house and said, "Come on Louis, we will take a walk." I went and took a walk with him. I went to Delancey, on Delancey, Suffolk and Norfolk -- I don't remember which. He went inside some place and brought out with him some cards. He said, "I got some cards printed quite a while ago."

BY THE COURT:

Q Let me ask you: At that time how long before the commission of the alleged offences had you known the Goldbergs?

A I had not known Harry Goldberg until the morning I was hired as a driver.

Q How long had you known the other Goldberg? A I knew

CASE #2746

82-g

the other Goldberg the day I worked for Charles Casen, just one day. I did not know him -- only spoke to him.

Q In the course of your testimony, you said, among other things, he addressed you as "Louis"? A He didn't call me Louis.

Q You said a minhte ago, he called you Louis? A I probably made a mistake if I said he called me Louis, because Mr. Casen addressed me all the time by my first name, on account of my brother. He called my brother by his first name, Harris, and he called me, Louis.

BY MR. KEIR:

Q What further have to to tell us that is important in relation to this charge? A That is important?

Q Well, what else, if anything? A When I walked over to Delancey Street and Norfolk or Suffolk Streets, he brought out cards. I said, "What are they?" He said, "They are the balanceof the cards I had printed for my trucking business.

Auto-

I looked at the cards. The address was "Waverly; TruckingCompany, 40 West 38th Street."

He brought them cards up to my house, a whole bundle of cards, and he wanted to leave them there. He said he would call for them. He left them cards up there. Then he got into an argument with his wife; he quit his wife and went and married another girl in Jersey City.

THE COURT: Now strike that out. It has got nothing to do with yourdefence.

THE WITNESS: Allright your Honor. He went upstairs to

CASE #2746

23-g

my house and took them cards back. He distributed a few of them cards to the people of the neighborhood, saying that in case they had any trucking to do, he was right there to do it.

Now, as I presume, them cards were shown in my presence, in front of Harry Goldberg, the day we accidentally met Harry Goldberg one afternoon while I was working; happened to meet William and Harry together. They were standing by a truck, and Harry, or rather William gave me a couple of cards. He said, "Here is my cards; give them out to the house you work for, showing that in case any trucking is needed, I am here to do it." I only took a few cards. That is the time I worked for William Weiss. I gave them to him. I said, "They are now in business." Mr. Weiss said, "In case I get stuck with anything, I will call upon them to do the work." I had never seen the defendant's wife until, as I recollect, when I worked for Taylor; I remembered when her husband told me to bring her six dollars up. I did not see his wife up there, because if I did I would have given it to his wife. She claimed that she was upstairs. That was a deliberate lie. If she had been up there I would not have had to speak to the mother-in-law. I told the mother-in-law that William was downstairs. I said here are six dollars which he told me to give to Sarah, his wife, and he told me to tell her that she was to get him a clean shirt.

THE COURT: Who was Sarah?

THE WITNESS: Sarah Goldberg, wife of the defendant,

CASE #2746

William Goldberg.

THE COURT: I thought you were not so well acquainted.

THE WITNESS: He told me.

THE COURT: You referred to her as Sarah?

THE WITNESS: Yes, sir.

THE COURT: After knowing her a day or two?

THE WITNESS: Your Honor I wish to make myself

explicit. I was downstairs with William, and he told me to give his wife, Sarah, the money. I went upstairs and there was nobody there. I told him nobody there. He said, "Why didn't you give it to my mother-in-law?" I said I did not know where his mother-in-law was, and he said, "On the same floor, right next to you."

I said "Why didn't you tell me? I would not have had to run up twice." So I gave the money over to his mother-in-law.

That is about all I can remember.

CASE #2746

ghl

CROSS EXAMINATION BY MR. GOLDSTEIN:

Q Have you ever been convicted of a crime before, Meisel? A As I remember, I was charged with petit larceny in the late part of 1916, before I was married.

Q You mean convicted of petit larceny? A Plead guilty to petit larceny.

Q In what court? A Special Sessions, before three magistrates - I don't know their names - Salmon, Moss and Collins.

Q What did you steal on that occasion? A A piece of brass that was left in my possession.

Q What? A Brass.

Q Where did you get that brass? A From the firm I was working for; it was lying outside, and I didn't know it belonged to the firm, it was lying outside in a hall, so I took the piece of brass down with me and brought it to another shop, and asked them what they would charge a pound for the brass. Naturally, I sold the brass. To the detective who had arrested me, I told him I had taken the brass without knowing who it belonged to, and sold it.

Now the complainant said go me, if I would make restitution he would dismiss the case. Well, I didn't have any chance to speak to anybody, as I had pleaded guilty, and the magistrates sent me to the reformatory, to the State reformatory, and I received on account of good character

CASE #2746

gb2

and never having been in trouble before, - I received 1200 marks.

Q Just a minute. After your conviction you were sent to prison? A Yes, sir, I received --

Q How long did you remain in prison? A I was sentenced to 1200 --

Q How long did you stay there? Answer my question, A Three months I was sentenced --

Q Just a moment. What were you doing when you were arrested for the commission of that crime, were you a driver? A No, I was employed as a moulder's laborer; I was learning the trade; I had learned the trade and I could not stick inside on account of the dust choking me; that is the reason I went to be a driver.

Q After you left the reformatory? A I was a truck driver.

Q You became a truck driver for the first time? A Yes.

Q Who did you go to work for? A I worked for Frank A. Lennon, 61 West street; I worked for William Lawlor, I think 56 Washington street; I worked for Charles Brandt, Jackson street --

Q When did you begin working for Charles Casen? A Well, I had worked for him before my arrest. I will tell you when I left him - then I can come to the conclusion when I worked for him.

CASE #2746

gh3

151

Q Tell us how long before the date of your arrest you first began to work for Casen, how many weeks, months or years?

A About four months before, I worked for Charles Casen; I worked for him three months in the months before the time I had left him; I left him on Monday morning and went for a better position, whereas I didn't find out, I came on Tuesday and he said I am sorry --

THE COURT: You were asked a simple question. We don't want to hear what he said to you.

Q Four months before the day on which you were arrested you began to work for Charles Casen; is that right? A Yes.

Q As a driver? A Yes, sir.

Q And as a driver, what were your duties? A I was employed by the House - I had no duties to do with the trucking from the stand. I only was employed as a driver by the house.

Q Your duties were to go out and pick up goods from customers of Charles Casen, to deliver to the docks or piers or railroads or depots; isn't that so? A I did nothing as to the house; I had no connection with the stand; I only worked for this place, 17 Walker street; they make office furniture, safes, files, etc.

Q How many months did you work for Charles Casen?

A Three months; I had worked two months in the house and he took me the last month I think on the stand, yes, sir.

JUROR NO. 6: What do you mean by stand?

CASE #2746
97127

524

152

THE WITNESS: The stand is where all the orders are received for the trucking, an office like, he had an office to supply say Blumberg Brothers, Broadway -- at that time the orders were received from different customers of Charles Casen.

Q To go out and get merchandise; is that right?

A Yes, sir.

Q You worked for a month for Charles Casen at the stand? A Yes, sir.

Q During that month you were in the habit of calling at customers of Charles Casen to get goods? A Not exactly.

Q Yes? A No.

Q You want his honor and the jury to understand that you don't understand you were to get goods from various commission merchants with whom Charles Casen was doing business as a truckman? A You didn't give me --

THE COURT: Answer the question.

A Partly yes and partly no.

Q During that month did you familiarize yourself with the names of the various commission houses and cotton goods concerns and woolen houses with whom Charles Casen was doing business? A I could mention a few of the houses.

Q Mention a few of them. A Blumberg Brothers.

Q Who else? A That was his office. American Suit Case house, another place on Walker street; a firm that I

9412746
CASE #2746

gh5

153

worked for on a house contract, 17 and 19; there was one and then another one; there was three houses he had on Walker street together, two of them trunk houses, one an office file house, and all that. Now there was another concern by the name of Ascher and he had another suit case house on Grand street; that is all that I know to my recollection.

Q You never heard of the name of Ferguson, did you?

A No, I never did.

Q Where was Charles Casen's stand? A At 597 Broadway. I ain't sure of Broadway - Blumberg Brothers.

Q Do you know where Ferguson's place of business is now? A Well, I don't, to be sure, when it no wise concerns --

Q Do you know, yes or no? A According to the testimony I have here --

THE COURT: Answer yes or no.

THE WITNESS: Didn't give me a chance to get it right --

THE COURT: Answer yes or no. That is a direction of the Court.

Q Do you know of your own knowledge where Ferguson's place of business is located? A Was located?

Q Yes, was located. A Before I committed the crime?

Q Yes. A No, sir.

Q You want us to understand you never heard the name of

CASE #2746

gh6

154

Ferguson until after the day on which you were locked up?

A That is just it.

Q Did you know that Charles Casen was doing work for Ferguson? A No, I had no such knowledge at all.

Q Were you acquainted with any of the drivers of Taylor & Rosenadle? A Well, I don't know, I don't know them, because I only worked there from nine o'clock until night time; I had no time to make the acquaintance of any of the drivers; I worked there on day; I didn't speak to anybody; I did my business, I delivered my stuff and did just what Mr. Taylor told me to do.

Q On the day that you worked for Taylor, which was, as I understood you to day, two days before the day on which you were arrested, did you hear the name of Bischoff and Harris?

A No.

Q You heard no one mention the name of Bischoff and Harris around the trucking stand? A I didn't know they had any concern like that, because I rode for Hubbs Company, paper and twine.

Q How many days a week before the 24th of April 1919 did you meet William Goldberg for the first time? A Before?

Q Yes. A Do you mean at the time of working for Charles Casen, how many days before?

Q How long before? A As I told you before, I had known him the day I had worked for Charles Casen, on the day I had

CASE #2746

gh?

my instructions to go to see a new driver who was working for Mr. Casen. Mr. Casen said that the driver was down there, that is the first time I laid my eyes on him.

Q How many weeks or months or days? A I was arrested on Thursday; that was the week before, on a Friday.

Q So that just six days before the day you were arrested, you met William Goldberg for the first time at Casen's; is that right? A Yes, sir, that is right.

Q Was William Goldberg working there? A What is that?

Q Was he working there at the time? A He went to work for a day, that is the way I understood it.

Q How long did he work there, if you know? A One day.

Q That was the day you said you made his acquaintance?
A That was the day I happened to see him.

Q When did you leave Casen? A Well, on the same day I had worked with William Goldberg, do you mean?

Q Yes. A Mr. Casen told me to come down in the morning and I came down and he said that Saturday was a short day and there was nothing doing.

Q You mean the following morning? A Yes, sir, Saturday morning.

Q That was the day after William Goldberg worked there?
A Yes, sir.

Q Had you been a steady worker at Casen's? A I had been a steady worker until I left of my own account.

155
CASE #2746

gh8

158

Q You left on your own account, the day after you met William Goldberg? A The day before.

Q Then you met William Goldberg on the Friday preceding the Thursday you were locked up? A Yes, sir.

Q And the place you met William Goldberg at was at Casen's? A Not at Casen's.

Q Where did you meet him? A Pier 16, East River, where Mr. Casen had sent him.

Q Was William Goldberg working for Casen at the time? A I understand he was.

Q That was on a Friday? A Yes, sir.

Q Six days before the 24th? A Yes, sir.

Q All right. Did you see William Goldberg that night? A No, sir.

Q You didn't? A No; I went directly home.

Q Did you see him the next morning? A He was down at the stable, to go to work.

Q Did you see him there? A I recollect I did.

Q Did you talk to him? A I did.

Q Did you quit your job that morning? A I did.

Q When did you quit him? A Mr. Casen laid me off; he laid me off Saturday; I was mad; he could have put me to work Saturday all right - what is the use of going on Monday, I said.

Q Do you know why Casen laid you off? A He said he

CASE #2746

gh9

157

was slack, no work; we had two cars to drive; he had nothing to do, he said he was going to work for Randolph - I was employed literally not as a driver - William Goldberg was a driver, but said he was going --

Q You saw William Goldberg in the stable on Saturday morning? A Yes, sir.

Q That was five days before you were arrested?

A Yes, sir.

Q Did you talk to Goldberg? A No, I didn't speak a word to him.

Q Now the first time you met Goldberg was at Pier 61?

A Pier 16.

Q You had a talk with him? A I didn't outside of what he told me, the instructions that Mr. Casen told me to tell him; that is all, and I left him.

Q What were those instructions? A To ship those cases that he had for the United Fruit, to go back to the East River and to get a load for Jacob Block of 110 Bowery.

Q How did you happen to go to Pier 16? A Mr. Casen gave me the instructions.

Q Specially to see Goldberg? A Specially.

Q And you absolutely had no further conversation?

A No further conversation whatsoever.

Q You delivered the message of Mr. Casen and then you went away? A I went back to Pier 21, East River, to load

CASE #2746

gh10

158

the other cars that were there.

Q You didn't see William Goldberg that night? A On my way back over the route.

Q Did you talk to him? A No, I just took the load off.

Q When was it you and Charles Casen went into the saloon to get a drink? A That Saturday morning.

Q Was William Goldberg also laid off that morning?

A Also to my knowledge he was.

Q You said before you went into the saloon with Charley Casen to order a couple of beers; is that right? A Mr. Casen said to me, rather William, he had his truck outside, he said, Low, to William Goldberg, Come on, we will go inside, and we will have a drink. We went inside.

Q Did he say that to William Goldberg? A He said that to both of us. He said come inside and have a drink. We went inside and had a drink. I had a beer. William Goldberg had a whiskey and Mr. Casen had a whiskey. William said to me, Do you drink water all the time? Why don't you have a whiskey? I said, I never drink any whiskey.

Q How much time did you spend in that saloon? A We just had that drink and Mr. Casen was speaking to the bartender; the bartender said, Yes. They were speaking about some subject, I didn't understand what they were speaking about; I think they were speaking Polish. Mr. Casen went inside. I proceeded to go with William. William said,

CASE #2746

gh11

139

We will have another drink. He pulled a ten-dollar bill out and laid it on the bar, and I had a glass of beer and he had a whiskey; I left the whiskey there and left --

Q You went directly home? A Yes, sir.

Q Did you make an appointment to meet William Goldberg that day or the day after? A None whatever.

Q Did you work on Sunday? A I was home Sunday with my wife.

Q Where did you go Monday morning? A Monday morning I went down to Edward R. Elders, at Water street, to go to work. He had no work for me. I stayed there until about probably half past eight, when all the trucks had left, and I went home to my wife, and I was home all day. My mother was not feeling good, as well as my wife, and she stayed there until evening, and I went to sleep.

Q Did you see William Goldberg that day? A No.

Q Or that night? A I did not.

Q Where did you go Tuesday morning? A Tuesday morning?

Q Yes. A Tuesday morning I went out. I read the papers and there was an ad for a driver in Brooklyn, South First street, I don't know the name, but it was the name of a coal concern - William Larkin, and I proceeded along Delancey street and was standing in where Clinton street is, and I was waiting for a truck when I noticed William Goldberg coming from Clinton street towards my direction. So

CASE #2746

gh12

he said to me --

Q Just a moment. Did you intend to walk over the bridge? A No, I was waiting for one of the trucks to come over; I had no carfare to go across.

Q Were you paid the Saturday before? A Yes, I was paid the Saturday before.

Q How much pay did you draw down? A Paid five dollars.

Q Didn't have a five-cent piece on the Tuesday morning? A No, my wife had obligations, she owed money, and I figured I could get a car; I didn't want to take any money from her.

Q Where did you live at that time? A I was living at 132 Goerck street.

Q That is south of the bridge, is that right? A Towards the East River front.

Q Where was William Goldberg living at that time?

A The way I understand it, where he lived at the present time.

Q Where did he live at that time, if you know?

A I don't know.

Q Did he ever tell you where he lived? A Where do you mean, did he ever tell me where he lived?

Q Did he tell you before the occasion you met him that morning at the bridge, where he was was living? A No, he did not.

Q Did you know his family? A I don't know any of his family.

CASE #2746

gh13

Q Did you know his wife? A I had never seen her at that time.

Q Now from what direction was William Goldberg coming along on that truck? A He was not coming along on a truck. He was going to work; that was seven o'clock in the morning.

Q Where was he coming from? A Well, as I was standing, see, I was standing right here (illustrating), this is the bridge; he was coming from that direction, from Clinton street.

Q You mean from the direction of Goerck street?

A No, not from the direction of Goerck street.

Q Where, then? A Let me see.

Q When you lived at Goerck street at the time, -you know that the bridge is coming from Goerck street - towards the bridge you proceed in a northerly direction, don't you?

A I lived on Goerck street; this is Goerck street (illustrating); Goerck street runs like this; I walked from Goerck street, I lived in the middle of the block on Goerck between Stanton and Houston; I walked past Rivington, past Delancey; I walked straight up Delancey street; I walked all the way up to Delancey street and up to the bridge.

Q And where was Goldberg coming from? A I had been standing there about five minutes waiting for a truck when all of a sudden somebody yelled out, and I turned around, it was one of those catcalls.

CASE #2746

gh14

162

Q Where did it come from? A I turned around and noticed - it may have come from straight back of Deancey street, Broome and Clinton - do you understand what I mean?

Q He was going towards the bridge? A From Broome street, he was on Clinton street, do you understand; he had passed Broome street first, coming to my direction.

Q He made a whistle? A He let out a catcall.

Q When he came over to you, what did he say? A He said, Where are you going? I said, I am going over to Brooklyn for a job. He said, Where? I said, to a coal company. He said, I am working over that way. I said where. He said to Mr. Taylor. I said, I never heard of Taylor. Why, he replied, he rides paper and twine for Hubbs. I said, he does? He said, yes. I said all right. I am going across the bridge. I says, Here comes a truck, I am going. He said, Don't forget, in case you don't get any work, I will probably put you to work. I went over to Brooklyn and went to Larkin's place. At all events, I got there; probably I am all filled up, I was told if I left my name and address --

Q You did not get the job, in Brooklyn. You went over to Taylor and got a job? A Yes, sir.

begin

Q What time of the morning did you work in Taylor's?

A I got there around nine o'clock, around that time. He gave me his card and told me to call up the delivery de-

CASE #2746

gh15

163

partment and told them a man had come down and described him, and let that truck out, with the bay horse; I came down and gave the card to a man in charge and he gave me a horse and wagon, and I came over to Mr. Taylor and put a shipment on the truck and I shipped them goods and I then came back.

Q Now, Meisel, is it not a fact before you went to work for Taylor, and worked there every day, that it had been arranged between you and William Goldberg that you were to familiarize yourselves with the names of the firms or commercial houses, with whom Taylor & Rosenadel did business, and after that you were both to go out and steal goods from their customers? A I did not.

Q Just yes or no. A No.

Q You worked for Taylor just one day? A Just one day.

Q After you were arrested you found out that Bischoff and Harris, a couple of business men from whom these goods, People's Exhibit No. 1, were stolen, were a customer of Taylor & Rosenadel, didn't you? A Well, yes, sir; I did; Mr. Taylor came down and identified me, that I worked for them.

Q You also learned after you were arrested that Ferguson was a customer of Mr. Casen? A I did when Mr. Casen came down to make identification, not before.

Q Now, when you got through working that night, where

CASE #2746

gh18

164

did you go? A Directly home, because I took the truck,--
you see --

THE COURT: You are asked simply the question,
where you went.

THE WITNESS: I went directly home.

Q Did you see William Goldberg that night?

A I did not.

Q Did you see him at any time during the day? A I
did not. I was working all that day by myself; I had been
nowheres near the station.

Q So you had no conversations whatever with Goldberg
on the day that you worked for Taylor & Rosenadel? A No
conversations atall.

Q Were you told to report to work the following morning?
A That was my instructions.

Q Did you come back to work? A I went back to work
Wednesday.

Q What time did you retire for the day? A About half
past seven o'clock.

Q Did you get there at half past seven? A I did.

Q Did you find William Goldberg? A I didn't see him
there.

Q Did you see him any time that morning? A About
fifteen or twenty minutes, where the horses were, down-
stairs, coming up.

CASE #2746

gh1?

165

Q Now after you had reported for work that Wednesday morning, you had a talk with Mr. Taylor? A What was that?

Q Did you have a talk with Mr. Taylor? A After I reported to work that Wednesday morning?

Q Yes. A I went over and asked him how much money he would pay me. He told me, \$3.50. I told him I was a union man and I would not work under the scale.

Q Don't you know you worked for \$3.50 a day when you first started for him? A I didn't; he had not told me.

Q Did you ask Mr. Goldberg how much a day he was to get? A I did not.

Q Weren't you interested in what he was getting? A I figured he was being paid on a different scale of wages, and it was no concern of mine to ask what that was.

Q What made you figure that? A I asked one of the drivers that morning what he was paid for a single truck, and he said he was paid \$3.50. I went over to Mr. Taylor, and I told him I could not work for \$3.50 a day; he said, if not, he was sorry.

Q You figure that he paid union wages when you first entered his employ? A I was a union man and expected such.

Q You knew a great many concerns that employed non-union labor? A But they are paying above the scale --

MR. KEIR: We won't have any discussion of that.

MR. GOLDSTEIN: That all goes to the credibility

CASE #2746

gh18

of the witness.

THE COURT: The District Attorney may inquire.

Q You had assumed you were going to be paid union wages when you first entered his employ? A That is all.

Q When you discovered the following morning that his place was a non-union place, you left? A That is just it, and he paid me off, too.

Q At the time you left, did you see William Goldberg at the stable or on the stand? A I don't recollect.

Q Did you see him at any time thereafter? A I heard that he had an argument with Mr. Taylor about driving an automobile.

Q How soon after did you see him, William Goldberg?
A I seen him about ten minutes after I was paid off. I had walked --

Q That is an answer. You saw him ten minutes after?
A Yes, sir.

Q Where did you see him? A I was walking down Third avenue and he came running after me.

Q How many blocks of houses, if you remember, were you from the stand or stable of Taylor & Rosenadel, and when William Goldberg approached you? A I had only walked half a block from the stable, going on my way home, downtown.

Q Did he have a talk with you then? A He asked me to take in a picture show, as I had got paid off and had money.

CASE #2746

gh19

167

He said you can go into a picture show; you can get in cheap. I said now it is too late.

Q Why did he become so familiar and friendly with you, do you know? A How did I know; I didn't know what he was up to, I didn't know.

Q Did you have a talk with him at all about what you and he were going to do with it? A I had no talk whatsoever, outside of him asking me to go to a show.

Q You wouldn't go? A I told him I had a wife and child and I was going home to them.

Q Did you go home? A I went directly home, and gave my wife the money, I stayed upstairs and helped my wife with her household duties.

Q That was Saturday night? A Yes, sir.

Q Tuesday you began to work for Taylor? A Yes, sir.

Q Wednesday morning you refused to work because you were not paid union wages? A Yes, sir.

Q Wednesday night you stayed with your mother? A No, with my wife's mother.

Q And it was on Thursday, the following day, that you were locked up; is that correct? A That is correct.

Q When was it that you went to the home of the mother of William Goldberg, to give her William Goldberg's pay?

A When I had worked for Mr. Taylor, I can't recollect just when - I think it was Charley Casen I had worked for, Charley

CASE #2746

gb20

Casen's wife - I can't recollect that, though I know I had brought six dollars up to his mother-in-law --

Q Was he living with his mother-in-law? A Well, I don't know; he didn't tell me; I understood, I think he had a home if he was married and had a wife and child.

Q Do you remember the address to which you took the six dollars? A I didn't look at the address. He told me to go to the top floor and I think he told me the number was 37, I wouldn't be sure; I knocked on the door and asked if Sarah Goldberg was at home. I said that William was downstairs and sent some money. I went next door and knocked. I said, Anybody there? I told her William had asked me to deliver to her six dollars and wanted her to send him a blue shirt. You see, I had been down before and had told her the wife was not there; I went up again and gave his mother-in-law the money.

Q You testified on direct examination it was after William Goldberg had been paid off by Taylor that you went to William Goldberg's mother's home, and that you gave her six dollars, that you referred to? A If I did, I made a mistake, because I recollect when he worked for Charles Casen he had more money than six dollars. He pulled out a roll of money; I said, Where did you get that? He said, I shot crap the other night and won it. He said, Here is six dollars, to give to my wife, to show her

166
CASE #2746

gh21

that I have been working; she should not make a holler against me, when I bum the money around or something like that.

Q When was that, do you remember the day of the week?

A That was the same morning I had worked, after we had a drink, see?

Q That was that Saturday? A Yes, sir, that was Saturday.

Q That was the Saturday morning on which you were laid off, is that right? A Yes, sir.

Q Now the first time, as I understood you to say, before, in answer to my questions, that you met William Goldberg was on the Friday? A Yes, sir.

Q Preceding the Thursday on which you were locked up, correct? A Yes, sir.

Q You merely met him at pier 16? A Under Mr. Casen's instructions.

Q From there, after delivering the message of Casen to William Goldberg, you went to Pier 21? A Yes, sir.

Q You didn't see him that night at all, or indulge in any conversation? A I had seen him that night, but in no conversation.

Q The next day you had a drink with him and Casen in a saloon; is that correct? A That is correct.

Q Now, can you explain to his honor and the jury how

CASE #2746

gh22

170

it came about that William Goldberg should ask you, pick you out, as a person to go to his mother-in-law and give his mother-in-law six dollars? A Well, I don't know; he seemed to be too friendly to me, and seemed to be so friendly to me, he said, "I don't speak to my mother-in-law; I am on the outs with her for the last few years; you go upstairs for me and do me that favor." That was after I left him he offered to pay for two drinks; I left the drinks; he came out directly after me and told me, Go upstairs with the six dollars.

MR. KELLER: Object to that. It appears that he couldn't find the mother-in-law like the others, and he used this fellow to carry six dollars to her. We had twenty minutes on that six dollars before.

THE COURT: It all goes to the credibility of the story. I will let the jury determine whether they believe he is speaking the truth in regard to that.

MR. GOLDSTEIN: That is my sole object. It affects the credibility of this witness. The only purpose of asking this question.

Q Now, he was a mere casual acquaintance of yours, and yet he asked you to take six dollars? A Yes, sir.

Q Did he go along with you? A Up to the stoop.

Q He remained downstairs? A Yes, sir, I told him his wife was not upstairs.

CASE #2746

gh23

Q You left the six dollars? A No, he told me to go upstairs and give it to his mother-in-law.

Q Which you did? A Yes, sir.

Q And you and he went away? A I went away; I don't know where he went; I left him there standing, and I walked down to Madison, to Jackson street, and I seen him walking in the same direction as I did, but him back of me; I went home; I don't know where he went.

Q You believe you took the six dollars to 365 Madison street, isn't that so? A Why it appears so now.

Q You knew, however, it was on Madison street? A What is that?

Q (Question read). A Yes, sir.

Q Now on the morning of the day of your arrest, - just a moment - I withdraw that question. Did you leave Taylor because he didn't give you a decent wagon upon which to work, or was it because he refused to give you the union scale of wages? A Well, I left directly on account of the wages, but I was a little discouraged on account of the truck that he had given me - it was in a very poor condition, and I didn't want to tell at that time about the truck; I figured as long as I got the wages, what is the use of talking about the truck I was driving for him; but as he didn't give me the wages I didn't care so much what kind of a truck I received, so that I got the wages, and I put in my day's

CASE #2746

gh24

work.

172

Q You never knew Harry Goldberg until that time?

A Not until that morning that he hired me.

Q Do you know that Harry Goldberg ran a poolroom on Jackson street? A I had no connection whatsoever, I had no knowledge whatsoever of a thing like that, because I had never entered any poolroom.

(Whereupon an adjournment was taken until 3 P.M., after the Court admonished the jury in accordance with Section 315 of the Code of Criminal Procedure).

CASE #2746

gh25

After Recess.

(2 o'clock P.M.)

LOUIS MEISEL, resumed the stand.

GROSS EXAMINATION CONTINUED BY MR. GOLDSTEIN:

Q On the morning of April 24th, you went over to the stable on Jackson street and Water street? A I think it was Water street; I am not sure of the street.

Q You went after a job, you said? A I didn't exactly go there for a job; I went there for a practical idea, in pursuance of my work that morning.

Q How did you come to go to that particular place to look for work? A I had worked for Henry Brandt and also for another firm, right next door, and I thought that if I gave them the name of Henry Brandt that they would trust me.

Q Does Henry Brandt own this stable at which you found William Goldberg and Henry Goldberg? A As far as my knowledge goes, he does not.

Q Brandt has a place of business right next door to this stable? A Yes, sir.

Q What is Brandt's business? A He is a truckman.

Q Did you see Brandt? A He didn't come down personally; his foreman was there.

Q Did you see his foreman? A Well, I recollect I did.

CASE #2746

gh28

Q Did you talk to him? A I asked him if there was any chance to go to work.

Q What did he say? A He told me to wait until he could hear from Mr. Brandt over the telephone.

Q Did he talk to Brandt over the phone? A I don't know, he told me later that no persons were needed.

Q What time of the morning was that? A That was close on to eight o'clock.

Q And after he told you that, what did you do, did you go away? A No, up to that time I had not noticed the welcome - and as I stepped out to get my answer there was no chance to go to work, I figured I was going to go home, and I stood talking to a fellow who worked for Henry Brandt and it was then I turned around and I noticed William Goldberg.

Q And then William Goldberg asked you to go and work for him? A Yes, sir.

Q Did you take one of the trucks? A I waited quite a time and he finally brought that single wagon and he told me that he bought the single wagon and the horse and the harness up on Cherry, and that he had brought it around by way of Montgomery street.

Q Did you drive it? A From that time on I drove it.

Q What were your instructions in regard to that truck?

A My instructions were to go to 174 Lafayette street and at about nine o'clock I was to meet my employer there,

CASE #2746

gh27

176

William Goldberg.

Q And you met him there later? A Probably must have been around nine o'clock.

Q Were you standing at 174 Lafayette, around Grand?

A I was standing by my truck around Grand street; I was standing there and along came that truck that I had seen in the morning. I recognized the horse and wagon to be the same, and it approached, and I noticed Harry Goldberg was driving, and William Goldberg was on the tail of the truck and they proceeded to get off work, and as they proceeded I walked towards them.

Q Did you assist them any longer than eleven o'clock?

A My instructions were to take them and check them by cases.

Q Did you look at the cases? A I didn't notice any marks; I took them on the elevator; there were four fellows, me, Harry Goldberg, William Goldberg, and the elevator man.

Q Did you notice to whom those cases were sent?

A I didn't notice any marks on the cases.

Q Didn't see any names or addresses? A No.

Q You didn't see Wisconsin on one of the cases?

A I didn't see that.

Q You didn't see Massachusetts on one? A No, I simply handled the cases, brought them up on the elevator and went down again.

Q Were you not interested to know for whom those cases

CASE #2746

gh38

178
were intended? A I didn't figure there was anything wrong, because they told me the cases were going upstairs. I seen they were bundles; I knew sometimes a man got a delivery; he brings bundles and cases; I thought it was for city delivery.

Q Didn't you notice the name of Ben Block, somewhere in the Thirties, with some more of the packages? A I didn't handle packages.

Q How many cases did you handle? A Three cases.

Q You didn't observe the names and addresses of any of them? A No, the cases were brought on the elevator and went upstairs.

Q You helped put them on the elevator? A Yes, sir, that was my instruction; I acted as an employee.

THE COURT: Cease talking, except to answer the question promptly.

Q When you got upstairs did you find anyone up there?

A The first time you mean?

Q Yes. A I went upstairs there and they were speaking to some fellow there, Harry and William; we spoke to the same fellow; I was standing by the elevator; Harry said to me, You go downstairs, and I will see you downstairs. I went downstairs, and went over to my truck on Grand street, which was awaiting me there, and in five or ten minutes they came down.

CASE #2746

gh39

Q What did you see them do? A They came down and drove towards Grand street and turned in, and William shouted to me that they would be back in twenty minutes or half an hour and I was to wait there for them.

Q Did you wait? A Inside I waited.

Q They came back? A He told me I should go to it when they came back, see, while I was out, they happened to come up, see, and as I came and turned around, I noticed the same truck standing there, with black horses, with a load of goods. Now I walked over and I had seen nobody outside by the truck at all. There was two doors, one closed and one half open; I walked right in. As I walked in, William Goldberg was standing on the side where the door closed, ringing the elevator bell. I said, Is the boss up there? I forget what he answered. He said, Yes, go upstairs. I went upstairs. While we were going on the elevator, me and William, I said, Are these cases for City delivery?

MR. KEIR: We have gone over this thing.

THE COURT: I think it has all been gone over.

Q When he told you to go over to Grand and Lafayette streets, did you ask him what he wanted you to do there?
A He told me to wait there. I did ask him. I said, What is the idea of waiting there? He said, he expects to have some packages for city delivery. That was all that wagon

CASE #2746

gh30

178
was going for, and he expected to have some packages for wagon delivery, because it was covered, and a sheet on the wagon, the rain was kept out. He said he didn't want any packages to be harmed by the rain. I had waited there and I stated to you the packages, how they came.

Q Some time during the month of September you had a talk with Sheedy, didn't you? A Yes, sir, I did.

Q Didn't you tell Sheedy that you were prepared to take a plea? A I told --

Q Now, wait a minute - provided you got a suspended sentence and that you would go before the grand jury or the district attorney, rather, and turn State's evidence as against the other defendants? A I admit I said I would turn State's evidence, and I told Officer Sheedy that I was practically innocent on the case, and if he could help me out, I would explain how all this happened. Officer Sheedy said he could arrange for me to go down and see the district attorney and fix all these matters up. He made an appointment for the following night and I told him that, if he had made an appointment with the district attorney, and he said yes. Meet him in Part I. on a certain time.

Q All right. We heard that before. Didn't you tell Sheedy three or four days ago, outside in the corridor of this building, that you were going to stand pat, and that you changed your mind, to turn State's evidence, witness?

94127
CASE #2746

gh31

A I didn't say anything like that. I said I was going to tell the truth, how it happened.

Q You didn't state that you were going to stand pat?

A No, I did not.

MR. GOLDSTEIN: That is all.

MR. KEIR: That is all.

Q Did you have a hole in your pants on the day you were arrested? A No, I recollect that Harry Goldberg --

THE COURT: You were not asked that.

MR. GOLDSTEIN: That is all.

M R S . A M E L I A M E I S E L , called and sworn
as a witness for the defendant, testified as follows:
(89 Sheriff Street, New York).

DIRECT EXAMINATION BY MR. KEIR:

Q Mrs. Meisel, you are the wife of this defendant, Louis Meisel, are you not? A Yes, sir.

Q Do you know William Goldberg? A Yes, sir.

Q Were you present when Will Goldberg had a talk with your husband at your mother's home, 54 Cannon street? A Yes.

Q Will you tell what Will said to you? A Will said, You are not guilty; don't you tell a word; you stand pat; and if you stand pat and don't give out I hired you as a driver, if you will I am going to have you killed right where you are. Then just as I called Officer Sheedy on thephone, I

179
CASE #2746

gh32

180

told him. I said, Officer Sheedy, I want to see you. He was not there. I left word for him at Police Headquarters; I went to see him. When I left word he came around about twenty or thirty minutes later and when he came around I said to him, Officer Sheedy, I want to tell you, and my husband wants to tell you all he got to say; so he went and told him a little what he had to say, and Officer Sheedy said he was going to take him down to the District Attorney's office, and when he was taken down to the District Attorney's office he will tell the District Attorney and maybe the District Attorney give a suspended --

THE COURT: A suspended sentence?

THE WITNESS: See she got a suspended - he was saying he will do that for me. After that I went to call on Officer Sheedy because William Goldberg saw Officer Sheedy at the office and he got all the information, and no sooner had anybody walked up to the house than he got all the information.

THE COURT: Before that had not something been said about being guilty?

THE WITNESS: No.

THE COURT: How about a suspended sentence in case of a plea?

THE WITNESS: They should give him a suspended sentence or let him plead; he was going to tell the guilty ones were

CASE #2746

gb33

who hired him.

Q Did you hear Officer Sheedy say in your presence that he would try to obtain for Meisel a suspended sentence?

A He was going to try and get the District Attorney give him one.

Q Who first spoke about a suspended sentence in this case? A Officer Sheedy did.

Q Do you remember any time when Will Goldberg went over to your house and he said to your husband in your presence, speaking to him about going to Casen to plead for him, Will Goldberg? A Yes, sir.

Q Tell us about that conversation? A He came up to the house and said to me, Amelia, go over to see Charley Casen, and tell him that your husband is not guilty and I am not guilty. I said, How do I know you are not guilty? He said, Don't say anything. I said, What do you mean? He said, Just tell what I told you, and I get free.

Q You don't know anything more about the case? A No.

MR. GOLDSTEIN: No cross-examination.

MR. KEIR: That is the case for the defense.

THE COURT: Any rebuttal? Both sides rest.

(Mr. Keir summed up for the defendant).

(Mr. Goldstein summed up for the people).

(The Court charged the jury).

(The jury retired).

(The jury returned and found a verdict of guilty of grand larceny in the first degree).

(Defendant's pedigree taken and remanded for sentence).

CASE #2746