

START

1708

CASE

CASE #1708

I N D E X.

Witness.	Direct	Cross	Re-D	Re-C.
LARDA BLOCK,	1	3	6	6
HARRY BLOCK,	7	8		
ARTHUR O'NEILL,	13	14		
People Rest, 15.				
MOHAW KALDEROW,	16	19		
HENRY J. LAUMAN,	25	27	27	
ISAAC PARDO,	27			
MUSO BAJOR,	28			
MORRIS KALDEROW,	30			
JOSEPH LEVY,	31	32		
HENRY J. LAUMAN (Recalled)	33	33		

CASE #1708

COURT OF GENERAL SESSIONS OF THE PEACE,
City and County of New York, Part IV.

THE PEOPLE OF THE STATE OF NEW YORK,

-against-

BUECHES KALDEROW.

New York, May 5th, 1913.

Indictment filed August 15, 1912.

Indicted for grand Larceny, second degree, and receiving.

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

For People: ASSISTANT DISTRICT ATTORNEY COLLIGAN.

For Defendant: MESSRS. GOLDFEIN & WELTFISCH; Joseph Goldfein,
Esq., of counsel.

A jury is duly impaneled and sworn.

Mr. Colligan opens to the jury in behalf of the People.

L A R D A B L O C K (412 Bushwick avenue, Brooklyn), called
as a witness in behalf of the People, being duly sworn, testi-
fies as follows: (Through Official Interpreter Rosenthal)

DIRECT EXAMINATION BY MR. COLLIGAN:

Q You are the complaining witness? A Yes, sir.

Q You reside in Brooklyn? A Yes.

Q On the 23rd of July, 1912, you were riding from Brooklyn
to New York, were not? A Yes.

Q And you were on a Bushwick avenue car? A Yes.

Q Who accompanied you, if any one? A My son.

CASE #1708

Q Where did you get off this car? A Delancey street. 2

Q That is in the City and County of New York? A Yes.

Q What did you carry, if anything? A A pocket book with \$100.

Q Did you carry a handbag? A Yes, a handbag like the one I have now in my hand.

Q State whether or not you carried it on your arm? A I had it on my arm (indicating).

Q Will you stand up and show the jury how you carried the bag on the 29th of July? A That is the way I carried it in my hand (indicating with bag clasped to left side).

Q Which hand did you carry it in? A Left hand.

Q Now, will you tell us what was in that bag? A A pocket book, and in the pocket book \$100, a picture of my mother and a card of a dentist who had fixed my teeth, that's all.

Q And what denomination was this \$100? A Two ten dollar bills, and five-dollar bills -- I can't remember exactly the denomination of all the bills. I had the money in order to settle a debt of a house, a mortgage.

Q As you were about to alight from the car accompanied by your son, what happened? A As soon as I got down from the car a man came after me, caught hold of the pocket book, he cut it off and started to run.

Q When you say he cut it off, do you mean he cut the leather handle? A He cut off the hand bag from the hand, then he started to run.

CASE #1708

Q Did you see the defendant on this day? A I saw him the first time when he alighted from the car.

Q State whether or not you saw the defendant run? A Yes, and I ran after him.

Q Who ran after him with you? A My son.

Q Did you yourself see the defendant cut the handle of that bag? A Yes, I did see it.

Q After cutting the bag what did he do? A He started to run and he handed the bag to another man, and then he ran. I caught him and I called for the police, then came a policeman and arrested him.

Q Now, this happened at the corner of Delancey street and Norfolk street? A Yes, sir.

Q How far did he run? A About a block.

Q Have you told the jury all you know about it? A All I know.

CROSS EXAMINATION BY MR. GOLDFEIN:

Q What part of the car were you sitting on? A In the middle.

Q Do you know whether the defendant was on that car while you were on it? A I don't know, I didn't see, I can't say.

Q Where did the car stop? A Norfolk, corner of Delancey.

Q Were there a number of people alighting from that car?
A Yes.

Q Did you see the defendant alight from the car? A No, I didn't see him.

CASE #1708

Q When did you see him for the first time? A When he came up to me and grabbed the pocketbook.

Q Did he come from the front of you? A I can't say whether from the front or the back.

Q But he came around to your front? A Yes.

Q And you were holding the pocketbook with your hand?

A Yes.

Q What side of the pocket book did he start cutting first?

A (Witness indicates right side).

Q And you saw him cutting it? A Yes, I did.

Q What did he cut it with? A I can't say. He held something in the sleeve of his coat.

Q After he got through cutting this side, you want to tell this court and jury he went to cut the other side? A On both sides at the same time.

Q How was he cutting both sides at the same time? A I don't know exactly how he cut it, but everybody saw that the handle remained in my hand.

Q Well, did you see the cutting? A Yes, I saw him cutting.

Q How long did it take before he cut through? A I can't say.

Q Well, what did you do while you were watching him cut?

A I started to scream, and then I started to run after him.

Q Well, it took him a little while to cut the string, didn't it? A Yes, it did.

Q Well, what did you do during that time? A I became

CASE #1708

5
like dazed, because this is the first time such a thing happened to me.

Q Do you know the defendant, if you see him now? A Yes, sir.

Q Which one is it? A (Indicates defendant).

Q Did you this morning ask the young lady sitting next to you whether this is the young man or not? A No, I did not.

Q What did you ask her when you pointed to the young man? A She asked me what kind of a case I have here, and I pointed to the defendant and said, "This man robbed me."

Q How soon after he took the pocket book did he give it to somebody else? A Not immediately, but when he was running and I was running after him then he handed it to the other man.

Q Did he hand it to somebody or throw it away? A He threw it and the other one grabbed it and ran away.

Q Why didn't you run after the man that grabbed the pocketbook, if you saw it? A I was running after him --- all the people said I should run after him (the defendant).

Q Who were the people that said it? A All the people that were around there.

Q Did you see the man who grabbed the pocket book up from the floor? A I saw him, but I could not catch him. There were a great many people there.

Q You were nearer to that man than you were nearer to this defendant, weren't you? A No, I was nearer to this defendant. He wanted to run away, and I caught hold of his coat, and screaming for the police and they came.

CASE #1708

Q What do you mean, "he wanted to run away"? A He wanted to run away from me.

Q When you caught him was he standing? A No, he wanted to run. He started and ran fast.

Q Where was it that you caught him? A Half a block from Norfolk street.

Q On the sidewalk or in the gutter? A Yes.

Q What time was it? A About five or six o'clock in the evening.

Q How was the defendant dressed, do you remember?

A He had a brown suit and a brown hat. The hat was a Fedora hat --- split in the middle.

Q He didn't throw anything else away but the pocket book?

A I didn't see him.

Q Didn't you keep your eyes on him all the time? A I looked at him. I didn't see him throw away anything else.

Q If he did you would have seen it? A I would have seen, but I only saw the pocket book.

RE-DIRECT EXAMINATION BY MR. COLLIGAN:

Q When you say pocketbook, do you mean the bag itself? A I mean the bag, with the pocketbook with the money, with everything.

RE-CROSS EXAMINATION BY MR. GOLDFEIN:

Q You did not see him get off the car, did you? A No.

80417
CASE #1708

H A R R Y B L O C K, (412 Bushwick avenue, Brooklyn), called
as a witness in behalf of the People, being duly sworn, testi-
fies as follows:

DIRECT EXAMINATION BY MR. COLLIGAN:

Q How old are you? A Fourteen years old.

Q What do you do for a living? A Going to high school.

Q Did you accompany your mother on the 29th of July, last?

A Yes, sir.

Q And you rode with her on the car from Brooklyn, and got
off at Delancey street Bridge, at Norfolk street? A Yes, sir.

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

Q I want you to tell the jury just what you saw? A I was
going off the car with my mother and the defendant cut the
strings from my mother's pocketbook.

Q Do you mean pocketbook or bag? A The bag.

Q Well, say bag. You go to high school. A He took the
bag and cut the strings off it, and handed it over to a differ-
ent fellow, and the other fellow ran away with it, and after my
mother began to chase after this defendant, and on the corner
of Essex street an officer caught him there.

Q Was this an open or a closed car? A A closed car.

Q A closed car on the 29th of July? A Yes, sir.

Q Will you explain to the jury the positions of your
mother and yourself at the time the bag was taken? A I was at
the right-hand of my mother, and the bag she held on the left-
hand.

CASE #1708

Q You were at your mother's right? A Yes, sir.

Q And your mother held the bag in the left-hand, or on her left arm? A Yes, sir.

Q Which was it? A Left arm.

Q Now, where was the defendant when you first saw him?

A In front of us.

Q In front of you? A Yes, sir.

Q What did you see him do? A Cut the strings.

Q Did he stand immediately in front of you to cut the strings? A No, sir.

Q Well, that is what I would like to know --- where did he stand? A We were going off the car and he was standing alongside of us.

Q Repeat that? A As we were going off the step of the car he was just standing alongside of us.

Q Standing alongside of you? A Yes, sir.

Q Was he alongside of you or aside of your mother? A Aside of my mother.

Q Explain more explicitly just what you saw him do? A Cut the strings of the bag, and he took the bag and handed it to a different fellow.

Q How long did it take him to cut the strings? A Oh, not very long.

Q What do you mean by that? A About a minute or two minutes.

Q About two minutes to cut the bag? A Yes.

CASE #1708

8
Q What did he do after he got it? A He took the bag and handed it to a different fellow and the other fellow ran away with it.

Q What did you do? A Began to chase him.

Q Did he run? A Yes, sir.

Q How far did he run? A A block, one block.

Q You go to high school, don't you? A Yes, sir.

Q Do you know how many seconds there are in a minute?

A Yes, sir.

Q You still think it took two minutes to cut that handbag? A Well, I didn't have no time with me.

Q Why do you say about two minutes? A I said about.

Q Why did you say about two minutes? A Because I didn't have any time with me, and I couldn't tell exactly.

Q Well, you chased the defendant when he ran? A Yes, sir, and my mother also chased him --- also ran after him.

Q Where was he caught? A On Essex street.

Q Who caught him? A An officer.

Q Did he say anything when he was caught? A No, sir.

Q Did the officer say something to him? A He asked him if he took the bag.

Q Now, have you told all you know about it? A Yes, sir.

CROSS EXAMINATION BY MR. GOLDFEIN:

Q What time of the day was that? A About four o'clock.

Q Did you go to school that time? A No, sir, it was vacation time.

CASE #1708

Q Where did you come from? A Brooklyn.

Q From your home? A Yes, sir.

Q With your mother? A Yes, sir.

Q Do you know what time you started from your house? A No, sir.

Q How do you know it was four o'clock? A I seen it at R. Hoe & Company's big clock, crossing the bridge.

Q You say it was four o'clock when you got off the car?

A No, sir, near, about the middle of the Bridge.

Q You saw it was four o'clock when you were about the middle of the bridge? A Yes, sir.

Q You remember that distinctly? A Yes, sir.

Q If your mother said it was half past five, she would be mistaken, or would you be mistaken? A (No answer)

Q You remember seeing the time on the Hoe building when you were going on the car on that occasion, do you? A Yes, sir.

Q And it was four o'clock? A Yes, sir.

Q Where did the car stop --- on the Delancey street side?

A At the right-hand side.

Q What street? A At the corner of Norfolk street.

Q On what side of the street? A Right-hand side.

Q Norfolk or Suffolk --- do you know where Rivington street is? A Yes, sir.

Q Was it going to Broome? A To Rivington street.

Q That is on the uptown side? A Yes, sir.

Q How near the car was the defendant? A I can't tell you

CASE #1708

exactly, I don't know.

Q How near the car was the man that you say you handed the pocketbook to? A A yard away from the car.

Q You saw him there? A Yes, sir.

Q And did the other man go to the defendant for the pocket book or did the defendant go to the other man? A The defendant went to the other man.

Q And he handed it over to him? A Yes, sir.

Q How did he hand it over? A He took the bag and handed it over.

Q And he took it right in his hand? A Yes, sir.

Q You distinctly remember that? A I think so.

Q Well, now, do you remember that? A Well, I can't tell you exactly --- it is about a year already.

Q Did he throw it on the floor or give it to that man? A He gave it to him.

Q You are sure he gave it to him? A Yes, sir.

Q If your mother said he threw it down, she was mistaken?

A (No answer.)

Q You say you saw him cut the pocket book? A Yes, sir.

Q With what did he cut it? A I think with a knife.

Q What side of the pocket book did he start cutting first?

A I don't know what you mean by that.

Q You remember your mother holding this pocketbook before that occurrence? A Yes.

Q How did she hold it? A In her left hand.

CASE #1708

Q Was she holding the edge of the pocketbook --- the string was on her arm? A Yes, sir.

Q Are you sure it was this way she was holding the pocketbook (indicating)? A Yes, sir.

Q And her hand was holding the top of the bag? A No, sir, not the top.

Q If your mother said she did, she was mistaken?

MR. COLLIGAN: I object to the further line of characterizing the testimony of another witness.

(Question withdrawn.)

Q You say he cut it with a knife? A Yes, sir.

Q Which side of the pocketbook did he start cutting first?

A The northern part.

Q What do you mean when you say the northern part? A The upper part of it. She was holding the pocketbook this way (indicating) and he was standing alongside and cut this side first (indicating).

Q What did he do after he had cut that side? A Cut the other side.

Q Are you sure about that? A Yes, sir.

Q Were you watching him while he was cutting it? A I could see him; I was right by my mother.

Q Did you see when he was cutting it? A Yes, sir.

Q What did you do? A I began to --- I told my mother about it and before I could have told her he had the pocketbook and handed it to a different fellow, and the other fellow ran

CASE #1708

12
away. We began chasing him and the other fellow ran away, and
at the corner of Essex street an officer caught him.

Q Who saw this boy cutting the pocketbook first, you
or your mother? A My mother felt him cutting it.

Q Did you call your mother's attention to him cutting it?
A Yes, sir.

Q You are positive about that? A Yes, sir.

Q How far had he got when you called your mother's at-
tention? A He cut the first side of it already.

Q And you let him do that? A I didn't see him before that.

BY THE COURT:

Q Did your mother keep the handle of the bag? A No, sir.

BY MR. GOLDFEIN:

Q On what side of the street did the policeman arrest him?

A The middle of the gutter, the right-hand side.

BY THE COURT:

Q Was it on the north or south side, he was arrested? A
North side.

Q And the same side as you alighted from the car? A Yes,
sir.

Q You know what "alighted" means? A Getting off.

Q You got off the car on the north side and he was arrested
on that same side? A Yes, sir.

BY MR. GOLDFEIN:

Q Had he crossed Essex street when he was arrested, or
had he not? A He had not crossed it yet.

CASE #1708

BY THE COURT:

Q Essex street runs across Delancey? A Yes, sir.

Q And it was at the corner he was caught? A Yes, sir.

Q And you never lost sight of him from the time you saw him run, is that it? A Yes, sir.

BY MR. GOLDFEIN:

Q Did you see the man to whom the defendant handed the pocketbook? A Yes, sir.

Q What did he do? A He ran away.

Q Why didn't you run after him? A Well, I wanted to stay with my mother.

Q Why didn't your mother run after him, if you know?

Objected to. Objection overruled.

BY THE COURT:

Q Did your mother run after him or not? A No, sir.

Q Well, do you know why she did not run? A I don't know.

Q Isn't your mother a good runner? A No, sir.

Q Did you ever see her run? A Yes, sir.

A R T H U R P. O'N E I L L (Detective Bureau, 1st Inspection District), called as a witness in behalf of the People, being first duly sworn, testifies as follows:

DIRECT EXAMINATION BY MR. COLLIGAN:

Q On the 29th of July, 1912, were you attached to the 13th Precinct? A I was.

Q Did you arrest the defendant? A I did.

Q At what place? A Delancey and Essex street.

CASE #1708

100

Q State briefly the circumstances surrounding the arrest?¹⁴
 A About 6:15 on the evening of July 29th, I was assigned to duty on Delancey street, in uniform, and while patrolling my post there, my attention was called to a crowd of people at Delancey and Essex street. I went over to learn what the cause of the crowd was. I saw the defendant there with Mrs. Block. I asked her what the trouble was. She said this man had cut the strings of my bag that I had containing \$100 and passed the bag to somebody else. I placed him under arrest on her complaint.

Q Did you have any conversation with him? A I asked him. He couldn't talk English.

CROSS EXAMINATION BY MR. GOLDFEIN:

Q On what side of the street was this arrest made?
 A On the south side.

Q Was that Essex or Ludlow street --- which street was that? A To the best of my belief it was Essex. That is what I have got down in my book.

Q Do you remember it was not opposite the Public Bank?
 A The Public Bank?

Q A banking institution there on the corner of Ludlow and Delancey streets? A A block below, between the bank and a block below, Essex street, that is what is in my book.

Q Was it on the side going to Forsyth street, to Ludlow street where the arrest was made? A I made the arrest on the

CASE #1708

corner of Essex and Delancey street.

Q On which side of the street? A On the south.

Q I mean which side of the street on Essex street --- west or east? A On the southwest corner of Essex street and Delancey.

Q On the southwest, that is, you had crossed Essex street?

A Yes, sir.

Q Going towards West? A I had crossed from the north side of Delancey street to the south side of Delancey street.

Q Did you search the boy? A The boy? No, I did not.

Q Were you at the police station when they searched him?

A What boy?

Q The defendant, I mean? A Yes, I searched the defendant.

Q What did you find on him? A I didn't find anything. A little change on him.

Q Did you find any knives or scissors? A I did not.

Q Was the little boy there at the time, that was on the witness stand before --- that little boy over there (Block)?

A He was.

Q Do you remember seeing him there? A I do.

MR. COLLIGAN: People rest.

MR. GOLDFEIN: I move to dismiss, if your Honor please, on the ground of a failure to identify this defendant. The boy says it was four o'clock, and the evidence is that the boy was arrested on the north side, and here arrested on the south side, and the complaining

CASE #1708

witnesses evidently are talking about some other man.

THE COURT: Motion denied.

CHARLES H. LEMOND is now duly sworn to act as Interpreter herein.

M O H A W K A I D E R O W, the defendant herein, called in his own behalf, being first duly sworn, testifies as follows:
(Through Interpreter)
DIRECT EXAMINATION BY MR. GOLDFEIN:

Q How old are you? A Twenty-three.

Q How long are you here in this country? A Four years.

Q Where did you come from? A Manastia, Turkish country.

Q Where do you live? A Allen street.

Q What number? A 48.

Q With whom? A With my sisters.

Q How long have you been living there? A One year and a half, two years.

Q Before that where did you live? A In another place.

Q By whom? A With a cousin.

Q Now, what did you do when you came over to this country?

A I worked.

Q By whom? A Gotham Company, Brooklyn.

Q How long did you work there? A Four years.

Q When did you quit working there? When did you stop working there? A Five months --- half past five in the evening.

Q What time did you go to work? A Seven o'clock.

Q What did you do there? A I worked the machinery.

CASE #1708

Q What salary did you get? A \$9.

Q Is your boss here? A Yes, sir.

Q Were you working there on this July 29th when you were arrested? A Yes.

Q Where were you coming from at the time? A With the cross town car.

Q Where were you coming from? A From Brooklyn.

Q What did you do in Brooklyn? A I was working.

Q Were you coming from work? A Yes, sir.

Q What happened? Tell the court and jury just what happened that night? A When I took a transfer from Brooklyn, I took the transfer at the Brooklyn car for the Graham avenue car, Flatbush car, any car transfer that I took.

Q When you alighted in New York what did you do? A I went to eat in a restaurant, and this woman came up.

Q And where did she come up? A I didn't see where she came from.

Q Where did she come up to you? A From behind.

Q What happened? A She took me by the arm and she said, "Give me \$100 that you took from me."

Q Where was that? A Half block below the Public Bank.

Q Is that between Ludlow and Orchard streets? A Yes, sir.

Q What did you do? A Nothing, I didn't say anything to her. I didn't know anything about it.

Q What happened after that? A After this nothing else happened. She asked me to give her \$100.

CASE #1708

Q Were you arrested? A Yes.

Q And did they take you to the police station? A Yes, sir.

Q Did they search you at that time? A Yes, sir.

Q Did they find anything on you? A Ten dollars and half a dollar.

Q Now, did you see this lady before she caught hold of you on your back? A No, sir.

Q Were you running to that place? A No.

Q Where did you come from? A On the Subway, No. 3 Delancey street.

Q You were going to No. 3 Delancey street from the Subway? A They stopped the work, and I was going to a restaurant to eat.

Q Were you running at the time when the lady came over to you? A No, sir.

Q Did you know you were being run after or followed? A No, sir.

Q Did you get this pocket book or take it? A No, sir.

Q Are you a member of any lodges or societies?

Objected to. Objection sustained.

Q What are you doing now? A I am not working now; two weeks that I am not working any more.

Q And up to that time did you work for this Gotham Company?
A Yes, sir.

Q Were you ever arrested? A No, sir.

Q What did you do in Europe before you came to this

80171708
CASE #

country? A I was in a large store.

Q How long were you working there? A Nine years.

CROSS EXAMINATION BY MR. COLLIGAN:

Q What business did you work at on the 29th of July, 1912?

A Gotham Company.

BY THE COURT:

Q What kind of goods do they produce? A Cloths and articles of that kind.

BY MR. COLLIGAN:

Q What particular work did you do? A Where, here in America?

BY THE COURT:

Q For the Gotham Company, over in Brooklyn, where you were working? A I worked on a machine, sewing all kinds of work.

BY MR. COLLIGAN:

Q Sewing what --- clothing? A Tin cans.

Q Are you a tinsmith? A Yes, sir, in that other country too, that is what I am working at.

Q What did you work at in Brooklyn, around July? Isn't that a simple question? A Tinsmith.

Q How long have you been a tinsmith? A Four years.

Q Let me look at your hands. Did you work on the 29th of July 1912? A Yes, sir.

Q What time did you leave your place of business? A Half

CASE #1708

past five from the work.

Q Who accompanied you, if anybody? A Nobody accompanied me home.

Q Did you ride on the street car? A Yes, sir.

Q Did you see the boy and the woman on that street car?

A No, sir.

Q When did you first see them on that day? A When she took hold of me.

BY THE COURT:

Q When she took hold of you or when the officer took hold of you? A When the woman touched me, took hold of me.

Q Was the woman the first one to catch you? A Yes, sir, the first one who took hold of me was the woman.

BY MR. COLLIGAN:

Q Didn't you see the woman alight from that car? A No.

Q And didn't you follow her? A No, sir, I was always working.

BY THE COURT:

Q You were not working when you were on the car, were you? A No, sir, at that hour I was going to my house.

BY MR. COLLIGAN:

Q You saw a young lad with this woman, a young man, didn't you? A No.

Q Was there a young lad ran after you in conjunction with the woman? A I didn't see it.

BY THE COURT:

Q Didn't you say you were sewing on a machine in Brooklyn?

CASE #1708

A Yes, sir.

Q What were you sewing, that is what I asked you before?

A Tin cans.

Q Sewing them? A Not sewing, but working.

Q Well, you said sewing? A No, not sewing, I was working there with a machine.

BY MR. COLLIGAN:

Q Where was the woman when you first saw her? A I didn't see her; I was going to eat.

BY THE COURT: Q Did you see her to-day? A Yes, sir.

Q Is that the first time you saw her? A Yes, sir, the first time.

Q Didn't you see her in the police court? A I didn't see her because I didn't look at her on account of being ashamed to.

BY MR. COLLIGAN:

Q Why didn't you look? A There were a lot of people looking at me and I didn't feel good and I felt ashamed.

Q Isn't it a fact that the woman chased you? A No, sir.

Q Now tell the jury what you were ashamed about? A I didn't see her.

Q Tell the jury what you were ashamed about? A The woman had spoke to me, and pushed me and took me and said to me, "Give me the \$100 which you took from me."

Q How do you know she said "Give me the \$100"? A She stopped me on the street.

CASE #1708

BY THE COURT:

Q What language did she say that in? A In American.

BY THE SECOND JUROR:

Q Did you have an interpreter in the police court? A (No answer).

BY MR. COLLIGAN: (Without Interpreter)

Q What did she say about the \$100? What did she tell you about the \$100? A The lady say "You stole my \$100."

Q You can speak English, can't you? A Well, just a little bit.

Q Can't you try and speak English? Don't you come from work with other men ordinarily?

(Question withdrawn)

Q When you come from work? A Yes.

Q Every day? A Yes.

Q Don't you have some of the other men with you? A Oh, no.

Q And didn't you have a man with you that day, and didn't you hand the bag to the other man that day? A That day? I don't remember.

Q Don't you remember the bag? A I was in the back, and the smoking car, back seat.

Q And you saw that woman get off that car? A No.

Q Didn't you follow her? A I didn't see her that time.

Q Didn't you get off after her when she got off the car?

A I got off first that time.

Q And then you waited till she got off? A I didn't know,

CASE #1708

I didn't see her that time, and just I was going for supper that night.

Q Did you see her getting off the car? A No, no.

Q You didn't see her? A No.

Q And the little boy? A No, I didn't see nobody.

Q Didn't you see the handbag on her arm? A Nothing.

Q How far down the street were you when she took hold of you?

(Question withdrawn)

Q Where did you get off the car? A No. 30.

Q You got off the car at the corner of Delancey and Essex street, didn't you? A Yes, sir.

Q Now, when the woman took you by the arm you were a whole block away, weren't you? A No.

Q Where were you? A I was just going far to the restaurant.

Q Where in the restaurant? A Chrystie street.

Q How far away was that from the corner of Delancey and Essex street where you got off the car? How far away, how many blocks --- one block? A Half a block down by the Public Bank.

Q Didn't the woman run after you? A I don't see her.

Q Didn't you run away? A No, no.

Q (Question repeated through Interpreter) A No, no.

Q What did the officer say to you when he caught you?

A He say, "You stole \$100 from her?" "No", I say. He searched me.

CASE #1708

24
Q Didn't you tell him you could not speak English at all?

A Yes.

Q You told him that? A Yes.

Q Are you sure you told him anything? A No.

Q Did you tell him anything when he arrested you --- the policeman? A (Witness turns to Interpreter)

Q Did you speak to the policeman when he arrested you? A No.

Q Did you say anything to him? A No, he don't say nothing.

Q He said something to you first, didn't he? Did he speak to you? A Who?

Q The policeman? A Yes.

Q What did he say? A Well, "You talk English?", he said.

Q Well, that is not the first thing he asked you, is it?

A Yes, he said like that, the police in the police court.

Q What did he say on the street when he arrested you? A Who, the lady?

Q No, the police officer? A The police officer -- "You steal \$100 from her? You talk English?" "No", I say, "Just a little, not very much, just a little."

Q What did you say about the \$100, what did you tell him?

A At that time I was getting my bank book, I don't know how to spell my name, I get my bank book.

Q What did you say to the police officer when the woman

CASE #1708

accused you of stealing \$100? A Yes.

Q What did you say to the police officer? A He just searched me, don't say nothing.

Q Didn't he ask you about the \$100? A Yes.

Q What did he ask you? A Just he was searching me.

Q What did he say to you? A I don't know what he say.

Q Don't you remember what he said to you? Didn't he ask you if you stole the bag? A I not remember that.

Q You don't remember anything, but you knew what he was saying, didn't you? A I don't remember.

Q Didn't you know why he arrested you? A Yes.

Q What did he arrest you for? A Clinton street.

Q Why did he arrest you? (Question put through interpreter) A He said to me "You have taken \$100 from the woman".

Q Now, you understood him when he said that? A Yes, sir, certainly.

Q And what did you say to him when he asked you that question? A "I have nothing, I know nothing about this matter".

Q Did he ask you whether or not you had run? A No.

H E N R Y J. L A U M A N (601 West 112th street), called as a witness in behalf of the defendant, being first duly sworn, testifies as follows:

DIRECT EXAMINATION BY MR. GOLDFEIN:

Q What connection have you with the firm of Gotham & Company? A Gotham Can Company; treasurer.

Q Do you know the defendant in this case? A Yes, sir.

CASE #1708

Q Was he employed with the Gotham Can Company? A Yes, sir.

Q Do you know when they first entered into their employment? A He entered into our employment on the 24th day of April, 1909.

Q And how long was he employed there? A Up to the last two weeks or three weeks.

Q Two or three weeks ago? A Yes, sir.

Q What did he do there? A He was an employee that put together the tops and bottoms of the cans.

Q On the machine? A On the machine.

Q And what salary did he get, if you know? A Yes.

Q What salary? A \$9.50 a week.

Q Was he regular? A Yes, sir.

Q Did he ever miss a day, if you can remember?

Objected to. Objection sustained.

Q Was he working on July 29th, 1912?

BY THE COURT:

Q Do you know whether he was? Can you swear he was working on the 29th of July? A That I could not swear just now; I could tell by the book.

Q But you cannot tell now? A I could not tell you now. It could be found out.

BY MR. GOLDFEIN:

Q Had you supervision of the department where this defendant was working? A No, sir, not supervision. We have a superintendent who is there under my supervision.

CASE #1708

Q Would the superintendent know? A No doubt he could tell, yes, sir, our books would show it.

Q How long would it take to get him here? A I suppose probably one hour, traveling from Greenpoint here.

Q Do you know what reputation the boy bore in your place, the defendant? A As far as I know, the very best. He was there every morning and done his work regularly, and all I could ask of him was just those things.

Q Did you ever hear anything against his character? A Never while he was in our employment.

Q When he first came to your concern he had just landed here? A A very few days.

Q A very few days after he landed he started working for you? A Yes, sir.

CROSS EXAMINATION BY MR. COLLIGAN:

Q You don't know what he does when he leaves your employ in the evening, do you? A No, sir, I do not.

RE-DIRECT EXAMINATION BY MR. GOLDFEIN:

Q What time does he leave? A 5:30 of an evening.

Q What time does he go to work? A Seven o'clock in the morning.

I S A A C P A R D O, (101 Allen street) called as a witness in behalf of defendant being first duly sworn, testifies as follows: (Through Interpreter)

DIRECT EXAMINATION BY MR. GOLDFEIN:

CASE #1708

Q Do you know the defendant? A Yes, sir, I know him.

Q How long do you know him? A I know him from Manastia, and I know him here for four years.

Q What do you do? A I keep a restaurant.

Q Do you belong to one lodge with the defendant?

Objected to. Objection sustained.

Q Do you know anything about the character of the defendant? A I know that he is a good fellow and I knew him in Manastia, and he has worked here.

BY THE COURT:

Q And he has his meals in your restaurant? A Yes, he comes.

Q Where is your restaurant? A 101 Allen street?

Q It is not 3 Delancey street, is it? A No.
BY MR. GOLDFEIN:

Q Do you know the family of the defendant? A Yes, sir.

Q Were you ever at the house of the defendant's sister?

Objected to. Objection sustained.

(No cross examination.)

M U S O B A J O R (39 Essex street) called as a witness in behalf of defendant, being first duly sworn, testifies as follows:

DIRECT EXAMINATION BY MR. GOLDFEIN:

Q How long have you known the defendant? A Seven years.

Q You have known him seven years? A Yes, sir.

Q How often did you meet the defendant? A Every day.

Q Where did you meet him? A He is from my country.

CASE #1708

Q Where did you meet him every day? A When we were outside in the street.

Q Does the defendant belong to one lodge with you?

Objected to. Objection sustained as immaterial.

Q Do you know anything against the defendant's reputation?

MR. COLLIGAN: Objected to.

THE COURT: That is not a proper question. You may ask if he ever heard anything bad about him.

THE WITNESS: No, sir.

BY THE COURT:

Q He is a good boy, is he? A A good boy, yes.

Q How did he make his living? A He works.

Q At what? A He works in a manufactory.

Q Did you work with him? A I am a business man.

Q What is your business? A Petticoats, coats and kimonos, and seven years I am in business.

Q Where have you been in business seven years? A Seven years from Manastia here.

Q How long have you been in this country? A Seven years.

Q And the defendant has been here several years too, is that it? A Yes, sir.

Q And you have known him all those seven years? A Yes, sir.

BY MR. GOLDFEIN:

Q Do you know the defendant seven years in this country, or do you mean from Europe? A In this country here we were.

Q Did you know him from Europe?

CASE #1708

THE COURT: Yes, he said he knows him in Europe and knows him seven years in this country.

BY THE COURT:

Q. You are sure of that?

MR. GOLDFEIN: He did not understand, your Honor.

BY MR. GOLDFEIN:

Q. How long do you know him here in this country, New York? A. From here, from the time that I came here, I know him.

Q. How long are you here?

THE COURT: He said that repeatedly, that he is here seven years and has known him since he has been here.

MR. GOLDFEIN: There is no question that he did not understand.

M O R R I S K A L D E R O W called as a witness in behalf of defendant, being first duly sworn, testifies as follows:

DIRECT EXAMINATION BY MR. GOLDFEIN:

Q. Do you know the defendant? A. Yes, sir.

Q. He is your brother? A. Yes, sir.

Q. How long are you in this country? A. Seven years.

Q. Are you older than the defendant? A. No, he is older than me.

Q. He is older than you are? A. Yes, sir.

Q. What do you do? A. I used to be tinsmith, now I work at the theatre.

Q. What theatre? A. Odeon, Newark.

CASE #1708

EXHIBIT 11

004

31

Q How long is your brother here in this country? A Last February 23rd, four years.

Q Were you here when your brother came? A Yes, sir.

Q What did your brother do while he was here, if you know?

Objected to. Objection sustained.

Q Does your brother sleep in your house? A Yes, sir.

Q Are you married? A No, sir.

Q You have a sister? A Yes, sir.

Q And the brothers sleep together? A Yes, sir.

Q By the sister, is that it? A Yes, sir.

Q Have you ever heard anything against your brother? A No, sir, nothing.

Q Was your brother ever arrested? A No, sir.

Q Do you know anything against your brother's character?
A. No, sir.

Q What does your brother do at night after he comes home from work?

Objected to. Objection sustained.

(No cross examination.)

J O S E P H L E V Y (176 Chrystie street), called as a witness in behalf of defendant, being first duly sworn, testifies as follows:

DIRECT EXAMINATION BY MR. GOLDFEIN:

Q What is your business? A Restaurant.

Q Where? A 176 Chrystie street.

CASE #1708

Q How long have you been there? A Five years.

Q Do you know the defendant? A Certainly.

Q Did you know him from Europe? A No, sir.

Q How long have you known him? A About three years.

Q How often did you meet him? A In the restaurant, met every night, eating in my place.

Q Did he eat in your place? A Every night, yes.

Q Did you ever hear anything against the defendant's character? A No, sir.

Q What character did the defendant bear in your place?

A A good character, and just come and eating his supper and goes to sleep every night.

Q Do you know whether the defendant was working or not?

A Yes.

Q Do you know at what work? A Yes, sir, tinsmith company in Brooklyn.

CROSS EXAMINATION BY MR. COLLIGAN:

Q How do you know he worked there? A He just come with the dress every night home, he come every night with just the working dress.

Q He came in his working clothes, is that it? A Yes, sir.

Q And the only acquaintanceship you have with him is that of one of your patrons --- he comes into your restaurant and eats? A Yes, sir.

Q Now, outside of that, do you know anything about him, of your own knowledge? A Well, just coming and eating every time;

CASE #1708

I know him as a good man a good boy.

Q You know him as a good eater, don't you? A No, sir, I know him a long time ago.

Q Do you meet him outside of the restaurant? A Sometimes, in the night.

Q As a matter of fact, all you know about it is what you saw of him in the restaurant? A That's all.

(The Court now declares a recess till 2 p. m., first duly admonishing the jury in accordance with law.)

After Recess, Trial Resumed.

H E N R Y J. L A U M A N, recalled by the defendant, testifies as follows:

DIRECT EXAMINATION BY MR. GOLDFEIN:

Q Did you get the records now here whether the defendant was at your place of business on the 29th of July, 1912? A Yes, sir.

Q And are you ready to testify as to whether he was or not? A I am.

Q Was he there on that day? A He was.

Q Was he there on the following day? A 29th was Monday, no, sir, not Tuesday, or not Wednesday.

Q On Thursday he came back? A Thursday he came back, August 1st.

CROSS EXAMINATION BY MR. COLLIGAN:

Q Do you recollect what day of the week the 29th was,

CASE #1708

34
whether a Thursday, or Friday or Saturday? A Well, the 27th
was on Saturday. The 29th is on Monday. Yes, sir, my record
shows that.

Q What was the 29th? A The 29th was on Monday.

Q Do you know what hours he worked on the 29th? A Yes,
sir, from seven o'clock to 5:30.

MR. COLLIGAN: If the Court please, it is not a ques-
tion of what my opinion is in a case, it is a question of what
the evidence adduces; and in view of all the evidence in this
case I feel it my duty to give to the defendant the benefit of
the doubt, and I now make a motion that the jury be instructed
to acquit the defendant.

THE COURT: The motion is granted.

By direction the foreman of the jury returns a
verdict of not guilty.

Stewart Liddell,
Official Stenographer.

34
34
17
85

CASE #1708