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CASE

I n d e x .

Direct. Cross. Redirect. Recross.

William Bell,

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Mosie C. Brodnax,

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COURT OF GENERAL SESSIONS OF THE PEACE,

CITY AND COUNTY OF NEW YORK,

PART II.

-----X
THE PEOPLE OF THE STATE OF NEW YORK, :

vs. :

W I L L I A M B E L L. :

Before:

HON. OTTO A. ROSALSKY, J.,
and a Jury.

-----X
New York, May 15th, 1911, etc.

Indicted for Burglary in the Third Degree, Grand Lar-
ceny in the Second Degree and Receiving.

Indictment filed April 18th, 1911.

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

For the People: ASST. DISTRICT ATTORNEY ISIDOR WASSERVOGEL.

For the Defendant: FRANKLIN GRIER, ESQ.

A jury was duly impaneled and sworn.

James E. Lynch,
Official Stenographer.

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THE DEFENSE.

W I L L I A M B E L L, the defendant, called and duly sworn as a witness on behalf of the defense, testified as follows:

DIRECT EXAMINATION BY MR. GRIER:

THE WITNESS: I live at 8 West 135th street.

Q How old are you, Bell? A Thirty the 30th of last April.

Q How long have you lived in New York? A I have lived in New York, this lasttime for about a year and a half, about a year and six months.

Q At the time of your arrest you had been living here about a year and six months? A Yes, sir.

Q Prior to that time, where did you live? A In Europe.

Q What part of Europe? A Well, I was traveling with Buffalo Bill's Wild West Show.

Q How long were you with Buffalo Bill's Wild West Show? A Three years, off and on. We close in the winter and commence again in the summer.

Q Where were you born? A Born in Georgia.

Q What place in Georgia? A Savannah.

Q Are you married? A No, sir.

Q At the time of your arrest you were living at No. 8 West 135th street, were you? A Yes, sir.

Q How long have you lived there? A About five weeks.

Q You had a furnished room there? A Yes, sir.

Q How many rooms in that apartment? A Eight rooms.

Q Any other lodgers there besides you? A Yes, sir.

Q What other lodgers? A Men and women, both white and colored, white men with colored women and colored men with white women also.

Q What do you mean by that statement? A I mean that there was, a couple for instance right across the hall from me, adjoining room, a white fellow lived there with a colored woman.

Q How long had they been living there? A Just about a week.

Q What was the name? A I don't know the name.

Q How long had you known Mrs. Paul and her daughter?
A Since the time I went to the house for lodgings.

Q That was about five weeks? A Yes, sir.

Q Were they lodgers, permanent or transient, were they there, did they occupy these rooms by the week or by the month or for a night only? A Well, on some occasions there were transients come in at night.

Q Did they come in at regular hours of night or different hours of night? A All kinds of hours at night. My room was just adjoining the front door.

Q And colored women came in there at late hours at night?

Objected to. Objection sustained.

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MR. WASSERVOGEL: Objection withdrawn.

Q Now, state the character of the people coming in to that apartment and the hours at which they came in? A Well, for instance, a few on the 15th of March, there was a fellow came there named Louis, he brought a white girl in there and he couldn't afford to pay for the room that night and he left his watch with this woman to pay for it, for security.

BY THE COURT:

Q With whom? A With the landlady, Mrs. Sheldon, next morning he went out and pledged his watch and came back and paid her, and after that she found out that she had lost an overcoat and she had this same officer come and lock him up and try to send him away and charged him with stealing that.

THE COURT: Strike out that testimony and the jury will disregard it.

BY MR. GRIER:

Q You spoke a moment ago of colored woman bringing white mennin there? A Yes.

Q Did that occur often? A Very often I have seen them there.

Q Did it occur on or about the 13th? A Yes, sir.

BY THE COURT:

Q In other words, it was a house of assignation there?

A Yes, sir.

Q And you lived there? A Yes, sir, and I was making an

arrangements --

Q. You lived there for five weeks? A. Yes, sir.

Q. And you had knowledge of what went on in that house?

A. Yes, sir.

BY MR. GRIER:

Q. You had a furnished room there? A. Yes.

Q. You occupied that room every night? A. Yes, sir, every night.

Q. On the 13th of April by whom were you employed? A. M. C. Brodnax.

Q. How long had you been working for him? A. About a year.

Q. What is his business? A. He is a house cleaner and wood polisher.

Q. Where is his place of business? A. 12 West 135th street.

Q. What kind of work did you do for him? A. Upholstering and cabinet making, and furniture polishing.

Q. What was the character of his house cleaning work, would he take contracts for cleaning houses? A. Yes, sir, large private houses, such as --

Q. On the 13th do you remember where you were employed? A. Yes, sir.

Q. Where was that? A. On the 13th I was employed by Mr. Brodnax, on that morning at half past six, as usual, I went down to Madison avenue, 764, where I got there, cleaning out the

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vestibule.

Q 764 Madison avenue? A Yes, sir.

Q Keep your voice up? A This was Mrs. McMartin's place, a private home. I come there every morning and take up their fur coats on the roof and brush them and hang them back in the hall.

Q Keep your voice up. Now, begin where you went down to the Madison avenue house and tell us again? A I go down every morning.

BY MR. WASSERVOGEL:

Q No, on that particular day?

BY THE COURT:

Q That particular day? A On that particular morning I went down to Mrs. McMartin's.

Q Whose place? A Mrs. McMartin.

BY MR. GRIER:

Q What number on Madison avenue? A 764.

Q What is that, a private house? A Private house.

Q Near what street? A 65th street.

Q What time did you get there? A Seven.

Q In the morning? A Yes, sir.

Q What did you do there that morning? A That morning I took all the coats, took them on the roof and brushed them and brought them down, and cleaned the brass on the front door and swept off the steps.

Q Now, you do that work for Mr. Brodnax? A Yes.

Q He has a contract to keep that house clean? A Yes.

Q How long were you there that morning? A Two hours

I was there that morning.

Q From there where did you go? A Straight back to the office.

Q That was 135th street? A Yes.

Q No. 12? A Yes.

Q And your furnished room was No. 8? A Yes, sir, one house between the two.

Q Two doors from where you were lodging? A Yes.

Q When you went back to the office did you go up to your room? A No, sir.

Q Sure about that? A Yes, sir, I'm sure.

Q Did you see Mrs. Sheldon? A No, sir.

Q From the office then, or how long did you remain at the office? A How long did I remain in the office?

Q Yes? A Until after dinner.

Q Where did you go then? A Then I telephoned to Mrs. Johnson and asked her --

Q Who is Mrs. Johnson? A A lady at the Long Acre Studio.

Q Where is that? A Seventh avenue and 50th street.

Q Mrs. Johnson? A Yes.

Q What kind of house is that? A That is an apartment

house.

Q Called the Studio, is it? A Yes, the Long Acre Studio.

Q What is that, a bachelor apartment? A Yes, sir.

Q Telephoned to her? A Yes, sir.

Q What did you do that for? A I asked her could I come down then and see her about cleaning some rugs she had spoke to me about.

Q In connection with Mr. Brodnax's contract? A Yes, sir.

Q Did you go down there? A Yes, sir, I did.

Q What time did you go down there? A I got there about half past three o'clock.

Q How did you go? A In the subway.

Q From 135th street and Lenox avenue? A Yes, sir.

Q Half past three? A Yes, sir.

Q Whom did you see there? A I saw the maid and sent her up.

Q What is her name? A Mary McLeese.

Q Is she employed by Mrs. Johnson? A Yes, sir.

Q How large a house is that? A A seven story building, I think, I'm sure it is seven stories.

Q Well, did you see Mrs. Johnson? A Yes, sir.

Q State what you did there? A When I first went in

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to see the lady, the maid told me I couldn't see her then because she was dressing to go out. I waited around some time and then I went on the top floor to Mrs. Savory, the lady that lives on the top floor, and then I was informed that I could see Mrs. Johnson and I went downstairs again and made arrangements for the rugs, and I went downstairs to this janitress's apartment, Mrs. Mary McLeese on the ground floor, and I sat around there with them until about five or ten minutes past six o'clock.

Q To the janitress there? A Yes.

Q What is that name?

BY THE COURT:

Q (Interposing) The janitress's apartment? A Yes, sir, they have an apartment on the first floor in the back.

BY MR. GRIER:

Q What is the name? A McLeese.

Q How long have you known Mary McLeese? A I have known them for about a year.

Q What time was it you left there? A About five or ten minutes past six. I know it was after six because I looked at the clock and then I said "Good night" to all of them around and in five or ten minutes I got out of the building.

Q Where did you go from there? A Got on the subway and went back to the office.

Q No, 12 West 135th street? A Yes.

BY THE COURT:

Q What time did you reach your office? A About a quarter to seven.

BY MR. GRIER:

Q At what station did you get on the subway? A 50th street.

Q Got on a local? A Yes.

Q Did you change to an express? A No, I rode straight up on the local.

Q What time was it when you got up there? A About quarter to seven.

Q To the office? A Yes.

Q Did you see Mr Brodnax? A Yes, I reported to him about the work I had arranged for.

Q Did you arrange for the work for Mrs Johnson? A Yes.

Q What arrangement did you make? A I was to call down the following Friday and pack the rugs.

Q How many rugs? A Three.

Q What size rugs? A Nine by twelve.

Q Where were you going to take them? A I was going to take them to the office where we clean the carpets. We have a place there with a vacuum cleaner.

Q Then you reported that to Mr Brodnax? A Yes.

Q Then it was about seven o'clock? A Yes, sir.

Q What was the next thing you did? A Then I went around to Lenox avenue and got my dinner in the Denver Restaurant.

Q Where is that? A Just around the corner from 135th street.

Q Downtown or uptown? A On the downtown side.

Q On Lenox avenue? A Yes, sir.

Q Do you know what time it was you got there? A It must have been seven o'clock.

Q About seven when you got there? A About seven when

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I got in the restaurant.

Q Have you any idea how long you were at supper?

A About fifteen minutes.

Q After supper what did you do? A I went back to the office and asked my boss for carfare to go down to my work next morning. I went upstairs to my room and undressed myself and went to bed.

Q After you had your supper you say you went back to your office? A Yes.

Q And you talked with Mr Brodnax and asked him for carfare to go downtown? A Yes.

Q That night? A No, that's the next morning, to go down to Madison avenue, where I always go. He always furnished me carfare to go down to that job.

Q Then you went right up? A I went right upstairs and undressed myself and got into bed.

Q Where is this Mrs Paul's room in reference to yours? A Her room is in the front part of the building. Mine is on the extreme rear next to the diningroom.

Q Did you go into Mrs Paul's apartment? A No, sir. I didn't even go that way at all. When I go in there I turn to the right.

Q Did you see her when you came up? A No, sir, I didn't see her.

Q Did you see anybody? A Only the boy in the back,

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her youngest one.

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Q Just saw the boy? A Yes.

Q Mrs Sheldon's boy? A Mrs Sheldon's smallest boy passing through from the diningroom to the kitchen.

Q Is he in court now? A No, sir, I don't see him.

Q And that is the first time you were in the house from the time you left in the morning? A That was the first time I was there from the time I left there at half past six.

Q When you returned you did not see anybody but the boy? A The little boy, that's all.

Q Did you pass by Mrs Paul's room? A No, sir, I didn't pass by anybody's room to go to my room. My room is the first room on the right after you go in the hall door.

Q You were not in her room at all? A No, sir.

Q Did you ever see that plush coat she talks about? A No, sir, I never went inside that woman's room at all. I was never in her room at anytime.

Q Did you break open the closet there that day? A No, sir.

Q Did you see Mr Sheldon in the diningroom about half past four or five o'clock? A No, sir, I was not in the neighborhood at that time.

Q Did she leave you in the diningroom tying your shoes in the afternoon some time? A No, sir, she didn't leave me there at all.

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Q Sure of that? A Sure. I wasn't in the house at
all.

Q She says she left you there tying your shoes there?

A She didn't leave me there.

Q Can you give any reason why she would tell that if it
was not true? A Well, inasmuch as she was sore because we
were all going to leave at once on her. I guess that's why.

Q Did you carry a plush coat out of that house about--
well, it doesn't matter what time it was, any time in the even-
ing or any time that day? A No, sir, I carried no coat but
the one I had on my back, the one I have on now.

BY THE COURT:

Q Did you have any coat on your arm? A No, sir.

Q Any plush coat? A No, sir, no plush or nothing.

BY MR. GRIER:

Q What do you know about this bootblack? He says he
saw you ~~xxx~~ carrying a coat down there? A I don't know.
I don't see where he could see me, see me carrying any coat.

Q Did you ever see him before? A Yes, sir, I have seen
on several occasions up in the kitchen doing washing for the
house and running errands for the woman of the house.

Q Were you ever convicted of crime? A No, sir.

Q Ever arrested? A No, sir.

Q That's all.

The Court admonished the jury in accordance with sec-

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tion 415 of the Code of Criminal Procedure, and took a recess until 2:10 P. M.

AFTER RECESS. TRIAL RESUMED.

WILLIAM BELL, the defendant, resumes the witness stand:

DIRECT-EXAMINATION CONTINUED BY MR. GRIER:

Q Bell, what time did you go to bed on the night of April 13th?

MR. WASSERVOGEL: I ask that your Honor exclude all witnesses now.

THE COURT: Yes.

A About five or ten minutes to eight.

Q How do you fix that time? A Well, I suppose I was around to the restaurant about eight o'clock. I was back home and was in my room preparing to go to bed.

Q What time did you get to your room? A About five minutes to eight.

Q What did you do immediately after you came to your apartment? A Went straight into my room.

Q And you testify that you saw the boy? A Passing along the hall crossing from the diningroom to the kitchen.

Q After you went into your room what did you do? A I closed the door and commenced to undress myself to go to bed.

Q Did you go to bed? A Yes, sir, I did.

Q That was about five minutes after eight? A Yes, sir.

Q What was the next thing that occurred that you recall?

A The next thing I noticed was there was a roomful of officers in the room and they told me I was under arrest.

Q Had you been asleep? A Yes, sir, I was asleep and I was woke up.

Q How many officers? A There was two uniformed officer and three plain clothes men.

Q The officer that testified here was he there? A Yes, sir. Well, I don't know whether that officer was there or not at the time.

Q Was he there before you were put under arrest? A No, sir.

Q Who put you under arrest? A There was two other officers took me out of my bedroom and carried me into the diningroom where there were some other officers at the time.

Q Two officers came into your bedroom? A Yes.

Q And took you into the diningroom? A Yes.

Q And there were some other officers there? A Yes, sir.

Q About what time was that? A Must have been about half past eight or nine o'clock.

Q Did you carry a cloak out of that apartment that evening or that day at all? A No, sir, I was not in that house

at all after half past six in the morning.

Q Sure of that? A Yes, sir, I am positive.

Q Until you came in and went to bed? A Yes, sir, I came in and went straight to my room and went to bed.

Q Anything else that you want to say in regard to this case that I have not asked you about? A Nothing, not as I know of.

CROSS-EXAMINATION BY MR. WASSERVOGEL:

Q How long have you been working for Mr Brodnax? A Ever since last year.

Q How long? A A year.

Q Is he related to you? A No, sir.

Q What day of the week was the 13th of April, do you know? A Thursday.

Q What time did you go to work that day? A Half past six in the morning.

Q Did you go direct to Mr Brodnax's place of business? A No, sir.

Q Where did you go at half past six in the morning?

A Went to the corner of Madison avenue and 135th street and took a car from there to 65th street corner.

Q What time did you arrive there? A Nine o'clock.

Q It took you from half past six until nine to go from 135th street to 65th street on a Madison avenue car? A And

accomplish the work I was to do there and come back.

Q Do you mean to say that it took you almost three hours to go from 135th street to 65th street on a Madison avenue car?

A No, sir, I don't mean to say it took me that long, but I say that was the time I returned after finishing my work.

Q I am asking you what time you arrived at 65th street and Madison avenue? A About five minutes to seven.

Q How long did you remain there? A Until about a quarter to nine.

Q Where did you go at a quarter to nine? A Came back from there to 135th street, to the office.

Q Who was there at that time? A At the office?

Q Yes. A Mr Brodnax.

Q He was there at nine o'clock, was he? A Yes, sir.

Q How long did you remain at the office? A I remained around the office all day then until the afternoon.

Q All day? A Yes, up until half past three o'clock in the afternoon.

Q Was Mr Brodnax there during the entire time you were there? A Yes, sir.

Q What were you doing there from nine in the morning until three in the afternoon? A Upholstering a suite of furniture for this lady that is making the complaint here.

Q Mrs Paul? A Yes, sir, upholstering a set of furni-

ture for her that I had sold her.

Q Where did you go at three o'clock? A I went to--

BY THE COURT:

Q (Interposing:) Where did you do this work, in her apartment? A No, sir, downstairs in the cleaning bureau, my boss's office.

BY MR. WASSERVOGEL:

Q Where did you go at three o'clock? A I left there and went to Seventh avenue and 50th street, to the Long Acre Studio.

Q When did you see there? A I saw the maid, Mary McLeese.

Q Is she here? A I don't see her.

Q Did you give her name and address to your lawyer?

A Yes, sir.

Q How long did you remain there? A I stayed there until 6:30, not quite 6:30.

Q ~~You~~ Well, you did no work there that afternoon? A None. I was waiting for Mrs Johnson, the limit of time after that I spent downstairs with the janitress and her husband.

Q What is the name of the Janitress? A Mary McLeese.

Q What time did you arrive in the rooms of the janitress there? A About five minutes past four.

Q And at half past six where did you go? A I got on a train and went back to 135th street.

Q What time did you arrive at your home in 135th street?
A At my home?

Q Yes. A Where I lodged?

Q Yes. A About five minutes to eight or eight o'clock.

Q And during that time did you--

MR. WASSERVOGEL: Question withdrawn.

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Q At any time during the day did you go into that room for any purpose at all? A No, sir, I didn't go back into the flat at all during that whole day, until the evening, I returned from my work.

Q You said this morning in answer to a question put by your lawyer that Mrs. Sheldon was sore because all of you were about to move? A Yes, sir.

Q And she was sore against all the people, wasn't she? A I don't say all.

Q Not against you in particular? A Well, I suppose so, for I was the instigation, which I had sold that lady some furniture and other stuff for furnishing her apartment and was going to take a room with her.

Q You were going to take a room with her? A With Mrs. Paul.

Q You had no money at all that day, did you? A No, sir.

Q You went down to your employer in the evening to get carfare for next morning? A Yes, usually, he always gives me carfare in the evening to go to work next morning.

Q You heard the testimony of the police officer on the stand next morning? A Yes, sir.

Q You heard him say when he put you under arrest you told him that you had been home all day. Did you hear him say that?

A I heard him say so.



Q Were you home all day? A No, sir, I was not home at all from half past six in the morning until I returned in the evening.

Q You were pretty much under the influence of liquor when the police officers arrested you? A I had had a glass of beer.

Q You had a bottle of whiskey in your pocket? A No, sir.

Q Didn't you hear the officer say he took a flask of whiskey out of your pocket? A No, sir.

Q Well, did you have a flask of whiskey? A No, sir, I did not.

Q You say you were in your room fully undressed, in bed? A Yes, sir.

Q When the police officers arrested you? A Yes, sir.

Q Was the door to your room locked? A No, sir, never locked.

Q From your room you were taken into the larger room wherein the other people were at the time? A In the dining room, yes.

Q How many people were in there? A There were two plain clothes officers there.

Q Was Mrs. Sheldon there? A She came in afterwards.

Q You were dressed at that time? A Yes, sir, the officers made me get up and put my clothes on.

Q Did they tell you what the charge was against you?

A Yes.

Q Did you tell them where you were that day? A Yes, sir, I told them.

Q That's all.

M O S I E C. B R O D N A X, called and duly sworn as a witness on behalf of the defendant, testified as follows:

DIRECT EXAMINATION BY MR. GRIER:

Q Mr. Brodnax, what business are you in? A In the house cleaning business.

Q Where is your place of business? A 12 West 135th street.

Q Do you know this defendant? A I do.

Q How long have you known him? A I have been knowing him about a year.

Q Has he ever been in your employ? A Yes, sir.

Q What did he do for you? A Well, he did cleaning and so on like that, house cleaning, vacuum cleaning, calcimining, and so on like that, general cleaning.

Q Was he in your employ on the 13th of April last?

A Yes, sir.

Q Do you recall the 13th of April? A Yes, sir.

Q Will you just state if you know what this defendant did and when he did it on the 13th of April? A For me, you mean?

Q For you? A On the 13th he went to one of my custom-

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ers, which is in Madison avenue and 65th street, between 65th and 66th streets, in the early morning, half past seven, he got through there about nine o'clock.

MR. WASSERVOGEL: I object to that. This witness cannot be testifying of his own knowledge.

THE COURT: Sustained. Strike it out.

BY THE COURT:

Q You sent him there, you mean? A Yes, sir.

Q You did not accompany him? A I did not, no, sir.

Q You do not know of your own knowledge whether he went to that place? A Well, I sent a bill to them and they paid for it.

Q Well, of your own knowledge? A No, sir, I don't.

BY MR. GRIER:

Q Well, he returned to your place about what time? A Between nine and ten in the morning.

Q How long did he remain at your place? A He was there about half an hour, the nearest I could come to it.

Q In the morning? A In the morning, yes, sir.

Q What was he doing that time? A Well, during the time he was there he was telephoning; that's the most he was doing, telephoning.

Q Well, was he there after that at any time during the day? A He was there between two and three in the afternoon.

Q How do you fix the time, Mr. Brodnax, between two and three? A Well, I know it was after two because at two o'clock I was waiting for him to return in order to send him on a job, to be on the job at three o'clock.

Q What was that job? A That job was vacuum cleaning.

Q Where was it? A Down in Broadway, 318, I think, Broadway.

Q Did he return then? A It was between two and three o'clock, but it was too late then for the job.

Q What did he do then? A He tarried there about, as near as I can come to it, about half an hour.

Q Do you know if he was working on any job there from nine o'clock when he returned from the Madison avenue job until half past two o'clock? A Well, I couldn't tell you, Mr. Grier.

Q Well, now, what took places at half past two or thereabouts, if anything, what did he do? A At half past two I think he telephoned to the lady to see about a job in the afternoon.

Q Do you know who he telephoned to? A I think he called the name, Mrs. Johnson.

Q Then what did you observe him do after that? A After that he said to me he was going down to see Mrs. Johnson.

Q Do you know where Mrs. Johnson's place is? A No, sir.

Q Did he leave your place then? A Yes, sir, he did.

Q When did he return? A He returned between six and 7 o'clock in the evening.

Q Did he make any report to you at that time? A He did not. Just as usual he just come in the office and standing around.

Q How long did he remain then? A He remained there abouts ten minutes, as near as I can come to it.

Q That is between six and seven? A Between six and seven.

Q Did you have any conversation with him? A Only he asked me for carfare and I gave it to him.

Q Then what did he do? A He went out after that.

Q Between six and seven? A Between six and seven.

Q Did you see him again that evening? A I didn't see him any more after that.



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Q Do you know other people that know this defendant, in the ~~rix~~ neighborhood? A Yes, I know a good man people that know Mr. Bell.

Q Have you talked with other people in reference to this defendant? A Well, one or two gentlemen I have spoken to.

Q What is his -- do you know what his reputation is among the people there on 135th street and in that neighborhood?

A As far as I know, Mr. Grier, he is a very nice young man, honest and sober.

Q Have you had occasion to send him into houses to do cleaning alone? A Yes, sir, I have.

Q Did you ever hear any complaints about his work or his conduct in those houses? A No, sir, never have.

Q You would not keep him in your employ if you regarded him --

Objected to. Objection sustained.

Q That's all.

CROSS EXAMINATION BY MR. WASSERVOGEL:

Q You are not an upholsterer are you? A No, sir, I am not an upholsterer.

Q You do not take any upholstering jobs, I mean? A Well, I do that, yes, sir.

Q Are you in that business? A I am not in that business but if I have a job to cover furniture of course I give it to whoever I have to do that work.

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Q That is, you give it out to other people? A Yes.

Q You do not do it in your own place? A Once in awhile, if I have a small job.

Q You do it yourself? A No, sir.

Q You have men come in? A Yes.

Q You never had the defendant do any upholstering for you; did you? A Yes, sir.

Q When? A I think it was the week of the time that he was arrested.

Q Do you know when, in that week? A He was working on the furniture on the 12th.

Q You didn't see him working on any furniture on the 13th, did you? A I did not, no, sir.

BY THE COURT:

Q Whose furniture was it, do you know? A A Mrs. -- it was furniture that I had sold to a Mrs. Paul.

BY MR. WASSERVOGEL:

Q What circumstance, if any, causes you to remember the events of the 13th of April so well? A On the 13th, well, Mrs. Paul is the lady I was doing the work for, and she wanted the furniture finished by Saturday or Monday. In order to finish the furniture by Saturday of course he had to work as much as possible on the furniture, he was working there on the 12th and also the day before.

Q On the 11th and 12th he was working? A Yes.

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Q Do you remember what day of the week the 13th was?

A The 13th was on Friday, if I am not mistaken.

Q How long after his arrest did you hear of it, that he was arrested? A I heard of it the same night, I think, he sent me a note.

Q Were you a witness for him in the police court? A I was not, no, sir.

Q You saw the defendant at about nine o'clock in the morning? A Between nine and ten.

Q Then he went out? A Yes, sir.

Q And he returned again between two and three? A Yes, sir.

Q Then you didn't see him after three o'clock until about half past six? A Between six and seven.

Q That's all.

REDIRECT EXAMINATION BY MR. GRIER:

Q When did you finish the work for Mrs. Paul? A Mrs. Paul, the work was finished --

Q (Interrupting) In reference to this arrest, was it finished before or after? A After.

Q You learned that this defendant was arrested? A It was finished after.

Q How is it that you recall that this defendant worked on that furniture on the 12th? A On the 12th? He was working

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on the furniture the day before he was arrested and he was to work on it the same day.

Q He was at work? A He was to have worked on it the same day.

Q Do you know whether he did work at all on the same day he was arrested? A For me?

Q Yes? A Well --

Q On Mrs. Paul's furniture? A No, sir, he did not.

BY THE COURT:

Q Are you sure about that? A I am sure, positive.

Q It is very important, Mr. Witness, to recall that particular piece of evidence. Did this defendant work on Mrs. Paul's furniture on the day of his arrest? A He did not.

Q Sure about that? A I am sure.

BY MR. GRIER:

Q Do you remember on the 13th whether you were out of your place of business much that day? A Well, I was out, off and on during that day, as usual.

Q This defendant had not finished the Paul furniture on the 12th, had he? A No, sir.

Q He had not finished that job? A No, sir.

Q And you expected him to work on it on the 13th, you say?

A I expected him to work on it on the 13th.

Q And on the 13th you were out of your place of business?

A Off and on during the day.

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Q Whom did you leave in charge there? A My wife.

Q How long were you out of the place between nine and half past three? A Well, the nearest I can come to it, I wasn't out more than half an hour at a time.

Q Where is this upholstering work done in reference to your office? A Well, the part that we were doing was in the rear part of the office.

Q In the rear part of the office? A Yes, sir.

Q Is that separated, where the work was being done, is that separated by a partition from where you have your desk and where you do your writing? A Yes, just a curtain drawn between.

Q Could this defendant have been working back there and you not have known it? A No, sir, he could not.

Q You do not think so? That is all.

acquitted

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