

**START**

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**CASE**

**CASE # 1651**

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

6/19/12  
# 1867

9791

THE PEOPLE OF THE STATE OF NEW YORK

against

ANNIE BROWN.

Before  
HON. THOMAS C. O'SULLIVAN,  
and a Jury.

New York, December 23, 1912, etc

Indicted for violation of section 70, subdivision 1,  
and section 2460 of the Penal Law.

Indictment filed November 26, 1912.

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

For the People ASST. DIST. ATTY. DELEHANTY.

For the Defendant J. W. BLOCK, ESQ.

A jury was duly empaneled and sworn.

James E. Lynch,  
Official stenographer

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After the jury had been empaneled and duly sworn the Court admonished the jury in accordance with section 415 of the Code of Criminal Procedure, and took a recess until 2.35 o'clock P. M.

After Recess.

Trial Resumed.

Mr Delehanty opened the case on behalf of the People.

S A D I E C O H E N, duly sworn as a witness on behalf of the People, testified as follows:

(The witness gives her residence as 24 Mangin street.)

DIRECT EXAMINATION BY MR. DELEHANTY.

Q Mrs. Cohen, talk up loud now so that everybody can hear you. A Yes.

Q Where do you live? A 24 Mangin street.

Q How long have you lived there? A I have lived there three years.

Q Do you lease that house? A Lease two houses.

Q What other house do you lease? A 22 and 24.

Q 22 and 24 Mangin? A Yes.

Q Do you lease the whole house? A Two houses.

Q Then you sublet them, do you? A What, I beg pardon

Q Then you sublet them, you lease them out to tenants?

A I got a janitor. The janitor leases them out. I lease them out to tenants.

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Q Do you know this woman here (indicating defendant)?

A Yes, sir.

Q Did she live in one of your houses? A Yes, sir, in 22 Mangin, on the top floor.

Q On which side of the top floor? A On the left side.

Q How many rooms did she have? A Three.

Q How long has she been there? A I can't tell exactly, either a year or either eleven months; I can't tell exactly, I don't remember. They are moving every day. I should remember every tenant? I can't remember.

Q Who paid you the rent for these rooms on the top floor?

A She was paying, she used to fetch down the rent to my house.

Q Annie Brown did? A Yes, sir.

Q Who were the other tenants, what nationality were the other tenants in 22? A In 22?

Q Yes. A I don't understand please what you mean.

Q What kind of people live in 22? A Italian people on the top floor.

Q Now, she paid you how much rent? A Eight dollars.

Q Did you have any talk with Annie Brown? A What should I talk? I got fifty-two tenants, I should talk with every tenant?

Q Just wait a minute now? A She was talking to me and I answered her.

Q Did anybody say anything to you about the people visitin

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Annie Brown? A Never told me about it.

MR. BLOCK: I object to that.

MR. DELEHANTY: With your permission I will withdraw the question.

THE COURT. All right, you may withdraw it.

Q Did you talk with Annie Brown in September or October about people visiting her place? A They had a fight once, so just the nighttime, they woke up the people, so I didn't know was there somebody or not, I don't know who it was, whether she was with her husband or somebody else. I don't know at three o'clock in people's houses, what is going around there, I am sleeping at three o'clock, so I just went up in the morning and I asked her what kind of business she makes, that she makes fights and some business here, so people don't oike it and you have to look for rooms. So she told me "It is none of your business, I paid the rent in the court and I will live there again."

BY THE COURT:

Q What did she say, speak louder?

BY MR. DELEHANTY:

Q What did she say, it was none of your business? A She says it is none of my business if she has any fight with her husband, it was herhusband and she could do whatever she liked so long as she paid her rent.

Q Did she say anything about her visitors? A No, she didn't tell me nothing about any visitors. I never was in

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upstairs, I can't tell.

CROSS EXAMINATION BY MR. BLOCK:

Q What floor do you live? A First floor in the next house.

Q Next house? A 24 and she was living at 22.

Q And you say that you know her about eleven months?

A As long as she was living by me.

Q Well, that's about eleven months or a year as you testified before? A Yes.

Q That's all.

A B R A H A M J A C O B S, called and duly sworn as a witness on behalf of the People, being duly sworn, testified as follows:

(Residence 37 Rutgers street.)

DIRECT EXAMINATION BY MR. DELEHANTY:

Q Mr. Jacobs, you live at 37 Rutgers street, do you?

A Yes, sir.

Q Now, these jurors here must hear every word you say.

You have to talk very much louder. Are you married? A Yes sir.

Q How many children have you? A Five.

Q What are their names? A Selig and Sam, and Annie and Sarah and Harry.

MR. DELEHANTY: Annie, come around here.

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Q Do you see this girl here? A Yes, sir.

Q Is this your daughter? A Yes, sir.

Q What is her name? A Annie Jacobs.

Q Where was Annie born? A Russia.

Q How old is Annie? A Seventeen years.

MR. BLOCK: I object. All right.

Q What is her birthday? A Her birthday is the last, she was seventeen the last of March, 20th of March.

Q She was seventeen the 20th of last March? A Yes.

Q And she will be eighteen on the 20th of next March?

A Yes, sir.

MR. BLOCK: I object as leading.

Q Was Annie born in Russia? You have stated that, have you? A Yes, sir.

Q When did she come to America? A This is the second year.

Q This is the second year she has been here? A Yes, last October it was one year.

Q From the time she came to America did she live with you? A Yes, sir.

Q And where did you live during all that time? A All the time in 37 Rutgers street.

Q How long have you been living there with your family?

A With my family four years I am living with my family, I bring my wife four years.

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Q Is your wife living? A Yes, sir.

Q Is she in court to-day? A Yes, sir.

Q Is she in court? A She is in court.

Q Are all your other children living with you there?

A My oldest boy is twenty-one years.

Q Yes. A And the other is nineteen and I got two younger ones, one sixteen years and one fifteen years.

Q Sarah is sixteen and Harry is fifteen? A Sarah is sixteen and Harry fifteen.

Q And Selig is twenty-one? A Twenty-one and Sam is nineteen.

Q Now, you did not understand my question. Are they all living at home with you? A Yes, sir.

Q What work did Annie do or did she work? A She was working, she was examiner, I don't know what you call it, children's dresses I think.

Q You do not talk loud enough nor distinctly enough, for these gentlemen to hear you? A All right.

Q You say she was an examiner of children's dresses?  
A Children's dresses.

Q In some factory? A Factory, yes.

Q Was she working from the time she came from abraod?  
A She was working before.

Objected to. Objection overruled.

MR. BLOCK: I object as calling for a conclusion  
and no foundation laid.

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THE COURT: Proceed. You may have an exception.

Q Did you ever know a man named Balkan? A I never knew him, except he was one time, he was in my house. She said she got a boy, she wants to get married with him. I said "Bring him up in the house, I want to see him and I want to talk to him." She bring him up to the house and I said "I don't want that boy, because I don't like his face, he looks bad."

MR. BLOCK: I object.

THE COURT: Strike it out.

Q Well, you say you saw him once in your house? A I saw him once in my own house..

Q Did Annie leave your house? A She leaves my house, that was in October, the 23rd or 24th, it was on Friday night.

Q Friday night? A Yes, sir.

Q Towards the end of October? A Yes.

Q Now, Friday at the end of October is the 25th, is that the day? A The 25th I think.

Q What day did she leave your house, on a Friday? A About eight o'clock at night.

Q In the evening? A Yes.

Q Did she ever remain away from your house over night before that night? A No, sir.

Q And at what hour was she ordinarily in the house?

A What?

Q What time did she come in and stay in for the night?

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A At night she used to come by eight o'clock, she comes from work about half past six and gets supper and then she goes out for a walk and eight o'clock she comes every night, half past nine, ten o'clock at the latest, never was out after ten o'clock.

Q She never was out later? A No.

Q When she went out on Friday she did not come back?

A She did not come back.

Q Did you look for her? A I was looking for her.

Q When did you next see her? A I saw her next, that was the 2nd of November, a woman by the name of Becky, she come up and she said ---

MR. BLOCK: I object.

Q Now, wait, I don't want you to say what anybody told you, you saw her on the 2nd of November? A 2nd of November.

Q That was on what day of the week? A It was Saturday night.

Q That was Saturday night of the week after the Friday she disappeared? A A week after.

Q Where did you see her? A I saw her in 22 Mangin street on the top floor in the back.

Q Who was with you when you went in? A With me?

Q Yes? A There was two officers, one by the name of Seuminsky, and the other Cohen, I think.

Q You mean Officer Lewin and Officer Seuminsky? A Seumin-sky, yes, sir.

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Q And who else? A The inspector was too.

Q Who else besides the inspector? A I was and my two boys were there.

Q When you went up to the floor was the door open or closed? A I don't know. The officers was in before me and I was after them.

Q Well, they got up ahead of you? A Yes.

Q When you went in did you find your daughter there?

A I find my daughter there.

Q Who else was in there? A There was this woman Annie Brown and another girl or woman, I don't know.

Q Did you hear the name of that other girl? A Yes.

Q Annie Eisenstock, is that correct? A Annie Eisenstock. She was in court, that's right.

Q And who else? A There was a boy, here is the witness here in court.

MR. DELEHANTY. Stand up. Is that the boy (indicating person standing).

A Yes, sir.

Q He was there? A Yes.

Q Who else? A Anotherman. The boy was there too.

Q What happened when you went inside? A I was inside and I talked to my girl "What's the matter you leave home?" She said "I want to stay here I don't want to go home". I says "What's the matter, I never heard you talk to me like that".

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That is what she said. There was another man started fighting with the officers.

Q Then what happened? A Then he got arrested, all of them. They called the ambulance, and everybody got arrested.

Q A patrol wagon, do you mean? A Patrol wagon, yes.

Q Everybody was arrested? A Everybody was arrested.

Q Do you know what day it was your daughter was arraigned in court? A My daughter in a rain coat?

Q Do you know what time it was your daughter was brought into the police court? A On that night, the same night.

Q That same night? A That was about nine o'clock at night.

Q Where was she taken to then, do you know? A My daughter?

Q Yes? A She was arrested and she got out on probation from Essex Market court.

Q Was she put in the custody of this lady over here (indicating Mrs. Goldman)? A Yes, sir.

CROSS EXAMINATION BY MR. BLOCK:

Q What is your business, Mr. Jacobs? A My business is soda water stand, I think you know well.

Q Speak up a little louder? A My business is soda water stand.

Q You keep a soda water stand? A Yes, sir, not now, I sold out my stand Now I am out of business. I don't keep nothing.

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Q How long ago was it you sold out your soda water stand?

A That was I think about eight months.

BY THE COURT:

Q What work do you do now? A I was in business with a partner.

Q Now? A Now I am doing nothing.

BY MR. BLOCK:

Q You do nothing? A Nothing.

Q Since you sold the soda water stand out you are not doing anything? A No, I was in business, I was with a partner in, I had a shop in 1 Sylvan place, I had a shop with a partner.

Q You had a shop? A I had a shop.

Q In your name? A With a partner. The firm was "J. J. Leather Novelty Company".

Q What did "J.J." mean? A His name was J and my name was J.

Q How long were you in business in that place? A A couple of months.

Q Two months? A About three months, I think.

Q How long since you gave up that business? A I gave up that business, that's about four months.

Q How long are you here in the city of New York? A Fifteen years.

Q How long is your wife here? A That's the fourth year.

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Q About three years, is that it? A Three years, yes.

Q You were here about eleven or twelve years without your family? A I was eleven years without my wife.

Q What is that? A I was eleven years alone.

Q Your wife and children were in Minsk, Russia?

A Minsk, Russia.

Q And about three or four years ago your wife came and some of your children? A No, she came alone.

Q She came alone? A Yes, I had two children here.

Q She came alone? A She came alone. I sent for her.

Q And when she came here, this daughter Annie and the other children were left in Minsk? A Yes, sir.

Q How many children were left in Minsk? A Three.

Q With whom were they living there? A My brother-in-law. She was by my brother-in-law, they were there. My wife's brother.

Q Did you send money for their support? A Sure.

Q When did Annie come to New York? A This is the second year.

Q When, what month? A In September.

Q September, 1911? A 1912 or 1911.

Q 1911? A Yes.

Q You called for her at Ellis Island? A Yes, sir.

Q You appeared there before the Board of Inquiry, did you not? A Yes.

Q And you were asked how old the girl was, were you not?

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A Yes.

Q Isn't it a fact that you said the girl was then nineteen years old, at Ellis Island? A No.

Q Positive of that? A No.

Q What did you say was the age of the girl at that time?

A They didn't ask me much because they asked my wife more about that age.

Q They asked your wife? A Yes.

Q So your wife said that the girl was nineteen years old?

A Yes.

Q Well, you were present at the time, were you not?

A My wife did not say that.

Q Yes or no, were you present when your wife said so?

BY MR. DELEHANTY:

Q That is not what you said, is it? A I didn't say nineteen, I couldn't say nineteen. Maybe the girl said herself. I couldn't say nineteen years because I know she was seventeen.

MR. BLOCK: I move that be stricken out as not responsive.

THE COURT: No, proceed.

A (Continuing) And my small boy ---

BY MR. BLOCK:

Q I understood you to testify here that it was your wife who said at Ellis Island that Annie was nineteen years? A I can't say that, I don't know.

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Q You can't say that? A No.

Q You did not so testify a minute ago, did you? A No.

Q You did not say so? A No.

Q Were you at Ellis Island at the time your wife was there?

A I was.

Q Were you not in the court at the same time before the Board of Inquiry? A With my wife?

Q Yes. A Yes.

Q And didn't you hear what she testified to? A I don't remember what it was.

Q You don't remember that? A No.

Q Did you hear what Annie testified to? A Maybe.

Q You don't remember that? Do you remember what you testified to? A No.

Q You don't? That was only a year ago? A The year, the second year.

Q Do you remember what date she came in September? A I don't know what exactly, what date it was, but I know that it was Yom Kipper. That was the holidays.

Q You don't know what day it was, do you? A No.

Q Do you know what month it was? A I am telling you in September.

Q When she came here did you send her to school? A I sent her to night school.

Q And what did she do in the daytime? A She was

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working. I didn't send her to work for a couple of weeks, I think about two months she didn't go to work.

Q When did she start to work? A She started to work last winter. She was working in a paper box factory.

Q When did she start to work? A When I don't know exactly when, but it was in the middle of winter.

Q What was the first place she went to work at? A The first place was I think, I forget the street, a small street, Monroe street.

Q Was it Pelham street? A Pelham street.

Q With whom did she go to work? A She was working, and the other girl was working. Then my girl left that place and went there.

Q With when did she work? A That is the small street that goes between Monroe street, between Rutgers and Pike.

Q You testified on direct examination that your girl never came home later than half past nine o'clock after October 25, 1912? A Never.

Q That is correct, is it? A Yes.

Q What time did you come home nights, Mr. Jacobs? A Me?

Q Yes. A Sometimes I stay home the whole day and sometimes I come up home ten o'clock, eight o'clock, six o'clock, sometimes twelve o'clock.

Q At night? A Yes, sometimes twelve o'clock at night.

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Q And sometimes one o'clock? A Oh, no, sometimes.

Q Sometimes one o'clock at night? A Never. I never  
come up at one o'clock.

Q How often did you stay away from your house until  
about twelve o'clock at night? A Maybe it happens sometimes,  
I don't know, maybe one time through the whole winter, maybe  
it happens.

Q That's all? A That's all.

Q You will swear now that you did not stay away from your  
house at least twice or three times a week after eleven or  
twelve o'clock at night, from your home, will you swear to that?

A Three times a week?

Q Yes, twice and three times a week? A Sure I can.

Q What is that? A I can.

Q Not even once a week? A Oh, once a week, I didn't say  
once a week, I didn't say, yes, sometimes once a week, maybe  
twice a week sometimes, what's the difference?

Q It makes no difference? A No, makes no difference.

Q But you testified before that altogether you might  
stay away once until about eleven or twelve o'clock? A Who?

Q You testified before? A That I stay away?

Q Yes. A Sure I stay away sometimes.

Q Well, how often? A I can't tell you how often.

Q Well, at least twelve or three times a week? A No.

Q Once a week? A Sometimes once a week, sometimes twice

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a week, sometimes nothing, sometimes I come up at six o'clock and five o'clock.

Q When you stay away until eleven and twelve o'clock you stayed away sometimes twice a week or once a week, as you say, where did you go up to that hour? A Somestimes I am going in to my brother, sometimes I am going to some friend of mine.

Q Where is your brother? A My brother lives across the street.

Q What number? A 40 Rutgers street.

Q Now, isn't it a fact that at least two or three times every week --- A No.

Q Now, wait a while, you remained in that saloon corner of Rutgers and Madison street, playing cards with people? A Sometimes.

Q Yes or no? A Sometimes. Sometimes when I am not working, not every night.

Q Yes or no. A Not every time.

Q At nights? A Sometimes nights. But I don't stay later than nine or ten o'clock, and sometimes Saturday night I am staying later.

Q Until what time Saturday night? A Twelve o'clock at the latest.

Q Still you testified on direct examination, swearing here that you knew of your own knowledge that your girl never stayed away later than half past nine? A No, because I come home,

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and she is sleeping, and my wife can say that she is sleeping all the time, I come home later, I ask my wife is she sleeping and all the time I come home I find her sleeping in bed.

Q What did you do for a living since the time you gave up business? A I do nothing. I had a couple of hundred dollars and sold my place, I have two boys working.

Q Isn't it a fact that this place where you play cards, that you play for money? A No.

Q You swear to that, Mr. Jacobs? A Sometimes, not the whole time for money, not all the time.

Q You know me personally, do you not, Mr. Jacobs? A I think so, I think you know me well too.

Q I don't know whose honor it is, and didn't I see you at that saloon at Rutgers and Madison street occasionally?

A Yes, sir, you seen me. Well, what I do that time when you see me?

Q I don't think you should like if I should be a witness against you, Mr. Jacobs? A Yes.

Q And those times that you do play cards you do play for month sometimes, do you not? A For money?

Q Yes. A Yes.

Q Pinochle is your favorite game? A Pinochle, well?

Q How much did Annie earn a week while she was working?

A About five dollars a week.

Q Did she bring the money to you? A Yes, sir.

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Q Whatever she earned she brought to you, is that it?

A Everything she brought to me.

Q And did you ever give her any spending money? A Yes, sir.

Q How much? A How much she needs, she asks me for a quarter, how much needs a girl? Sometimes a quarter, sometimes ten cents, thirty cents.

Q You swear positively, Mr. Jacobs, that you only met this young man Balkan once? A Yes, sir.

Q That is what date? A That was on Saturday. No, I meet him once in the street.

Q Yes. A And I asked, I said "Who is that boy?" She said "That's my boy." I said "Where you get him?" She said "I meets him on a picnic." I said "Go home", and I was for business in Orchard and Delancey at the corner stand and I was talking to the standkeeper and I met her over there, and I said "Go home".

Q You met her and this young man Balkan on Delancey street? A Orchard and Delancey on the corner.

Q That was on Saturday? A No, that was not Saturday. That was in the middle of the day, but he come up in my house on Saturday next time.

Q Wait a while, the first time was in the middle of the week? A Yes.

Q Do you remember what day of the month? A I do not,

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I don't know, I don't remember.

Q You don't know what date ? A No.

Q You don't know what month? A I don't know what date.

That was in the summer, about three or four months ago.

Q And you met her with him together on the street? Did you stop talking with him? A No, I didn't talk to him. I only talked to that girl. I said "Who is that boy?" She said "That's my fellow." I said "Where you get him?" She said "I meet him on a picnic."

Q Now, wait a while. She did not introduce you to him did she? A What?

Q She did not introduce the young man to you, did she?

A No, because ---

Q That's all, Mr. Jacobs. And after she told you that she met the young man at a picnic, you said to her "Go home".

A No, I said "Who's that fellow?" She said "That's my fellow. I said "Go home". And I went home and I find the girl and him.

Q You said "Go home"? A Yes.

Q Did you tell her to go home with the young man? A I told her to go home and she went with the young man home. He bring her home up to my house.

Q What time of day was that? A It was about six o'clock at night, five or six o'clock at night.

Q And what time did you come home that night? A I come home about seven o'clock, an hour later. I said "Go home, I

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will be home soon too."

Q When you came home you met them there? A I met them there.

Q Did you speak to him when you met him at your house?

A I was speaking to him.

Q Did she introduce you to him then? A Yes, she said "That's my fellow".

Q And you had an objection to her having a fellow, did you? A I had objection.

Q You did have objection? A Yes.

Q Why, because she was not old enough to have a fellow? A He was looking too rough, I didn't like him.

Q Well, did he have a collar on? A Yes, he had a collar on, he had everything on him, but his face, it was looking bad, I didn't like his face.

Q Was there anything the matter with his face? A I didn't like his face, that's all.

Q Was it smashed up in any way? A It was not smashed up but I didn't like his face. You know well, you don't like a man's face because he is looking bad.

Q Did you tell her? A I told her she should not go around with him any more.

Q You did not object to his face when you met him on Delancey street, did you? A No, I didn't say nothing, I said to her, "Go home." I wouldn't talk to him on the street.

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Q And when you met him in the house you told your daughter that you didn't like him? A Yes.

Q What did your daughter say? A My daughter said "All right". My daughter <sup>said</sup> "If you don't want him all right, I wouldn't go with him any more".

Q Well, did you ever see him again after that? A Never.

Q So you saw him twice on that particular day? A Yes.

Q When you testified before that you met the young man on Saturday, you were mistaken? A Why?

Q That was not so? A That was ~~not so~~ <sup>Saturday</sup>.

Q Saturday, all right. How long before the girl disappeared from your house did you meet the young man at your house, how many days before? A What how many days before? What do you mean, how many days?

Q How many days before the girl disappeared from your house was the young man at your home? A Never.

Q You don't understand me. A What do you mean?

Q You say that the young man was at your house on a certain day? A Yes.

Q How long after that did Annie disappear from your house?

A How long after that? That's about two months later, for sure.

Q And she never told you that she was keeping company with this young man Balkan? A She never told me. After then I was asking her a couple of times and she said she didn't go

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around with him any more.

Q Isn't it a fact that she insisted upon keeping company with that young man? A No.

Q Positive of that? A Positive of that.

Q Didn't you find that young man Balkan at the house of the defendant when you were there? A No.

Q Positive of that? A No.

Q Isn't it a fact, Mr. Jacobs, that when you came there with the police at the defendant's house, your daughter refused to go with you, isn't that so? A Yes.

Q I think you said so on direct examination? A Yes.

Q Isn't it a fact that she said that she wants to keep company with that young man? A No, she didn't say that.

Q She didn't say so? A No.

Q How long before you came there with the police did you find out the girl was over there? A I don't know how long she was there.

Q I don't think you understand me. How long before you came there with the police did you find out that the girl was over there, how many days before did you find out? A I found out the same Saturday, the same day.

Q The same Saturday? A Yes, the same day.

Q And you immediately went to Police Headquarters? A I went to Delancey street station the same time that I find out.

Q Do you remember what month you came to this country?

A Me? I came over fifteen years ago, on the 24th.

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Q Do you remember what month? A Yes, November, the 24th of November.

Q The 24th of November? A Yes, that was on Thanksgiving Day.

Q What year? A I came there on Thanksgiving day.

Q What year? A That's fifteen years ago.

Q Fifteen years ago? A Yes, I think that was in 1897, I think.

Q Are you sure it was Thanksgiving Day? A Thanksgiving Day. I am sure. I come up there with the ship.

Q Did you look up the date as to when you came here since you appeared in the police court? A Yes. I didn't look up that date because I know that date. I took out my first papers and when I took out the second papers too.

Q So you looked at your first papers? A I didn't look at my first papers. I knew myself.

Q Well, you spoke to somebody about this case before coming here to court, didn't you, Mr. Jacobs? A Nothing at all.

Q Never spoke with anybody about this case until you came here before this jury, never spoke to anybody in the District Attorney's office about this case? A I was speaking to the District Attorney.

Q Well, you said you didn't speak to anybody? A Oh, the District Attorney. He asked me questions and I got to answer them.

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Q How many times were you up to the District Attorney's office about this case? A One time.

Q When was that? A That was about two weeks.

Q Two week ago? You are sure of that, that was the only time? A I am sure.

Q Didn't you appear before the Grand Jury in this case? A Yes.

Q Well, didn't you speak before them in this case? A Before them?

Q Yes. A I was talking to the Grand Jury, but I was speaking, that's all, and I was speaking in the Essex Market Court. I was speaking to the Judge in Essex Market court.

Q Did you speak to the Probation officer, the lady there (indicating)? A Yes, sir.

Q Mrs. Goldman, you spoke to her too, didn't you? A Yes.

Q And you think Mrs. Goldman is nobody? A Well, I didn't speak to anybody besides them officers.

Q Was Mrs. Goldman at your house? A Mrs. Goldman in my house?

Q Yes. A One time.

Q When? A When she went up looking for Abey Balkan.

Q She went looking for whom? A She went looking for Abey Balkan, went to Brownsville to look for him.

Q Abe Balkan? A Yes, for that boy, that fellow.

Q Mrs. Goldman went to look for him? A Yes.

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Q Why did she go to look for him, do you know? A I don't know.

Q Did you ask her to look for him? A I asked her.

Q What did she say? A She took the girl and went to Brownsville, maybe she find out where he lives, that Balkan. She went to Brownsville and can't find him.

Q Well, it was because you heard that your daughter was with Balkan before she went to Mangin street, is that so?

A No.

Q You did not hear so? A No.

Q Sure about that? A I am sure.

Q Let us see if you understand me. A Yes, I understand.

Q Were you not informed by somebody, or did you not learn from anybody that before your daughter Annie went to Mrs. Brown's house on Mangin street that she was with Balkan at this place? A I don't know that.

Q In Brooklyn? A I don't know that.

Q You were not informed by anybody that way, were you?

A I don't know that.

Q You heard the District Attorney telling the jury that way when he opened the case, did you? A What?

Q You heard the District Attorney tell that to the jury before when he opened the case?

MR. DELEHANTY: Wait a minute, don't answer that.

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MR. BLOCK: I withdraw it to save time.

Q Do you remember what month your wife came here? A Yes, September.

Q What year? A It was three years ago.

Q What did you say? A That's three years ago, the fourth year, three years ago in September.

Q Three years ago last September? A Last September it is three years she is here.

Q Do you remember what date? A I don't know. I remember that was in the Jewish holidays she come.

Q Oh, that was in the Jewish holidays? A Yes.

Q What makes you remember the date as to when your daughter Annie was born, what makes you <sup>fix</sup> think the date ~~is~~ March 20th?

A I fix the date she was born in Jewish, I know the month in Jewish, and that comes out in March.

Q She was born in the Jewish month? A Yes, in the Jewish I know, I remember the Jewish, that the month is March. In Jewish we call it Adar, that iz March.

Q She was born in Adar? A Yes, that's March.

Q What date in Adar was it? A The 20th of Adar, that's March.

Q So you are sure that the 20th day of Adar comes out the 20th day of March? A Yes.

Q What year was it in Jewish that she was born, do you know? A I will tell you what year. This year, I know this

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year what it is in Jewish.

Q What year was it in Jewish that she was born? Now, you claim you know according to the Jewish Calendar? A 5664.

Q Give me that in Hebrew, the same as you said? A I will tell you it in Hebrew.

Q The same as you said the month of Adar in Hebrew? A Yes.

Q Give me the year in Hebrew?

MR. DELEHANTY: Let him say something and don't interrupt him all the time.

A I will give you the year in Hebrew.

MR. DELEHANTY: Counsel wants the witness to give him the year in Hebrew that this girl was born in. I don't know how he can give it. He has given the English equivalent, 5664.

THE COURT: Well, proceed.

MR. BLOCK: Exception.

THE COURT: There is no necessity for it. Go on. I want to admonish you that I am not going to allow this case to be stretched out indefinitely. I am not going to say that your tactics here look in that direction, but if I find them looking in that direction, I shall take means very quickly to accelerate this case. Now, go on.

THE WITNESS: TRNV.

MR. BLOCK: Your Honor, I think I am trying to expedite matters, and your Honor appreciates the importance

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of the charge against my client.

THE COURT: I am not going to stop to let you make calculations.

MR. BLOCK: Well, he testified that he couldn't tell.

THE WITNESS (Repeating) TRNV.

BY MR. BLOCK:

Q She was born where, Mr. Jacobs? A Minsk.

Q That is in Russia? A Yes.

Q You don't keep any family Bible, do you, of any kind?

A No.

Q You don't keep any book where you enter the years of your children? A No.

Q Nor the dates when they were born? A No.

Q But how many children did your wife give birth to since you are married? A Five.

Q Can you tell what year you claim that Annie Jacobs was born? A TRNV.

MR. DELEHANTY: I object as repetition. We have already had it.

THE COURT: Yes, it is already answered a second time.

MR. BLOCK: Exception.

Q There is no English calendar in Russia, is there, by which people go by in Russia?

MR. DELEHANTY: I object to that.

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Objection sustained. Exception.

THE COURT: You will get into very mixed up international relations if you keep on.

MR. BLOCK: Well, may be.

Objection sustained. Exception.

Q Is there anything that makes you refresh your memory, Mr. Jacobs as to the exact date in the year and month when Annie was born? A I know that year and that month.

Q Is there anything that refreshes your memory? A No.

BY THE COURT:

Q Where were you when she was born? A I was at home.

Q In Russia? A I was at home in Russia.

Q In the house where she was born at the time of her birth? A In the house.

Q Does that refresh your memory? A Yes, sir.

BY MR. BLOCK:

Q Well, you always lived in that house before she was born, and many years after she was born, did you not? A What?

Q You lived in the same house for years before she was born? A Yes.

Q And for many years after she was born, and your wife gave birth to other children in that house? A Yes.

Q And still you want to insist upon that, that you remember the date exactly when she was born without referring to any memorandum of any kind? A (No answer.)

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ENCLOSURE

Form 35-'18

52-13-13 (B) 30,000

No.

**GRAND JURY ROOM**

**PEOPLE**

<sup>vs.</sup>  
3960 Stuy W H

Hypohity

Beckie Meierstein  
292 Cherry

Benj. Cohen  
29 Lewis

Jos. Lerner  
326 Madison St.

Annie Eisenstock  
557 Grand

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ENCLOSURE

Form 187

856-12 (B) 20,000

Office of the District Attorney of the County of New York.

To Benny Cohen  
Of No. 29 Reverie Street

You are Hereby Requested to appear before the District Attorney of the County of New York at the Criminal Courts Building on Centre Street between Franklin and White Streets, in the Borough of Manhattan of The City of New York, on the 7 day of December, 1912, at the hour of 10:30 M., as a witness in a criminal action prosecuted by the People of the State of New York against

Annice Brown

CHARLES S. WHITMAN,  
District Attorney of the County of New York.

Inquire on the 3 floor for Deputy Assistant District Attorney

*Mr. DeLoach*

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ENCLOSURE

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Friday, Wash  
at 5:00 pm. Restaurant home  
opened. Entered kitchen  
Mrs. Brown & 2 young women.  
Annie Jacobs sitting there.  
Both girls had skirts, waists  
& shoes & stockings. 8 P.M.  
Berry was to mention Kid Barney  
Annie Brown looked at Joe &  
smiled at him & didn't  
say anything. Joe told you to talk  
this girl. Berry went into  
bedroom 3 or 4 steps away.  
Girl took \$1. Asked what  
change was wanted. B said  
\$1.00 then 50¢ - Went out to  
get change. Came back  
and asked if would do act  
twice. Kept \$1. In bedroom  
5 minutes. Came out  
Annie Brown & friend in  
kitchen also other young  
woman. Remained 2 minutes  
no talk. Went out.  
Went back Sat. Nov 2<sup>nd</sup> saw  
Annie B. Resenstock & Annie Jacobs.  
Knocked at door. Walked into kitchen  
A.B. on chair. Spoke to A.B. Spoke  
to other girls. Then other man  
came in. Then said. Man  
#2 said to A.B. he was getting  
lawyer for husband.

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These notes were  
found in front of  
page 32.

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Q Do you know the dates when your other children were born?

A Yes.

Q What are they? A Selig.

Q Yes, <sup>A</sup> He was born in 1901 ~~or~~ 1891 I mean.

Q What? A 1891.

Q Yes. A In May.

Q What date? A The 15th.

Q May 15th? What was the next one? A The next one is

Sam.

Q When was he born? A 1893.

Q 1893? A Yes, February 18th.

Q The next one? A The next one was Annie.

Q Yes, what year? A 1895, the 20th of March.

Q The next one? A The next one is Sarah, 1896, the  
14th of August.

Q Yes. A And the last one is fifteen years. When I  
left that country he was three days old.

Q What is the name? A Harry.

Q When was he born? A He was born, he is just fifteen  
years in September.

Q In September? A No, not in September, he was born -- I  
am mistaken, he was born at the end of October.

Q What year? A In 1907 --- 1897. ✓

Q You were a witness at the police court, were you not?

A In the Night Court.

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Q. You were a witness at the Third District Magistrate Court on Second avenue and 1st street before Magistrate Appleton?

A. Yes.

Q. And didn't you there testify that your children were born just every two years one after the other? A. No. Three was over two years and the other two was, one from the other, there was a year with a couple of months.

MR. DELEHANTY: Now, wait, what page do you refer to?

You did not so testify, two years elapsed between each child, the question put to you, and your answer was "yes, sir."

A. Only two years between the first three, then there was two years.

MR. DELEHANTY: Now, just read the question before and you will see the witness is telling you exactly what he said there. Will you let me read it? I can read it very quickly (reading) "Q. What is the age of the oldest child?"

MR. BLOCK: I object to the District Attorney reading anything else.

THE COURT: There will be another birth in that family before you get through with this witness if you do not go ahead.

MR. BLOCK: I think that is all.

THE COURT: I do not think you had better call another witness to-night, I do not care to go into late hours on

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Christmas eve on this thing at all.

The Court admonished the jury in accordance with section 415 of the Code of Criminal Procedure and adjourned the further trial of the case until eleven o'clock A. M. Tuesday, December 24, 1912.

New York, December 24, 1912.

Trial resumed.

MR. DELEHANTY: I would very much prefer to rest to-day, with only the formal proof in.

THE COURT: I do not believe it would be right to leave this case pending over the week until you gentlemen came again, because there may be evidence of importance which ought to be fresh in your minds when you come to consider it.

MR. DELEHANTY: Of course my evidence so far has been purely formal. It seems to me that the jurors of course could retain that in their minds easily enough to the adjourned day, but I would ask your Honor for leave, if the case should continue, not to put in any more of our case to-day but to take an adjournment at this time rather than put in any more of my case, and then adjourn.

THE COURT: You are admonished, gentlemen, that you are not to discuss any matter connected with this case amongst yourselves or with others, and you are not to form

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or express any opinion upon it until it is finally submitted to you.

You may be excused until 12 o'clock on the 30th.

New York, December 30, 1912.

Trial Resumed.

THE COURT: Gentlemen, I suppose you have noticed that this has been a very busy day, perhaps one of the busiest we have had during the term, and the amount of work disposed of this side of the rail certainly is greater than any day during the term. I am sorry to have kept you gentlemen so long, if I had any notion that we would go until ten minutes of four without beginning your case, I would have allowed you to go home, but we cannot always tell, and the fact that you were detained here so long is nobody's fault really. I am going to let you go home now. I am going to enjoin you that you are not to discuss any matter connected with the case or form nor express any opinion upon it, until finally submitted to you.

You will report here to-morrow at eleven o'clock A. M.

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New York, December 31, 1912.

Trial Resumed.

ETTA JACOBS, called and duly sworn as a witness on behalf of the People, testified through official interpreter Rosenthal as follows:

(Residence 37 Rutgers street.)

DIRECT EXAMINATION BY MR. DELEHANTY:

Q What is your name? A Etta Jacobs, living at 37 Rutgers street.

MR. DELEHANTY: Come around here, Annie.

Q Do you see this girl (indicating)? A Yes.

Q Is she related to you? A It is my own child.

Q How old is she?

MR. BLOCK: I object as leading .

MR. DELEHANTY: I have asked how old she is and counsel says I am leading the witness.

Objection overruled. Exception.

A She will be eighteen years the next coming Hebrew month of Adar.

Q What is that month?

THE INTERPRETER: If the Court will direct me?

MR. DELEHANTY: No, I want the name.

THE INTERPRETER (Spelling) A-d-a-r.

MR. DELEHANTY: Do you object to the interpreter giving us the equivalent of that month in our calendar?

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MR. BLOCK: No.

THE INTERPRETER: Well, the month of Adar corresponds to our February -- March -- the latter part of February and the first part of March. About in that time is the month of Adar.

MR. DELEHANTY: You may examine.

CROSS EXAMINATION BY MR. BLOCK:

Q Mrs. Jacobs, how many children did you give birth to?

A Five.

Q And can you tell me the ages of the other four children?

A Sure.

Q What is it? A Which one do you want first?

Q Well, what is the oldest? A The oldest one will be twenty-two years, three weeks after Passover.

Q What is the name? A Selig.

Q Do you have a daughter by the name of Sarah or Sorah?

A Yes.

Q How old do you claim this girl is? A She was sixteen years old after Succoth.

Q She was sixteen years after Succoth? A Yes.

MR. DELEHANTY: Now, let us have the English equivalent of that.

MR. BLOCK: Yes.

THE INTERPRETER: That is about in September, the feast of Succoth falls in the month of September.

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Q Did you have a son by the name of Hirsch? A Harry, yes.

Q How old was he? A He is as old as long as my husband has been here in America, because when he left for America the child was three days old.

Q Well, will you please tell us how old he is then?

A Fifteen years.

Q You gave birth to your daughter Sarah after the birth of Annie, wasn't it?

THE COURT: Mr. Interpreter, have her answer questions without any additional information.

Q After Sarah comes Harry.

Q Who was born before Sarah was born? A Annie.

Q When Annie came to Ellis Island from Russia, were you there? A Yes.

Q And you were asked at Ellis Island the age of Annie, were you not? A Yes.

Q You said at that time Annie was seventeen years old, didn't you, yes or no? A Sixteen and a half, going on seventeen, that's what I said.

Q Did you keep any book or any memorandum where dates were entered of the children as to when they were born? A I have no such book.

Q That's all.

MR. DELEHANTY: That's all.

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F R A N K J. S E U M - I N S K Y, (Central Office squad)  
called and duly sworn as a witness on behalf of the People,  
testified as follows:

DIRECT EXAMINATION BY ME. DELEHANTY:

Q Officer Seuminsky, were you in company with theman Jacobs  
who testified here in a visit to 22 Mangin street? A Yes.

Q What day was that? A November 2nd.

Q This year? A Yes.

Q To what part of the premises did you go? A On the  
fifth floor of the premises 22 Mangin street.

Q Who were in the party? A I and officer Lewin and  
Inspector Cahalane of the first district and Mr. Jacobs and his  
two sons.

Q When you got to the top floor, where did you go? A We  
went to the back, top floor on the north side.

Q Tell us what happened, or rather who were there when  
you went in? A We knocked at the door and opened it at  
the same time. When we entered the premises we found Annie  
Jacobs, Annie Brown, a girl named Annie Eisenstock, a man  
named Jacob Lipschitz and Benny Cohen.

MR. DELEHANTY: Cohen, stand up.

Q Is that the boy you saw (indicating)? A Yes, sir.

Q What happened when you went in? A We went there  
to get Annie Jacobs, on her father's complaint, and as I got hold  
of Annie Jacobs I told her I was placing her under arrest on

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her father's complaint. The defendant here and the man named Lipschitz and the girl named Eisenstock all got hold of us and tried to get the girl away and they did free her to a certain extent.

MR. BLOCK: I object to that.

Q Well, she did get out of your custody in the first room, did she? A Yes.

Q Where did she go to? A She went to the back room.

Q Did you take her again into custody? A I did.

Q What else happened? A When we started to go to the door again the same thing took place, they wouldn't allow us to go out.

MR. BLOCK: I move to strike out "The same thing took place".

THE COURT: Well, that may be excluded. Let him tell what they did.

A They got hold of us and started to pull us away.

MR. BLOCK: I object.

BY THE COURT:

Q You say they started to do, tell us what they did?

A They pulled me by the arm and the man up there got hold of me by the throat and threw me on the table.

BY MR. DELEHANTY:

Q Who was that? A The man named Jacob Lipschitz, whereupon I arrested every one there outside of Benny Cohen. We

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asked Benny Cohen if he lived there and he said no. I says "What are you doing up here?" He says "Nothing, I just come up here." I says "I think you are up here for more than that". He said, no. I said, "I am going to place you under arrest too." He says "Please don't place me under arrest, I am a poor working fellow, if you allow me to go home I will tell you the truth". I says "All right, if you tell the truth you can go." So he then told me he come up there for the purpose of having sexual intercourse.

Q Did you get his name and address at that time? A I did, that time, that was the first time.

Q Did you take the other parties to the station house?

A Yes, sir.

Q At what court was Annie Jacobs, the girl arraigned?

A Well, we first arraigned all the female prisoners at the Ninth District Court, which is the Night Court for Females, and the case was transferred--- the case of Annie Jacobs was transferred to the Day court.

Q You say the case was transferred to some other court?

A The case was transferred to the Third District Court, yes, sir.

MR. BLOCK: Your Honor, I respectfully object to any testimony given about some other case, not the case at bar.

THE COURT: Proceed.

(Exception.)

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Q Now, subsequently ---

THE COURT: I suppose, Mr. Delehanty, that you will make connection here between the testimony?

MR. DELEHANTY: I simply wanted to show the case was transferred to another court, I am not asking about the details of the case.

MR. BLOCK: He is bringing in some other case.

THE COURT: Objection overruled. Mr. Delehanty has told why he asked this question. It is perfectly legitimate.

(Exception.)

Q At what court was the charge against Annie Jacobs disposed of? A At the Third District Court.

Q What was the charge against her there? A Well, the charge was against Annie Jacobs under section 365, I think, where disobedient children can be sent to an institution.

Same objection. Objection overruled. Exception.

Q What was the charge against Annie Brown? A Disorderly conduct, interfering with an officer.

Q When did you participate in a second arrest of Annie Jacobs, or Annie Brown? A Yes, sir, Annie Brown.

Q Where was that arrest made? A At 124, in front of the premises 124 Broome street.

Q On what day was that arrest made? A On November 11th.

Q On what charge? A Abduction.

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Q That is the charge on which she was held by the Magistrate for this trial A Yes, sir. That is, a warrant was issued for her arrest.

Q Do you yourself understand Yiddish? A No, sir.

Q Was any conversation had in Yiddish in the house at the time you got into 22 Mangin street?

MR. BLOCK: I object to that. He says he does not understand it.

MR. DELEHANTY: I will withdraw the question.

Q Was any conversation had in any language other than English? A Yes, sir, there was.

MR. DELEHANTY: You may examine.

CROSS EXAMINATION BY MR. BLOCK:

Q That was the first time that you went to the place 22 Mangin street, on November 2, 1912? A Yes, sir.

Q At whose instigation did you go there? A Abraham Jacobs.

Q And you are attached to what precinct, Officer? A Central Office, First District.

Q Where is that located? A The First District?

Q Yes. A The First District is located from 14th street to Battery Park, East of Broadway.

Q Where did you first meet Mr. Jacobs? A In the District Office at Delancey and Clinton street.

Q That is also a station house, isn't it? A Yes, sir.

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Q And Mr. Jacobs first met the Sergeant at the desk, didn't he? A I don't know what he did.

Q Somebody besides Jacobs called you over about this case?

A The Inspector directed me in this case.

Q Is the Inspector here in court? A No, sir.

Q And it was after the Inspector called you over, you had a talk with Jacobs? A Yes, sir.

Q And Jacobs told you that his daughter was at 22 Mangin street? A Yes, he heard that she was there.

Q He heard? A Heard on information.

Q Was anybody there besides Mr. Jacobs to give you the information? A His two sons were there with him.

Q Did they tell you that they knew she was there? A They did not.

Q Did you ask Jacobs as to whogave him the information of his daughterbeing at 22 Mangin street? A I did.

Q What did he say? A He said a girl named Becky Milstein .

Q Did you get her address where she was? A I know where her address is, yes.

Q Did you see that Becky Milstein before you went to Mangin street? A No, sir.

Q Did Jacobs tell you what his daughter was doing in front of the Magistrate? A Yes, told me he thought she ran away from home and she was living up there.

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Q That's all he told you? A Yes, at the time.

Q He didn't tell you at that time that there was something the matter with the house, it was a house of prostitution or anything like that? A He said he thought there was something wrong about it but he couldn't exactly say.

Q He couldn't tell? A He says if he didn't hurry up that this girl Becky told him to hurry up and get his daughter she would have to be sold to some man.

Q Then that's all she said to you? A That's all.

Q Then you went with him to that place? A I did.

Q When you came there who was the first one you spoke to?

A Who we spoke to?

Q Yes? A I don't exactly remember who it was now because they were all talking at once.

Q You say you knocked at the door and you went right in?

A Yes.

Q And the door was open? A Yes.

Q What time was that? A It was about 8:15 in the evening.

Q What day of the week was it? A The entrance was on Saturday.

Q What was this Annie Jacobs doing when you came there?

A She was sitting on a couch.

Q You didn't notice anything wrong there, did you?

A Not at the time, no, sir.

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Q And then you claim the girl did not want to go with her father? A No, she did not, she resisted me.

Q That's all. Did you speak to anybody else before you spoke to Benny Cohen? A Yes, sir, I did.

Q With whom? A A man named Jacon Lipschitz.

Q You placed him under arrest, did you, Lipschitz? A I did.

Q I understood your testimony that you were going to place Benny Cohen under arrest? A I told him I would, yes.

Q And he told you that he was a poor working boy and you did not arrest him? A He pleaded, he said, "Don't arrest me, I didn't do nothing."

Q So you arrested everybody there with the exception of Benny Cohen? A Well, Benny Cohen ---

Q Is that so yes or no? A Yes, sir.

Q So you practically used your discretion as to whom to arrest and whom not to arrest at that time? A Well, whoever offended the law.

Q Did you know at that time as to who offended the law? A Well, they did in my presence interfere with me. Benny Cohen was the only one sat down. He sat down and minded his own business.

Q Isn't it a fact that you testified that you did not arrest him because he said he was going to tell you the truth?

A Well, I didn't have nothing on him to arrest him for.

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Q All the others gave you a fight, is that it? A Yes.

Q With the exception of Benny Cohen? A Yes, sir.

Q This woman gave you a fight too? A Yes.

Q What did she do? A She grabbed me by the hand and pulled me away, by the arm.

Q And what did the complaining witness do, Annie Jacobs?

A Well, she didn't do nothing because I was holding her at the time.

Q And still you arrested her, didn't you? A I arrested her on her father's complaint.

Q What did you charge against her on her father's complaint? A Under section 365 of the Laws of 1903, where disobedient children can be sent to an institution on their parents complaint.

Q Did you take her to the Gerry Society that night?

A I didn't.

Q Where did you take her that night? A To the Ninth District Court after I took her to the station house first,

Q And she was held over night? A Yes, sir.

Q Sure about that? A I think she was. I am not quite sure. Yes. She was held and the case was transferred to another court.

Q Then Benny Cohen told you that he had sexual intercourse with her, is that it? A Yes.

Q And he told you with whom? A With Annie Jacobs.

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Q He told you that? A Yes, sir.

Q And you inquired at that time as to who the tenant of the premises was? A At the time?

Q Yes. A Well, Annie Brown told me she was a tenant.

Q She told you at that time? A Yes, sir.

Q And you inquired as to how the girl came to the premises?

A No, sir.

Q You did not? A Not at that time.

Q You knew at that time --- I withdraw that. You were told at that time that the girl was under eighteen years were you? A Under eighteen?

Q Yes, who told you that? A The father.

Q That was the time you made the arrest? A Yes, sir.

Q And you knew that under the statute, to have sexual intercourse with a woman under eighteen, for a man, is a crime, didn't you? A It is what?

Q You knew at that time it was a crime to have sexual intercourse with a woman under eighteen years? A Well, yes, if you know it.

Q You knew that at that time? A Yes.

Q Benny Cohen admitted to you he did? A Yes, sir. He did not admit that day.

Q Didn't you testify that you came there that night and you made the arrest of everybody and he told you he would tell you the truth and that he had told you he had sexual intercourse with this girl? A Not with that girl. He said he come up to

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have sexual intercourse, but not with that particular girl .

Q So he didn't tell you that? A Not on that particular night, no.

Q When did he tell you that? A Two or three days after when I went to see him.

Q You went where to see him? A At his residence.

Q How many times were you over at his residence? A Once.

Q What did you go there for? A To get full particulars of the case.

Q What case? A On this case here.

Q Well, this defendant was not arrested yet in the case? A She was what?

Q She was not arrested at that time, two or three days after the first arrest? A No, sir.

Q What did you go over for, to get evidence against this woman? A Annie Jacobs made a statement there.

Q Didn't you go to Benny Cohen's house for the purpose of getting evidence against this woman? A Yes.

Q And it was on the evidence of Benny Cohen you got out a warrant against this defendant? A On the complaint of Annie Jacobs I got the warrant.

Q How long after November 2nd did you arrest this defendant? A November the 11th.

Q When? A The 11th.

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Q How many times between the 2nd day of November and the 11th day of November, 1912, did you visit Benny Cohen? A Once.

Q What date was that? A I think that was on --- well, I couldn't state the date. It was during the week.

Q Well, you said it was two or three days after the first arrest? A Yes.

Q So that would be about the 5th day of November, 1912 ?

A Well, it may have been the 7th or the 5th.

Q And was it at that time he told you that he had sexual intercourse with this complaining witness? A Yes, sir.

Q And you knew at that time that it was a crime, didn't you, for Benny Cohen? A Yes, sir.

Q And you did not place him under arrest at that time?

A No, sir.

Q Although he admitted to you that he was guilty of crime?

A That's right.

Q Did you go to his house at somebody's instigation?

A At what?

Q Did somebody tell you to go to his house? A No, I went up there on my own account, just to get information, that was all.

Q So, did you have any talk with -- I withdraw that question. On November 2nd, about quarter past eight, you claim you arrested all the people from the premises there? A Yes.

Q And they were arraigned the following day, wasn't it? That same night.

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Q Were they tried the same night? A Yes.

Q They were transferred to the Third District Magistrate's Court? A Only the case of Annie Jacobs was transferred.

Q And what did you say was the charge against her?

A Against who?

Q Annie Jacobs? A Under section 365 of the Laws of 1903, where disobedient children can be sent away by their guardians or parents.

Q What was the charge against this defendant at that time?

A Interfering with an officer while having a prisoner in his custody and disorderly conduct.

Q Disorderly conduct? A Yes, sir.

Q Didn't you speak to the girl Annie Jacobs before they were arraigned at the Magistrate's Court? A Well, I couldn't speak to her, I can't understand Jewish.

Q Do you know Mrs. Goldman, the Mission Officer? A Yes, sir.

Q When did you meet her the first time? A I don't remember the date.

Q You don't remember the date? A No.

Q How long before November 2nd did you meet her? A I met her before November 2nd.

Q How long after November 2nd did you meet her? A A few days after.

Q Was it after this defendant was arrested in this case?

A No, sir, before.

Q Did you meet her in the night court? A No, sir.

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Q And Mrs. Goldstein practically helped you along? A Mrs. who?

MR. DELEHANTY: Mrs. Goldman is the name.

A Mrs. Goldman, yes, Mrs. Goldman did.

Q She helped you along in trying to get evidence against this defendant, is that so? A That's right.

Q And you saw Mrs. Goldman before you went to see Benny Cohen? A Well, I don't remember whether I did or not now. I couldn't say, I don't remember that part.

Q Did you hear the name of Abey Balkan mentioned?

A Yes, sir, I did.

Q How long before you arrested this woman did you hear that name Abey Balkan? A Well, it might have been four or five days.

Q Before you arrested her? A Yes, sir.

Q Did you ask Annie Jacobs about Abey Balkan? A I did.

Q And she told you that she knew him? A Yes, sir.

Q That's all.

RE-DIRECT EXAMINATION BY MR. DELEHANTY:

Q You say that Annie Jacobs case was transferred to another court? A Yes.

Q And then you met Mrs. Goldman, and Mrs. Goldman told you the substance of what Annie Jacobs had told her? A Yes.

Q And it was then on the statement of Annie Jacobs made to you through Mrs. Goldman that you started to work up this case

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against Annie Brown? A Yes, sir.

Q Did you go searching for Abey Balkan? A Yes, sir, I did.

Q With whom? A With Mrs. Goldman and Officer Lewin and Annie Jacobs whom we took with us.

Q Where did you go and what efforts did you make to find him? A We went out one Sunday morning about six o'clock out to Brownsville, out to Grafton street, all around there, seeing that nobody knew where he lived.

Q You inquired for Abey Balkan by that name? A Yes.

Q Did you take the girl to various stations on the elevated? A On the elevated railroad, yes, sir, and tried to get directions that she came over there, but she couldn't identify any roads or anything.

Q Was the girl able to point out any street or house in which she had lived? A She could not point out the house but she mentioned the street. We looked that street over from one end to another, but we couldn't locate the house.

Q And the girl was not able to point out any house in which she had lived? A No, sir.

Q Did you make , what was the girl's capacity for pointing out directions or knowing a place to go, was she able to go about?

A She says he brought her out there and lived with her for three days.

MR BLOCK: I object to what she told.

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MR. DELEHANTY: I consent to strike that out.

THE COURT: Yes.

Q Did the girl say that she was familiar with the distances and locations and directions?

MR. BLOCK: Objected.

A No, sir.

MR. DELEHANTY: Counsel has brought it out.

THE COURT: I will allow that.

MR. BLOCK: I take an exception.

Q What is your answer? A No, sir, she was not.

Q How long were you searching for Abey Balkan? A For a few days.

Q Have you been able to locate him at all? A No, sir, not the slightest location of his whereabouts at all.

Q You cannot trace him? That's all.

RE-CROSS EXAMINATION BY MR. BLOCK:

Q What house did you go into to look for Abey Balkan in Brownsville? A Well, a number of houses along Grafton street.

Q Grafton street? A Yes, sir.

Q How did you happen to go to Grafton street? A Well, Annie Jacobs mentioned, she says she thought it was Grafton street he brought her to, she remembered the name.

Q And you went there in a few houses? A Went into a number of houses.

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Q Can you mention any particular house you went into?

A I couldn't mention the numbers because we tried so many of them.

Q Did Annie's father go along? A Yes, he did come once.

Q How many times did you go? A Twice.

Q That's all.

A B R A H A M M. L E W I N (Central Office Squad) called and duly sworn as a witness on behalf of the People, testified as follows:

DIRECT EXAMINATION BY MR. DELEHANTY:

Q Were you in company with Officer Seuminsky and Mr. Jacobs and his sons on a visit to 22 Mangin street? A I was.

Q Do you speak and understand the Yiddish language?

A Yes, sir.

Q Did you hear any statement made by Annie Brown in the room? A I did.

Q In which you found Annie Jacobs with Annie Brown?

A Yes, sir.

Q To whom was that statement or remark directed? A The statement was made to Annie Jacobs.

Q By whom? A By this defendant Annie Brown.

Q What was the statement? A As we were about to leave, Officer Seuminsky and myself with Annie Jacobs, this defendant told this Annie Jacobs in Jewish, "Don't go," also told her to

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tell us that she was working in a factory during the day and was only stopping there, just living there.

MR. DELEHANTY: You may examine.

CROSS EXAMINATION BY MR. BLOCK:

Q You were also a witness at the Magistrate's Court, were you not, Officer? A Yes, sir.

Q You did not testify anything like it in that court about Annie Jacobs, about this defendant telling Annie Jacobs to tell you that she was working in a factory? A Yes, sir.

Q That is something new, isn't it? A No, sir, I was not called to the stand for the purpose of testifying against this defendant.

Q You were not called on the witness stand until this court, Officer? A Not in this case, no, sir.

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

Q Didn't you testify in this case? A No, sir.

Q Wait a while, at the police court that Annie Jacobs started to fight her father? A That was in the Night Court.

Q Didn't you so testify? A That was in the Night Court, the time we placed that woman under arrest for disorderly conduct.

Q You are sure about that? A Yes, sir. Now, one moment, counselor. That's right. I was, I testified at the Third

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District Court, yes, sir.

Q You did in this case? A Yes, in this case.

Q You are changing now your testimony then after you saw me holding the stenographer's minutes? A I am not changing anything. I am only trying to rectify myself. Every person is liable to mistakes.

Q I asked you before twice or three times whether you are sure whether or not you testified in the police court, and you said, no, you did not so testify? A I change that testimony now, I say I did.

Q Your memory is good, isn't it, Officer? A Pretty good.

Q Didn't you testify in the police court that the girl was fighting her father? A She did.

Q When you and officer Seuminsky came there? A Not when we came there, when we were trying to take her out of these premises she fought her father.

Q Yes, she resisted, she wouldn't go? A Yes.

Q And she was fighting her own father? A Yes, sir, everybody was fighting then.

Q And you had to get a patrol wagon to get them? A We certainly did get a patrol wagon to take them to the station house.

Q Did you speak to Benny Cohen at that time? A We asked him what he was doing there.

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Q Yes, and he stated that -- A He refused to talk at first but then when we threatened to place him under arrest then he stated he came there for the purpose of having sexual intercourse in these apartments.

Q He came there for that purpose? Did he tell you with whom? A No, sir.

Q And you as an officer were not interested to find out with whom he came there to have sexual intercourse? A He came there for one of the women in the place. There were three women there at the time.

Q You did not think it was for anybody's interest? A We didn't have time to think then.

Q Wait a while, to find out after the man tells you he came there in that house, a tenement house --- it was a tenement house, wasn't it? A Yes.

Q That he came there for the purpose of having sexual intercourse with a woman, you didn't think it was enough interest for you to find out with whom he was to have sexual intercourse? A We didn't have time to think with who, we placed everybody under arrest.

Q You had no time to think at all? A No, sir, we didn't go there for the purpose of finding out. We went there for the purpose of taking this Annie Jacobs out of those rooms.

Q Officer, is that the best explanation you can give. After you were told that the man was about to commit a crime,

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or show to you that he came practically to a house of prostitution, you went to tell the Court and jury that the reason you did not make investigation was because you didn't have enough time? A Certainly not, we had no time.

Q You had no time to make investigation? A Oh, we made investigation after we found out the facts.

Q Well, did you go back there that night after you made the arrest? A No, not that night. We hadn't time to go back there that night because this woman was locked up in prison.

Q Well, you arrested everybody that night with the exception of Benny Cohen? A Well, because he didn't interfere with us. We would not have locked that woman up that night if she didn't interfere with us and try to take the prisoner away from us. That's the reason we locked her up, and everybody else that interfered with us. This Cohen, whatever his name is, he knew enough to mind his own business. If these people had done the same they would not have been locked up.

Q So you thought it was a bigger crime to interfere with you than to have a house of prostitution in a tenement house?

MR. DELEHANTY: I object to that as wholly immaterial, what the officer thought.

Objection sustained. Exceptio<sup>n</sup>.

Q When did you find out for the first time as to the age of the complaining witness here? A At about 7:30 on the night the first arrest was made, that was on October ---

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Q Well, see if I can't help you out, November 2nd, wasn't it? A November 2nd, Saturday night.

Q At 7:30? A About 7:30, as I was about to enter the station house of the 13th precinct.

Q That's the first time you found out about the age of Annie Jacobs? A Yes, sir.

BY THE COURT:

Q That will do, officer, just answer questions. We would like to finish this case during the year 1912, and I would like to state that to counsel.

THE COURT: Counsel, I think that perhaps you are doing more than your full duty in the extent to which you are examining the witness. Proceed.

MR. BLOCK: I respectfully object to your Honor's remarks before the jury.

THE COURT: All right, you will have a chance to take frequent exceptions if you continue on this line. I am going to help you now send this case ahead.

MR. BLOCK: I respectfully move for the withdrawal of a juror.

THE COURT: I think we have given you all the latitude that you deserve.

MR. BLOCK: I respectfully except.

BY MR. BLOCK:

Q Who told you at that time, at 7:30 at the station house

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the age of the girl? A Mr. Jacobs, the father of this girl.

Q And he at that time told you that she was under eighteen years ? A Yes, sir.

Q So at that time --- was Officer Seuminsky there at that time? A No, sir.

Q Did you tell Officer Seuminsky what Jacobs told you? A No, sir.

Q Jacobs didn't speak to Officer Seuminsky at all? A He spoke afterwards. Not at the time. I found out this girl was under eighteen years.

Q And you didn't tell Officer Seuminsky that a girl under eighteen years was detained at Mangin street? A No, sir, not then.

THE COURT: That will do, any more questions, counselor?

MR. BLOCK: Just one second. I am looking at the stenographer's minutes.

THE COURT I wish you would prepare your case on the outside and not in this court room. I tell you I am not going to allow you to prepare your case here during the trial of it, and the place to prepare it is on the outside in your office.

MR. BLOCK: I respectfully submit to the Court I am not preparing the case at all. I was attempting to look up this witness's testimony from the minutes of the police court.

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THE COURT: Proceed.

MR. BLOCK: (After a pause) That's all.

THE COURT: Officer, leave the stand. If you are not going to ask any questions I am not going to sit here wasting the time of the Court while you are thinking up questions to ask.

B E N J A M I N C O H E N, called and duly sworn as a witness on behalf of the People, testified as follows:

(Residence 29 Lewis street.)

DIRECT EXAMINATION BY MR. DELEHANTY:

Q Where were you living on the 2nd of November and the week before that? A 29 Lewis street.

Q With whom? A My folks.

Q Where were you working? A Joseph Yetzker, 715 Broadway.

Q What work were you doing? A Clerk.

Q Did you see Annie Brown, this woman here, before the 2nd of November? A Yes, sir.

Q When? A The last day in October.

Q What day of the week was that, do you recall? A Thursday.

Q Where did you see her? A In the premises 22 Mangin street.

Q Did you go to those premises alone? A No, sir.

Q Who went with you? A Some friend of mine.

Q Where did you meet that friend? A Over on Jackson

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street.

Q Where did you get the address of Annie Brown? A This friend of mine told me.

Q Tell us how you got into her house, what hour of the day it was? A That was about eight o'clock in the evening.

Q Had you ever seen her or visited her house before that day, the 31st of October? A No, sir.

Q Had you ever seen her? A No, sir.

Q You went upstairs, did you, with your friend? A Yes, sir.

Q What happened when you went up? A While walking up we found the door opened and we walked right inside.

Q Who was inside? A Mrs. Annie Brown, Miss Annie Jacobs and another young lady by the name of Miss Annie Eisenstock.

Q What happened when you went in? A We walked in and we said "Good evening" and we sat down.

Q How long did you remain there? A About five minutes.

Q Was your friend with you all the time? A Yes, sir.

Q Did your friend have anything to say in Annie Brown's presence? A Not that I know of.

Q Well, what happened while Annie Brown was there?

A Well, I took Annie Jacobs and walked into another room with her.

Q In what room was it that Annie Brown was? A The kitchen.

Q Were the two young women which you speak of, Annie Eisenstock and Annie Jacobs in the same room? A Yes, sir.

Q And into what other room did you take Annie Jacobs?

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A Into the bedroom.

Q How far away from the kitchen is it? A Well, I should think about two week, two or three feet, something like that.

Q What did your friend do? A I left him sitting in the kitchen..

Q Did you see whether or not he went anywhere out of the kitchen? A No, sir. After I went to the bedroom I could not see anything.

Q What happened in the bedroom? A Well, I had intercourse with the woman, paid her and walked out.

Q How long after that did you remain in the place? A Well, I should say about two or three minutes.

Q Did you have any further talk with Annie Brown or anybody else in the place? A I had something to say to Annie Jacobs.

Q After you left on the night of the 31st of October did you go back again? A Yes, sir.

Q What day? A November 2nd, Saturday.

Q And at what hour did you go there then? A Well, about eight o'clock.

Q Was Annie Jacobs, or when you went in on Thursday, the 31st, did you know Annie Eisenstock or Annie Jacobs? A Well, I didn't know either of them.

Q Who was it picked out Annie Jacobs? A I did.

Q Was anything said about which girl you were to take?

A No, nothing said whatsoever.

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Q You just picked out this girl and took her into the bedroom? A Yes, sir.

Q On Saturday when you came back, can you give us the hour you went there? A Eight o'clock.

Q Who was with you that time? A Myself.

Q Nobosy else? A No, sir.

Q When you went upstairs was the door open? A Well, no. The door was closed that time.

Q Did you knock on the door? A Yes, sir.

Q Who opened it? A I can't just tell you.

Q When you went in who was there? A Well, I found Miss Annie Jacobs, Mrs. Annie Brown, and Annie Eisenstock.

Q Did anybody else come in while you were there? A A young man by the name of Lipschitz.

Q Did you know him before? A No, sir.

Q What were you doing between the time you went in and the time that Lipschitz came in? A Sitting there smoking a cigarette.

Q Did you speak to Annie Brown when you came in? A Yes, at that minute I did.

Q Had you taken any girl into a bedroom on the second visit on Saturday? A No, sir.

Q What happened after Lipschitz came in? A After Lipschitz come in he sat down there and started to talk with Mrs. Brown.

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Q Yes. A And while sitting there, speaking, the officers come up.

Q And who else besides the officers? A Mr. Jacobs and two sons of his.

Q Were you put under arrest that night? A Well, they wanted to put me under arrest. I told them, that is, I refused to go, I told them I would give them my name and address. Any time they wanted me they could get me there.

Q You gave them your true name and your true address?  
A Yes, sir.

MR. DELEHANTY: You may examine.

CROSS EXAMINATION BY MR. BLOCK:

Q They believed you when you gave them your name and address? A Well, they took it down on a slip of paper. I told them the truth.

Q They didn't go to your house at that time, did they?  
A No, not that night.

Q They didn't follow you any place at all? A No, not that I know of.

Q You were a witness at the police court, weren't you?  
A No, sir. What police court do you mean?

Q What is that? A What police court? At the night they were arrested?

Q You were a witness at the police court in this case, were you not, after this defendant was arrested? A I don't

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understand you.

Q Were you a witness in the police court? A What police court are you speaking of?

Q Any police court in this case? A Yes, in First street. I don't know what you call that.

Q Well, don't you know it is a police court? A No, I never was in one.

Q You don't know what it is? A No.

Q And you testified over there, did you not? A I never was in one, so I couldn't tell you.

Q Didn't you appear there before a judge? A Yes, some Magistrate in First street and Second avenue, I don't know what you call that.

Q You don't know what you call it? A No.

Q You never heard of Essex Market Police Court, did you? A Well, yes, I did hear of that.

Q You saw police there, didn't you? A Yes.

Q And you want to tell the Court and jury now that you did not know what place you were in? A Well, I thought you were talking about the station house on the night of the arrest.

Q Were you at the station house too? A No, sir.

Q That is what I want to find out? A Well, I couldn't understand you.

Q Isn't it a fact that you went in the station house too? A I was not in the station house.

Q Well, what made you think about the station house?

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A I didn't understand you at the minute.

THE COURT: Now, let us not lose any more time about this. Find out if he was at any court and testified.

BY THE COURT:

Q Were you? A I was at the court, First street and Second avenue.

Q Do you know what that is, a Magistrate's Court? A Well, now I do.

Q Well, is it a Magistrate's Court? A Yes, sir, it is now, I know.

BY MR. BLOCK:

Q Before you went to that police court to testify you knew that you committed a crime by staying with a girl under eighteen years old? A No, I didn't know how old the girl was.

Q You did not know? A No.

Q You were not promised by the District Attorney that you would not be prosecuted if you would be a witness for the People?

A I was not promised anything.

Q Sure? A Positively.

Q No question about that now? A No, sir.

Q Not by anybody? A No, sir.

Q Isn't it a fact that the Magistrate told you that you would get immunity if you were a witness for the People?

A No, sir.

Q It is not so?

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MR. DELEHANTY: Read the statement.

Q I read to you from the stenographer's minutes, Mr. Cohen, taken at the time in the police court: "By the Magistrate: Now, you have been advised of your rights and that you don't have to answer any question that will tend to incriminate or degrade you, unless you are willing, and the Assistant District Attorney upon the record will grant you immunity if you did have sexual intercourse with her, from any criminal prosecution therefor".

THE COURT: Who said that?

MR. BLOCK: The Magistrate.

Q Now, you want to tell now that nothing was promised you?  
A No, sir, nothing was promised me.

THE COURT: You call that a promise, the statement of the Magistrate to this man? Now, I am not asking or saying whether it is a promise or not, but I say that it is susceptible of two meanings perhaps. It may be a statement made to this man without having the complexion of a promise about it at all, and he may honestly regard it that way.

MR. BLOCK: In the presence of the District Attorney.

THE WITNESS: I thought I would tell the truth, which I did. He asked me if I wanted to say anything.

Q You want to tell us that the Judge at the police court never told you any such thing as what I have read you now?

A He asked me if I wanted to say anything about that case and

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I told him yes, what was right, that's all I knew about it.

Q Then he did not tell you that you would have immunity from the District Attorney? A No, he did not tell me nothing. He promised nothing whatsoever. I just answered what I was asked.

Q You don't know up to now that you were guilty of a crime, staying with a girl under eighteen years, and having sexual intercourse with her? A No, sir.

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

Q You were never told by anybody? A No, sir, I never knew how old the girl was whatsoever.

Q I mean now, you were told before you came to this court room the girl was under eighteen years? A Well, yes, I heard that.

Q And after you heard she was under eighteen years old you did not know it was a crime, having sexual intercourse?

MR. DELEHANTY: I object to that as wholly immaterial.

Objection sustained. Exception.

Q Did not you testify at the police court that you did not speak to this defendant at all?

THE COURT: Put that question in proper form "Was this question put to you and did you make the following answer".

MR. BLOCK. Yes, sir.

Q How long were you there the first time, in the month of October? A Well, say about ten minutes.

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Q Ten minutes? A Yes.

Q During those ten minutes you came in and sat down in the kitchen? A Yes.

Q And you were sitting there? A Yes.

Q And then--

THE COURT: Now, what is the use of going into that? Go on with this trial. That is altogether unimportant and immaterial, what he did up there in court.

MR. BLOCK: Not in the court. I asked him in the house of the defendant.

THE COURT: Get right at his testimony.

Q During those ten minutes you had sexual intercourse with this girl? A Yes, sir.

Q The first time, and how long were you there the second time before the officers came? A Well, the second time I can say about twenty-five minutes or half an hour.

Q Did you have sexual intercourse? A No, sir.

Q You did not? A No, sir.

Q And you were waiting there for half an hour? A Well, that is throughout, after the police come up. I was just about to have sexual intercourse, when the police come up.

Q You were there because you expected the police to come there, is that so? A No, I didn't go there to expect police there.

Q Did you wait there for somebody? A I didn't wait there for anybody.

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Q What were you sitting there half an hour smoking cigarettes for? A I smoked a cigarette after the police come up.

Q Not before? A No.

Q What did you do there for half an hour? A I just come up and sat down for about a minute, just about to take out the girl when Mr. Lipschitz come up and started to talk to Mrs. Annie Brown and they were talking about a minute and a half or so when the police come up, and I had no chance of taking Annie Jacobs where I wanted to take her, in the bedroom.

Q You testified, do you recall this question and answer put you at the police court: "Did you have any conversation with the defendant?" And you answered "No."

MR. DELEHANTY: Won't you specify for the jury's sake if that refers to the first visit?

THE COURT: You went into that, Mr. Delehanty.

MR. DELEHANTY: I only want to get counsel clear.

A Yes.

Q Now, I read to you another question put you by the Magistrate? "Did you say anything to this defendant at that time?" And your answer was "No." A What time do you mean, the first time or second time?

Q You did not see fit to ask me that question before the District Attorney got up and made some remarks, did you? A Well, I couldn't get you right.

Q Well, all right, the first time? A Yes, the first time I told the young lady I would rather give her twenty-five

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dollars and see her on the outside than see her in a place like that.

Q And still you went and had sexual intercourse with her?

A That was after the sexual intercourse, I told her that.

Q Oh, that was after you had the sexual intercourse with her? A Yes.

Q You had a talk with her? A Yes.

Q Well, does that answer my question whether or not you did not so testify at the police court in answer to the Magistrate's question put to you "Did you say anything to this defendant at that time?" And your answer was "No". A The first time?

Q Yes. You had no talk with the defendant at all?

A The first time I did, yes.

Q You did the first time have a talk with the defendant?

A Yes.

Q So when you testified before the Magistrate that you did not you werenot telling the truth? A Well, I can't just remember what I told the Magistrate now.

Q But you do remember that you offered Annie Jacobs twenty-five dollars to get out of that house? A Well, I told her I would rather see her on the outside than in a place like that.

Q Didn't you testify before that you offered her \$25?

A What is that?

Q Didn't you testify before that you offered her twenty-

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five dollars to get out of that house? A That's what I said I would rather see her on the outside than see her in a place like that.

Q And she wouldn't take twenty-five dollars? A She didn't answer that question.

Q How long have you known this girl Jacobs? A Well, at the time I told her that, I knew her about two minutes.

Q Do you remember this question being put to you at the police court "You did not see any money passed between the complainant and the defendant, did you?" And your answer was "No". A No, sir.

Q That is correct, you did not see any money passed to the defendant? A That's what I said.

Q Are you working now? A No, sir.

Q How long have you been out of work? A This is my second week.

Q You are getting paid for coming here? A Getting paid for coming here?

Q Yes. A No, sir, not at all, until the end of the trial, I don't know what I am going to get.

Q After the trial I was promised fifty cents for each subpoena that was handed me, that is all.

MR. DELEHANTY: That is all.

A N N I E J A C O B S, called and duly sworn as a witness on behalf of the People, testified through official interpreter

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Rosenthal as follows:

DIRECT EXAMINATION BY MR. DELEHANTY:

Q What is your father's name? A Abraham Jacobs.

Q Was that your father and mother who were on the stand here at this trial? A Yes, sir.

Q Where were you born? A Russia.

Q Have you been to school? A No.

Q Either in Russia or here? A Here I went to school for about three months.

Q Where did you live? A 37 Rutgers street.

Q That is where your father and mother live and your brothers? A Yes.

Q Do you know or did you know Abey Balkan? A Yes.

Q When did you first meet him?

MR. BLOCK: I object to that.

Objection overruled. Exception.

A At a picnic.

Q When? A I don't know the exact date, but about five months ago.

Q Did you meet him outside your father's house in the latter part of October? A Yes.

Q Do you remember what day of the week it was you met him? A Friday.

Q Where did you go with him? A Brownsville.

Q How long did you stay with him there? A Three days.

Q Where did you go with him -- what day did you leave

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Brownsville, what day of the week? A Monday.

Q Where did you go with him on Monday? A 22 Mangin street.

Q To whose place did you go there? A Annie Brown's.

Q Had you ever met Annie Brown before that Monday morning?

A No.

Q What was said when you went in? A "This is my girl and it is for business".

Q Who said that? A Abey Balkan.

BY THE COURT:

Q To whom was that said? A To Annie Brown by Abey Balkan.

THE COURT: Who was it said that?

MR. DELEHANTY: A man named Balkan.

THE COURT: Who brought her to Annie Brown's house and said it in her presence?

MR. DELEHANTY: Yes.

THE COURT: All right, proceed.

Q Did you remain in Annie Brown's house? A Yes.

Q Did Abe Balkan remain there all day Monday? A No.

Q What time did he go away? A I don't know.

Q Did Annie Brown tell you what clothes to wear or how to dress yourself while you were there? A She said to wear no corsets.

Q Did she say you should leave off any part of your under-

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clothing?

MR. BLOCK: I object as leading.

Objection overruled. Exception.

A Yes.

Q What part? A The drawers I should leave off.

Q Did anybody visit you there on Monday? A Yes.

Q Who were they, men or women? A Three men.

Q What happened between you? A When the men came in

Annie Brown asked "Which girl do you want"?

Q Well, what other girl was there? A Annie Eisenstock.

Q When she asked "Which girl do you want" what happened?

A Then they picked me out and she said I should go.

Q Where did you go? A Into the bedroom.

Q What happened in the bedroom? A She told me I should go into the bedroom and she gave me a bowl and water and gave me a syringe, and told me how to use it.

Q Well, what happened between you and the man in the bedroom? A He was with me.

Q Well, do you mean to say that he had sexual intercourse with you? A Yes.

Q Did that happen three times on Monday?

MR. BLOCK: I object to that.

THE COURT: I will sustain that objection.

Q You say that three men visited you on Monday? Did each one of them go into the bedroom with you? A Two only.

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Q Did you receive any money? A From one, from Benny Cohen.

Q On what day of the week was that that Benny Cohen came in? A Thursday.

Q Had you ever seen Benny Cohen before that Thursday?  
A No.

Q How long did you stay in Annie Brown's house? A Five days.

Q During those five days how many men visited you? A About twenty.

Q Did you have intercourse with all of them? A Yes, sir.

Q Did you receive money from them otherthan Benny Cohen?  
A No.

Q Did you see them pay any money? A Yes.

Q Who got the money? A Annie Brown.

Q How much money was she paid for each act of intercourse, do you know? A I did not see.

Q Did Annie Brown say what she charged for your services?  
A I did not hear that.

Q How often during those five days did Abey Balkan come in? A On Wednesday and Thursday.

Q Did he stay with you over night? A Yes.

Q Was there any other person who visited Annie Brown that you can remember except these people who had intercourse with you? A What do you mean, othermen?

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Q Was anything said by any man in your hearing about your leaving Annie Brown's house? A Yes.

Q Who was that man? A He wanted to take me away from the house. I said he would give one hundred dollars.

Q What day of the week was it that that happened? A I don't remember exactly.

Q To whom did he say he would pay \$100? A To Annie Brown.

Q Did he say where he would take you? A He said he would take me away and he would get me diamonds and he would marry me, and I told him that my diamonds are my parents , my home, that is what I want.

Q Did Annie Brown say anything to you about what you should do or say if your father came? A Yes.

Q What and when? A She said to me in case my father should come with detectives, I should say that I am working in a factory and that I am there only boarding.

Q Was Abey Balkan present at the time the officers came in on Saturday night? A ~~Yes~~ No.

Q Do you know where Abey Balkan is now? A No.

Q When did you, or to whom did you first tell what you had been doing in Annie Brown's house? A To Abey.

Q And what if anything did he say? A He told me to stay there.

Q After you were taken in custody by the police officers

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who were with your father, where were you taken? A I don't know the name of the court, the Market Court or something like it.

Q Well, after you were in the police court for a while were you taken somewhere else? A To the Waverley House.

Q And in whose charge have you been there? A Mrs. Goldman.

MR. DELEHANTY: You may examine.

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## CROSS EXAMINATION BY MR. BLOCK:

Q With whom did you stop, with whom did you live while you were in Russia, after your mother and father left for America? A With an uncle of mine.

Q How long ago did your mother leave for America? A Three years, going on four.

Q What did you do for a living after your mother left for America? A I was working for a cigarette maker.

BY THE COURT:

Q For what? A Cigarette maker.

BY MR. BLOCK:

Q Are you sure about that? A Yes.

Q How long were you working as a cigarette maker?

A About a year or a year and a half.

Q You mean a year and a half before you emigrated for this county? A Do you mean before I came to this country?

Q Yes. A In Russia I was making cigarettes.

Q I mean, you said for a year and a half, do you mean you were working at cigarettes for one and a half years prior to the time you came to this country? A Yes.

Q And what did you do before that time, a year and a half before? A Since my mother left Russia I was working in a cigarette factory all the time.

Q Well, that was about three years the, wasn't it? A I don't know, you can figure out, I have been here now more than

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one year.

Q So you can't tell the difference whether it was a year and a half or three years, can you? A Yes, I can tell the difference.

Q Under what name did you come to this country? A Nechame Jacobs.

Q Sure about that? A Yes, sir.

Q Didn't you testify at Ellis Island that you were a dressmaker in Minsk, Russia? A No.

Q And didn't you come under the name of Nechame Podlibsky? A Yes.

Q So when you testified before and repeated, saying you were sure about it that you came under the name of Nechame Jacobs, you were not telling the truth? A In Europe the family name is Podlibsky, and in America it is Jacobs.

Q And with you came to this county a sister by the name of Sorah and a brother by the name of Hirsch, isn't that so?

A Yes.

Q How long have you known this Abey Balkan? A Five months.

Q You mean five months before the defendant was arrested or five unto now? A Altogether.

Q Up to now? A Yes.

Q So at the time Annie Brown was arrested you knew Balkan about three months? A I can't figure very well. I know altogether I have known him five months.

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Q You testified in answer to a question put you by the District Attorney that you met him in front of your father's house, is that so? A Yes, I tell you the same thing.

Q No question about that. Were you a witness in the police court? A Yes.

Q Didn't you testify at the police court that you met Abey Balkan at a picnic at Liberty Park? A Yes.

Q So you did not meet him in front of your father's house at first? A Why, I said I first met him at the picnic and then he came to my father's house.

Q So you first met him at a picnic at Liberty Park?  
A Yes.

Q Then the second time you met him in front of your father's house? A Do you mean when I left my father's house with him?

Q I don't know. When did you meet him at your father's house? A He came to my father's house after I got acquainted with him and my father didn't like him and told him not to come any more.

Q Well, when was that? A I can't tell.

Q You can't tell whether it was two months ago, five months ago or ten months ago? A I know the whole thing takes in a period of five months.

Q Did you meet him any other place beside at a picnic and at your father's house? A No.

Q You did not meet him on Delancey street, did you? A I

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walked with him in Delancey street and my father met him and told me to go home.

Q Now, let us see how many times we have now, you first met him at the picnic, then you met him at your father's house, and then you met him on Delancey street? A Yes.

Q And where did you meet him again after you met him on Delancey street? A He came to our house.

Q And how long did he stay at your house again? A About a week.

Q How long? A For about a week he came to the house.

Q And your father was there every time he was up to the house? A About twice or three times my father saw him in the house.

Q How many times did you go out with him in the street? A I can't remember how many times.

Q And then you went with him to Brooklyn? A No, Brownsville.

Q And you were with him there for about three days, I understand you? A Yes.

Q And you lived with him for three days? A Yes.

Q And you had sexual intercourse with him in Brownsville for three days you were there with him? A Yes.

Q What kind of house was it where you were in, in Brownsville? A We had a separate bedroom.

Q With whom did Abey Balkan stop in that house? A He

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told me he was stopping at the house of an aunt of his.

Q At the house of an aunt? The two or three days that you were with him did you go out in the street? A No.

Q Did you go out in the hallway? A Yes, into the hall.

Q The room that you occupied with Balkan was separate and apart from the other rooms, was it not? A It was a separate room. There was one door leading from the hall and there was another door leading into the other rooms of the apartment, and that door was locked.

Q And during the three days that you were there with Balkan how many times was Balkan away from that home, how many times during the three days was he away? A He didn't go away. He used to go down and bring up something to eat to my room.

Q And how long did he stay away whenever he did go out?

A I can't tell you exactly. I had no watch with me.

Q Did you hear people talk next door to you there where you say the dining rooms were, did you hear people talk there? A No.

Q Did you at any time try to leave that room during the three days? A Yes, I wanted to.

Q And he wouldn't let you, is that it? A No.

Q Did he hold you with his hands, or what? A He didn't hold me, but he wouldn't let me go.

Q You did not ask for any assistance from anybody in the house, did you, during the three days you were there? A When

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I go out into the hall and the aunt happened to see me she asks him "Who is this, the girl?" And he said "No, this is no girl, this is a friend of mine."

Q Who said? A Abey.

Q Abey? A Abey said to his aunt.

Q But you did not tell anybody that this Abey Balkan was keeping you and that you wanted to go home, did you? A No, I did not. I did not see anybody.

Q Well, after you were there for three days, Abey Balkan took you downstairs, didn't he, to go to the car? A Yes, on Monday, together with him.

Q And didn't you see people on the street? A Yes.

Q And you did not complain to anybody, did you, that this young man was keeping you? A I am green, I don't know to whom to talk. I was afraid.

Q What cars did you take to go to New York, do you remember?

A I don't know.

Q How many blocks did you have to walk to the car? A I don't know how many blocks.

Q How long were you riding in the car with Abey Balkan before you came to the New York side of the bridge? A I don't know, half an hour or three quarters of an hour, I don't know.

Q Do you know what bridge you crossed? A No.

Q And did he tell you that he was taking you to a place on Mangin street? A No.

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Q Well, did you ask him where he was going to take you to?

A No.

Q You were willing to go with him any place, were you not?

A No.

Q Isn't it a fact that you were keeping company with Balkan? A No.

Q And isn't it a fact that you expected Balkan to marry you? A Yes, he said he would marry me.

Q And that's why you went to live with him different places? A No, not different places, only one place, Annie Brown's place.

Q And you were to the place in Brownsville, were you not, for three days? A That was in his bedroom.

Q How many times did you have sexual intercourse with Abey at the Brownsville place during the three days? A I can't tell you that.

Q When you came to this house of the defendant, do you want to tell the Court and jury that you tried to get out of this house but you could not?

MR. DELAHENTY: I object to it as improperly framed.

The desire of the witness cannot be admitted in evidence.

Objection sustained. Exception.

Q You came to the house of the defendant what day was it in the week? A Monday.

Q What time in the day? A About eight or nine o'clock in

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the morning.

Q And what kind of house is it? A When he brought me to that house I didn't know what kind of house it was.

Q And you had to climb up ab ut four or five flights of stairs, didn't you? A Yes, five.

Q And you saw different people in the house, did you not, while going up? A No, I didn't see anybody.

Q Do you mean to say that you didn't see anybody in the house while going up there? A No, I didn't see anybody.

Q And while you were in the room of the defendant did you at any time try to get out? A Once I went out with Annie Eisenstock to buy shoes, and I told her that I wanted to go home and Annie got hold of me and said "You can't go home, you must come back."

MR. BLOCK: I object and ask to strike out the answer.

THE COURT: I will let the answer stand.

MR. BLOCK: I respectfully except. I move to strike out that portion of the answer where she says what Annie Eisenstock told her, as not responsive and hearsay.

Motion denied. Exception.

Q How long after you were at the house of the defendant did you go out with Eisenstock? A I don't know.

BY THE COURT:

Q Did you have money to buy shoes that day? A She gave money to the Eisenstock girl to buy shoes for me.

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Q Who did? A Annie Brown.

Q She gave money to the other girl to buy shoes for you?  
How do you know that? A I saw her give the money to the girl  
and tell her to buy shoes for me.

Q Did you hear Annie Brown telling this girl to go out  
and buy shoes for you? A Yes, sir.

THE COURT: Proceed.

BY MR. BLOCK:

Q How much money did she give her to buy shoes for you?

A \$2.50.

Q Where did you go to buy the shoes? A I don't know.

Q How many blocks from the house, 22 Mangin street house,  
did you go with that girl to buy shoes? A I did not count them.

Q Well, can't you tell whether it was two blocks, or ten  
blocks? A No.

Q And did you see people on the street while you went to  
buy shoes? A Yes.

Q Did you speak to anybody? A No.

Q How many people did you see in the shoe store at the  
time you tried on your shoes? A I saw the man who was selling  
shoes.

Q And you didn't tell him or anybody else in the store  
that you were being kept in a house in Mangin street? A No,  
I did not.

Q As a matter of fact you wanted to be at the house there,

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did you not? A No, it was a fact that I wanted to go back to my parents, but they wouldn't let me.

Q They wouldn't let you, and when you say "They", whom do you mean? A Annie Brown and the Eisenstock girl didn't let me go either.

Q When you say they didn't let you, what do you mean, did they hold you in any way? A If any person came into the room she used to lock the door. If anybody went out of the room she locked the door again.

Q So you had no chance to get out, if that it? A No, I couldn't go away. If my father hadn't called for me at the house then the man would have taken me away, because she said that I could not stay very much longer, she was afraid she would be found out.

BY THE NINTH JUROR:

Q Did you have clothes enough to go out, were all your clothes there, that you could take to go out? A The clothes that I had taken along, I had.

BY MR. BLOCK:

Q You had the same clothes on at the time that you went out to buy shoes, didn't you? A Yes, my clothes, but without corsets.

Q And going back to Abe Balkan, Annie, you want to tell the Court and jury that Balkan compelled you to have sexual intercourse with him while you were in his room in Brownsville?

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A Yes.

Q And you can't tell how many times it was? A No.

BY THE SIXTH JUROR:

Q Did Balkan seduce you? A (No answer.)

BY MR. DELEHANTY:

Q Well, was Balkan the first man who had sexual intercourse with you? A Yes.

Q Were you chaste before you met Abey Balkan and went with him to Brownsville? A Yes.

BY MR. BLOCK:

Q Isn't it a fact that you went out with other men, Annie, before you met Balkan? A No.

Q Do you know a man by the name of Alper? A No.

Q Sure of that? A No, I don't know him.

Q Isn't it a fact that the defendant comes from the same city that you come from? A I don't know her.

Q You never met her? A No.

Q And isn't it a fact that you used to peddle cigarettes in Minsk, Russia? A No, I was working in the place for another person.

Q How many times did you see the police officers in this case, the two gentlemen who testified here? How many times after the arrest did you see them? A Once or twice.

Q Where? A In our house

Q And they spoke with you about the case, in your house?

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A No.

Q How many times did you see Benny Cohen? A Twice.

Q Where? A In Annie Brown's house.

Q Well, I mean after that? A I did not see him.

Q How many times did you see Mrs. Goldman after the defendant was arrested? A She was in our house once.

Q That was before the defendant was arrested, but a second time Mrs. Goldman was there to your house, was she not? A What do you mean the second time?

Q You know that this defendant was arrested twice, do you not? A Yes.

Q So after she was arrested the first time in the night court you got Mrs. Goldman, did you not? A No, the second time.

Q You testified in the police court, did you not, as follows: "Q Did you ever hear her speak to these men? A Yes.

Q What did she say to them? A I don't know." Didn't you so testify, that you didn't know what Annie Brown spoke to the men that came up to the house there? A What men?

Q Well, the men who came up to Annie Brown's house or that you testified that you had intercourse with? A What men?

Q Any men? A I only know about the man who said that he would give a hundred dollars.

Q You did not testify about any hundred dollars at the police court, did you? A Yes.

Q Sure about that? A Yes.

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Q. And you testified here this afternoon that you got the money from the men with whom you had sexual intercourse and that you gave the money to this defendant, is that correct? A. No, I said that the only man that I got money from was Benny Cohen.

Q. And Annie Brown used to get the money from the other men, is that correct? A. Yes.

Q. Do you remember testifying at the police court, the following question being put to you by the magistrate: "Did you have any talk with this woman -- meaning the defendant -- about what you should do; did she give you any instructions as to what you should do?" and your answer was "No." Do you remember that testimony?

MR. DELAHANTY: Won't you read the next two questions and answers?

A. I may have said no, but I was afraid there.

Q. You were afraid?

MR. DELAHANTY: Now, may I not direct the attention of the Court to the fact that there are two other questions and answers immediately following the one which counsel has referred to, which in common decency ought to be put before this jury.

MR. BLOCK: I am not through yet.

THE COURT: Well, you may put it before the jury immediately after on your re-direct. The only objection I have to that sort of practice is, at this late hour of

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the day and at this late hour of the year there is not any necessity for so complicating this case as to extend it clear into the night.

MR. BLOCK: Well, I respectfully submit to your Honor --

THE COURT: Proceed. <sup>If</sup> By your questions you are going to compel the District Attorney to go back into that record on account of the insufficiency of the examination that you are making, <sup>why</sup> ~~when~~ then, you are simply prolonging this trial uselessly, that is all.

MR. BLOCK: Well, I assure your Honor I am not taking up the time of the Court and jury in a useless manner.

THE COURT: Proceed with the case. I would advise you to ask any questions that may have a bearing directly upon the true answer to the question which you are now putting. If that is so connected with her answer to another question it is but fair that you should ask both questions.

BY MR. BLOCK:

Q You say you so testified because you were afraid, is that it? A Yes.

Q And then in answer to the next question put you in that court you said that you did speak. I will read to you. "Q Did she tell you what you should talk to the men?"

MR. DELEHANTY: What page are you reading now?

MR. BLOCK: page 5.

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MR. DELEHANTY: Will you read it again?

Q "Q Did she tell you that you should talk to the men?"

And your answer was "Yes." A No.

MR. DELEHANTY: Will you read the next one now?

Q And the next question, "What did she say about that?"

And your answer was, "She told me that I must go with these men."

Did you so testify? A Yes.

Q So you were not afraid then? A Then I was afraid to go but she told me to go, and that's why I did.

Q Abey Balkan is not related to you, is he? A No.

Q You did not talk with that woman Eisenstock at any time, did you, while you were there, during the five days you were in the defendant's house? A No.

Q You did not tell her that you wanted to go home, did you? A Yes, I did.

Q Did you speak to anybody about this case since the defendant's arrest? A No. My father and myself, we were in Mrs. Goldman's house in 10th street, and we talked about this case.

Q And did you ever see Abey Balkan since he left you at the house of the defendant? A No.

Q You liked Balkan when you went with him to Brownsville, did you not?

MR. DELAHANTY: I object as incompetent, immaterial and irrelevant.

Objection sustained. Exception.

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MR. BLOCK: That is all.

MR. DELAHANTY: That is all, the People rest.

MR. BLOCK: I move, if your Honor please, to dismiss the second count, the third count and the fourth count, upon the ground that the People have failed to make out a case of what is called compulsory prostitution, as alleged in the indictment, as applied to section 2460 of the Penal Law.

THE COURT: Motion denied.

MR. BLOCK: Exception. I move to dismiss the indictment as far as the abduction charge is concerned, upon the ground that the People have failed to make out a case against the defendant.

Motion denied. Exception.

MR. BLOCK: I ask --

THE COURT: So far as the case has proceeded, the Court believes that all the counts in the indictment will be submitted to the jury.

MR. BLOCK: I further move to dismiss upon the ground that more than one crime is alleged in the indictment.

THE COURT: If that were true your motion would be entertained, but it is not so and therefore it is denied.

MR. BLOCK: I respectfully except.

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## THE DEFENCE.

~~A N N I E~~ B R O W N, the defendant, called and duly sworn as a witness on behalf of the defendant, testified through Official Interpreter Rosenthal as follows:

THE WITNESS: I lived before in 22 Mangin street, and now I move to 57 Broome street, I don't remember the number exactly.

MR. BLOCK: Will your Honor permit me to move further for a dismissal upon the ground that there is no proper corroboration in this case, and I ask for the discharge of the defendant upon that ground.

Motion denied. Exception.

THE WITNESS: I was only there two days and then I was arrested. That's the reason I don't remember the number.

## DIRECT EXAMINATION BY MR. BLOCK:

Q How long did you live on Broome street before you were arrested? A Two days.

Q Near where? A It is not far from Mangin street.

Q How long are you in this country, Annie? A Five years.

Q What did you do for a living when you came here? A I was a servant.

Q For whom did you work? A I was working uptown for a certain Mr. Bernstein, the actor.

Q How long were you working for him? A Ten months.

Q And where were you working after that? A Afterwards I

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worked in the country.

Q Well, you were working in the country for how long?

A Eight weeks.

Q That was in a boarding house, during the summer time?

A Yes.

Q Where were you working after that? A For Mr. Green in Division street.

Q How long? A Eight months.

Q Also as a servant girl? A Yes.

Q Where were you working after you left Mr. Green? A For the counsellor who is trying my case, three months, Mr. Block.

Q You were working in my house for three months? A Yes.

Q As what, as a servant girl? A Yes, housework.

Q And after you left my employment where did you go to work? A For a Mrs. Belitzky.

Q In East Broadway? A Yes, about seven or eight months.

Q Is this Mrs. Belitzky, the lady who is sitting here in court? A Yes.

Q After you left the employment of Mrs. Belitzky, what did you do? A From the house of the Belitzkys I got married.

Q And where did you go to live then with your husband?

A Eight months in Monroe street, with Mr. Feinberg, and fifteen months I lived with Mr. Cohen.

Q When you say Mr. Cohen, you mean at the place 22 Mangin street? A Yes.

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Q The same rooms from where you were arrested? A Yes.

Q You were there fifteen months? A Yes.

Q And you lived there with your husband? A Yes.

Q Do you know Annie Jacobs, the complaining witness in this case? A I know her from Europe.

Q Where did you come from? A From Minsk, Russia.

Q Do you know her father? A I don't know him because he has been here in this country sixteen or seventeen years.

Q But you met the girl Annie Jacobs in Minsk? A Yes.

Q How many times did you meet her there? A Every day I used to see her. I worked in a place and she used to bring cigarettes to the men in that place.

Q When for the first time did you meet Annie Jacobs in New York? A I came from the Tombs in Brooklyn. My husband was staying there in the Tombs and ~~was~~<sup>while</sup> coming from the Tombs, all of a sudden I felt somebody grabbing me from behind, around, throwing their arms around me and saying "Hello". I looked around and said "Who is there?" And I saw Annie Jacobs. I asked, "When did you arrive here in this country?" And she said, "Oh, I have been here already a year and a half." Then she asked me where I came from now." I told her I came from my husband in Brooklyn, and she asked me whether I had gotten married here, because she knew me in the old country as a girl. "Whom did you marry?" she asked me. I said, "Well, I married my husband but he is now arrested." She asked me where I lived

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and I said, in 22 Mangin street. She asked me how I was getting along. I said "Very nicely." She was at that time together with a boy, with a young man and she asked me whether I had rooms, and she said right away, "I would like to introduce to you my young man, we are going to get married." I asked her when she was going to get married and she said the next Monday she was going to take out a license. She asked me whether I was then going home and I said no, that I was going to a lawyer. And then we changed cars, I had to go to East Broadway, and she went her way with the Brooklyn car with the boy.

THE FIFTH JUROR: (Interposing) Your Honor, may I send a telephone message to my office?

THE COURT: Yes, I tell you what I will do, I will give you a recess for about ten minutes.

The Court then admonished the jury in accordance with Section 415 of the Code of Criminal Procedure, and took a recess for fifteen minutes, (at 5:05 P. M.)

At 5:20 o'clock P. M. -- After recess, Trial Resumed.

THE DEFENDANT RESUMES THE WITNESS STAND:

DIRECT EXAMINATION CONTINUED THROUGH OFFICIAL INTERPRETER ROSEN-  
THAL BY MR. BLOCK:

Q. When and where did you meet Annie Jacobs after that?

A. The same day, in the evening at my house.

Q. What day was that, do you remember? A. I believe it was on Monday.

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Q Was that the same night that you were arrested? A Yes.

Q And how long was she in your house before the detectives came with her father and you and Lipschitz and the other girl were arrested? A The same day as she came, the same evening I was arrested.

Q I say, how long was Annie in your house, how long did she remain there before the detectives came? A Five or six minutes she was in the house before the detectives came.

Q How long was this Benny Cohen, who was here on the witness stand, how long was he in the house that time? A Benny came together with her, and I asked her who was the boy, and she said, "It was my boy." She said, "I came with him."

Q Did she say it was her boy? A She said "It is a friend of mine, I know him." She did not know where Mangin street was.

Q So she came with him? A Yes.

Q And did you ever see this Benny Cohen before that night?

A No, never before.

Q He testified that he was there one night before the night of the arrest, is that so? A No, he was not, he was never before in my house.

Q He testified that he had sexual intercourse with Annie Jacobs in your house one night before the arrest, is that true?

A I didn't see him in my house. It is not true.

Q You were arrested that night, and one by the name of Lipschitz? Now, who is Lipschitz? A Lipschitz is a country-

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man of mine from Minsk, Russia.

Q And what did he do in your house? A He came to make a call on me. He comes from Minsk and he asked me about my husband.

Q Who else was arrested? A I and Annie Jacobs and Annie Eisenstock.

Q How long have you known Annie Eisenstock? A I have known her in Europe for about three or four years.

Q And did she live in your house? A No, she used to call on me wherever I worked.

Q And who else was arrested that night? A Lipschitz.

Q What were you doing when the detectives came to your house? A When the detectives came the door was open, and my rooms were full of small children living in the house there, they were playing in my rooms. The children of the Italian families living in the house, they came to my room to play there.

Q How long did you live in that house? A Fifteen months.

Q And you were living on the fifth floor? A Yes.

Q And how many families on each floor? A Two, two on one side and two on the other side.

Q Four on each floor? A Four on each floor.

Q Annie Jacobs testified that she came to you with a young man by the name of Abey Balkan, and that Abey Balkan said to you that he brought Annie Jacobs for business, is that true?

A No, I never saw Abey Balkan in my house. That boy who was

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the witness here, that boy I saw in my house.

Q Do you know anybody by the name of Abey Balkan? A Yes, I know him, because he was pointed out to me, that young man, as her young man.

Q When? A On the car when I came from Brooklyn as I said before.

Q When you met her the first time in the car? A Yes.

Q Annie Jacobs testified that she was in your house five days, is that true? A No, five minutes, but not five days.

Q She testified further that you gave \$2.50 to Miss Wisenstock to go and buy shoes for her, is that so? A No.

Q She further testified that she had sexual intercourse with men in your apartment, is that true? A No.

Q She testified that you got money of the men who came to see her, is that true? A I did not see any men there, it is not true.

Q Were you ever arrested in your life, Annie? A Never in my life.

Q That's all.

CROSS EXAMINATION BY MR. DELEHANTY:

Q Where did you go to when you left Mangin street? A When?

Q After you were arrested and fined in the police court, where did you go to live? A In Broome street.

Q How many days were you living in Broome street before

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you were arrested the second time? A. Two days.

Q. During that time you had over forty men visiting that flat with Annie Eisenstock, didn't you? A. No, nobody was there.

Q. Weren't there so many men visiting that place in Broome street that the neighbors complained, during the two days you were there with Annie Eisenstock? A. Nobody was in my house.

Q. Annie Eisenstock was there, wasn't she? A. Yes.

Q. Is Annie Eisenstock in court? A. I don't know.

Q. What is the name of that other man that was arrested at the time that you were and fined in the police court?

A. Itsky Lipschitz.

Q. Is Itsky Lipschitz in court today? A. I don't know.

Q. Well, look and see. A. I can see his wife.

Q. Do you see Itsky here? A. Itsky's brother is here.

Q. Is Itsky here? A. No.

Q. Your husband had been locked up for some time before November 1st, hadn't he?

MR. BLOCK: I object to that as immaterial.

MR. DELRHANTY: It was the witness who mentioned the fact. I am not bringing out anything new.

THE COURT: I think that is subject to objection, Mr. Delrhanty.

Q. Your husband did not give you any money to run the house with for some time prior to November 1st, did he?

MR. BLOCK: I object to that as immaterial.

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Objection overruled. Exception.

A Well, my husband was in the Tombs, and I went to work and made money myself.

Q On the first day of November you deposited in Jarmulowsky's Bank at East Broadway \$50 in cash, didn't you? A It is not so. I have taken out \$50 which I had saved up while working as a servant before, but I did not deposit any money.

Q Did not deposit anything? A No, I took out every cent I had in the bank but did not deposit any.

Q How long have you known Annie Eisenstock? A I know her from Minsk, Russia.

Q How long has she been living in your house at Mangin street? A Seven months she lived in my house.

Q She was living there at the time Mrs. Cohen said the neighbors complained about the number of men visitors you had?

MR. BLOCK I object. There is no such testimony of the neighbors complaining.

THE COURT: Objection sustained.

Q Didn't the neighbors, didn't Mrs. Cohen your landlady call your attention to the number of men visitors that you had and Annie Eisenstock had in the month of September, 1912?

MR. BLOCK: I object to that as assuming a state of facts not proven.

Objection overruled. Exception.

A She never complained.

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Q Didn't you tell her that they were the relatives of your husband? A No.

Q Your husband was not in fact at home on that occasion, was he? A Yes, he used to come home after work.

Q Not in the month of September, did he? A No, while he was in the Tombs he couldn't get home.

Q Now, you say that you went out to work? A Yes.

Q Did Annie Eisenstock go out to work? A Yes.

Q Did you work in the same place? A No, Annie Eisenstock was working in the paper box factory in Broome street.

Q You say that you -- A (Interrupting) On Wooster street.

Q You say that you met Abey Balkan on Monday morning, is that right? A I don't remember what day it was.

Q Now, was it the day you were arrested? A Yes, the same day.

Q Now, wasn't that Saturday? A I don't know.

Q The witnesses have said that that was Saturday. You are not certain it was Monday, are you? A I don't remember what day it was.

Q Well, anyhow you say that Benny Cohen came in with the girl five minutes before the officers came in? A I don't know, I found the girl in my house. I was not in the house when they arrived.

Q That's all.

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## REDIRECT EXAMINATION BY MR. BLOCK:

Q. Since the time that you were arrested you were locked up in prison all the time, were you not? A. Yes.

Q. And you had in Jarmulwosky's Bank how much money at the time you were arrested? A. About \$33.-

Q. And that money you gave to me, did you not? A. Yes.

Q. I told you we got to get out papers from the other trial? A. Yes.

Q. And you don't know where Miss Eisenstock is now, do you? A. No, how can I tell?

Q. When you moved to 124 Broome street, you moved there with all your furniture, didn't you? A. Yes.

Q. And did you hear that while you were in the Tombs you were being dispossessed for non-payment of rent, and your furniture put out? A. Yes.

Q. And naturally while sitting in the Tombs you had no opportunity to look for Miss Eisenstock, or anybody else, did you? A. How could I while I was arrested?

Q. That's all.

THE EIGHTH JUROR: Ask her if Miss Eisenstock was a friend of hers, or how long she lived there, about seven months, was it?

A. Seven months.

THE EIGHTH JUROR: Ask her did she see her since she has been arrested or communicate with her in any way?

A. No.

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MR. BLOCK: That's all.

M O S C H E B E L I T Z K Y, called and duly sworn as a witness on behalf of the defence, testified through Official Interpreter Rosenthal as follows:

(Residence 62 East Broadway.)

DIRECT EXAMINATION BY MR. BLOCK:

Q Mrs. Belitzky, you live with your husband and children at the address given by you? A Yes.

Q How long have you lived in that place? A Seven years.

Q Do you know Annie Brown, the defendant? A Yes.

Q How long have you known her? A About more than two years.

Q Was she working for you? A Yes.

Q How long? A Seven months.

Q Do you know other people that know the defendant? A Yes.

Q You knew that Annie got married, did you not? A Yes, from my house she got married.

Q Do you know what her reputation is among people that you know? A Her reputation is that she is a fine lady. She was a fine girl while she was working for me.

Q That's all.

CROSS EXAMINATION BY MR. DELEHANTY:

Q When did she leave your employment? A It is now going on the second year.

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RACHAEL DREITZER, called and duly sworn as a witness on behalf of the defence, testified through official interpreter Rosenthal as follows:

(Residence 44 Rutgers street.)

DIRECT EXAMINATION BY MR. BLOCK:

Q Do you know the defendant? A Yes, I have known her for four years.

Q Did you visit her house at 22 Mangin street? Yes, very often.

Q How often did you visit the house before she was arrested? A Twice, three times a week. She used to come to my house very often, too.

Q Do you know other people that know Annie, the defendant? A Yes.

Q What is her reputation among those people that you know? A Very good, nobody ever said a bad word about her.

CROSS EXAMINATION BY MR. DELEHANTY:

Q Do you see that gentleman sitting over there (indicating)?

MR. DELEHANTY: Mr. Halpern, won't you stand up?

Q Didn't you see him yesterday? A No.

Q Do you see Mrs. Goldman, the lady sitting over there (indicating)? A I know her because she was pointed out to me while she was together with Annie.

Q Together with Annie Jacobs? A Yes, she pointed out to me that this was the young girl and this was Mrs. Goldman.

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Q Now, you went up to both of them in Mr. Halppern's presence and cursed at them in the Hebrew language, didn't you, yesterday afternoon? Did you, yes or no? A No.

Q What is your business? A No business.

Q You visited Annie Brown three times a week, you say?

A Yes.

Q That's all.

F A N N I E A L P E R, called and duly sworn as a witness on behalf of the defence, testified through official interpreter Rosenthal as follows:

(Residence 56 Rutgers street.)

DIRECT EXAMINATION BY MR. BLOCK:

Q Do you know the defendant? A Yes.

Q How long have you known her? A About a year and a half.

Q Did you live with her together in the same house?

A Yes, I lived in 24 Mangin street and she lived at 22 Mangin street.

Q Mrs. Cohen was the same landlady for both houses? A Yes.

Q What floor did you live on? A On the fourth floor.

I lived on the fourth floor in the front and she lived on the fifth floor in the back.

Q Do you live there with your husband and children?

A Yes, sir.

Q And did you visit Mrs. Brown at her rooms? A Yes, and

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she used to visit me.

Q How often did you visit her rooms before she was arrested? A About three times a week.

Q Did you go there at nights too? A Yes, until about eight o'clock, I used to go there, yes.

Q Did you see anything wrong in her house? A Nothing at all. She is a nice lady.

Q How long did you live at 24 Mangin street before Mrs. Brown was arrested? A One year.

Q And during that year --- I withdraw that. Do you know anybody else that known Annie Brown? A Yes.

Q Did you ever hear anybody talk anything bad against her?

MR. DELEHANTY: I object to that.

MR. BLOCK: I withdraw that.

Q What was the reputation of Annie Brown among the community people in the neighborhood there? A She has a good name and I heard about her that she has a good name, nothing bad about her.

Q Do you know, or do you remember the time she moved to 124 Broome street, from Mangin street? A It was on Saturday night when she was arrested the second time, it was two days after she moved.

Q Are you the lady that took away the furniture from 124 Broome street?

MR. DELEHANTY: One momant.

A Yes, I am the lady.

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MR. DELHANTY: Well, go on, she has answered it.

Q She was dispossessed for nonpayment of rent?

MR. DELEHANTY: I object to that as immaterial, we have it already.

Q That's all.

MR. DELEHANTY: That is all.

MR. BLOCK: I guess that is all.

MR. DELEHANTY: Do you rest?

MR. BLOCK: One minute. I offer in evidence a statement made by the Police Magistrate at the hearing in this case to Benny Cohen.

MR. DELEHANTY: It is already in the record in full.

MR. BLOCK: No, I just asked him the question. I offer it in evidence that such statement was made. (reading). "By the Magistrate: Now, you have been advised of your rights and that you do not have to answer any question that will tend to incriminate or degrade you unless you are willing, and the Assistant District Attorney upon the record will grant you immunity, if you did have sexual intercourse with her, from any criminal prosecution therefor. By the Witness: Yes, I understand."

That is the defendant's case, your Honor.

MR. DELEHANTY: The People rest.

THE COURT: How long do you wish to devote to the summing up?

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MR. BLOCK: Well, I would wish, I think, it would justify half an hour, but I will not take as long as that, your Honor.

THE COURT: All right, if that is your opinion of propriety, go on, you are entitled of course to that much and more if you wish to take it.

MR. BLOCK: I am not going to take that long. I will try to be as brief as possible.

THE COURT: Proceed.

MR. BLOCK: At this time, your Honor, I beg to renew my motions to dismiss the indictment and discharge the defendant, upon the ground stated at the opening of the defendant's case.

THE COURT: They are denied.

MR. BLOCK: Exception.

Mr. Block then closed the case on behalf of the defence.

Mr. Delehanty closed the case on behalf of the People.

The Court charged the jury.

The jury found the defendant guilty of abduction.

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