

START

1528

CASE

1528

#2678

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:
THE PEOPLE OF THE STATE OF NEW YORK :
:
- against - :
:
F R E D E R I C K P E R R Y :
:
-----X

New York, Thursday, April 11th, 1912.

THE DEFENDANT IS INDICTED FOR BURGLARY IN THE THIRD DEGREE,
GRAND LARCENY IN THE SECOND DEGREE AND RECEIVING.
INDICTMENT FILED FEBRUARY 27th, 1912.

A P P E A R E N C E S :

ROBERT E. MANLEY, Esq., Assistant District Attorney,
For The People.

W. H. POLING, Esq.,
For the Defendant.

(A Jury is duly impaneled and sworn.)

(By order of the Court, all witnesses are excluded from the Court room.)

THE PEOPLE'S CASE

(Mr. Manley opened the case to the Jury of behalf of The People

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J A M E S V E L L V E, called as a witness on behalf of the people, being first duly sworn, testified as follows:-

DIRECT EXAMINATION BY MR. MANLEY:

Q What is your name? A James Vellve.

Q Where do you live? A 219 East Fortieth Street.

Q Upon the 17th day of last February, where did you live? A 259 West Thirty-ninth Street.

Q 259 West Thirty-ninth. Is that in the City and County of New York? A Yes.

Q Upon what floor did you live? A Third floor.

Q How many flights up from the ground floor? A Three flights up.

Q How many rooms did you have there at the time? A Four rooms.

Q How many door ways are there from the outside hall into your four rooms? A One.

Q Were you in your house upon that day I speak of, Saturday, the 15th of February, at about six o'clock in the afternoon? A I was.

Q What time did you leave that afternoon? A About six o'clock.

Q Anybody leave with you? A My wife.

Q Anybody else? A My brother-in-law.

Q What is the name of your brother-in-law? A Pierre Suas.

Q And he is about how old? A About fourteen.

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Q When you and your wife and your brother-in-law left, at about six o'clock that day, was anybody left inside of your house? A Nobody.

Q When you left, did you lock up the door? A I did.

Q What kind of lock did that door have on it?

A A Yale lock.

Q A Yale lock? A Yes, sir.

BY THE COURT:

Q It closed when you pulled the door to? A It does.

BY MR. MANLEY:

Q Did you lock it when you went out? A I did lock it.

Q Is that the only lock that was upon that door? A There is another lock, but we never lock it, the one that was there when we went to the flat.

Q You did not use that at all? A We never used it.

Q What time did you come back? A About seven o'clock.

Q About an hour after you locked up? A Yes, sir.

Q Who came back with you? A My wife.

Q Who else? Anybody? A Nobody.

Q That is, the boy was not with you? A No.

Q Where had you left him? A He went to a friend's for awhile.

Q When you came back, what did you find with reference to the door, if anything? A We found two glasses broken. The door was all glass.

Q That is, glass in the door? A Yes, sir, and there was

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two holes in the door, two glasses broken.

Q Were there two separate panels of glass? A No, there was several panels, and two of them, the nearest to the lock were broken.

Q How near were those holes through the glass to the lock? A About as far as that(indicating)

Q About four inches? A Yes, about four inches.

Q What was the condition of the door besides that?

A It was locked.

Q It was still locked? A Yes, sir.

Q As I understand it, these holes through the glass were within four inches of the spring of the Yale lock? A Yes, sir.

Q But the door was closed? A Was locked, yes.

Q What did you discover when you got inside your house?

A Everything was scattered around, and the bed was upside down and everything from the wardrobe was missing, and several pieces of clothes were on the floor.

Q What was missing that was there in the apartment when you left, at six o'clock? A Everything that was in the wardrobe, four ladies' suits, four ladies' tailored suits, one gown, one extra skirt--

Q Was there property gone belonging both to you and your wife? A Yes, sir.

Q Tell us what was missing that was in there at six o'clock and which belonged to you? A An overcoat.

Q Go ahead. A A blue suit, complete; Another suit,

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an old suit, quite old.

Q What was the color of that suit? A Dark.

Q Anything else? A One extra vest.

Q Anything else? A A fancy vest.

Q Anything else? A A suit case.

Q Yes. A And several things that were in the suit case, small things.

Q Anything else? A I don't remember anything else.

Q The overcoat you had had how long? A About one year and a half or two years.

Q How much did you pay for it? A Thirty dollars.

Q The blue suit, what did you pay for that? A Thirty dollars.

Q The other suit, the dark suit, how much did you pay for that? A Twenty five dollars; but it was very old; it had been used for a long time.

Q The extra fancy vest, how much did you pay for that? A Two dollars.

Q How long had you had that? A One year.

Q And the suit case, how long had you had that? A About two years.

Q What did you pay for that? A Twelve dollars.

Q What did the suit case contain when you left it? A I don't remember very well, because I didn't see it for some time.

Q How long had it been before you looked in the suit case? A About two or three months, since we took the flat.

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Q Can you tell us what it contained when you looked at it the last time? A I know it contained this thing I have here, and my papers were inside. It contained a package of soft collars, six or seven, and my papers.

MR. HANLEY: May we have this marked Exhibit one for identification?

(Article last referred to is marked People's Exhibit Number one for identification, of this date)

Q Now, when you had People's Exhibit Number one for identification, this pocket book, last, three months before this date, what did it have inside of it, if anything? A My references, two or three references, and my citizen's papers, and my service papers.

BY THE COURT:

Q Are you a citizen of the United States? A I am not.

Q Did you ever declare your intention of becoming a citizen? A Not yet.

Q Then, it was not your citizenship papers. A From Spain, from my country.

Q Your passport? A Yes, all my papers were in there, the papers when I was born.

Q The baptismal papers? A The baptismal papers, yes, sir.

BY MR. HANLEY:

Q After you discovered this, Mr. Vallve, did you stay in your house, or did you go out? A I went to the Police Station.

Q Then you got out on to the street, near your house, did

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you see anyone you knew? A No.

Q When was it you saw your brother-in-law next, Pierre Suas? A About a quarter past seven he came in.

Q Did he come into your house after, or before, you had gone to the Police Station? A Before I went to the Police Station.

Q How long do you think you had been in the house before Pierre Suas came in? A About fifteen minutes.

Q Just answer this question "Yes" or "No", and be careful not to tell what you said. Did you have a talk with him?

A With who? Pierre Suas?

Q Yes. A No.

Q Did you say anything to him? A No, nothing.

Q At no time, with him? A I just told him --

Q No, no.

THE COURT: You did say something?

THE WITNESS: I spoke to him.

Q After you had said something to him, did he go anywhere? A No.

Q Did he stay right there in the house? A Yes, sir.

Q Did he at any time go down stairs? A Yes, sir.

Q How long was it after you had spoken to him before he went down stairs? A When I came back from the Police Station.

Q And how long were you gone? A About half an hour.

Q So, you got back at about what time? A At about a quarter to seven-- about a quarter to eight.

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Q And how soon was it after you got back before Suas went out of the house? A When I got back, I told him --

Q No, you can't tell what you told him. How soon was it after you got back from the Pplice Station before Suas left the house? A Right away.

Q Had you made any arrangements with Suas for him to do anything if anything happened?

MR. POLLING: Objected to.

MR. MANLEY: I am not calling for the conversation.

MR. POLLING: Well, I think that is calling for a conversation.

MR. MANLEY: I will withdraw it.

Q After Suas left the house, did anything happen? A He was downstairs, at the front door.

THE COURT: Did anything happen? "Yes" or "No"?

THE WITNESS: No, nothing happened.

Q Did anything happen in your apartment? Did you hear anything in your apartment? A My wife was there, and some neighbors, talking about the robbery.

Q Did you stay in your apartment all the time, or did you go out? A After I come back from the Police Station.

Q After Suas had gone down stairs? A He rang the bell and came down.

Q Did you hear the bell ring? A Yes.

Q Where did the bell ring? A In the front.

Q How long had Suas been downstairs before the bell rang?

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A About five minutes.

Q What did you do when you heard the bell ring? A I went downstairs to the front door.

Q To the front door of your house? A Yes, sir.

Q Did you see Suas there? A Suas was there.

Q Just answer this "Yes", or "No", and don't tell us what Suas said. Did Suas talk to you? A Yes.

Q After Suas had talked to you, did you go anywhere? A Yes, sir.

Q Where did you go? A I saw a Policeman on the other side of the street, and I went to him.

Q Was he in uniform? A He was.

Q Did you talk to him? A I talked to him.

Q You can't tell what you said, but, after you talked to him, did you go anywhere? A I went to Forty second street, the Liberty Theatre.

BY THE COURT:

Q You went to the front of the Liberty Theatre, in Forty second street? A Yes, sir.

BY MR. MANLEY:

Q Did you stay there, or did you go away? A Two policemen were there.

Q Did you talk to them? A I talked to them.

Q Where did you go then? A I went down to my house again with one of the policemen.

Q Did that one policeman who went with you, did he wear

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a uniform, or was he in citizen's clothes? A In uniform.

Q On the way down to your house with that officer in uniform, did you meet anybody? A We meet a detective.

Q What kind of clothes did he have on? A Dark clothes.

Q Were they citizen's clothes, or a uniform? A No, citizens.

Q Did either you or the police officer in uniform say anything to the detective? "Yes", or "No"? A Yes.

Q Where were you when you met that detective? A About Forty first street and Eighth Avenue, between Forty first and Forty second street, on Eighth Avenue.

Q Which direction were you walking at that time? A To Thirty ninth street, south.

Q Did all three of you then continue south? A Yes, sir.

Q Upon Eighth Avenue? A Yes, sir.

Q On the way down did anything happen? A At the corner of Eighth Avenue, we saw a man with some clothes in his hands, and I think it was the detective who told the officer to arrest him, to see what he had.

Q Tell us as exactly as you can where was that man with the clothes in his hands? A In the corner of Thirty ninth street and Eighth Avenue.

Q Was he standing, or walking? A He was walking, crossing the street.

Q In what direction was he walking? A Crossing the street

Q From what side of the Avenue, to what side? A From

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the east to the west.

Q Did you see anyone anyone say anything to that man?

A Before his arrest?

Q Yes? A No.

Q Did anybody go up and say anything to him at any time?

A The policeman and the detective.

Q Do you see that man in Court? A That you have indicated (indicating)

Q Which man? A Him (indicating defendant).

Q What did the policeman say to him that you heard?

A "Where did you get those clothes from?"

Q What did the defendant then say? A He said somebody else gave them to him, I think. I am not very sure what he said, but I understood he said that somebody else gave the clothes to him.

Q Did you look at the clothes? A I did.

Q What were the clothes that he had? A Two suits of my wife's, and one of my suits, and a skirt.

Q He had two suits of women's clothes? A He had two suits of women's clothes and a skirt, an extra skirt.

Q And what else? A A suit of mine.

Q Men's clothes? A Men's clothes.

Q Did you recognize the suit of men's clothes as yours?

A I did.

BY THE COURT:

Q Anything else? A I don't think so.

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BY MR. MANLEY:

Q Did you recognize the two suits of women's clothing?

A Yes, sir, I recognized them.

Q Who did they belong to? A My wife.

Q And were they the clothes, all of them, that had been in your place at six O'clock? A They were. One of the suits my wife is wearing now.

Q Here in Court, you mean? A Yes, sir.

Q Did you hear Perry say anything else on the street besides what you told me? A No. He was speaking to the detective and the policeman, so I don't know what he was saying.

Q Did you see any other persons on the street about that time? A What do you mean?

Q Did you see anybody else, see anybody else arrested? A There was another man on the corner.

Q Did you hear Perry say anything about that other man?

MR. POLKING: Objected to.

THE COURT: Objection overruled. Did you hear

this defendant say anything about that other man?

THE WITNESS: Yes, he said the other man gave him clothes to him. That is what I understood.

Q Did you hear the other man say anything in the presence of Perry, when Perry said that? A He said he didn't know about that.

MR. POLKING: Objected to.

THE COURT: Did Perry hear him?

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THE WITNESS: Yes, sir.

Q What was it he said? A The other man said he didn't know anything about that.

Q Was the other man carrying any clothes? A Not anything.

Q Did he have anything with him at all? A Nothing.

Q Where was Perry taken after that? A He was taken down to a little room in the basement of the next house, in 261.

Q Where was he taken from there? A He said he found the clothes in there, in the basement.

Q That was the basement of what house? A 261.

BY THE COURT:

Q Next door to your house? A Yes, Sir.

BY MR. HANLEY:

Q Did he say anything else at that time besides that?
A I didn't hear anything else myself.

Q Was he taken anywhere from there? A Then we went over to our flat, upstairs.

Q What happened in your flat? A In the flat the detective looked at his pockets and he found that thing and several other things in his pockets. (People's Exhibit Number One is identification) And the soft collars that were in my suit case were in his pockets.

Q The collars you had in your suit case three months before?
A Yes, sir, and besides another little thing.

Q Did that belong to you? A Yes, it is ⁱⁿ the package that

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was in the suit case.

Q That had been in the suit case when you saw it last?

A Yes, sir.

Q You mean a microscope? A Yes, sir, something to look.

Q After People's Exhibit Number one for identification was taken out of Perry's pocket, did you look inside of it?

A Yes, sir.

Q Did it have what is in it now? A Yes, sir.

Q Will you take those and tell us whether or not they are the things you last saw in this pocket book three months before this happened? A That is my references for the position I had. Those are my papers of the service, military service, the regiment I belonged to.

Q Where was that, in Spain? A In Spain; and that is my baptismal papers.

Q Anything else? A That is another reference, and that is another (indicating).

Q Are these ^{the} papers that you a little while ago told us were in that wallet when you saw them last there in the suit case three months before? A Yes, sir.

(Papers last referred to are marked People's Exhibit Number two for identification, of this date)

MR. MANLEY: Now, I offer in evidence, People's Exhibit Number One and Two for identification.

(Received in evidence, and marked respectively, People's Exhibit Number One and People's Exhibit Number Two)

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THE WITNESS: There were several cards in my pocket book, but they were not there when I got this thing back. In the second pocket they were.

Q I show you that coat and those trousers(handling articles to witness) ? A Those are mine.

Q Was that the coat, and are those the trousers which were taken from Perry that day? A They are.

Q And are those the coat and trousers that were in your house at six o'clock when you locked up? A Yes, sir.

Q Are these yours, or your wife's? A Mine.

Q Are those the collars which were in the suit case? A Yes, sir.

Q And are these the collars which were that evening taken from the pocket of this defendant? A Yes, sir, they are.

MR. HANLEY: I offer these in evidence.

(Received in evidence and marked people's Exhibit Number three, of this date)

MR. HANLEY: You may cross examine.

CROSS EXAMINATION BY MR. POLING:

Q You say you came upon Perry at Eighth Avenue near Forty-first street, is that correct? A Yes, sir.

Q Who was with you then? A A detective and a policeman.

Q Where did they join you? A Between Forty first and Forty second streets, in Eighth Avenue, the detective; the policeman joined me in Forty second street, before the Liberty

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Theatre.

Q Did you say you saw the policeman when you first came out of your house? A That was another policeman, that staid there before my house.

Q Did you see the policeman when you went in your house that evening? A I didn't see him.

Q Do you know where the McGraw building is? A No.

Q Isn't there a factory on the same side of the street, or across the street? A Which street?

Q Where you live, 259 West Thirty ninth street, isn't there a factory, or some place called the McGraw building? A I don't know any building by that name.

Q How long have you lived there? A For about four months, or three months and a half.

Q You say you saw Perry walking along the street on Eighth Avenue, near Forty first street? A In Thirty ninth street.

Q Near Eighth Avenue? A In Eighth Avenue, crossing Eighth Avenue.

Q At thirty ninth street? A Yes, sir.

Q Was he going up town, or down town? A He was going through Ninth Avenue, west.

Q Going or west to Ninth Avenue? A Yes, sir.

Q Did you see anybody else there when you walked up with the officer? A Well, there was lots of people around.

Q Was Perry alone? A Perry was alone then, when we saw him.

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Q And he said to you that he had gotten this stuff from some man? A He didn't say that to me.

BY THE COURT:

Q He said that to the officer? A Yes, sir.

BY MR. POLING:

Q He said that to the officer in your presence? A Yes.

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

Q But you didn't hear him say who the man was. A A man was standing on the corner, and he pointed to the man, and that man was arrested with him.

Q You say this was a spring lock on your door? A Yes.

Q Who left the house? Did your wife leave the house with you that day? A We left together.

Q And did your brother-in-law go with you? A He was out already.

Q He has gone out before? A Yes, sir.

Q This is a spring lock on the door? A It is, yes.

Q Did you try the door after you had gone out? A Yes, sir, I did.

Q And after you had returned you found the house still locked? A Yes, sir.

Q And did you insert the key in the door and open it? A I put the key in and opened the door, yes.

Q But the glass was broken in the window? A Yes, two panes were broken.

Q How many panes were broken in the glass? A One

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glass was this wide and this high(indicating), and the other was square. The nearest to the lock was square, and then one up a little higher.

BY MR. O'MALLEY:

Q The first, I should say, was fourteen by eighteen inches.

A One was square, and the other was oblong.

BY THE COURT:

Q You say the nearest to the lock? A Yes, sir.

Q Where was the glass? In the door? A Yes, sir.

Q Glass panels in the door? A Yes, sir.

Q And the glass was broken near the lock? A Yes, sir.

BY MR. POLING:

Q How high are these glasses? A About this high(indicating).

Q From the floor? A Yes, about this high from the floor. (indicating).

BY THE COURT:

Q Were they near the lock? A Yes, about three inches from the lock, two or three inches from the lock, from the hole. With the fingers the lock could be reached inside.

MR. POLING: I move to strike that out. It is a question of opinion.

THE WITNESS: I tried it myself.

THE COURT: You asked him how near the lock it was. That is a matter of opinion. I will allow that.

MR. POLING: Exception.

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BY MR. POLING:

Q Now, Mr. Vellve, when this defendant was arrested by the officer, at Thirty ninth street, are you sure he had a ^{dress} suit case? A Dress suit case?

Q Yes. A No, he didn't have any.

Q He didn't have any dress suit case? A Suit case, you said?

Q Yes. A No, he didn't have any.

MR. MANNING: Did you say at the time of his arrest?

MR. POLING: Yes.

Q He didn't have any? A No suit case.

Q Have you ever found this suit case? A I never saw it since.

Q He only had your wife's clothing when you arrested him?

A And my suit, that is here now.

Q And was that wrapped up in a package? A Just in his arm.

Q And what time in the evening was this? A About a quarter to eight.

Q A quarter to eight? A Yes, about a quarter to eight.

Q And this was at Eighth Avenue and Thirty ninth street?

A Yes, sir.

Q Where you overtook Perry? A Yes, sir.

Q And he came back with you and the officer? A Yes, sir.

Q And you went up to a number adjoining your house, 861?

A Yes, sir.

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Q And did the defendant go down in a cellar there? A To the basement..

Q Is the basement the main entrance to that building, 261? A No, it is not the main entrance; it is the basement entrance.

Q That adjoins -- 261 adjoins your house? A Yes, sir. 30

Q Right together? A Yes, the three houses are together, and belong to the same owner, and from one you can go to the other.

BY THE COURT:

Q From the back? A Yes, sir.

Q But in the front they are separate entrances? A Yes.

Q Steps -- steps up? A Yes, sir.

Q And then the basement has steps down? A Yes, sir.

BY MR. POLING:

Q Isn't that an apartment house, 261? A Yes, sir.

BY THE COURT:

Q There are three houses identical in all respects?

A Yes, sir.

Q And in the rear connected by having one yard? A Yes.

BY MR. POLING:

Q In front of 261 there are mail boxes with bells?

A Beg pardon?

Q Mail boxes and bells at 261? A Yes, sir.

Q Letter boxes? A Yes, sir.

BY THE COURT:

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Q In the vestibule, off the street? A Inside, behind the door.

BY MR. POLING:

Q What was your idea of going there when you came back?

A I don't understand this question.

Q When you came back with the defendant, why did you go to 261? A I didn't go. The detective went with the policeman, and the defendant and I went with them. We went all together.

BY THE COURT:

Q Do you know why you went? A I understood that he said to the officer that he found the clothes down there in some corner.

BY MR. POLING:

Q That is a fact? A I understood that.

Q You heard him say that to the officer? A The officer told me.

Q Didn't you hear him say it?

THE COURT: What difference does it make whether he heard it, or not?

THE WITNESS: That is what I understood.

Q You went back there, and he showed you where he got the stuff? A He said he found it there.

Q When you first arrested -- when the defendant was first arrested, on Eighth Avenue, didn't the officer search him? A Not there.

Q Didn't he look over these clothes? A Yes, I looked and

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identified them as our clothes, in the corner.

Q And didn't he feel the defendant's pockets? A Not until we got to the flat.

Q He may have done it and you didn't see it? A I don't know if he did.

Q What? A I don't know if he did.

BY THE COURT:

Q If he did it, you didn't see it? A I didn't see it.

Q So far as you know he didn't do it? A No.

BY MR. POLLOCK:

Q Then, in 261, did the officer search him then? A I don't know.

Q When you went upstairs to this apartment, when you went in with this defendant, did you see articles scattered around the room and on the table? A They were as they were when we got in the first time. We didn't touch anything until the police came. We just left everything as it was.

Q Didn't you see some articles around on the table, some of the articles that had been taken out of this dress suit case? A On the table?

Q Yes. A No.

Q Was there any table in this room where you went? A We went in the dining room.

Q What? A We were in the dining room.

Q And the dining room table was there? A There was a table.

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Q And wasn't there some articles on the table? A We used to have a little dish there; that is all.

BY THE COURT:

Q But none of the articles that had been in your dress suit case? A Until we took them from the pockets.

Q When you went in, they were not there? A They were not there.

BY MR. POLING:

Q Were there any articles scattered on the floor?

A There was some.

Q Did you turn on the lights when you went back, before you had gone out in search of anyone, when you first came to your apartments? A My wife stayed there, and the boy was there, too.

BY THE COURT:

Q You lit the gas, did you? A Yes, sir.

Q Your wife didn't sit in the dark? A No.

RE DIRECT EXAMINATION BY MR. MANLEY:

Q Were not all the other clothing which had been taken from that house found in the basement of 261? A No.

Q What is your business? A A stenographer.

Q You work for whom? A D.C. Heath & Company.

Q Book publishers? A Yes, sir.

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J E A N V E L L V E, called as a witness on behalf of the people, and being first duly sworn, and examined through the official interpreter, Dindato Villanena, testified as follows:-

DIRECT EXAMINATION BY MR. MANLEY:

Q What is your name? A Jean Vellve.

Q Where do you live? A 248 East Fortieth Street.

Q Are you the wife of the last witness, James Vellve?

A Yes, sir.

Q Upon Saturday, the 17th of February, did you leave the house at about six o'clock in the afternoon, with your husband? A Yes, sir.

Q And did you return with him sometime later that evening? A Yes, sir.

Q What time was it, Mrs. Vellve, when you got back?

A About seven o'clock.

Q What did you discover when you returned? A The first I discovered was part of the door was broken.

Q When you finally got into your house, did you find anything was missing that was there at six o'clock? A (No answer)

BY THE COURT:

Q Explain what you mean by the door being broken? A The glass of the door was broken.

BY MR. MANLEY:

Q Describe where the break was, in what part of the door?

A Right near the lock, where the lock was, the glass was broken.

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Q What was it that was broken? A The glass, a large panel.

Q How large a hole was there in the glass? A The whole piece of glass altogether.

Q How close to the lock was the hole in the glass?
A Right by.

Q When you got inside your house, did you discover anything which had belonged to you and which was there at six o'clock when you left was missing? A When I got in the house, I found that the doors of the closet was open, everything was on the floor, ribbons and other little trinkets on the floor, even the bed was down.

Q Was anything gone which had been there at six o'clock and which belonged to you? A Yes sir, my suit, four suits, four tailor made suits, a little evening coat, a dress without a coat, a silk petticoat.

Q Anything else? A Two suits of my husband's, and an overcoat.

Q I am merely talking of those that belonged to you. Was anything else gone that belonged to you? A That is all.

Q Had you yourself bought these tailor made suits? A Yes. Three of them I bought in Europe, and one I bought in this country.

Q Describe them, and take up one at a time, and tell us how long you had had the first one, and tell us what color it was. A Three blue.

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Q How long had you had these three blue tailor made suits? A One I bought a year and a half ago.

Q How much did you pay for it? A Twenty five dollars.

Q How much did you pay for the second blue one? A This one I wear now, it is worth about forty dollars.

Q How long had you had that? A Six months.

Q Describe the third tailor made suit. A The other one had a little reddish stripe in it.

Q How long had you had it? A A year and a half.

Q What did you pay for it? A Twenty five dollars.

Q Now, the petticoat, how long had you had that, and what did you pay for it? A It was very old, the petticoat.

Q The gown, how long had you had that? A One year.

Q What did you pay for it? A Thirty five dollars.

Q I show you this tailor made suit. Is that yours?

A Yes, sir, mine. The pants is not mine.

Q Was this tailor made suit in the house at six o'clock when you left that night? A (In English) Yes, it was in my house.

Q How long was it after you got in, at seven o'clock, that you saw it again that night? A About eight o'clock.

Q And where did you see it at eight o'clock? A On the arm of Mr. Perry.

Q Where was it you saw Mr. Perry at eight o'clock?

A In the apartment.

Q Who did he come in? A With the policeman and with the

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detective.

Q Anybody else with him? A My husband.

MR. MANLEY: I ask this be marked in evidence, People's Exhibit Number four, a blue tailor made suit.

(Article referred to is received in evidence and marked People's Exhibit Number Four, of this date)

Q I show you this skirt? Have you seen that before?
(handing article to witness) A Yes, that was mine.

Q Was that in your apartment at six o'clock that night?
A Yes, with the rest.

Q And did you see it at sometime later on, at eight o'clock? A Yes, sir; and this suit that I have on now was there also.

MR. MANLEY: I now ask that this be marked in evidence, and put under Exhibit Four, and all grouped together.

Q Now, the suit that you have on, you say that was in the house at six o'clock; is that so? A Yes, sir.

Q And when was it, and where, that you next saw it after you came in at seven o'clock? A I told you before, on the arm of Mr. Perry.

BY THE COURT:

Q Who is Mr. Perry? A There he is, right there (indicating defendant)

Q Who? The defendant? A Yes, sir.

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BY MR. MANLEY:

Q Have you gotten back any of the other articles, at any time? A No, sir.

MR. MANLEY: You may examine.

CROSS EXAMINATION BY MR. POLING:

Q Mrs. Vellve, were you in your apartment when your husband returned with the officer, and this defendant, Perry?

A Yes, sir, I was.

Q Were any of the articles in your room disturbed, or any of them lying on the dining room table?

THE COURT: When?

MR. POLING: When the officer and this defendant returned to the apartment.

(Question withdrawn)

Q What kind of a dress suit case was this you lost?

A It was a yellow leather dress suit case.

Q Did you and your husband leave the apartment that day together about six o'clock? A Yes, sir, we left the house together, and we returned together.

Q Did you or he lock the door when you went out? A Yes, we do that all the time.

Q Who locked it this time, you, or your husband?

A My husband.

Q Sure about that? A Oh, yes, sure.

Q Didn't he go out of the door ahead of you? A Yes, sir, he went first. I went first, and he came after me.

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Q Are these glass panels in the door, Mrs. Vellve ?

A Yes, sir.

Q How far was the break in the glass from the lock?

A Just the thickness of the board that formed the door; that is the distance it is, from the lock to the glass.

Q Were you present all during the time when your husband and the defendant and the officer returned, until they all left?

A Yes, sir, I was there all the time.

Q Did you see the officer search the defendant in your presence? A Yes, he searched right down in the room there, and find the pocket book of my husband in his pocket.

Q Where were they with reference to the dining room table when the officer searched him? A -It was the distance from here (witness pointing to first steps of the window stand to the table where the District Attorney is)

MR. MANLEY: About five feet?

MR. POLING: Yes.

Q Were any of the articles out of the dress suit case lying on the table? A On the table was nothing else but the china dish, and whatever was missing was in the arm of this defendant.

Q From what pocket was this pocket book taken by the officer? A Inside pocket. I didn't pay attention which side.

Q It may have been taken from his hip pocket? A No. I didn't pay much attention, but I believe it was inside of the coat pocket.

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MR. POLING: That is all.

P I E R R E S U A S, called as a witness on behalf of the People, being first duly sworn and examined through the Official interpreter, Diadato Villamena, testified as follows:

DIRECT EXAMINATION BY MR. MANLEY:

Q Are you a brother of Mrs. Vellye? A Yes, sir.

Q And did you live with your sister and brother-in-law at 239 West Thirty ninth street last February? A Yes, sir.

Q Did you come home sometime on Saturday evening after the burglary was all over? A Yes, sir.

Q Did you stay in the house, or did you finally go down on the street? A My brother-in-law told me to go outside, and wait outside. I went downstairs, to see.

Q Whereabouts did you go downstairs after your brother-in-law said something to you? A I remained there on the steps, near the door.

Q Your own house? A Yes, sir.

Q When you got down there on the steps of your own house, what did you do? A I was watching there, to see if I could see a man passing with a valise. I know the color of the valise. It was yellow.

Q Did you just stand there, or did you walk up and down? A I did walk a little far down.

Q Were you looking for anything? A Certainly, sure.

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Q Did you finally see anybody? A Yes, sir, I went back on the steps there, and when I was standing there I saw a man, that man there with a little hat, the same hat he has got before him(indicating defendant) pass me, in front of the house with the valise. Then I went right over to the bell, and I rang the bell three times.

Q Do you see that man here today that you saw at that time?

A Yes, sir.

Q Where is he? A There(indicating Defendant)

Q Where was the defendant when you first saw him? A He was coming out of the basement of 261.

Q That is right next to your house, is it? A Yes sir.

Q And in what house did you see him go? A 257.

Q That is on the other side of your house, is it?

A Yes, sir.

Q What did he with him, if anything? A He had a yellow valise, and then he had a small package, right along side of the valise.

Q How large a package was that? Describe it. A (Witness indicates five by eighteen or twenty inches.)

Q Now, after seeing that, you rang the bell three times. Now, after seeing that you rang the bell three times. Now, after ringing the bell three times did you see your uncle, or brother-in-law, later? A Yes, sir.

Q Was it the bell of your own house that you rang, of the apartment? A Yes, sir.

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Q And after you saw your brother-in-law, Mr. Vellve, on the street, did you say anything to him? A Yes, sir. I told him that I saw a man come out of 261 --

MR. POLING: Objected to.

Q You said something to him. Is that so? A Yes, sir.

Q After you had said that to your brother-in-law, Mr. Vellve, did you see where he went? A He crossed the street, and he went to call a policeman.

Q After he had called a policeman, did you see him go anywhere from there? A No, I didn't see where he went to, because I remained there.

Q When was it that you next saw the defendant, Perry?
A I saw him after , when the policeman brought him over to 261.

Q That was about how long after you had seen him go into this house? A About fifteen minutes.

MR. MANLEY: You may examine.

CROSS EXAMINATION BY MR. POLING;

Q Were you sitting on the stoop, or were you down on the street, when you say you saw this defendant? A I was standing up on the stoop.

Q How long had you been down stairs? A About three quarters of an hour.

Q Do you know what time it was then? A About a quarter to eight, when I saw him.

Q Was it dark? A Not very dark, no. I could see.

Q Is your house near the corner? A No, not near the corner.

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Q There is no street light in the middle of the block, is there? A Yes, it is light in the middle of the block.

Q Had you ever seen this defendant before? A That was the first time I saw him.

Q How was he dressed? A The same clothes that he has got on him now, and the same hat.

Q Did you see any other people there about that time? A No, not at that moment, no.

Q Did you see any men on the other side of the street? A Yes, on the other side I saw them.

Q How many? A Two or three.

Q How were they dressed? A No, sir.

Q You don't know? A No, sir, I didn't pay any attention to them.

Q You say you were on the stoop about three quarters of an hour before you saw the defendant. Did you see any one else pass? A Yes I saw some others.

Q Did you see any men or boys? A I saw men, women and boys.

Q Do you remember how any of those people you saw were dressed? A No, sir.

Q Now, you remember how this defendant was dressed the time you saw him upstairs in the apartment, after he came back, don't you? A Yes, sir.

MR. POLING: That is all.

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J A M E S J. F I N A N, called as a witness on behalf of
the People, being first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. MANLEY:

Q What is your name? A James J. Finan.

Q You are a member of the Municipal Police Force of the
City of New York? A I am.

Q Attached where? A Detective Bureau.

MR. MANLEY: The defendant, as I understand it,
pleads guilty to receiving stolen property, which is sat-
isfactory to the District Attorney.

R U S S E L L E L L I O T B O O K E R, called as a witness,
being first duly sworn, testified as follows:

EXAMINED BY THE COURT:

Q This defendant said you pawned property belonging to
Mr. and Mrs. Vellye, in Manning's pawn shop, Eighth Avenue be-
tween thirty eighth and thirty ninth streets. Is that true?

A That is false, sir, and I will wait until Mr. Manning comes
here, or you can call him up on the phone, and prove an alibi.
I have not been in Manning's pawn shop in years. I know of
him, though, because I live in the same street. I live in
Thirty ninth street, and Manning's is on the corner ; that is,
a couple of doors from the corner.

Q Thirty ninth street and Eighth Avenue? A Yes, sir.

Q Why should he say that he is guilty -- A I don't
know.

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Q We are anxious to get back the property? A You might go there to the pawn shop.

Q You might save us some trouble, and possibly save yourself trouble, if you tell us all you know about this. A Yes, sir.

Q What about the goods? A The goods, I don't know anything about them. I wouldn't know them if I seen them.

Q Do you know him? A I have seen him come in and out of our house, where we are janitors.

Q Where are you janitors? A 259 , 257 and 261 West Thirty ninth street.

MR. MANLEY: This witness informs me that the defendant at one time had a sister living in 259.

THE WITNESS: Yes, I heard that.

THE COURT: The boys saw him go from 261 to 257.

THE WITNESS: Yes, and I have seen him go in 261, which is another house, other than where the robbery was.

Q Have you charge of 261? A Yes, sir, the three houses.

Q Those three houses belong to one owner? A Yes, sir.

Q There are three separate entrances, but in the rear they are connected , one janitor of the three ? A One janitor for the three, yes, sir.

Q Who live in the basement? A Our people.

Q In the basement of 261? A 259.

Q Who lives in the basement of 261? A No one lives there. There is a barber shop on one side of the basement, and a coal

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establishment on the other.

Q He had no right in the basement of 261? A No, sir; he had no right in 261 at all. In fact, he has no apartment in either of the three houses.

Q In 57, 59 or 61? A No, sir.

Q You only know him from visiting people in the house?

A Seen him going in and out of there.

THE DEFENDANT: Your Honor, when I was arrested, I made my statement to the detective. He asked me who the other man was, and I told him, and described him to him. He asked me what time this happened? I told him about a quarter of seven, which was right. After I was locked up he set forth to get this man named Booker.

THE COURT: You gave the property to him?

THE DEFENDANT: I identified him. I didn't give him no property.

THE COURT: You identified him in connection with what?

THE DEFENDANT: When the officer arrested him.

THE COURT: What did you charge him with?

THE DEFENDANT; He roped me into pawn this stuff, which he had himself done a deed, and took me into it.

THE COURT: Then, you are not guilty of any crime?

THE DEFENDANT: I am not guilty.

THE COURT: You just pleaded guilty now to receiving stolen property. You knew this property was stolen?

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THE DEFENDANT: No, sir, your Honor.

THE COURT: Why did you plead guilty?

MR. MANLEY: He told the officer that ~~knife~~ he used was stolen, but did not know where it was stolen.

THE COURT: I am not going to let you withdraw that plea now. I am satisfied from the evidence that you are guilty.

THE DEFENDANT: When I was arrested, your Honor--

THE COURT: You stand now chargeable with a crime which means five years in State prison. Unless you help in getting that property back, I will give you five years. Now, the more property I get back, the less you will get.

THE DEFENDANT: I said the property is in Harlem pawn shop.

THE COURT: You said Manning's, a minute ago.

THE DEFENDANT: Manning's, I mean.

THE COURT: Where is Harlem's?

THE DEFENDANT: Between thirty ninth and fortieth streets, on Eighth Avenue, on the same side of the street.

THE COURT: You did not pawn it? You say Booker pawned it?

THE DEFENDANT: Yes, sir, that is what I am getting at. This stuff is at Manning's pawn shop.

THE COURT: But you did not pawn it; how do you know?

THE DEFENDANT: Because I seen this man in the chair

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go in with the stuff.

THE COURT: Can you identify the stuff if you saw it?

THE DEFENDANT: I can identify the dress suit case.

THE COURT: What name did he give, do you know?

THE DEFENDANT: I don't know what name he gave.

THE COURT: You better think it over, Booker, and see if you can help us in any way.

WITNESS BOOKER: If Mr. Manning was in Court, he could tell.

THE COURT: Mr. Manning does not know every one who comes into his place. That is a large pawn shop?

THE WITNESS: Yes, sir.

THE COURT: How many helpers has he there?

THE WITNESS: I don't know. It is Manning and Sons. Usually there are three--

THE COURT: Every time you have been in there?

THE WITNESS: Yes, I have been in there.

THE DEFENDANT: On February 18th, Saturday night, that was the day the stuff was pawned, and I know this man on the witness stand since he was a boy; I went to school with him. I was never in Court, and I don't know what to say, your Honor.

(Defendant remanded for one week)

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