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

1738

THE PEOPLE :

-against-

LENA STAMON :

Before:

HON. JAMES T. MALONE,
Judge.

And a Jury.

NEW YORK, N.Y., April 10, 1912, 3 P.M.

Indictment filed December 23th, 1911.

Indicted for Grand Larceny in the Second Degree.

APPEARANCES:

For the People: C. E. COLLIGAN, ESQ.

For the Defendant: WALTER F. McINTIRE, ESQ.

WILLIAM A. SWERTZER, of Counsel.

A Jury was duly empaneled and sworn.

.....

BETTA BOUSER, the complaining witness, called on
behalf of the People, being duly sworn and examined, testified
as follows, through Interpreter Rosenthal:

DIRECT EXAMINATION BY MR. COLLIGAN:

Q You are a married woman? A Yes.

Q Where do you live? A I live at 49 East 100th Street,
and I lived there on the 21st of Last December.

Q And you were out shopping on that day? A Yes.

Q At what time of the day? A About half past nine o'clock

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in the forenoon.

Q Where did you go when you left your house? A I went to Park Avenue.

Q Did you go into any stores? A No.

Q Did you make any purchases around Park Avenue? A I had not bought anything as yet.

Q Did you see the defendant there that day -- this woman (pointing to the defendant)? A Yes.

Q Where did you see the defendant, on Park Avenue? A Yes; on the corner of Park Avenue.

Q Near what street? A 100th Street.

Q Will you kindly tell us which corner of Park Avenue and 100th Street that was? A I don't know.

Q Was it near the northwest corner? Just recollect whether whether it was east or west. Don't you know the east from the west? A I think it was on the east side.

Q What were you doing when you saw this woman, this defendant? A I did not do anything. I was about to go to the Italian man to buy some fish.

Q Where was the Italian man? A The Italian was standing on the corner.

Q And where was this woman, the defendant, standing?

A The woman was standing near me.

Q On what side? A On the right side.

Q Did you carry anything at the time? A I was carrying

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a basket, and this pocketbook (showing pocketbook).

Q In what hand did you have the pocketbook? A In the right hand (showing).

Q Hanging from your hand, as you stood that way? A Yes.

Q What did the bag contain? A A small pocketbook.

Q Is that the pocketbook? A No.

Q About what size was it?

MR. McENTIRE: We object unless the pocketbook is produced here, or she has it in her possession.

THE COURT: I will sustain the objection.

MR. COLLIGAN: Then, according to your Honor's ruling I cannot show the size of the pocketbook, that is the pocketbook from which the money was stolen?

Q You had a small pocketbook in the bag?

MR. McENTIRE: We object to any reference to the pocketbook unless it is produced.

THE COURT: Objection overruled.

MR. McENTIRE: Exception.

THE COURT: She can say what she had in it if she knows.

A I had two dollars in it, in bills.

Q You say the defendant was on your right hand side?

A Yes, sir.

Q Was there anyone else around you there? A No, nobody.

Q Were there any women standing on the sidewalk? A After

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I had caught her there were plenty of women around.

THE COURT: Strike that out; disregard it.

Q Do you know whether or not there were any women on the left-hand side? A There were women, but not near me.

Q What did you see the defendant do, if anything? A She opened my handbag, or pocketbook, and she took out the two dollars; she was pushing it under the sleeve of her dress.

Q What was done by her, or by you? A I started to say, "My two dollars are gone". I felt very bad at the time, because I was sick during the week. I started to become ill, and I found two fish which she had taken from the Italian fish men.

MR. McFARLANE: We object. The witness is giving her opinion. She is drawing her conclusion that the fish had been taken from the Italian fish men.

THE COURT: Do I understand her to say that she had searched the defendant?

A I was looking for my two dollars.

Q Did you see the defendant's hand in your bag?

A Yes.

Q What did you do at the time her hand was in your bag?

A I caught her by the hand and she started to push something under her sleeve.

Q What did she hold in her hands, if anything? A Two packets, one under her right arm and the other under her left

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hand.

Q What do you mean by a basket -- what was the character of the basket? A A basket.

Q We want to know more than that. We want to know what kind of a basket it was, whether cloth, wood, or what? A It was a leather basket, costing about ten cents apiece.

Q What size was it? A It was a big basket.

Q Was it rolled up or stretched out? A It was rolled together.

Q And under her arm? A Under her arm, yes.

Q And you grabbed her by the right hand? A Yes.

Q Now, what happened then? A I was holding her by the hand, and she was pushing something up under her sleeve.

Q Then, what happened? A Then she started to run away from me, and I started to holler. She was caught between 100th and 101st Streets.

Q Where did she go after leaving the corner -- where did she run? A She ran into the avenue, into Park Avenue.

Q Did she go into a store? A Yes, she went into a dry-goods store.

Q Did you chase her into that store?

MR. McENTIRE: Objected to as leading.

THE COURT: Sustained.

Q Now, when she ran into the store, what did you do?

Did you chase her?

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MR. McENTIRE: I object.

THE COURT: Objection sustained.

Q What did you do when she ran into the store? A I didn't do anything. I only hollered, "Give me back my two dollars".

Q When did you last see her? A Then she ran and I ran after her.

Q Did she run out of the store?

MR. McENTIRE: I object.

THE COURT: You may ask her what she did. How long did she stay in the store. How long did you stay in the store?

A Not long.

Q Did anyone chase her in the store?

MR. McENTIRE: I object.

THE COURT: Objection sustained.

Q Was she followed by anyone?

MR. McENTIRE: I object.

THE COURT: Objection sustained. Just tell what happened -- what her movements were.

Q You saw her come out of that store? A Yes.

Q What happened then? A Then I ran after her, up to 102nd Street.

Q What happened then? A Then a man and a woman ran after her and held her, caught her. She said she wanted to go home and change her dress. I told the policeman that she should

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not get out of his possession, that she had two dollars of mine on her.

Q And then the policeman arrested her? A Yes.

CROSS EXAMINATION BY MR. McINTIRE:

Q How far did you live from the corner of 100th Street and Park Avenue? A I lived on the corner of Madison Avenue, and this was on the corner of Park Avenue.

Q Which corner of Park Avenue did this happen on? A On the corner of 100th Street.

Q Which corner of 100th Street and Park Avenue? A When I go from my house, it is on the left side.

Q On the left side of which street? A I do not understand what you mean. I do not understand what you mean. If you ask what corner it was, I only know it was at the corner of Park Avenue and 100th Street.

Q How many corners are there at Park Avenue and 100th Street? A I think there is only one corner there.

Q Only one corner at Park Avenue and 100th Street? A I do not understand what you mean. I say there is one corner there.

Q At 100th Street and Park Avenue, there is one corner there? A I cannot show how many corners.

Q Did that corner intersect the corner where the Italians fled from? Ask her to describe what is located there, Mr. Interpreter? Is it a store, or is a dwelling house? A A

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store, a butcher store and a vegetable store together.

Q Now, is there a store on the first floor as well as in the basement? A Only in the basement.

Q Yes, then, now is the basement reached, that is the basement store? How do you get down in the basement store?

A We have to go downstairs to get into it.

Q There are steps leading from the sidewalk down; are there not? A Yes.

Q And quite a number of steps down? A Yes; about four steps.

Q Are they on both sides of the building, on 100th Street as well as on Park Avenue? A Yes.

Q Where was the Italian fish man standing with reference to the steps leading to the basement store? A Not far.

Q How far was he standing from the curbing there of the pavement, the curbstone? A On the sidewalk; he was standing on the sidewalk, he was standing, his baskets of fish, and he was standing there.

Q Was he standing in the middle of the sidewalk or on the curbstone? A Nearer to the store.

Q Nearer to the steps leading into the basement than the curbstone, did you say? A Nearer to the street.

Q How far from the curbstone was the Italian fish man standing, did you say, as she calls it, Mr. Interpreter?

A Nearer, yes, nearer.

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Q Ask her again, Mr. Interpreter, if she can tell how wide the sidewalk is there from the gutter to the steps leading into the basement? A I cannot tell exactly; I did not measure it. (The witness indicates a distance of approximately the distance from the corner of the jurybox to the railing back of her).

Q She illustrated the distance a minute ago. Ask her to illustrate it again, Mr. Interpreter. A I cannot say how wide it was.

Q About how wide was it? A It seems to me the distance I have indicated then -- perhaps wider, perhaps less. I don't know. Three or four people can walk alongside of one another on that sidewalk.

Q And the Italian fish man was standing in the middle of the sidewalk?

MR. CONLIAN: The witness has not said that.

Q Where was the Italian standing? A This being the steps (indicating), the Italian was standing about here (indicating).

Q Then he was standing midway between the gutter and the steps leading into the basement? A This being the steps and the gutter (indicating) the Italian was standing about here (indicating).

Q Was the witness directly in front of the Italian fish man, his back to her? A Yes, in front of him.

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Q When you came up there where was the defendant, Mrs. Stamon, standing? A She was standing near me.

Q No, she was standing opposite the Italian when you came up there; wasn't she? A Yes.

Q She was standing directly in front of the Italian fish man, over the basket of fish, when you came up? A Yes.

Q Now, on which side of Mrs. Stamon did she come up, Mr. Interpreter? A On this side (indicating), to the left side, and then she turned out to my right side.

Q Was Mrs. Stamon facing the Italian? A I did not notice exactly whether she was facing the Italian or not.

Q Well, was she looking towards the building or towards the street? A She had turned around and was looking up.

Q No; that is not answering my question. When she came up there, where was Mrs. Stamon standing? A She was looking towards the house here.

Q Looking from the street? A She was looking all around.

Q Was she in front of the Italian or in the rear of the Italian? A She was standing next to the Italian.

Q Standing by the side of the Italian? A Yes; right alongside the Italian.

Q Mrs. Stamon was standing by the side of the Italian. Was Mrs. Stamon facing the house or facing the street? A I did not look up into her eyes to see where she was looking.

Q Well, you came up there. How was Mrs. Stamon standing

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then? A Near the Italian fish man.

Q Was she looking down at the fish? A I could not know that.

Q Was she facing towards the Italian? A I did not see that.

Q Now, when you came up there what was Mrs. Stamon doing? A I did not notice what she was doing.

Q Did you see her immediately upon coming up there? A No, I did not see her after I came there.

Q When did you first see her? A When she took the money out of my pocket book.

Q What did you have in your hands besides the bag that you now have in your hands? A The basket and the pocketbook.

Q In which hand did you have this pocketbook now? A In the right hand.

Q In which hand did you have the basket? A In the same hand.

Q Was the bag hanging into the basket? A Yes.

Q Was it on the side of the basket, or hanging into the basket? A I do not remember exactly whether it was inside or on the side.

Q Did the basket have an arm? A No.

Q A handle? A Yes.

Q Did you have that handle over your arm? A Just the same

as I am holding my umbrella, I was holding the basket then.

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Q And you were holding the bag in the same position? A Yes.

Q Then the bag was hanging into the basket? A I do not know whether it was hanging into the basket or outside of it.

Q You had a basket in your hand; did you not? A Yes.

Q And you had a bag in your hand? A Yes.

Q Now what did Mrs. Stamon do? A She opened my pocket book.

Q With which hand did she open your pocketbook? When she says pocketbook, does she mean the bag, Mr. Interpreter? A I mean the bag.

Q Then what happened? A There was a small pocketbook inside with not a very good lock.

Q What did she do with the small pocketbook? A She opened the small pocketbook and took out my two dollars.

Q Was the small pocketbook -- did it have a clasp on it? A Yes, but it was spoiled.

Q What did Mrs. Stamon have in her hands? A Two baskets, one under the right arm, and the other one she was holding in her left hand, with the small pocketbook.

Q She had a basket under her right arm, you say? A Two baskets, one under the right arm and one on her left arm.

Q A pocketbook also in her left hand? A She had a coat. I do not know exactly what it was. She did not permit me to search her.

Q With which hand did Mrs. Stamon open the bag? A With

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the right hand she opened the bag and with the left hand she took out the money, and she took out the two dollars and put it in her right arm.

Q With which hand did she take the money? A I can't remember. At that time I did not feel very well.

Q When she opened the bag, didn't she drop her basket? A No, she was holding it.

Q She still kept the basket under her right arm while she was opening the bag? A She held the basket under the left arm.

Q For about the basket that was under her right arm, what was it? A She dropped that basket.

Q What sort of baskets were they? A Every woman that goes out shopping, she carries along such a basket as I am talking about.

Q What material was that basket made of? A It is a kind of leather. It has two strings on it, two handles, and it is made of a material somewhat like leather.

Q Mrs. Stemon had two of these baskets? A She had a basket and a bag.

Q Where was the place to which Mrs. Stemon ran, into which street? A From 120th and 121st Streets.

Q On which side of the street? A It was on the avenue, on Park Avenue.

Q How far from the corner? A There is a corner where the street goes, and there is a corner store,

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and afterwards across a bakery.

Q Ask her, Mr. Interpreter, to tell what Mrs. Stamon took out of this small pocketbook that was in her bag?

A Two dollars.

Q Was it a two dollar bill or two one dollar bills?

A It was the single dollar bills.

Q And she pushed her hand up Mrs. Stamon's sleeve to see if she had dollars had been pushed up there by Mrs. Stamon?

A She would not let me do it.

Q Did you try to do it? A Yes, I wanted to get it and not to have any more business.

Q Did she call on to Mrs. Stamon? A Yes; I was holding her, but she tore herself away from me.

Q Did she go up the stairs with Mrs. Stamon and some woman and enter into the store, Mr. Interpreter? A Afterwards when she got into 101st Street then we went back to the store.

Q Didn't Mrs. Stamon ask to be searched in the store? A No.

Q Didn't she open her clothing so that she might be searched? A No, she said she had nothing, and she was showing her pockets.

Q Were you in the store at that time? A Yes.

Q Was the police officer there at that time? A Yes.

Q Did Mrs. Stamon want that she should be searched?

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A No; she wanted to run away, and I was standing at the door.

Q Didn't she ask the lady there to search her? A No; she would not let her.

Q Ask her, Mr. Interpreter, if she was in there all the time Mrs. Stamon was in the store? A Yes.

Q This store she refers to is up next to the bakery; is it not? A Yes, sir.

Q A drygoods store, a notion store, kept by some woman, is it not? A Yes.

Q How many women were there around the corner at that time?

A Many men and women were there.

Q Many men and women were there around the corner at the fish basket? A When I started to search her, plenty of women came running up there together.

Q Who was there at the corner besides Mrs. Stamon when she came there, Mr. Interpreter? A Women were passing there, who were shopping.

Q Many men and women were about there, were there not?

A Well, you can know yourself that there were men and women there.

Q Were they there that day? A It was on a Thursday and women were there.

Q Where was it that you first saw the policeman that arrested Mrs. Stamon? A On 102nd Street.

Q Was that after the woman searched her in the store? A

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After she ran out of the store.

Q After she was searched by the woman in the store? A No, she would not let her self be searched. At that time, there was no policeman there.

Q After she went out of the store, the policeman made his appearance? A She ran through 100th Street, and I ran after her and caught hold of her, and then the policeman came up.

Q Was that after she had been in the store? A Yes.

Q Now, is that a large store or a small store? A It is a small store.

MR. McENTINE: That is all.

RE-DIRECT EXAMINATION BY MR. COLLIGAN:

Q Did you know this woman before that? A No.

MR. COLLIGAN: That is all.

.....

HARRY LIPSCITZ, called as a witness in behalf of the People, being duly sworn and examined, testified as follows through Interpreter Rosenthal:

DIRECT EXAMINATION BY MR. COLLIGAN:

Q Where do you live? A At 234 East 121st Street, New York City.

Q What is your business? A I am a peddler, a pushcart peddler.

Q What do you peddle? A Drygoods.

Q Where do you work, where do you peddle? A 100th Street,

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corner of Park Avenue.

Q Do you remember seeing this woman last December (pointing to Defendant), and the other woman, the complaining witness (pointing to complaining witness)? A Yes, sir.

Q Did you see them both together? A Yes, I saw them together.

Q Just where did you have your pushcart? A In 100th Street, right on the corner of Park Avenue.

Q Now, what corner is it -- northeast, northwest, southeast or southwest? A The corner towards the uptown side.

Q Now, is it east or west? Will you please answer that? A It is towards Central Park.

Q Is it the northeast or the northwest corner?

THE INTERPRETER: HQ cannot understand the points of the compass. Is it the northwest corner he thinks.

Q Now, you have your wagon, your pushcart, on 100th Street? A Yes.

Q How far from the corner was your pushcart that day? A About one step.

Q Was there another pushcart on 100th Street that day? A No.

Q Did you see the Italian fish man on 100th Street? A Yes.

Q How far was he from the corner? A About three steps from me.

Q Just where on the sidewalk or on the street, or wherever it happened to be, where was this basket of fish? A On the

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sidewalk, right near the gutter, where the water is flowing.

Q Did you see this woman, the complaining witness, standing in front of the Italian fish man? A Yes.

Q Did you see the other woman, the defendant, standing there? What did you see standing there? A The fish man was standing near the street, not near the house. Mrs. Stamon was standing towards the north. The complaining witness was standing towards the north, and the defendant was standing towards the south, nearer to me.

Q Now, I want you to tell just what you saw. A I saw the defendant holding the open pocketbook of the complaining witness, and I saw the complaining witness grab the defendant by the hand.

Q What was the complaining witness holding in her hand, if anything? A An oil cloth basket, and the basket was hanging a bag.

Q Was the bag or the purse -- did you mean the purse --
A A market bag, a shopping bag.

Q What was the character of that bag? Explain what that bag looked like? A It is a black oil cloth bag.

Q Was it hanging or rolled up, or was there a spring on it? A An oil cloth shopping bag, which was right close to her body, and the other bag was hanging right over the oil cloth bag.

Q What does it mean by the other bag, Mr. Interpreter?

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A A velvet bag.

Q Now, the velvet bag was outside of the oil cloth bag, and in her right hand? A Yes; in her right hand.

Q Now, on West side of the complaining witness was the defendant? A The right-hand side.

Q Now, just tell how this thing was done. Stand up and illustrate it. A I saw her holding it, and I saw the complaining witness grab her by the right hand.

Q Well, then, what was done? A When the defendant was grabbed by the complaining witness, and the defendant's two fishes fell out from under her arm.

Q Did the fish catch man say anything?

MR. McINTIRE: I object.

THE COURT: I can't see how it will do any harm in the presence of the defendant.

A The Italian said, "Why did you steal those fishes? You did not pay me for those fishes".

MR. McINTIRE: I move to have that stricken out.

THE COURT: Yes, strike it out.

Q Well, what happened then? A The defendant tore herself away then.

Q Did you say anything to either the complaining witness or the defendant? A Yes; I said to the defendant, "Give her back the two dollars, if you took 'em, because I saw you holding her pocketbook".

Q The two dollars you didn't give to you and run away? Did she?

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A. Then she was caught and led into a drygoods store. From there she ran away again, and then the whole crowd was chasing after her. Then I did not see any more, because I went back to my business. I understand she was taken by a policeman.

MR. JULLIAN: That is all.

CROSS EXAMINATION BY MR. McWHIRTER:

Q. You were standing with your purchase on 15th Street?
A. 100th Street.

Q. In the north side of the street? A. On the north side.

Q. How far from the corner? A. One step, about.

Q. One step from the corner of Park Avenue? A. Yes.

Q. Now, the curb is rounded there; is it not? A. Yes, sir.

Q. Was it only one step from the corner? A. Yes.

Q. Was it only one step from the corner?

Q. The Italian fish man was opposite, at the corner,

was it not? A. Both of us were standing about the same corner.

Q. You were both in the same place? A. He was standing on

one side of the island, and I was on the other side.

Q. The Italian fish man was in Park Avenue and you were in 100th Street, is that it? A. Yes.

Q. Now, the Italian fish man was facing the building in Park Avenue, looking from the building, wasn't he? A. Yes.

Q. Was he looking at the building? A. Yes; not so much towards the building, but he was looking at

Q. The Italian fish man was in front of him? A. Yes.

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Q You were standing in the street back of your little pushcart? A I was not doing any business, and I was watching the Italian fish man.

Q Watching him? A I was looking in the direction where the Italian fish man was standing.

Q How many people were around the corner at that time?

A Two more people standing there towards the north.

Q Near the fish man? A They were buying bananas there.

Q Where was the banana pushcart? A In Park Avenue, a little farther away from the Italian fish man.

Q How many people were moving up and down the street?

A People were passing there; I cannot tell you how many.

Q A great many were passing up and down there? A At that time, at the time that she was caught, there weren't many there. There was no market there.

Q But there were people passing up and down, weren't there?

A Yes, sure.

Q Did Mrs. Bousar have a basket? A Yes, under the velvet bag she had a basket.

Q The witness spoke, Mr. Interpreter, of an oil cloth bag and a basket and a velvet bag.

MR. COLLIGAN: Only two; he hasn't said three.

THE WITNESS: I call it a basket. It is an oil cloth bag; she had two baskets, one oil cloth basket and the other a velvet bag.

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Q It was, as a matter of fact, an oil cloth bag and a velvet bag? A In the velvet bag she keeps her money.

Q How does he know that, Mr. Interpreter? A Everybody keeps their money in such a velvet bag. Money is generally kept in such a velvet bag.

Q How many baskets did Mrs. Stamon have? A Two; she had one in her hand and the other under her arm.

Q In which hand did she have the bag? A In her left hand, one under the left arm, and the other in her left hand.

Q With which hand did Mrs. Stamon open this velvet bag?

A With the right hand, reaching over her left arm.

Q Where was Mrs. Stamon with reference to Mrs. Bouser?-- on the right or left side?

THE INTERPRETER: The witness says that the defendant was standing as near the complaining witness as I was standing near the interpreter.

Q On which side, the north or the south side? A As we are now standing together, so the complaining witness and the defendant were standing together on that day.

Q And the Italian fish man was facing both of them; was he not? A Sure; he was looking at his basket, doing business with his fish.

Q The basket was between the Italian fish man and the two women? A The two women were standing in the same position as the witness and the interpreter are now standing.

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Q Which one represents Mrs. Stamon -- the interpreter or the witness? A The witness is the defendant and the interpreter is the complaining witness, as we are now standing.

Q Mrs. Stamon then with her right hand opened the velvet bag; did she not? A I did not see how she opened it, but I saw her with her hand holding it.

THE COURT: Has the witness said that he saw the defendant holding the bag entirely in her hand or was it in the possession jointly of the defendant and the prosecuting witness?

MR. McWILLIAMS: That has not come out yet, your Honor.

THE COURT: I will be glad to have you bring that out.

Q Who was holding the velvet bag at the time Mrs. Stamon attempted to open it? Was it open, you say? A It was hanging on the arm of the complaining witness, and on top of his other bag. The strings were on the wrist.

Q And the other bag was under the complaining witness's arm? A Yes, it was under his arm on one arm, one bag was hanging on top of the other.

Q Was it open the first time you saw it, the velvet bag?

A Yes, it was open, she was holding her hand on the bag.

Q What was it on the bag -- what part of the bag?

A It was hanging out of the open pocketbook with her hand behind her back.

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wrist.

THE COURT: Did the witness see anything of the defendant's hand besides the bag?

A All this happened so quickly that I could not see any more at that time.

Q You did not see any money there at all? A No; no money.

Q Did you go up to the drygoods store with Mrs. Stamon?

A No.

Q Were you at any time in the drygoods store with Mrs. Stamon? A No; I had to watch my pushcart.

THE COURT: Does the witness know either the defendant or the complaining witness?

A Up to that day I had not known either of them.

Q Where do you live now? A At 121st Street, 234 East 121st Street.

THE COURT: Have you seen any of them since that time -- the defendant or the complaining witness?

A The complaining witness I have seen afterwards, because she lived in 100th Street, and I keep my merchandise in 100th Street.

Q Isn't it a fact that you talked to the complaining witness a number of times? A Here in court I met her and we talked.

Q Well, in 100th Street, didn't you talk it over with her?

A When?

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Q Since last December? A I saw her pass there, but I had nothing to talk to her about.

Q Didn't you come to court with her today? A Yes.

Q And you came together yesterday, and the day before yesterday? A She came here first, and I came here later.

Q He was with them here in court, was he not, Mr. Interpreter? A Yes, here in Court.

Q What did Mrs. Stamon say when you said, "Why don't you give back the defendant the two dollars?" A She said she had not taken any money and did not know anything about it. She said, "You can search me. I have not got a penny with me. Twenty pennies I have in my small pocketbook, that is all I have".

MR. McWHIRTER: That is all.

RE-DIRECT EXAMINATION BY MR. COLLIGAN:

Q When you first saw the purse, where was the defendant's hand?

MR. McWHIRTER: He never saw the purse.

Q When you first saw the velvet bag hanging on the woman's hand, hanging on the arm of the complaining witness, where was the defendant's hand? A When I saw her, she was holding the pocketbook.

Q The defendant was holding the pocketbook of the complaining witness? A Yes.

MR. McWHIRTER: Didn't he say bag, instead of pocket-

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book?

Q When you refer to the pocketbook, what do you mean?

A I mean the velvet bag when I say pocketbook.

Q Was the bag open or closed?

MR. McWHIR: I desire to object, on the ground that the witness has not said all this before.

THE COURT: Yea; I think that both of your gentlemen have taken a great deal of time to explain these matters, but you have had difficulties, and I appreciate it. I think that I shall have to let Mr. Colligan go ahead.

The witness may answer.

A The velvet bag was held the one-half of it with her fingers, and it was open.

MR. COLLIGAN: That is all.

RE-TRIED EXAMINATION BY MR. McWHIR:

Q The velvet bag was? A Yes.

Q Did you see Mrs. Bowser with any other pocketbook?

A Bowser had the velvet bag. I only saw the calico bag, and saw her with the velvet bag.

MR. McWHIR: That is all. I want to call upon the District Attorney to produce the female pocketbook described by the complaining witness, and said to be in the velvet bag.

MR. McWHIR: I shall be pleased to hear for it. I

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have not seen it myself.

AT 4:15 P.M.

A READJUSTMENT WAS TAKEN UNTIL THURSDAY,
APRIL 11TH, 1912, AT 10:30 A.M., the Court having
first admonished the jury in accordance with sec-
tion 415 of the Code of Criminal Procedure.

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THE PEOPLE, &c., v. LENA STAMON.

New York, April 11, 1912.

TRIAL RESUMED.

WALTER S. LEROCKER, called and duly sworn as a witness on behalf of the People, testified as follows:

DIRECT-EXAMINATION BY MR. COLLIGAN:

Q You are attached to the Municipal Police Force of the City of New York? A Yes, sir.

Q What precinct? A 39th.

Q Did you arrest the defendant in this case? A Yes, sir.

Q Where 102d street and Park avenue.

Q State the circumstances? A At about 10:10 A.M. my attention was attracted by a crowd of women that seemed to be fighting. I walked over and the defendant, or the complainant Rebecca Bouser, had the defendant Lena Stamon by the shoulder and arm and accused her of stealing two dollars from her.

Q Go on? A So I placed her under arrest and was bringing her to the station house.

Q Continue, you say the complainant had her hands on the defendant's arm? Now, tell just what happened, very briefly?

A The women were very much excited, so I placed her under arrest and bringing her to the station house a crowd of women followed, and one woman that followed named Lena Greenspan, she also said five dollars were taken from her by this woman.

Q Speak up? A So the Lieutenant held her and he ordered

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me to have her searched by a matron.

Q Well, you did not search her yourself? A No, sir.

Q Is that all you know about it now? A Yes, sir.

(No cross-examination.)

M A R Y E. M U R P H Y, called and duly sworn as a witness
on behalf of the People, testified as follows:

DIRECT-EXAMINATION BY MR. COLLIGAN:

Q Mrs Murphy, you are a Police matron? A Yes.

Q And you searched the defendant in this case? A Yes.

Q Will you state to the Court and jury the circumstances
and how she was dressed and her appearance, and if anything was
said, and what you took from her person? A Well, when she was
brought to the station house she was exceedingly dirty, and wore
very dirty clothes, very bedraggled dirty clothes, an old red
sweater, an old stained skirt, and I went to her to remove some
of her clothing and she had a little pocketbook in her hand, a
purse. She let me take the pocketbook, the little purse, all
right, but afterwards when I went to remove her clothing she
struggled with me, and I had to use quite some force before I
could get her in position. Afterward I took her clothes off
her, so in removing the sweater and skirt I found a bundle on
each side of her hips. I pulled the skirt off her, actually
tore it from the waist, and pulled it off, and on her under-
skirt, she had a canvas bag pinned, about that long (indicat-

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3.

ing), and pinned with a about, I think, about 20 safety pins, pinning it to that skirt, which was very much patched.

BY THE COURT:

Q Speak out louder? A She had a bag about that length (indicating), a chamois bag pinned with about safety pins to her underskirt, and I put her up against the wall like that (illustrating) with my arms, while I was removing the pins from it, and I threw them on the floor. Then I searched on the other side and she had another bag, the same kind of bag, and I took those things and she struggled with me, and in the struggle she cut my hand, it became cut with, I don't know how it happened.

BY MR. COLLIGAN:

Q What were the contents of those bags? A She had \$1481 in cash.

Q \$1481 in one bag? A Well, they were mixed, you know.

Q State just how they were? A There was some money in each bag and she had small bags, made, with rolls of bills, \$25 in one rolls and \$100 in another, and so on. The bills were not of the same denomination. We had to separate them to count them.

Q What else did you find? A She had a ten dollar gold piece and two five dollar bills.

Q Never mind the money. Is there anything else you found? A She had four wedding rings different sizes, and a gentleman's gold watch and gold chain, a key ring, and two ladies' gold watches and a lady's long net chain.

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Q How many rings did she have? A She had five yellow metal rings with stones of different colors, and she had one ring separate from the rest of them in a little jewelry box, such as you get a ring in, if you bought it. She had that secreted in the cover of the box, and by pulling off the satin lining she had a ring inside that box in the lid.

Q Did she have a cigarette cutter? A Yes, she had a cigarette cutter.

Q Was there a monogram on it? A Yes, there was a monogram on it "H.K."

Q Now, you say she had \$1481 in cash? A Yes.

Q She had three watches, one gentleman's and two lady's?

A Yes.

Q One bracelet? A Yes.

Q One cigarette cutter with the monogram "H.K." on it?

A Yes.

Q One locket and chain with monogram? A Yes.

Q Five rings with stones of different colors? A Yes.

Q Two pairs of earrings with white stones? A Yes.

Q Four plain wedding rings? A Yes.

Q One lady's ring with white stones? A Yes.

CROSS-EXAMINATION BY MR. SWENETSER:

Q What time of day was it when this woman was brought to the station house, this defendant, for you to search her? A I

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think it was then the forenoon, as well as I remember.

Q What time? A I think the forenoon, I am not quite sure as to the time.

Q In the morning? A Well, about 11 or half past 11.

Q When you made the search was anybody else present but you and the defendant? A The officer who made the arrest was standing present while I was searching her.

Q You first examined her upper clothing, didn't you? A I first took her little purse out of her hand.

Q What did she have on? A She had an old red sweater, an old blue stained skirt.

Q Did you find any--you took off her waist, did you?
A Yes, I took all her clothing off.

Q Did you find any one dollar bills in the upper part or in her sleeves? A No.

Q No one dollar bills? A No.

Q Now, there was no other property found above her waist line, was there? A No.

Q And all the property you have described as found was under her outer dress? A Yes.

Q It was pinned in a small bag to her underskirt? A Yes.

Q Do you recollect whether the bag was a canvas bag or cloth material, or whether it was chamois, as you say?

A Well, I couldn't swear whether it was chamois or canvas, it was one of those bags.

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Q Would you want us to understand that you do not recollect? A It was a brown or tan colored bag.

Q And there was a running string that runs through? A No, there was no running strings.

Q Wasn't it pinned with safety pines to her dress? A Yes.

Q How many safety pines were in it? A I guess about a hundred.

Q A hundred safety pins? A Yes, every little bag in it had a safety pin.

Q When you discovered that you took the safety pins out, didn't you? A Yes.

Q And the safety pins pinned every bag which was of a similar character, pinned to her undershirt, is that so? A Yes.

Q And you unpinned it? A Yes.

Q And when you opened the bag this money, ~~this~~ this \$1461 as you say, was found there? A Yes.

Q Was not the one dollar bill that was part of the \$1461 pinned in that bag? A It was stuck in on the top loosely.

Q It was in the bag, wasn't it? A It was in the bag but loosely, it was the only bag--

Q (Interrupting) Did you have any conversation with the defendant about that money? A She pretended she could speak no English.

Q Did you speak English to her? A I did, of course, what else could I speak?

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Q I don't understand you? A I did.

Q You did not speak any other language to her? A No.

Q And she spoke to you in a foreign language? A What she did, she just gesticulated.

Q So you don't know what she said with reference to these \$1481? A No.

Q And that same applies exactly to all the jewelry?

A Yes.

Q Did she say where she got the jewelry? A She spoke no English to me.

Q Will you be good enough to look at these things, this clothing (handing)? A Yes, I see them, yes, that is the garment.

Q Is that the skirt that you found on this defendant?

A Yes, that is the skirt.

Q Look at the bag that is inside of it, is that the same bag? A No, the large bags are not here.

Q Well, here is another (indicating)? A That is not the bag either, it is a tan colored bag.

Q Do you identify this bag too? A Yes, that is one of the bags that was inside the larger bag.

Q How many bags were there? A She had two of those yellow bags, one in each pocket.

Q One was the bag with money and the other was with the jewelry? A One in each pocket, it was mixed up in both bags

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securely. When I was putting these back into these bags again I did not put them back as carefully as she did.

Q What did you do with the stuff after you found it?

A Counted it, took a list of all the stuff she had with her in her bags.

Q What did you do with the money itself and the jewelry?

A I turned it in to the Lieutenant at the desk, to Lieutenant Macdon.

Q Was this purse found on her too? A She had that in her hand.

Q Did you examine what was in the purse? A Yes.

Q What was in it? A Nothing except a key and a couple of cents.

Q You did not find any one dollar bill or two one dollar bills? A No.

Q And you did not find two one dollar bills on her person at all? A No, I found only one dollar bill.

Q That is all.

MR. COLLIGAN: The People rest.

THE DEFENCE.

LENA STAMON, the defendant, called and duly sworn as a witness on behalf of the defence, testified ~~xx~~ through Official Interpreter Rosenthal as follows:

Residence, 59 East 102d street.

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DIRECT-EXAMINATION BY MR. MCENTIRE:

Q Where did you reside on the 21st of last December?

A The same place.

Q State to the jury what you did at about nine o'clock on the morning of that day? A In the morning I left my house and went into the street in order to buy fish.

Q Where did you go? A 102d street and Park avenue. I met some women who were carrying fish and I asked them where they had bought the fish. The women directed me to 100th street and Park avenue. There I could buy fish, they said.

Q What did you do when you got to 100th street and Park avenue? A I picked out two fish, and the man told me I should wait a moment, he had no time to attend to me, he would first attend to another woman. There were a lot of women around that peddler. While I was standing on the sidewalk I saw the woman who is the complainant in this case come up towards me on the sidewalk. She came up near to me and started to push me, and I thought that she wanted more room, and I gave her a little more room. She was still pushing me, coming near and nearer to me. I moved away a little bit from her. She was pressing so close to me that the pins that I had in my clothes were beginning to stick my body. I got frightened from the pain and I went away from the sidewalk, and I went into the street. While I was standing in the street she grabbed my hand and said "Give me back the two dollars."

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Other women were standing with me at the time and they said to the complaining witness "What do you want of this lady here, she was standing with us doing nothing at all." That was all. She would not let me go. She held me by the hand and did not let me go away from the spot.

Q Well, what occurred after that? A From the place where I was standing near the man, she took me and led to a drugstore. She was dragging me along towards the place where she was living in the street, where she was living, she wanted me to go to the street on which she was living, and I said I would not go there.

Q What if anything did she say to you at that time?

A She said "Come along with me, we will find the two dollars with you." I said "I would not go with you, you better take me to the station house, I will go to the station."

Q Then what happened? A Then they took me to a drygoods store, and she searched me and other people searched me, they undressed me, taking off almost all my clothes, almost all the clothes I had taken off and they were lying on the floor. Then the woman in charge of the drygoods store came up and said to the complaining witness "What kind of disturbance are you making here in this store, this woman has no two dollars, let her go." The lady from the drygoods store opened the door and told everybody to get out. We went out of the drygoods store. Then they got hold of me again and they were leading me. She again

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insisted upon going with her to the street where she lived and I said "Take me to the station house".

Q Then what happened? A Then came a policeman and arrested me.

Q You were then taken to the station house? A Yes.

Q In what street? A I can't read, I don't know.

Q Where were you searched, at the first station house?

A Not in the place where I was arrested. I was taken to another place further away, I was taken away in a wagon.

Q Then what happened at the other station house? A There I was searched, I was taken down into a cellar, a basement, and the lady undressed me and searched me. At first she searched me while I was dressed and then she undressed me. She looked, she examined my pocketbook and she found there about thirty cents. Then she took every piece of clothing that I had on, one by one, took it off me and examined it, I asked her--

THE COURT (interposing): Well, she did not find this property, did she?

MR. McENTIRE: No, sir.

THE COURT: Then let us get to the end of the case, gentlemen.

Q Now, was the drygoods store to which you were taken occupied at this time? A I don't know that. I was no there. I have heard something about a fire having taken place there.

Q Well, is the woman there in that store yet? A I don't

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know, it could be easily found out.

Q Oh, you don't know? Whom did this property belong to that was taken from you? A My own money.

Q Where did you get it? A I was working in the shop of Mr Demmerle and I earned it.

Q Where is Mr Demmerle's shop? A In 23d street between Seventh and Eighth avenues.

Q How long did you work for him?

THE COURT: There is no contention here, counsel, so far as I understand it, that she took any of this money. It is none of anybody's business where she earned that.

MR. SWEETSER: We only wanted to meet the impression that because all this money was found on her--

THE COURT: Well, unless there is some connection here, I am going to hold you gentlemen to this indictment.

MR. McENTIRE: Then I just want to ask a general question with reference to the jewelry.

THE COURT: Very well.

Q Well, who does this jewelry belong to that was found on you? A That is mine. These articles are mine. That gentleman's watch was left by a brother-in-law of mine in my charge for a boy.

Q This money and this jewelry here was all returned to you by the police, wasn't it, after you were arrested? A Yes.

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THE COURT: Anything further?

MR. McENTIRE: No, your Honor.

CROSS-EXAMINATION BY MR. COLLIGAN:

Q Did you have a cigarette cutter with a monogram on it?

A Yes, this also belonged to my brother-in-law.

Q What is your brother-in-law's name? A He is dead.

Q What was his name? A Levick. His family name I don't know.

Q Your own brother-in-law? A Levick.

Q Was the monogram on this cigarette cutter "H.K.", as stated by Mrs Murphy? A Where he took it from I don't know.

Q Well, all right. What time did you leave the house this morning? A About nine o'clock.

Q And you went directly where? A To 102d street and Park avenue.

Q You went from 100th street to 102d street? A And Park avenue.

Q Did you have any money in your pocketbook? A About thirty some cents.

Q You are sure of that? A Yes.

Q Did you have money in your pocketbook when you reached the police station, when you were searched? A The same, thirty cents.

Q Had you made the purchase of fish? A He had no time

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to close the bargain. After I had taken the two fish he told me to wait until ~~X~~ he would have attended to other women.

Q Isn't it a fact that you took the fish, that you stole the fish and then dropped them?

Objected to. Question withdrawn.

Q Isn't it a fact that you stole the fish? A No, if I had stolen it the man would have arrested me.

Q Well, why did you drop it? A Because I was frightened when they got hold of me.

Q Now, you say that this complaining witness held you?

A Yes.

Q Well, then, why did you run? A I didn't run. No, I did not run.

Q Well, you have stated that the complaining witness wanted to bring you to her house; isn't a fact that she lives at 100th street and she was bringing you then nearer to 102d street?

A No, she was dragging me up there where she lived.

Q Don't you know she lives in 100th street? A I didn't know that she lived in 100th street.

Q You have stated that you were willing to be searched, then why did you resist Mrs Murphy in the police station?

A You mean the woman who took my clothes?

Q Yes. A Yes, I permitted her to do everything. I only asked her to send a man to me who could talk my language and he should count the money, and she should not do it.

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Q Now, I am going to ask you three questions more. You have stated that when you left your house that morning you went directly to the corner of 100th street and Park avenue and were about to make this purchase of fish, do I understand you correctly, 102d street and Park avenue? A As I said before, I left my house and I went to the corner of 102d street and Park avenue, and there I met several women with fish, and I asked them where they had bought it and they directed me to the place, 100th street and Park avenue.

Q Had you stopped at any other pushcart prior to this?

A No.

MR. COLLIGAN: Mrs Greenspan, stand up, please, and walk up to the bar.

Q Had you stolen any money that day? A No.

Q Isn't it a fact that you stole five dollars from that woman (indicating), one half hour before you stole the two dollars from this complainant?

MR. SWETSER: Objected to.

THE COURT: Objection sustained.

Q Did you see that woman that day? A No.

Q Didn't you see the woman at the pushcart that day?

A No.

Q Didn't that woman chase you up the street that day?

MR. SWETSER: I object to that. I think they have gone far enough on that.

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A No, she came along to the station house.

Q Yes, that is all, or just a moment.

MR. COLLIGAN: Mrs Siegel, stand up.

Q Do you know this woman, Mrs Siegel? A I don't know her. I even never went to see her.

Q Don't you know as a matter of fact that she keeps the baker store at the very corner?-- A (Interrupting) No, no.

Q (Continuing) Of 100th street?

MR. McENTIRE: If your Honor please they have not proved there is any bakery on the corner.

Q Does she keep a baker store between 100th and 101st street on Park avenue? A Yes.

Q And haven't you repeatedly gone into her store?

A (Continuing) Yes, but I was never in her store.

Q And isn't it a fact that you have stolen property from her store?

Objected to. Objection sustained.

MR. McENTIRE: We protest against this language.

THE COURT: The jury will disregard it. We will try only one case at a time.

THE WITNESS: My sister, who is now dead, she had business dealings with her, but not I.

REDIRECT-EXAMINATION BY MR. McENTIRE:

Q I want to ask one question I should have asked.

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THE COURT: Go on.

Q Did you take two one dollar bills from this woman Becky Bouser? A No.

Q Did you put your hand into the velvet bag that she showed here in court? A No, never.

THE FIFTH JUROR: If your Honor please, I would like to have Mrs Murphy recalled to ascertain if she remembers whether any of the safety pins being opened or having any ordinary pins on her that might stick her.

THE COURT: I do not think that is very important, because Mrs Murphy did not find this property in question on her, and we are trying the issue here that is being drawn by these legal mechanics.

THE EIGHTH JUROR: I would like to ask if the arrangement of these bags was such that money could be slipped into them while on the person of the defendant.

THE COURT: Well, I will not ask either gentleman to develop that question. Gentlemen, you will confine yourselves just to the facts of the case. That is, the Court directs you to take it up for consideration and limit it to the indictment and to the plea of not guilty. We must proceed according to the science of the law. I do not say that in any spirit of criticism, as I cannot expect you gentlemen of course to know the legal rules, but it is not necessary in the judgment of the Court, and I shall not ask

either gentleman to address themselves to that inquiry.

Call your next witness. The curiosity of jurors is sometimes aroused by statements and the situations that arise, but we must not allow them to cloud the real issue.

THEODORE DEMMERLE, called and duly sworn as a witness on behalf of the defence, testified as follows:

DIRECT-EXAMINATION BY MR. McENTIRE:

Q Where do you reside? A 1554 Brandt avenue, Bronx.

Q In what business are you? A Manufacturer of hats and caps and automobile apparel.

Q Where is your place of business? A 248 West 23d street.

Q How long has it been there? A Eleven or twelve years.

Q How long have you been in business in the city of New York? A Thirty years.

Q What is the name of your firm? A Demmerle & Company.

Q Do you know the defendant here? A Yes.

Q How long have you known her? A Six or seven years.

Q Did she ever work for you? A Yes.

Q How long ago? A She worked for me six years, a year and a half ago.

Q Six years prior to a year and a half ago? A Yes.

Q Did she work continuously during all those six years

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for you? A Yes.

Q Was she regular in her work? A Yes.

Q Did she work every day? A Well, I--

Q Well, I mean mostly every day? A Well, mostly every day.

Q What was the nature of her work there? A She was what we call a cap finisher, a cloth cap finisher. She worked on cloth caps, she did hand work on the caps.

Q What wages did she earn? A She was--

THE COURT: Let me ask, what is the purpose of this, counsel?

MR. McENTIRE: Well, that brings out that she had money on her.

THE COURT: Was she not entitled to have it? Is this for the purpose of getting some reputation evidence? Then ask him.

Q Do you know this woman's reputation? A Yes.

Q What is her reputation for truth, veracity and honesty, and what have you known it to be during all these years you have known her? A I have known her to be an honest and efficient woman in her capacity, her trade.

Q Well, she had free access to your goods there in that place? A Yes, trimmings.

CROSS-EXAMINATION BY MR. COLLIGAN:

Q How many reputable people know her that you know and have told you about her? A I believe that I have about 40 or 50 hands in my place that know her.

Q Any one else outside that? A No, I don't know of any anybody else.

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S O L O M O N P R E S E N T, being called and duly sworn as a witness on behalf of the defense, testified as follows:

DIRECT EXAMINATION BY MR. McINTIRE:

Q Where do you reside? A 639 Monroe street.

Q What business are you in? A Tailor.

Q Where is your place of business? A 172 West 94th street.

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

Q How long have you known her? A I have known her about the last eighteen years, since she was a girl, and I brought her over to this country.

Q Are you any relation of hers? A Yes.

Q What relation? A Brother-in-law.

Q Her brother-in-law? A Yes.

Q Do you know her reputation? A Yes, sir.

Q What is her reputation for truth, veracity and honesty?

A She was always honest as long as I know her.

Q A hard working woman? A Yes, sir.

Q She is a married woman? A Yes, sir.

CROSS EXAMINATION BY MR. COLLIGAN:

Q You are not the brother-in-law that died, are you? A No.

MR. McINTIRE: I object to that question, and desire that the objection be placed upon the record.

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This image shows a blank, aged, cream-colored page, likely an endpaper or flyleaf of a book. The paper has a slightly textured appearance with some minor discoloration and small dark spots, possibly due to age or handling. The left edge of the page is bound, and the overall tone is a warm, off-white or light beige.

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A Since I know her, I know her to be a very honest woman. She always worked hard.

(No cross-examination).

H Y M A W S T A M O W, called and duly sworn as a witness on behalf of the defense, testified as follows:

DIRECT EXAMINATION BY MR. DISTRICT:

Q Where do you reside? A 89 East 102nd Street.

Q What is your business? A I am a tailor.

Q Where is your place of business? A I work with my brother-in-law, 564 Columbus Avenue.

Q The defendant here is not? A That is my wife.

Q When were you married? A 1907, July 27th.

Q Have you been living with her continuously ever since?

A Well, I was living together with my sister two years and some months, since I landed in this country. I landed here in 1907 February 22nd.

Q Then you married her? A I married her the 27th of July, 1907.

Q And you have been living together ever since? A Since that time.

Q And are you now living together? A Certainly.

Q And your family is composed of whom? A My family is almost, now I got a kid off her sister who died, she left a kid, she died in 1911, June 7th.

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Q That is, you mean you have a child thereof the sister that died? A Yes.

Q And you two take care of the child? A Yes.

Q You are raising the child? A Yes.

CROSS EXAMINATION BY MR. COLLIGAN:

Q Do you know whether your wife ever took out this child for the purpose of assisting her in stealing? A Never.

Q Are you positive of that? A I am positive.

Q You don't know what she does during the day? A Well, I am telling here that she worked until 12 o'clock.

Q But you don't know what she has been doing during the daytime during the last year? A No, I am in the shop always.

REDIRECT EXAMINATION BY MR. MCINTIRE:

Q Well, she worked after you married? A After we married, she worked -- three or four years she was working at 237, 24th West -- the name is Deemerling & Company, cap makers and hats until last year the union called out on strike the whole shop.

Q Well, that is enough, then she did not work any more?

A That's it.

MR. MCINTIRE: Now, we offer to prove where every piece of this jewelry came from.

THE COURT: Have you anything further with reference to this case?

MR. MCINTIRE: That is all.

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MR. COLLIGAN: I have a character witness, Mrs. Siegel.

L E N A S I E G E L, called and duly sworn as a witness on behalf of the People, in rebuttal, testified through Official Interpreter, Mr. Rosenthal, as follows:

(Residence 1326 Park Avenue, between 100th and 101st streets).

DIRECT EXAMINATION BY MR. COLLIGAN:

Q You have a baker store, Mrs. Siegel, have you not? A Yes.

Q You know this defendant? A Yes.

Q How long have you known her? A Four years.

Q She has been in your store often? A Yes.

Q You know other people who know her? A I know the whole family.

Q You know other people who know her? A Yes.

Q What do they say as to her truth and veracity?

MR. McINTIRE: We object.

Q What is her reputation generally as to truth and veracity and honesty, among people who know her? A People say about her that she is a thief, and she stole something from almost every one around there on Park Avenue.

Q That is all.

CROSS EXAMINATION BY MR. SWETSER:

Q How long do you say you know her? A Four years.

Q Where did you get acquainted with her? A In my store.

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