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CASE #2111

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

2596

-----X
THE PEOPLE OF THE STATE OF NEW YORK .

B e f o r e:

-against-

. HON. THOMAS C. T. CRAIN, J.,

M O R R I S H A L P E R N .

. and a jury.
.
-----X

New York, October 20, 1915.

Indictment filed September 30, 1915.

Indicted for criminally receiving stolen goods.

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

FOR THE PEOPLE: ASSISTANT DISTRICT ATTORNEY NEILSON OLCOTT.

FOR THE DEFENDANT: MR. BERNARD H. SANDLER.

Peter P. McLoughlin,
Official Stenographer.

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J. E R R Y S T E R N, a witness called on behalf of the people being duly sworn, testified as follows:

(The witness states that he resides at 15 East 87th sreeet)

DIRECT EXAMINATION BY MR. OLCOTT:

Q Mr. Stern, what is your business? A A pawnbroker.

Q Where did you work on the 30th of January, this year?

A In my father's business, 1508 Third avenue.

Q What was your position there? A Clerk.

Q What were your duties as clerk? A Well I took in pledges and attend to selling various articles around the store.

Q What is that? A I take in pledges and sell goods around the place, and made myself useful in any way which possibly came up.

MR. SANDLER: If the District Attorney is trying to prove by this witness that this ring was pledged in that store, I will concede that. That it was the subject matter of robbery,-- I will concede that in order to narrow it down to the question of the intent here.

MR. OLCOTT: I don't know that the defendant's counsel can concede all these things.

MR. SANDLER: I concede the fact, the evidentiary fact that this ring was in this establishment, and it is one of the rings that was the subject matter of the robbery a part of the robbery. Now, I believe I concede that in order to facilitate the case.

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MR. OLCOTT: When it comes to the time I will ask for that concession. I have to lead up to what happened when this crime was committed and so forth.

BY MR. OLCOTT:

Q On the 30th of January, about 8.30 in the morning who was in your store? A Morris Dickler and Eddie Schwartz.

Q Was Morris Dickler employed there? A Yes, sir.

Q In what capacity? A As clerk.

Q Under you? A Yes, sir.

Q Who was Mr. Schwartz? A He was another clerk.

Q He is a young boy? A Yes, sir; a young boy.

Q An office boy? A Yes, sir.

Q Or a store boy? A Yes, sir.

Q Did anybody come into your store about that time? A Yes.

Q Who? A Tony Nino.

Q Do you know him or had you known him before? A I had not.

Q Who else? A Antonio DeLala and Louis Sarro.

MR. SANDLER: I object to this as not binding on this defendant. He is charged with having received, criminally having received stolen knowing the same to have been stolen.

THE COURT: People have to prove, Mr. Sandler, that there was a larceny of property.

MR. SANDLER: Your Honor I will concede that there was. I am willing to concede that fact.

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MR. OLCOTT: I have to show who did.

THE COURT: They have to show who committed the larceny. That is part of the case.

Q Now, what happened when these men-- anybody else besides Tony DeLala, and who else? A Tony DeLala, Tony Nino and Louis Sarro.

Q Did you know Louis Sarro before? A No, sir.

Q Ever seen him since? A No, sir.

Q You just know him as a name? A Yes, sir; as a name.

Q Have you ever seen any of those three since? A I have seen Louis Sarro at the Detective Bureau.

Q Was this man DeLala one of the men who entered your store? A Yes, sir.

MR. OLCOTT: (Addressing a prisoner)

What is your name?

(The prisoner responds Antonio DeLala.)

Q After these three men entered, what happened? A Tony Nino went and pointed a gun at Morris Dickler there, Louis Sarro went and pointed a gun at Edward Schwartz and Antonio DeLala went and pointed a gun at me, and they took each one of us by the lapels of our coats, and made up put up our hands, took us in the back room, tied us hands and feet. After they were through with that Tony Nino covered us with two revolvers, and the two others went in the front of the store and looted the safe. When they were through looting the safe they came back and told

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us to keep quiet, the three of them went out of the store, and in about a minute or two afterwards we freed ourselves and gave the alarm to the police.

Q You cried out? A Yes, sir.

Q The police eventually came? A Yes, sir; in a few minutes.

Q What did these men take when they went out? A A large quantity of diamonds and jewelry.

Q I hand you a ring, calling especially attention to the stone, and ask you whether that is one of the pieces of jewelry that these men took with them at that time? A Yes, sir; it is.

Q Before this morning of the occurrence in your store had you closely examined that stone? A Yes, sir; I had.

Q What was the occasion of your examining it? A Why, this party renewed this pledge once before, and whenever any pledge is renewed we usually look at it, and see what it is, and I had taken the pledge and I would also examine it very carefully.

Q How much had been loaned on this particular stone?

A \$275.

Q When did you next see this stone? A In Adams' Pawnshop.

MR. OLCOTT: I ask that it be marked for identification.

(The ring referred to is marked People's Exhibit 1 for identification.)

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Q I hand you another ring, and ask you whether you can identify that? A We might have had possession of dozens of stones of this same caliber.

Q Your answer is that you cannot identify that? A No.

Q Were stones of similar size to that taken at that time?

A Yes, sir.

MR. OLCOTT: I ask that that be marked for identification.

(A second ring is marked People's Exhibit 2 for identification.)

Q At the time of this occurrence, that morning, had you any suspicion that Morris Dickler was connected with it in any way?

MR. SANDLER: I object to that as immaterial.

Objection sustained.

Q Was Morris Dickler ever discharged from your employ?

MR. SANDLER: I object to that as immaterial.

THE COURT: Allowed.

A He was.

Q About when? A About the latter part of April.

Q Before the 30th of January, did you know the defendant, Halpern? A Yes, sir; I did.

Q What was the occasion of seeing him or knowing him?

A He used to come in the store once in awhile and speak to our clerk, just on friendly terms.

Q What clerk? A Morris Dickler.

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Q When he spoke to Morris Dickler, did he ever speak to you? A Yes, sir; he did.

Q After the 30th of January did you see the defendant?
A Yes, sir.

Q What was the occasion of your seeing him then? A He came to see our clerk.

Q Your clerk, Dickler? A Yes, sir.

Q After Dickler was discharged by you, in the latter part of April, did you see Halpern before the occasion of his arrest? A No, sir.

Q Did you see him at the time of his arrest? A A day afterwards.

Q Where? A At the 121st street Court.

Q Magistrates' Court? A Yes, sir.

Q Did you have any conversation with him or did you overhear any conversation he had with others? A I had conversation with him.

Q With others? A I had a conversation with him.

Q What did you say to him, and what did he say to you at that time? A I asked him that he should give me, or tell us the names of the pawnshops or the places that he pawned the goods, all the goods which were disposed of; if he did that I would try and help him out as much as I could, and he said that he would not give me any satisfaction whatsoever; he says "You have got it on me, you can use whatever evidence you got, I will take my medicine." "I am no rat. I will take my medi-

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cine.

Q Did you overhear any conversation he had with anybody else? A Yes, sir; I did.

Q With whom? A With Detective DeMartini and Myers.

Q What conversation was it that you overheard at the same place and at the same time? A Yes, sir, the same time and place.

Q What conversation was that?

MR. SANDLER: I object to that. I believe that the detectives would be the better witnesses to testify as to what they said to the defendant, and what the defendant said to them. I have the same objection that I raised to the opening of the District Attorney, that perhaps some of this evidence would not be admissible.

THE COURT: You may interrogate with witness if you see fit, as to whether what the defendant said at that time was said as the result of duress or threats.

BY MR. SANDLER:

Q Before you overheard this conversation that you are about to testify to between this defendant and Officer DeMartini and Myers, had you heard any preliminary conversation between the officers and this defendant? A No, sir; I did not.

Q Do you know what occurred between the officers and this defendant at any time prior to the time that you commenced to overhear this conversation? A Yes, sir; I do.

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Q Did you at any time see the officers and the defendant in any room when you were not there at the time-- did you see them go into a room? A No, sir; I did not.

Q You don't know whether or not prior to the time the defendant commenced to talk to the detectives he was threatened by the officers or had received bodily injury? A That I don't know.

Q Or had been punched or anything? A No, sir; I don't know.

Q Northat any threats had been made to him? A No, sir; not that I know of.

Q Or he had been advised of his rights that anything he would say would be used against him? A No, sir.

Q This was all before the hearing was had before the Magistrate? A Yes, sir.

Q Before the defendant had been arraigned before the Magistrate? A Yes, sir.

Q He was in custody of these two officers? A Yes, sir.

MR. SANDLER: I object to any testimony of this nature.

THE COURT: I do not think that your examination has developed any ground of objection. I will tell you what I will do-- I will allow you to recall this witness for the purpose of interrogating him in this regard after I have heard the testimony of the officers.

Q Did you have any other conversation except this conver-

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sation that you have already spoken of? A No, sir; I have not.

MR. SANDLER: No cross examination.

M O R R I S D I C K L E R, a witness called on behalf of the People, being duly sworn, testified as follows:

(The witness states he lives at 1590 Madison avenue.)

DIRECT EXAMINATION BY MR. OLCOTT:

Q Mr. Dickler, what was your business on the 30th of January last year? A I was pawnbrokers' clerk.

Q Now, where were you employed? A Adolph Stern, 1508 3rd avenue.

Q Do you remember the morning of the 30th of January? A Yes.

Q Who was in the store with you at that time? A Jerry Stern and Edward Schwartz.

Q Now, Mr. Stern was in charge of the store? A Yes, sir.

Q You were a clerk under him A Yes, sir.

Q Is that right? A yes, sir.

Q Who came into the store about that time, if anybody? A One Tony Nino, Antonio DeLala and Louis Sarro.

Q Did you know those three men before they came in on that morning? A I did.

Q Had you had a conversation with them about coming in that morning? A Yes, sir.

Q You, together with them had arranged that they would come in that morning? A Yes, sir.

Q Is that right? A Yes, sir.

Q What happened when they came in? A Why Tony Nino came in

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and asked to be shown some suitcases. That was the prearrangement. About a minute later Antonio DeLala stepped in and spoke to Mr. Stern and another minute elapsed and Louis Sarro came in and shut the door or rather touched the padlock and it closed, and at that moment, why Tony Nini confronted Edward Schwartz with a revolver, and at the same time Antonio DeLala done the same thing to Jerry Stern and Louis Sarro held me up with a revolver and put us in the back of the room, at the end of the store, and tied us up. Tony Nino stood there with two revolvers and covered us while Antonio DeLala and Louis Sarro went to the safes with two suitcases--

Q Did they take away some of the goods which were in the store? A Yes, sir.

Q What did they take away? A Diamonds, diamond rings, solid gold chains and plain wedding rings and different sort of merchandise contained in jewelry and diamonds.

Q You have been employed for sometime in this store? A Yes sir; for about four years.

Q Do you know the amount of these goods that were carried away, what they were pledged for?

MR. SANDLER: I object to that as immaterial to this issue. I submit, your Honor, that we must confine ourselves to the matter in the indictment.

MR. OLCOTT: I withdraw the question.

BY MR. OLCOTT:

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Q Before the 30th of January had you ever seen this stone? (Referring to People's Exhibit 1) A Yes, sir.

Q Where did you see it? A I had taken it in across the counter; I made the loan on it.

Q How much was that loan for, do you remember? A I loaned \$275 on it, the value of the ring-- I loaned \$575 altogether.

Q Together with this ring? A Yes, sir.

Q That other ring was taken away by these three men?

A It was all in the robbery, yes, sir.

Q You have subsequently pleaded guilty to robbery in the first degree? A I think it was the second degree, or the first, I really don't remember.

Q You pleaded guilty? A Yes, sir.

Q To this crime? A Yes, sir.

Q As acting in concert with these three other men? A Yes.

Q Is that right? A Yes, sir.

Q You have had several consultations with these three men before they came into the store? A Yes, sir.

Q Is that right? A Yes, sir.

Q Now when did you again see any of them after-- did you see or speak to any of them after the 30th of January? A About one month later.

Q Who did you see and speak to? A Louis Sarro.

Q Was it over the telephone? A First through the telephone and later on, about two weeks later, I met them in the

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street.

Q Was that before or after you were discharged from Stern's store? A Before I was discharged.

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A Between 119th and 120th streets and St. Nicholas avenue.

Q At that time were you informed by him of the whereabouts of some of the proceeds? A Yes, sir.

Q Where were they?

MR. SANDLER: I object to that, your Honor, as not binding on this defendant, any conversation that may have been had between this witness and the accomplice in the robbery-- it is not binding on this defendant.

THE COURT: Objection sustained.

Q As a result of the conversation that you had with Sarro, did you go anywhere later? A Yes, sir.

Q Where? A To 324 East 102nd street.

Q Whose house is that? A Mr. Sarro's mother's house.

Q Who was there on the first occasion of your going there?

MR. SANDLER: I object to that question on the ground that it is incompetent, immaterial and irrelevant, and not within the issues, and not binding upon the defendant.

Objection overruled; exception.

A Mrs. Sarro.

Q Who else? A And Louis Sarro and myself.

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Q Was there any jewelry of any kind there?

MR. SANDLER: I object to that question as leading.

BY THE COURT:

Q Did you see anything there at that house, any article that you had seen before? A Yes, sir; I did.

Q What was it? A A box of jewelry, the proceeds of the robbery.

Q You examined that at that time? A Yes, sir; I saw that.

BY MR. OLCOTT:

Q I ask you whether this ring ^{more} or particularly this stone was there at that time? A Yes, sir.

Q Prior to this time when you first saw it in Sarro's house at 102nd street had you received any share of the proceeds of this robbery? A No, sir.

MR. OLCOTT: I will withdraw the question.

Q Between the 30th of January and the time when you were discharged, did you see this defendant anywhere? A Yes, sir; occasionally.

Q Where did you see him? A At the place where he was employed.

Q Did you have any conversation with him in regard to anything that had happened on the 30th of January up to the time you were discharged? A No, sir.

Q Your meetings had been simply friendly ones, is that right? A Yes, sir; exactly.

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Q Had no relationship at all to the robbery? A No, sir; not then, no, sir.

BY THE COURT:

Q Where was he employed? A I really don't know the number, it was on Delancey street and the Bowery.

Q Near Delancey street on the Bowery? A Yes, sir.

BY MR. OLCOTT:

Q When were you discharged, do you remember? A About the latter part of April, I think.

Q After you were discharged did you see the defendant, Halpern? A Yes, sir.

Q When did you see him and where? A Well, the first time I saw him was about one or two days after I was discharged, I was down there on a friendly visit.

Q Nothing was said at that time? A No, sir.

Q In connection with this affair at all? A No, sir.

Q When did you see him again? A About one week later.

Q Did you have a conversation with him at that time, you said the latter part of April? A I was discharged.

Q When did you see him for the first time after the robbery, after you were discharged? A I am almost positive it was in May.

Q About a week later than that you saw him and had this conversation? A Yes, sir.

Q That was sometime in the early part of May? A Exactly.

Q Before you went down to see him after what we will call the second time after you were discharged. did you have a conver-

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sation with Sarro? A Yes, sir.

Q Was it as a result of that conversation you went to see the defendant? A In a way, yes, sir.

Q What did you say to the defendant on this occasion of the second visit in the month of May? A I asked him-- being that he knew more people in the business than I did, whether he could get rid of some old gold for me. He said yes, how much have you got of it, and I said, "Well a few hundred pennyweight", and with that I made an appointment with him, told him to meet me at 324 East 102nd street.

Q That is Sarro's house? A Yes, sir.

Q You told the defendant to meet you there? A yes, sir.

Q When? A The day when I went down to see him, the second interview I had with him.

Q Did you tell him to meet you that day or the next day? A One or two days later.

Q Did you know this Man DeLala? A Yes, sir.
(Pointing to a man in the courtroom).

Q Who is it? A Antonio DeLala.

Q He was one of the men who entered the store on that morning? A Yes, sir.

Q As you have described? A Yes, sir.

Q Did the defendant ^{come} at the appointed time to Sarro's house, at 102nd street? A Yes, sir.

Q Who was there? A Louis Sarro, myself, and Louis Sarro's mother in and out of the room.

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Q Now, were any articles which you have seen before produced there? A Yes, sir.

Q What were they? A All the jewelry that was there, the proceeds.

Q Was this ring there at that time? A Yes, sir.

Q It was there at that time? A Yes, sir.

Q What was the conversation that took place there between Halpern and yourself? A Well, when he came up, Louis Sarro and I were breaking up some old gold, and I had told him about having some old gold I wanted to dispose of. I weighed some of the goods, and I gave it to the defendant to have taken it downtown with him.

Q Any conversation occur then? A In what way?

Q Any conversation then about taking it downtown, or anything? A Well, about the quantity? yes, sir, there was.

Q Will you tell us what the conversation was? A When the defendant saw the goods there he asked me, he says, "I thought you only had a few hundred pennyweight" whereby there was more than a thousand, I believe about a thousand, maybe less, so I said, "What is the use asking me questions. You know what happened, and what it is. And you can take them downtown in small quantities". For Louis Sarro said, "Take it down in small quantities".

Q Mr. Sarro said first "Take it in small quantities"?

A Yes, sir.

Q Did the defendant answer anything to that? A No, sir;

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not at that time. When Mr. Sarro said that he was to have it taken down in small quantities he said "What would be the difference whether he took it down in one bulk or quantities".

Q And you answered what you answered before? A Yes.

Q "You know what this is"? A Yes, sir.

Q What did you say? A I said that when the defendant came in, and saw the goods on the table, the old gold rather, he said to me, "I thought you only had a few hundred pennyweight", and there was more than a thousand or less than a thousand pennyweight, and Mr. Sarro said you have to take that down in small quantities-- it would be taking too much of a chance in taking it down in bulk. So the defendant said what would be the difference", and with that he was satisfied to take it in small bulk.

Q Did you answer anything to that, to his question, "What would be the difference"? A What would be the difference?" I merely put up some of the goods, and he took it down a small quantity of it.

Q Did he come back again?

MR. SANDLER: I ask your Honor to strike from the record the statement that this defendant is alleged to have said to this witness, "You know what this is."

THE COURT: I am not going to strike anything from the record. Nothing. That was said by the witness is going to be stricken from the record.

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MR. SANDLER: I take an exception.

BY MR. OLCOTT:

Q Did he come back again? A Yes, sir.

Q What did he do-- when was the second visit? A I believe it was the same day.

Q What occurred on the second visit? A He took another small quantity, about \$125 or \$150, something like that.

Q Did he come back again. Just one minute. What happened at this meeting, if anything? A When he came back he gave Mr. Sarro the money.

Q Did you see him paid any of the money-- was there any conversation about that? A I saw that the defendant gave Mr. Sarro the money, and Mr. Sarro, I think, gave him ten or twenty dollars, I am not very sure.

Q Gave the defendant? A Yes, sir; I know he gave the defendant some money.

Q Now, was there any conversation about what that was payment for? A Mr. Sarro told me that he had to pay--

Q What did he tell the defendant, did he tell the defendant anything? A "Here is ten or twenty dollars for your trouble".

Q Well, when did you see the defendant again? A Why, the second day, the next day.

Q What happened that day? A I told him to come down again, and I gave him another quantity of goods, and in return he brought the money to Mr. Sarro.

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Q At that time was this stone given to the defendant?
(Referring to People's Exhibit 1) A No, sir; not at that time.

Q When did you again see the defendant? A After the second time you mean?

Q Yes. A About one week later.

Q What was the occasion of your seeing him at that time?
A Why, I told him that we may have some more gold to get rid of, and I would let him know, to come around in about a week.

Q At any time at any of those three occasions-- the two times that he went to 102nd street house or the third time you saw him-- was there any remark passed about where this came from?

MR. SANDLER: I object to that as leading.

THE COURT: Sustained. You may exhaust his recollection, and you may ask him a leading question.

BY THE COURT:

Q You may tell us all the conversation there was between you and the defendant or between Garro and the defendant in your presence on any one of these occasions? A On any of these occasions was Antonio DeLala there or not?

Q Only when the defendant Halpern was there? (No answer)

BY MR. OLCOTT:

Q I want the conversation that Garro had with the defendant, and you may have had with the defendant which you have not already testified to. Was there any other? A Well,

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was there any other? When he saw them goods there, and I repeated the question that he didn't know where or what it was and I said there was only two or three hundred pennyweight, I said, "You know I worked for so and so, and that I worked for Mr. Stern", and whether he knew or not there was a robbery there, and you know what this old gold is.

Q That is to account for so much? A Yes, sir.

Q This was in answer to his question how you had so much? A Yes, sir.

Q Now you have testified that you saw him a little time after these two visits at the 102nd street house-- did you see him again after that? A Yes, sir.

Q Where? A About a week later in the same premises, 324 East 102nd street.

Q What occurred on that occasion? A Well, I met Mr. DeLala and Louis Sarro and Mr. Halpern and myself--

Q Did you see Mr. Halpern talk to Mr. DeLala? A Yes, sir.

Q Do you remember what was said on that occasion between the defendant and DeLala? A No, sir; I don't know what they said, or what they talked about.

Q You don't know what they said on that occasion? A No, sir.

Q Did you see anything transpire there after the conversation? A Yes, sir.

Q What was it? A DeLala gave some old gold to the defendant.

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Q But you don't know the conversation? A No, sir; I do not.

Q Which led up to that transaction? A No, sir.

Q When did you see the defendant again after the occasion when you saw him with DeLala? A About a week later again.

Q What was the occasion of that meeting? A Well, in the same premises, Mr. DeLala, Tony Nino, Louis Sarro and myself.

Q What transpired at that meeting? A The same business went on as it was with DeLala, Nino gave him some goods.

Q Nino is DeLala? A No, sir.

Q Who is he? A Tony Nino is another party.

Q Nino was there, and gave the defendant some goods?

A Yes, sir.

Q Up to this time had you at any time been in possession of this ring? A Yes, sir. When Louis garro had it first. He pawned it for two hundred dollars.

Q Now, let me repeat the question I asked again? A I wasn't in possession of it exactly. It was in the jewelry that was in the premises.

Q But you didn't have it yourself? A No, sir; not then.

Q Well, when was the first time that you took this ring anywhere? A Well I took it anywhere?

Q Yes. A After I-- I would have to explain how I came to have it.

BY THE COURT:

Q I understand you were back of the counter in Stern's

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place when the ring was brought in, you were the man who received it over the counter, and who loaned money on it? A Yes.

Q It was afterwards that you saw it in the house up on East 102nd street? A Yes, sir.

Q Is that so? A Yes, sir.

BY MR. OLCOTT:

Q Then when did you see it again after you saw it at the house? A On the street.

Q Who had it at that time? A The party that had bought the ticket for it, returned it to me.

Q Some one bought the ticket and returned this ring to you? A Yes, sir.

Q You had it in your possession? A Yes, sir.

Q Is that right? A Yes, sir.

Q What did you do with it? A I asked the defendant to pawn this ring for me.

Q The defendant Halpern? A Yes, sir.

Q Can you remember the substance of the conversation which took place at that time? A I asked the defendant to pawn this ring for me as I did not want to be seen in any pawnshop, they might have known me; I told him to pawn it for \$200, and he gave me the money, and I returned the money back to the party that it belonged to.

Q Do you remember about when that was? A About June, I think; I am most positive.

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Q Later did you have any conversation with the defendant about this ring? A I think it was in July or August.

Q If you are not sure, say so. Are you sure of the date?

A I am not positive; I am not sure.

Q Was it sometime in the summer? A Yes, sir.

Q Later did you have any conversation with the defendant about this ring? A Yes, sir.

Q What was it? A Well, he told me that we may be able to raise a little more money on it, and I said, "Well, if you can raise a hundred dollars on it", I says, "do so".

Q Who had the pawnticket at that time? A I gave the pawnticket to Mr. Louis Garro-- he took it and he went to the pawnshop, and raised one hundred dollars on it.

Q You mean by raised one hundred-- got one hundred dollars more than it was pawned for? A Yes, sir; three hundred.

Q Did you see him again after he did that? A Well, yes, sir, he returned the money raised for it.

Q What did you do with that money? A He gave me ninety eight dollars, and I don't remember exactly whether I gave him ten dollars or twenty dollars, I really don't know.

Q Did you give him some of that proceeds? A yes, sir; I gave him some money.

Q Did you have a conversation about that gift of money transaction? A No, sir; nothing particular.

Q You just gave it to him? A Yes, sir.

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Q Did you say what you gave it to him for? A Well, the reason I gave it to him was because he-- it was probably I would not be seen in a pawnshop myself, I didn't care to take any chances.

Q Did you have any conversation between you and the defendant beyond what you have told us? A Between the time it was pawned?

Q Any time, about this ring? A I really don't remember.

Q Let me bring you back to your testimony about the first time this ring was pawned by the defendant. Will you tell us all of the conversation which took place at that time. Where did you meet him, where did you see him? A At the time of the ring? I will explain that.

Q His pawning of the ring for two hundred dollars. When, as you have testified, you got that ring from a man who had taken it out? A I will explain the whole thing. The ring had been in pawn for two hundred dollars.

Q This defendant did not pawn it? A No, sir, not yet. Mr Sarro had pawned it for two hundred dollars about during the summer, and as I was standing in 116th street and Lexington avenue I knew a party who was looking for a ring, rather a large stone, and I gave him the ticket, I got the ticket from Sarro with the understanding that if he didn't like the thing that I would have somebody re-pawn it, and get him back his two hundred dollars. Well, he did so, and he was not sat-

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isfied with it, so I gave the defendant this ring to pawn in Adams' pawnshop.

Q What did you say to him on that occasion? A I said, "Pawn this ring for me because the party that I had doesn't care for it." And when I got the ticket I gave it to Mr. Sarro, and a few days later the defendant said to me, "I think I can raise a hundred on this ring", and I said, "Well, if you can do that all the better, the more I get on it the better." And he did so.

Q This was the same ring that was in with the other jewelry at 102nd street when the old gold was being bought by this defendant is that right? A Yes, sir.

Q After this second pawning of this particular ring did you see the defendant again? A Yes, sir.

Q When? A About a week or two after that.

Q Did you have any conversation with him at that time?

A No, sir, but I gave him another ring to pawn for me.

Q Was that a ring which was the proceeds of this robbery? A Yes, sir.

Q A week or two after this? A Yes, sir; about as close as I can remember.

Q Is that the ring? A Yes, sir, positive.

Q Did he pawn that for you? A Yes, sir.

THE COURT: I doubt the competency of that evidence. I won't say it is not competent, but I doubt the competency of it. If it were a prior transaction it would be

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receivable, but as it is I think it is doubtful.

MR. OLCOTT: Perhaps it will be more relevant after the defendant takes the stand here. It seems to me it shows a series of transactions in regard to this same robbery which tends to show knowledge. It shows that this man was giving to the defendant a large amount ^{of} jewelry such as a young boy of this sort would not have.

THE COURT: This defendant is charged with receiving a certain ring at a certain time with certain knowledge. Now you are interrogating this witness regarding a ring given to him at a later time.

MR. OLCOTT: I see your point. I withdraw my question. I don't think it is relevant.

BY MR. OLCOTT:

Q Now, did you see the defendant again? (No answer.)

Q Let me ask you -- between the time when you saw this defendant at 102nd street with Nino, and the time when you gave him this large ring to pawn, the first time (referring to People's Exhibit 1), did you see the defendant?

MR. SANDLER: May I ask him to refer to the exhibit for identification?

MR. OLCOTT: Yes.

Q Did you see him between the time that you saw him in the 102nd street house with Nino as you testified to, and the time when you gave him this ring to pawn for two hundred dollars?

A Yes, sir.

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Q How many times did you see him? A Three or four or may be half a dozen times.

Q On any of those occasions did you give him any other jewelry? A Yes, sir; a thirty five dollar ring that was pawned.

Q Was that before or after giving him the big ring. Don't let us be mistaken about this. Did you give him the smaller ring before you gave him the big ring? A Yes, sir; I am positive now, I remember I gave him the small ring first.

Q What conversation, if any, did you have when you gave him that? A I told him to pawn that for me, and in return he gave me thirty five dollars, and I gave him three or four dollars.

Q When was that, about? A I should think July.

Q Fixing that as July and the date of giving him the large ring as after-- can you now fix the time that you gave him the large ring for the first time? (Referring to People's Exhibit 1) A About August, the first part of August.

Q You did give him this small ring which you have already seen, examined and identified, before you gave him the larger ring, referring to people's exhibit 1? A Yes, sir.

Q Now you have told us the conversation? A Yes, sir.

Q This was-- was the ring, is that right? A Yes, sir; positive.

Q (Referring to people's Exhibit No. 2) A yes, sir.

Q On the other occasions when you saw the defendant between the two times, that is in the house at 102nd street and the time of the pawning of the large ring, People's Exhibit 1-- what were the other occasions for your seeing him except when he pawned that ring?

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1 MR. SANDLER: I object to that question.

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Objection overruled. Exception.

Q What were the other times you saw him? A At the time Tony De Lala and Tony Nino were there.

Q After that? A After that there was another ring for \$50 that he pawned.

BY THE COURT:

Q I want to get this right, Mr. Witness, that is, I want to understand what you say. A few days after you had been discharged you went down to the place where the defendant was employed, you had a talk with him but not regarding the pawning of property or anything connected with any alleged robbery?

A Not at that time.

Q Well, afterwards as a result of a talk that you had with a man named Sarro you went down and saw the defendant?

A Yes, sir.

Q You then had a talk with him about your being possessed of certain old gold? A Yes, sir; and jewelry.

Q You asked him to go to a house on East 102nd street where he would see that property? A Sarro and I were supposed to meet him.

Q Sometimes afterward the defendant did go to that house?

A Yes, sir.

Q You have given us your recollection of the talks had between you and the defendant and Sarro and the defendant in that house on one or two occasions respecting the pawning by the defendant of certain quantities of old gold, is that so?

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A Yes, sir.

Q After that, as I understand you, you had a talk with the defendant regarding the pawning of People's Exhibit No. 2 for identification, is that so, the small rings? A Yes, sir.

Q That was some time, as you fix it, in July? A Yes, sir.

Q Later in August you had another talk with the defendant regarding the pawning of People's Exhibit No. 1 for identification, which is the large ring? A Yes, your Honor.

Q You have given us the substance of that talk? A Yes, sir.

Q You were about to speak about the pawning of another ring for \$50? A Yes, sir.

BY MR. OLCOTT:

Q When were you arrested? A On August 12th.

BY THE COURT:

Q You were discharged from Stern's employment the latter part of April? A Yes, sir.

Q You have given us your recollection of about four talks that you had with the defendant between the 30th of April, or rather between the first part of May and the beginning of August? A Yes, your Honor, but there were different occasions where goods were sold, like old gold, and so forth, there was four occasions on the old gold and three or four occasions on the separate pieces.

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Q You have told us about them? A Those are two -- three separate pieces and four or five occasions of old gold.

MR. OLCOTT: He said the old gold was taken down and the money brought back and this man paid for it.

CROSS EXAMINATION BY MR. SANDLER:

Q Now, you were just brought up from the pen, were you not? A Yes, sir.

Q You left the City Prison this morning at 10:30 to come over here? A About that time.

Q From the time you left the City Prison to come here in the pen to the time you appeared here upon the stand did you leave the pen to go anywhere in this building? A Between what time? I don't understand.

Q The time you were brought from the City Prison and placed in the detention pen to the time you were called to the stand by the District Attorney did you visit any room in this building? A I did.

Q What floor did you go to? A I don't remember what floor it was.

Q Were you upstairs to confer with the District Attorney? A According to the statement that I had made before.

Q The statement that you had made before was read to you? A No, sir; but I remembered them as they were.

Q Was the statement that you made originally read to you? A No, sir; but I repeated them as they were.

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Q Was the statement that you made originally read to you?

A No, sir.

Q By the District Attorney? A No, sir; I repeated that.

Q Did you repeat the statement you had made to the District Attorney? A Yes, sir.

Q Were those statements that you repeated the substance of the testimony that you gave here on the witness stand before this jury? A What I said? The only thing I done was repeating the same testimony.

Q Answer the question yes or no. I ask you again. (Question repeated)

BY THE COURT:

Q Do you understand that? A Yes, sir.

Q Answer it. A Yes, sir.

BY MR. SANDLER:

Q How long ago prior to this day did you make that statement to the District Attorney? A I have made a statement about a month ago, or about a week ago before the Grand Jury.

Q I don't ask you what you said to the Grand Jury. You know that, don't you, I asked you how long prior to this statement did you make another statement to the District Attorney?

A It was the only statement I made.

Q Only one? A Yes, sir.

Q How long ago did you make this statement to the District Attorney? A Sometime in September; the first part of Sept-

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ember.

Q Now, did you have any independent recollection to-day of what you said in September to the District Attorney before you were taken up to his room?

MR. OLCOTT: I object to that. I don't think the witness understands what "independent recollection" means.

THE WITNESS: I really don't know exactly what it means.

BY THE COURT:

Q You went upstairs to the District Attorney's room and, as I understand it, you made to-day in the District Attorney's room a statement which you say was a repetition of, or the same, as a statement that you had made to the District Attorney sometime in the month of September? A Yes, sir.

Q Now, the question that you are asked is, as I understand it, whether apart from your original statement, in other words, apart from the circumstance that that may have been brought to your attention did you to-day remember about the matter. Is that what you mean?

MR. SANDLER: Yes, sir.

A There was no other statement made, but I remembered everything I had said.

BY MR. SANDLER:

Q Did you substantially remember the entire statement in the consultation to-day that you had made originally in Septem-

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ber? A I don't understand you. I said nothing but the truth, what I had said before.

BY THE COURT:

Q Did you to-day when in the District Attorney's office repeat, in substance, what you had before said when you were in the District Attorney's office in September? A Yes, your Honor.

BY MR. SANDLER:

Q Do you want to add anything to the statement that you made to the District Attorney now while I am cross examining you? A Well, I don't know, unless there is questions asked me.

Q Now, did you have any conversation with the District Attorney or with the police officer who arrested you as to what reward you were to get for making this statement? A None at all.

Q Were you promised any reward or consideration by anybody for giving this testimony here? A No, sir.

Q Did you tell anybody that you would receive consideration from the District Attorney or the Police department for the testimony that you were giving out against the defendant? A No, sir.

Q Are you sure of that? A Positive.

Q You realize you are under oath? A I do.

Q Do you know James Waters? A No, sir.

Q Did you know James Waters in the City Prison? A I do

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not, sir.

Q You know David Newmark? A No, sir.

Q Did you have any conversation with the defendant in the Tombs regarding the testimony that you were to give here?

A No, sir.

Q Never spoke to him? A I told him I would tell nothing but the truth.

Q Did you have any conversation with him as to what testimony you were to give here to-day concerning his complicity in this case? A I did, but the truth only I say.

Q Have you always told the truth? A Yes, sir; I have.

Q How long were you employed by Stern before the 30th of January, 1915? A Close on to four years.

Q You were a trusted employe? A I was.

Q Handled thousands of dollars worth of jewelry? A Yes, sir.

Q Mr. Stern had all the confidence in the world in you?

MR. OLCOTT: I object to that.

THE COURT: Objection sustained.

Q Still as such confidential employe you entered into a conspiracy with De Lala and Nini and Sarro? A I did, sir.

Q To commit robbery at the point of a revolver, is that correct? A Yes, sir.

MR. OLCOTT: I object to that. I object to this question on two grounds, one is that it is argumentative.

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It is a question for the jury. It seems to me that it is a very cheap manner in which to address the jury through this witness here. This witness on the stand has admitted his guilt.

THE COURT: I will let the answer stand. Ask another question.

MR. SANDLER: What was the answer to that question?

THE COURT: He said yes.

BY MR. SANDLER:

Q You tell me now that you are telling the truth? A Yes, sir.

Q As to any question I put to you? A Yes, sir.

Q And that you didn't have any conversation with the men that I named to you? A Yes, sir.

Q And that you told nobody that for the testimony that you would give here you would receive commutation of sentence, is that correct? A Please explain that.

Q (Repeated) A Yes, sir; I told no one.

Q Did you ever have any quarrel with this defendant prior to January 30th, 1915 -- prior, that means before? A No answer).

BY THE COURT:

Q Before January 30th did you have any quarrel with the defendant who is on trial?

MR. OLCOTT: I would like to point out that that

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was where the mistake was made by him. He evidently thinks prior is after.

THE COURT: prior means before.

THE WITNESS: No, sir, never had any quarrel.

Q You did not? A No, sir.

Q You and the defendant were very friendly, weren't you?

A Well quite friendly, not very.

Q You were employed by the defendant's brother at one time, weren't you? A About five years ago.

Q In his pawnshop? A Pawnbroker's sales store.

Q You were very friendly with his brother? A Well, naturally I was employed by him.

Q He trusted you, didn't he? A Yes, sir, exactly.

Q This defendant here and his brother called on you while you were employed in Stern's? A Seldom, very seldom, yes, sir.

Q When you planned this robbery with Sarro, De Lala and Nino, did you tell the defendant at the bar what you were about to do? A No, sir.

Q You didn't let him in on that, did you? A No, sir.

MR. OLCOTT: I object to that characterization "let him in", your Honor.

THE COURT: I will let the answer stand.

MR. OLCOTT: As a conclusion of the witness whether he would let him in or not.

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MR. SANDLER: I submit this is cross examination.

THE COURT: It is another way of putting it that he did not tell him.

BY MR. SANDLER:

Q Were you as friendly with De Lala, Nino and Sarro as you were with this defendant at the time that you planned this robbery? A Only with Louis Sarro.

Q What line of business was Mr. Sarro in at the time you planned this robbery? A I really couldn't say because I don't know.

Q Wasn't he an ex-convict? A I really don't know, but I have heard afterwards he was.

Q Where did you meet him? A Through my father's candy store.

Q He hung around your father's candy store? A No, sir; he didn't hang around. Afterwards I used to help my father in the store, after six o'clock, and between six and ten o'clock when I closed the store this Louis Sarro used to come in and patronize the store in fact.

Q Did you know whether Mr. Sarro had any visible means of support at the time you struck up a friendship with him? A I did not.

Q You didn't know whether he was a burglar or a highway-man or any other thing? A No, sir; I did not.

Q You made a pal of him, didn't you? A Well, you may

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call it a pal.

Q Sufficiently to interest him in this proposed hold-up in your employer's store? A Yes, sir.

Q Now, Mr. De Lala, how did you meet him? A I was introduced to him through Mr. Sarro.

Q Sarro's pal, is that right?

THE COURT: No, that is not a proper question. Stop it right here and now. I do not want it to happen again during the trial.

MR. SANDLER: Very well, your Honor.

Q He was a friend of Sarro's, wasn't he? A I don't know whether he was or not; he introduced me as a friend.

Q Do you know anything about his antecedents, where he comes from, what business he was engaged in at the time you met him? A I have learned since he was in the drug business or something like that.

Q Nino, how did you meet him? A Also through Mr. Sarro.

Q They knew that you were employed in Stern's pawnshop, is that correct? A Yes, sir.

Q You told them that? A Yes, sir.

Q You informed them of that fact? A Mr. Sarro told them; in fact, they knew where I worked.

Q Now did you ever introduce any of those three men I just mentioned to your friend, the defendant here prior to the robbery? A Only Mr. Sarro.

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BY THE COURT:

Q You mean to say that you introduced Mr. Sarro to the defendant who is now on trial before January 30th of this year?

A Yes, your Honor.

BY MR. SANDLER:

Q Now, where did this defendant meet Sarro? A The defendant was with me on one or two occasions and I met Sarro at 125th street and I simply introduced him as a friend of mine.

Q Just an introduction? A Yes, sir.

Q Now, when did you first plot this robbery with the three men I have mentioned? A When did I plot it?

Q When did you conceive it? A Well, about a month or two before or previous to the robbery.

Q Now, during that month or two did you meet this defendant? A Occasionally.

Q Did you ever acquaint him with the proposed robbery? A No, sir.

Q You knew where the defendant was employed? A Yes, sir.

Q Where was he employed at the time? A H. Siebold, Delancey and the Bowery.

Q He had been employed there for some time, hadn't he? A To my knowledge.

Q You knew of his having been employed with other pawnbrokers' sales stores in New York City? A Yes, sir.

Q After the robbery, which took place on January 30th,

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is that correct? A Yes, sir.

Q You met this defendant often? A After the robbery?

Q Yes? A He came to the store.

Q To see you, visit with you? A Yes, sir; I think he came in occasionally right after the robbery and I came down to see him.

Q You never told him on those visits that you were implicated or concerned in this robbery? A No, sir; not to a certain time; there was a time I went down and told him I had goods; not before, no, sir.

Q During the time that you worked for Stern from where you were discharged in April, 1915 -- you had met this defendant a few times but had never informed him or acquainted him with the fact that you were a principal in this robbery of your employer? A No, sir; not up to that time.

Q So you never had any quarrel with him up to that time, April, 1915, and you had no quarrel with him before January 30th, 1915, is that correct? A Yes, sir.

Q Now, when did you make up your mind to become a witness against this defendant? A I didn't make up my mind only -- let me explain.

Q Just answer the question. When did you first inform the District Attorney that you would become a witness against this defendant? A There was no informing. I was called down and when I saw my name on the board in the Tombs Prison I knew

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that I was going to appear in court.

Q But I am speaking of the first instance -- you were arrested, weren't you? A I was arrested.

Q You were one of the first to be arrested? A The second. I was the first, in fact, we were -- De Lala and I were together arrested.

Q You admitted your guilt? A Yes, sir.

Q To the police, didn't you? A I did, sir.

Q They asked you to locate all the property, is that correct? A Yes, sir.

Q You told the police that you had requested this defendant to pawn the articles that you have testified to? A Yes, sir.

Q Is that correct? A Yes, sir; this includes the old gold.

Q Did you ever even after April, 1915, give this defendant, as a reward or gratuity for any service that he may have rendered to you in pawning the property, any of the proceeds or part of the proceeds of this robbery? A You mean I gave him any goods or money?

Q For himself, as a gift? A No, sir; not as a gift, no, sir, nothing only to be sold for business purposes.

BY THE COURT:

Q In other words, when he did pawn something which was a part of the proceeds he received some money for his act of pawn-

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ing? A Yes, your Honor.

BY MR. SANDLER:

Q You are acquainted with the jewelry auction rooms in New York City, aren't you? A Yes, sir.

Q Don't you know from your experience as a pawnbroker's clerk that brokers in the jewelry business can go into an auction room and purchase something at auction and pawn it for a higher price than they paid for it? A That is done very very often.

Q It is nothing rare for brokers or their agents to do that? A Yes, sir.

Q When you went to this defendant and requested him to pawn this property you felt that he could get you a higher price than any other person, is that correct? A Well, in a way -- then again I didn't know anybody that I would trust or cared to have any dealings with.

Q You had full confidence that he was honest and would bring you the returns from the articles? A I thought I would get the best price.

Q He did bring everything back? A Yes, sir, he brought me money for the proceeds of the robbery.

Q He didn't hold out on you, did he? A No, sir.

Q Or attempt to hold out on you in any way in the proceeds? A No, sir, not that I know of.

Q You were generous enough to give him three or four or five dollars for his work? A Every time that he sold any goods

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I did.

Q You received the greater portion or share of the value of the articles pawned, didn't you? A That I received?

Q You kept the difference? A The money was brought to Mr. Sarro.

Q You divided up with the accomplices? A No, sir; didn't divide up; Mr. Sarro kept the money.

Q You got your share from your portion of the loot, didn't you? A No, sir; I did not.

Q Wasn't this loot divided into shares? A I wasn't there when it was divided into shares.

Q You got your share? A No, sir; I did not.

Q What were you to get from the proceeds of the robbery for your share? A Supposed to get a quarter of the proceeds.

Q Did you get your quarter? A No, sir; I did not.

Q Who held out on you? A Nobody held out but Mr. Sarro had my portion and his together.

Q Did you at any time receive from Mr. Sarro a portion of the loot? A Only the old gold and three or four pieces.

Q So as far as you and Sarro are concerned the accounts are square, is that right? A If \$50 came in for a certain article Sarro would take the money and if I needed a dollar or two I would get it, but the money that was gotten out was for Mr. Sarro and myself.

Q Was there any equal division of the spoils? A Not be-

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tween Mr. Sarro and I.

Q Sarro has not been apprehended as yet, is that correct?

A (No answer).

Q You never testified against Sarro? A I testified that he was implicated in the robbery.

Q But he hasnot been brought to the bar of justice, as yet?

A I haven't heard of that.

Q But you will be a witness against him when he is brought? A If necessary.

Q Now, will you tell the jury why you testify as you do to-day against this defendant?

MR. OLCOTT: I object to that. He has already said because it is the truth. He has said that several times.

THE COURT: Objection sustained. Exception.

Q Will you please tell this jury the exact words that you told this defendant at the time that he called at that house, when he saw all this old gold there? A I did repeat that here.

Q If you will please repeat it again to the jurt at my request? A Well, the first time?

Q The first time? A Yes, sir.

Q I will predicate that by the question -- you went down to his place where he was employed? A Yes, sir.

Q You invited him or requested him to come up and see you at the house? A I told him right there and then that I had

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some old gold.

Q Up to the time of your visit he had no knowledge or information concerning this robbery at Stern's? A No, sir.

Q Or that you had been implicated? A No, sir; I didn't say nothing at that time.

Q That is we are now back in the month of May, is that right? A Yes, sir, in the month of May.

Q So that the robbery occurred in January and this is May? A Yes, sir.

Q The same year? A Yes, sir.

Q Now, tell the jury exactly what you said to him and what he said to you when he arrived in that house in East 102nd street? A Well, when he came up there Mr. Sarro and I had the old gold, rings and different sorts of jewelry on the table and I was breaking it up. We had a scale there. When the defendant came in I asked him to help me break up more stuff and I would weigh the goods. Mr. Sarro said, "Why" -- he had known that I had made an appointment with him, and he said, "The only thing to do is to take it down, the goods, in small portions", not to take any chances.

Q Who did he say that to? A To the defendant and he told it to me.

Q Did you say to the defendant --

MR. OLCOTT: Won't you let him finish the answer?

MR. SANDLER: He happens to be my witness. Permit me

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to finish the question.

Q Have you finished the answer? A I don't know where I am at.

THE COURT: We will suspend now. You are admonished, gentlemen, not to converse on any subject connected with the trial, and not to form or express any opinion thereon, until it is submitted to you.

(The Court then adjourned the further trial of the case until to-morrow, Thursday morning, October 21st, 1915, at 10:30 o'clock).

New York, October 21st, 1915.

Trial resumed.

MORRIS DICKLER, a witness for the people, resumes the stand:

(At the request of counsel for the defendant the stenographer read the last question and answer).

MR. OLCOTT: I ask, your Honor, that he be permitted to finish his testimony.

THE WITNESS: This proceeding was at the house?
BY THE COURT:

Q You are asked what was said on the occasion when this defendant, Halpern, first called at the house on East 102nd street? A When the defendant came up and saw the jewelry on the table he asked me "I thought you only had a few hundred

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pennyweight or so, where I got it and what it is, and I said, "You can understand. I worked at Stern's and you know a robbery took place there," and then I explained again that the best thing to do was to take it in small quantities for fear of any trouble. He seemed satisfied and done as we told him, took down the first portion, brought the money back, and Mr. Sarro took the money and gave him some money in return for it.

BY MR. SANDLER:

Q Now you were not under suspicion by the police or your firm at the time of the first visit this defendant made to the house?

MR. OLCOTT: I object to that.

THE COURT: Objection sustained.

Q Did Mr. Stern, your former employer, question you at any time after you were discharged as to whether or not you were concerned in the robbery? A No, sir; I never saw him.

Q Did you tell any person that you were implicated in this crime prior to the date of your arrest -- before? A Only the people that sold the goods for us, people that were in the job.

Q Who did you tell that you were implicated in the robbery before your arrest other than the defendant and your co-defendant? A Nobody outside of them.

Q I ask that this be made clear to him.

BY THE COURT:

Q You may name the persons that you state that you told

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that you were implicated in the robbery before the day of your arrest? A The defendant, Mr. Sarro --

Q This man here? A Yes, sir, Mr. De Lala, Mr. Louis Sarro and Antonio Nini.

BY MR. SANDLER:

Q Sarro was one of the robbers, was he? A Yes, sir.

Q De Lala was one of the robbers? A Yes, sir.

Q Nino was one of the robbers? A Yes, sir.

Q They knew about the robbery? A They knew, certainly.

Q Now you told this defendant about it in May, 1915, is that correct? A When I told him he came down for the goods.

Q That was five months after the robbery, or four?

A About two months.

Q Did the robbery occur in January? A January 30th.

Q He visited you at your request in the apartment at East 102nd street long after April when you were discharged from Stern's employ? A I was discharged in April.

Q He visited you after your discharge? A Yes, sir.

Q Isn't that more than two months? A About a month.

BY THE COURT:

Q Had you told this man who is on trial, according to your testimony, that you were implicated in the robbery on the occasion of the first visit to the 102nd street house which, according to you, was sometime in the beginning of May of this

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year? A Yes, your Honor.

BY MR. SANDLER:

Q So it was on the occasion of the defendant's first visit, at your solicitation and request, to this house on East 102nd street, as you told the jury here, that you told him that the broken up jewelry was the proceeds of the Stern robbery?

A I made that plain enough.

Q I ask you did you tell him that? A Yes, sir.

Q What did he say when you told him that? A He didn't say exactly anything. He was satisfied.

Q What did he say if you remember? A He said he would sell the goods for me.

Q Now, was there any other person in the room at that time when you told him that? A There was Louis Sarro.

Q Who else? A That is all.

Q Any other person present? A No, sir.

Q Did the defendant make any comment to the fact that you were concerned in that robbery? A Only what I said, that is all.

Q He said nothing? A No, sir. He was satisfied.

Q Did he express surprise that you were in the robbery?

A It didn't seem to me that way; I don't know how he took it.

Q He said nothing? A Yes, sir; but I don't know how he felt about it.

Q Now, when you were up in the District Attorney's office

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yesterday to go over that statement with the District Attorney here who was with you, was De Lala with you? A Yes, sir.

Q De Lala who is a witness in this case, he is one of the robbers, is that right? A I don't know whether he is a witness here or not.

Q Didn't you and DeLala sit down at the table there together yesterday and go over this testimony you are giving here? A Not I and DeLala, I only went over the testimony that I had made previously, long before, I went over the same testimony.

Q Did DeLala do the same? A I don't know.

Q Weren't you there with him? A Well, I might be; I didn't see anything, didn't hear no testimony.

Q Didn't you talk to him as to what his purpose was in coming over to the District Attorney's office? A No, sir.

Q Did he talk to you? A He spoke to me but nothing concerning the affair.

Q Are you on speaking terms with him? A Yes, sir.

Q Friendly? A I am.

Q You mean to tell the jury that while together in the District Attorney's office or going from the Tombs over to the office that he never told you? A Yes, sir; going over with me he said, "I suppose I am going over on this case."

Q He said that? A That is all he said.

Q You were both upstairs in Mr. Olcott's room. Did you

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have any conversation together? A No, sir.

Q Were you near each other? A About six or seven feet apart.

Q You were not permitted to converse with each other?

A I don't know; we didn't get permission, we were there, they didn't say whether we were permitted to speak or not.

m Q Who brought you up? A It wasn't necessary for me to speak to him.

Q Who brought you over to the office? A I think it was officer Myers, De Martini and Mr. Grossman.

Q Officers Myers, De Martini and Grossman? A Yes, sir.

Q Those are the three officers who made the arrest? A Yes.

Q All the arrests in this case, is that correct? A My arrest, yes, sir.

Q Did they arrest you? A Yes, sir.

Q Did they arrest DeLala? A Yes, sir.

Q And arrest Sarro? A Sarro was not arrested.

Q Never? A He is not arrested yet.

Q But all the arrests that were made were made by these three officers you just mentioned? A Yes, sir.

Q Now how many trips in all did you make in the company of those three officers to the District Attorney's office?

A Only one previous to yesterday.

Q You made two trips? A Yes, sir.

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Q Those three officers brought you over both times?

A The first time DeMartini and Grossman brought me over.

Q Two of the three?

A Yes, sir.

Q Now did you furnish those three officers with all the information you had?

A Yes, sir.

Q Regarding this robbery?

A Yes, sir.

Q You were the man that told them all about the connection of Sarro and Nino in this robbery, isn't that right?

A Yes, sir.

Q You also are the man that mentioned for the first time the name of this defendant at the bar?

A Yes, sir.

Q To those officers?

A Yes, sir.

Q Do you know whether or not this defendant now or at any time prior to the bringing in of this jewelry was possessed of or has any of the property stolen from Stern's pawnshop by you and your pals? A That was before the robbery?

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Q Any time up to this minute whether the defendant has any property? A No, sir; not that I know of; not any property I know of.

Q You know all about the division of the proceeds of this robbery, don't you? A Yes, sir.

Q And this defendant has nothing in his possession? A No, sir.

Q Belonging to Stern? A No, sir.

Q Or you? A No, sir.

Q Or Sarro? A Sarro has.

Q Has this defendant any of Sarro's property? A No, sir; not that I know of.

Q Or de Lala's? A No, sir, not that I know of.

Q Or Nino's property? A No, sir; nothing that I know of.

Q Who was the first one of the robbers to be arrested by the police charged with this crime? A de Lala and myself.

Q You and Sarro were arrested together, am I correct? A No, sir.

THE COURT: He told you Sarro has not been arrested?

BY MR. SANDLER:

Q Was Sarro ever arrested in this crime? A No, sir; not that I know of.

Q Didn't you appear as a witness in Sarro's behalf in the Magistrate's Court and Sarro was discharged on your testimony?

A Never.

Q Or in the Detective Bureau? A Never.

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Q Do you mean to tell me now you never went to the Detective Bureau after Sarro was arrested and told the police that he had

A I don't know that he was ever arrested.

Q You never made any statement to the police department?

A At my arrest I did.

Q What did you tell them about Sarro? A I told them that he was in the-- implicated in the robbery and that he had the goods.

Q Isn't Sarro a fugitive? A I don't know, sir.

Q You know what I mean by fugitive, don't you? A He is a fugitive from justice according to this case here.

Q You mean to tell this jury Sarro was never in the hands of the police at any time since the commission of this robbery?

MR. OLCOTT: I object to that. How does he know?

He was asked a moment ago whether he ever appeared against Sarro and he says so far as he knows Sarro was never arrested.

BY THE COURT:

Q Did you ever see Sarro when Sarro was in the hands of the police under arrest? Now yes or no? A No, sir.

BY MR. SANDLER:

Q Were you and Sarro picked up ^{together} by the police at any time?

A Yes, sir.

Q Was it on your say-so to the police that Sarro was not implicated in this robbery, that he was released by the police?

MR. OLCOTT: I object to that as a conclusion.

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THE COURT: I will get at it.

BY THE COURT:

Q Was there a time when you and Sarro were arrested together, yes or no? A No, sir.

Q After January 30th did you see Sarro at any time when Sarro was under arrest? A No, your Honor.

Q What did you mean by saying a moment ago that you and Sarro were picked up together? A Well, on the 11th--

Q What do you mean? A Well, on the 11th of August the police had me and Sarro in headquarters, the Third Branch Bureau. We were not under arrest.

Q In other words you and Sarro were together whereabouts?
A The Third Branch Detective Bureau.

Q The 11th of what? A The 11th of August.

Q At that time neither you nor Sarro were under arrest?
A That is right, your Honor.

Y MR. GLETT:

Q That was the day after you were arrested? A Exactly.

Y MR. SANDLER:

Q Did you speak up for Sarro and tell the police that "he is not one of the men that held me up", did you? A I did not.

Q What did you say to the police when Sarro was in custody?

THE COURT: He denies that Sarro was in custody.
What did you say to the police on August 11th when you and Sarro were together.

THE WITNESS: I really had nothing to say because we

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were simply held on suspicion. We had not been arrested until I was arrested on the 12th of August with Antonio De Iala.

Q So that on August 11th you didn't say anything to the police about Sarro, is that true? A That is right.

BY MR. SANDLER:

Q Now do you know when De Iala was arrested in Bridgeport?

A I don't know the date.

Q In Waterbury, Connecticut? A I don't know the date.

Q Was it before your arrest? A I can't remember.

Q Why, is your memory poor? A Well, I don't know when he was arrested; I know the day when we were both there and we were charged with the robbery, with this crime.

Q When you say both? A De Iala and myself.

Q Now, the day that you and Sarro were not arrested-- the day that you and Sarro were brought to Police Headquarters you were brought there together? A Not to Police Headquarters.

Q To the station house? A Yes, sir; to the station house.

Q To the Branch Detective Bureau? A Yes, sir.

Q By a police officer attached to the municipal police force of the City of New York, is that correct? A Yes, sir.

Q You both walked up to the lieutenant at the desk and were questioned? A No, sir.

Q You were taken in a room there? A Yes, sir.

Q What was the name of the police officer who escorted you to that branch detective bureau? A I think it was Mr. Myers.

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Q . Myers? A Yes, sir.

Q Now, will you tell this jury here what Myers said to you and what you said to Myers concerning your connection and Mr. Sarro's connection with this robbery? A I have already made my statement.

Q You will tell this jury at my request? A What I said?

Q When Sarro was with you. A (No answer)

BY THE COURT:

Q While you and Sarro were walking together accompanied by officer Myers to the Branch Detective Bureau, what, if anything, did you say regarding Sarro's connection with the robbery? A Your Honor, we were not taken there together; I was taken separate there in a different room from where Sarro was.

Q You were taken there alone? A Yes, sir.

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Q And the officer found you in what part of the city? A At my home, 1590 Madison Avenue.

Q And the officer came to your home? A Yes, sir.

Q What was the name of that officer? A Detective Myers.

Q You walked with Detective Myers from your home to the Branch Detective Bureau? A Yes.

Q Is that so? A Yes, sir.

Q When you got there you went into a room? A Yes, sir.

Q Was Sarro in that room? A No, sir.

Q Did you see Sarro that day at the Branch Detective Bureau? A Later on in the day.

BY MR. SANDLER:

Q Now, did Detective Myers ask you whether or not Sarro, who was then a prisoner, was one of the men concerned in this robbery. Did he ask you that question? Answer yes or no?

A He did not ask me it then. Let me explain.

Q Don't explain anything. Answer my questions. A I came there--

Q I don't want you to explain. What did the detective, Myers, ask you concerning Sarro's connection with this robbery? A He didn't ask me anything. He came up and asked me at my home to come down and look over Antonio De Lala.

Q Go ahead. What did you do? A When I came I said it looks like the man that was in the store at that morning.

Q Meaning who? A This De Lala.

Q De Lala was then in custody? A He was held there;

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I don't know whether arrested or not.

Q Why do you split hairs with me on words. You know what I mean?

MR. OLCOTT: I object to this.

THE COURT: I don't wish to have that occur again.

MR. SANDLER: Now I am trying to do the best I can, your Honor, and I take an exception to the remark which the District Attorney has repeated in characterizing my conduct here as cheap.

THE COURT: That was an improper remark. Now proceed, and ask another question.

MR. SANDLER: Now, he has just repeated the remark in the presence of the jury that it is more cheap.

MR. OLCOTT: I think I was well justified in my remark.

THE COURT: The remark was not proper; it was disrespectful to the Court, and an improper remark. I noticed it at the time.

BY MR. SANDLER:

Q Now, who was the first man that you were asked to identify, was it De Lala or Sarro? A De Lala.

Q De Lala had been brought back from Connecticut by the police; is that correct? A I don't know.

Q When you faced De Lala where was he, in the Branch Detective Bureau or Police Headquarters? A The Detective Bureau.

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Q Up in Harlem? A Yes, sir.

Q What did you say to the police concerning De Lala's connection with this robbery? A He looked like the man. To tell the truth, I didn't tell the truth as they held me, the second day I was arrested, I told everything.

Q Let us take the first day. You told the police De Lala was not the man? A I didn't say not the man. It looked like the man.

Q Was he liberated or held by the police? A I don't know.

Q You don't know what happened to De Lala? A No, sir.

Q The next man you were asked to identify was Sarro?

A Yes; I wasn't asked to identify him.

Q You were asked to look him over? A Yes, sir; look at him.

Q Now Sarro was then in the Branch Detective Bureau in the custody of Officer Myers; is that right? A I don't know whose custody he was in; I know he was in the Detective Bureau.

Q In the custody of the Police Department? A Yes, sir.

Q You were asked to look at him and see whether you could identify him as being one of the men who was concerned in this holdup or robbery? A I don't remember whether I was or not. I say I don't know whether I was requested to.

Q Did you tell the officer anything concerning him? A Yes, sir; I said he was a friend of mine and I met him at my father's store.

Q As a result of the discussion that you had with the de-

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Q As a result of the discussion that you had with the detective then wasn't Sarro directed to walk out of that building?

MR. OLCOTT: I object to that as calling for a conclusion.

THE COURT: Objection sustained.

Q Is Sarro in custody now? A Not that I know of.

Q You know that he is a fugitive, don't you? A If what I hear since my arrest--

Q He was in custody at the time you were asked concerning his complicity in this affair? A I don't know whether custody means arrested or just being held.

Q Just being held-- That is being held for inquiry? A Yes, sir; he was there for inquiry.

Q It was up to you to tell the police whether or not he was one of the principals connected with this robbery or not?

MR. OLCOTT: I object.

A Up to every one of us to tell the truth, in fact at first we did not tell the truth.

Q You told a falsehood to the authorities concerning Sarro?

A Not exactly a falsehood; I didn't say no falsehood except-- in fact they didn't ask me whether Sarro was in the robbery.

Q Did you tell the truth that day? A According to the statement I did, but I didn't tell that I was implicated in the robbery on the 11th.

Q Did you tell the truth concerning Sarro's connection with

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the robbery to the police the first time? A No, sir.

Q So you admit that you did tell a falsehood to the police?

Objected to. Objection sustained.

Q Are you telling the truth today? A I am, sir.

Q Why are you telling the truth now? Why didn't you tell the truth then? A I was not arrested then.

Q You are telling the truth now because you are under arrest? A Exactly.

Q You were indicted for robbery? A I believe so.

Q Do you know what crime you pleaded guilty to? A My counsel pleaded-- done whatever was necessary for me.

Q Do you know what crime you now stand convicted of? A Not that I would repeat it in the same way as the indictment or whatever it was.

Q Do you know the name of the crime that is charged against you, or which you have pleaded guilty to? A Do I understand it now?

Q What is that? A That I was implicated in the robbery, in the holdup.

Q Now, what did you take a plea to when you appeared before the bar of the court to plead to the indictment? A My counsel knows that.

Q You mean to tell this jury here that you don't know what you pleaded guilty to? A I told you yesterday I was indicted for robbery.

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Q What did you plead to exactly? A I pleaded to whatever was charged against me because it was all true.

Q You pleaded guilty to robbery? A Yes, sir.

Q You stand convicted of being a robber, is that right?

A Exactly, certainly.

Q You have been sentenced? A Yes, sir, I have.

Q To Sing Sing? A Yes, sir.

Q You are being held back in order to testify against this defendant? A I didn't know I was being held here in order to testify against him.

Q Well, what are you being held here for, do you know?

A Well, I don't know; they told me I was supposed to appear as a witness; that is all I know.

Q As a witness against the defendant? A According to the statement which I had made previous which implicated the defendant.

Q You knew it was important, however, to say that at some time in your talk with the defendant here, that this was the proceeds of the Stern robbery, isn't that right? A Would you mind repeating that?

Q (Repeated) A Well, it was the truth. I knew that if I would say the truth that it would implicate somebody, or rather the defendant.

Q Do you know what the defendant is charged with? A I do not, sir.

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Q What is that? A Myself? I imagine he is charged with receiving stolen goods.

Q You know what that charge is? He is not charged with robbery. A I don't know enough of law to know what it means. All I know is that goods that I handled were stolen and that it was handled--

Q That he criminally knew that it was stolen when you gave it to him? A Well, naturally.

Q You knew that it was important to say also in your conversation with this defendant this was the proceeds of the Stern robbery.

MR. OLCOTT: I object to that as already answered.

THE COURT: Yes, he has answered that question. It is one of doubtful propriety, but he has answered it already.

Q Now, the rings that are offered for identification here, but not in evidence-- those rings-- referring to People's Exhibits 1 and 2-- you say you gave to this defendant to pawn for you? A Yes, sir.

Q How many times prior to the date when you requested this defendant to pawn those rings were those rings pawned for you by others? A Not pawned for me.

Q Pawned by others? A Mr. Sarro had pawned this large ring for \$200 at Goldstone's prior, before he got the rings. Mr. Sarro held the ticket and I was standing on 116th Street and Lenox Avenue and a party that I knew asked me whether I knew of

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anybody who had a large stone for sale.

BY THE COURT:

Q Did you at any time before January 30th, that is to say before the robbery was committed, had you at any time asked

KK Halpern, the defendant, the pawn things for you? A No, your Honor.

Q Had Halpern at any time been present before the robbery when you pawned things-- Had Halpern, the defendant, been present at any time before the robbery when you were in the act of pawning something? A No, sir.

Q Had Halpern, the defendant, at any time been present when you handed the jewelry to somebody else to pawn before the robbery? A No, your Honor.

BY MR. SANDLER:

Q Now, you requested this defendant to pawn this ring because he could get more for it than any person you knew, is that right? A That is right.

Q And because he was known to all the pawnbrokers? A I don't know whether he was known or not.

Q He was in the pawnbroking sales business? A Yes, sir.

Q And had been such as known to you for years? A Yes.

Q And the same applies to the second ring? A Yes, sir.

Q That had been in pawn before you requested him to pawn it for you? A No, sir; that had never been pawned.

Q How did you come to give him that second ring? A Mr. Sarro got it out of the rest of the jewelry, gave it to me, and I gave it to the defendant to pawn.

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Q Now, did you give it to the defendant at the time that you gave him that ring to pawn that that is some of the proceeds of the Stern robbery? A It wasn't necessary for me to say it was these goods.

Q It wasn't necessary? A No, sir.

Q You mean to tell the jury that you had already imparted the information to him in your first conversation? A On the old gold business.

Q You didn't care to discuss that robbery with him at all, did you at any time? A What do you mean, any time?

Q While you were giving him these rings to pawn? A It was not-- I didn't see no need for any discussion.

Q You took him into your confidence and told him that you were a robber? A I didn't say I was a robber. I was implicated in the robbery.

Q You had changed the robbery for your confederates-- you hadn't gone to tell the police or any other persons concerning your part in it? A I didn't say anything of telling the police.

Q Had you gone or not to tell anybody about it? A Well--

Q Answer. A I trusted him enough for that.

Q You didn't get any part of the proceeds of the robbery, you didn't give him any part of the proceeds of the robbery, did you? A You mean for himself?

Q Yes. A No, sir.

Q You didn't offer him any of it? A No, sir.

Q And still in all you thought so much of the defendant

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that you took him into your confidence telling him you were concerned or implicated in the robbery, and never cautioning him not to open his mouth to anybody concerning it? A I never said anything like that.

Q As a matter of fact you didn't say anything to the police about it, did he? A I don't know what he did.

Q He didn't give information to the police that resulted in your arrest, this defendant? A I don't know.

Q Do you know? A I don't know, I say.

Q Did you suspect that he did furnish some information to the police which led to your arrest?

MR. OLCOTT: I object to that as immaterial.

THE COURT: It may have some bearing upon the question of bias.

A I don't know whether- I don't suspect-- I don't know whether he had had any bearing on my arrest.

Q As a matter of fact weren't you arrested as the result of De Lala's confession? A I don't know.

Q Do you know how you came to be arrested charged with this crime? A For the simple reason when I went up there the second time I confessed and told them the whole trouble.

Q The first time they let you go, didn't they, the police?

A Yes, sir.

Q They let you go? A Yes, sir.

Q Then Sarro walked out? A Yes, sir.

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Q You were arrested a second time? A I was taken in again a second time.

Q A second time you told the true story of the robbery?

A Yes, sir.

Q You took trips throughout the city with the detectives which you have mentioned to locate some of this property; isn't that correct? A I gave them information where they could find the property.

Q And then when you had recovered as much property as you could, you then mentioned the name of Halpern, is that right?

A I have mentioned the name of Halpern in my first statement to the District Attorney.

Q And Halpern was not arrested until September 3rd, 1915?

A I don't know what date he was arrested.

Q When were you arrested? A On August 12th.

Q Do you know whether De Iala made any statement concerning De Iala? A I do not, sir.

Q You told me yesterday that you were not promised anything for testifying against this defendant, is that right? A I did say that.

Q You didn't tell anybody in the Tombs Prison, some prisoners there, what promises you had received? A No, sir; I never said a word.

Q What is that? A I never said anything of what occurred.

Q Do you remember the names of the men I asked you about

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yesterday and what you said to them? A I did not-- you mentioned some names.

Q Now, you testified "I did not want to be seen in any pawn shop". What did you mean by that? A For the reason that most pawnbrokers knew me and they heard of the robbery, and me being with that amount of goods, a \$300 ring, I really only made eighteen or twenty dollars a week, and I could not afford to have such stuff.

Q Is it a fact you didn't want to be seen in any pawnshop, or is it the fact this defendant could get a better price for the ring than any person you knew? A Both were my reasons for that, one not being seen, and the other I thought he could get a better price.

Q You thought you could use him as a cloak or a cover for yourself? A In a way that is true.

Q He brought the money back to you? A Yes, sir.

THE COURT : I think we have been all over that.

I am rather inclined to think that the cross examination of the witness is now exhausted. We are apparently not going over any new ground.

BY MR. SANDLER:

Q Now you have had some conversation with this defendant while you were together in the Tombs at various times, haven't you? A Yes, sir.

Q Now, in those talks that you had with this defendant,

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did you at any time tell him you were promised a revocation of the sentence if you testified against him? A No, sir.

Q What did you tell him? A I didn't tell him anything concerning that matter. I spoke of the family and other things, but nothing concerning a robbery. Of course we spoke of the robbery, that it was done, but nothing that I had to testify against him.

Q Didn't you tell him that you would just as leave have him with you and keep you company up in Sing Sing? A No, sir.

Q Never told him that? A No, sir.

Q You never told him you were promised a commutation of your sentence if you testified against him? A No, sir.

Q You didn't make that statement to any one? A No, sir, I did not.

Q The reason you testify here is because you want to tell the truth? A Exactly.

Q You are telling the truth? A I am.

Q The only time that you mentioned to this defendant that the goods that you requested him to pawn were Stern's, the proceeds of the Stern robbery was on the visit to that house? A Yes, sir.

Q At no other time? A That is all.

RE DIRECT EXAMINATION BY MR. OLCOTT:

Q You have already been sentenced to Sing Sing? A Yes, sir.

Q How many years? A Not less than three nor more than six.

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Q Has anybody ever promised you any reward at all?

MR. SANDLER: I object to the question as not complete.

MR. OLCOTT: (Continuing) For testifying here?

A No, sir.

Q For testifying here? A No, sir.

Q In the course of your conversation which you have just testified to in answer to counsel's question with the defendant did he ever make any request or demand of you? A No, sir.

MR. OLCOTT: That is all. I renew the request made by counsel yesterday that if there be any witnesses in the court room they be excluded and not permitted to walk in and out of the courtroom-- if there are any-- I don't know that there are.

THE COURT: Yes. If there are any witnesses in this case on either side they will step outside and remain outside until called.

CHARLES NEELIA, a witness called on behalf of the People, being duly sworn, testified as follows:

(The witness states his address is 320 West 47th Street).

DIRECT EXAMINATION BY MR. OLCOTT:

Q What is your business? A I am an appraiser.
Where

Q Were you employed in August of this year? A Robert T. Adams, Incorporated.

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Q That is a Pawnshop? A Yes, sir.

Q Do you know the defendant? A Slightly.

Q Did you see him in August? A Yes, sir.

Q What was the occasion when you first saw him in the month of August, and where were you when you saw him and where was he? A In the premises of Robert T.. Adams.

Q When? A Somewhere around the first part of--

Q Have you anything with you which would refresh your recollection as to the exact date? A The pledge book.

MR. SANDLER: I will concede that this defendant pawned that ring in this pawnshop on the date in question.

MR. OLCOTT: On two occasions?

MR. SANDLER: Yes. Once for \$200. and once for \$300.

THE COURT: You had better fix the date.

THE WITNESS: On August 2nd or 3rd.

BY MR. OLCOTT:

Q How much was that pawned for at that time? A Pawned for \$200.

Q -I hand you a ring-together with a pledge number of yours, and ask whether that is the ring.

Q Was it again repawned for a larger sum, and if so, when?

A It was pawned on August 6th for \$300, that is an increase of \$100.

MR. OLCOTT: I now offer the ring in evidence.

Same is received in evidence and marked People's

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Exhibit 1.

ANTHONY DE LALA, a witness called on behalf of the people, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. OLCOTT:

Q You are one of the men who entered Stern's pawnshop on the 30th of January and robbed that place, are you not? A Yes, sir.

Q You have pleaded guilty to that offence? A Yes, sir.

Q Specifically to robbery in the second degree? A Yes, sir.

Q Is that right? A Yes, sir.

Q You have been sentenced by the court on that plea? A Yes.

Q What term were you sentenced to? A Not less than two years nor more than four years.

Q In Sing Sing Prison? A Yes, sir.

Q Is that right? A Yes, sir.

Q You have not yet begun to serve that term? A No, sir.

Q Now, after robbing this place was any part of the proceeds of that robbery given to you by anybody? A Yes, sir.

Q You got a part of those proceeds, is that right? A Yes, sir.

Q Did you ever see the defendant? A Yes, sir.

Q Before? A Yes, sir.

Q Where was the first time you ever saw him? Where were you? A Louis Sarro introduced me to him.

Q Where was that? A 102nd Street.

Q At a house in 102nd Street, do you happen to remember the number? A No, sir.

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Q Was it a house that Louis Sarro occupied with his mother?

A Yes, sir.

Q Now, about what month was it-- when was it when you saw this defendant for the first time in Sarro's house? A In May or June.

Q In May or June? A Yes, sir.

Q Did you have any of the proceeds of this robbery with you at that time? A No, sir; at that time I did not.

Q Did you have any conversation with the defendant at that time, this man? A No, sir; not then.

Q How much later was it when you saw him again? A When I had the proceeds with me.

Q How much later? A Two days later.

Q When you had some of the proceeds with you? A Yes, sir.

Q Did you have any conversation with him at this house-- when you met him at this house two days later? A I sold him the stuff.

Q How much stuff was there, how much stuff? A It was a signet ring, a marriage ring and a chain.

Q Now I cannot hear you? A A signet ring, a marriage ring and a chain.

Q Did you have any conversation with the defendant when you sold this jewelry to him? A Yes, sir; I sold him gold.

Q Tell us in substance what you said and what he said on the occasion of this transaction? A I sold him; they weighed it; Sarro weighed the gold and Halpern took it with him and he

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told me that-- I asked him for more money and he only gave me \$104.

Q Will you kindly repeat that so that all can hear you?

A Louis Sarro and Morris Dickler weighed the jewelry, the gold, Halpern wrapped it up, took it away, and he gave me \$104. I asked him for more, and he told me he couldn't give me more as he was taking a chance himself.

BY THE COURT:

Q Now I understand that this was a talk that you had with Halpern in Sarro's house in the presence of Morris Dickler and Louis Sarro? A Yes, sir.

Q Is that so? A Yes, sir.

BY MR. OLCOTT:

Q Is that the only occasion that you sold anything at all to the defendant? A The only occasion.

Q Is that the only time? A Yes, sir; that is the only time.

Q Did you see him again after this sale? A No, sir, no more.

BY THE COURT:

Q So that you had two talks with Halpern? A Yes, sir.

Q You fix the time of those talks as some time in the latter part of May or June, is that so? A I met him a couple of days before, and I made an appointment with him two days after.

Q Where did you meet him the first time? A 102nd Street.

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Q You met him in 102nd Street in a house or on the street?

A With Louis Sarro.

Q He was with Louis Sarro when you met him? A Yes, sir.

Q Was Dickler with him? A No, sir.

Q About two days later you saw him in Louis Sarro's room?

A Yes, sir.

Q Was Dickler present? A Yes, sir.

CROSS EXAMINATION BY MR. SANDLER:

Q Sarro lived with his mother, didn't he? A No, sir; I don't know.

Q Do you know Sarro's mother in the East 102nd Street house? A Yes, sir; I know her.

Q That is the house you speak of where he lived with his mother? A I don't know if he was living there.

Q Did you see an old lady there? A Yes, sir.

Q Sarro's mother? A Yes, sir.

Q There was not anything suspicious about that house, was there?

MR. OLCOTT: I object to that as a conclusion of the witness, whether it was suspicious or not.

Q Wasn't it an ordinary apartment, a flat in a tenement house, is that correct? A Yes, sir; it was in a house.

Q It was not a robbers' cave, or anything, a mysterious gorge?

MR. OLCOTT: I object to that.

THE COURT: That is not a proper question.

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Q What floor of the house or of the building was this apartment on that you visited? A On the first floor.

Q How many rooms? A I think it was five.

Q Five rooms? A Yes, sir.

Q Had you been there any time prior to the day that you met this defendant? A With Louis Sarro's brother; he is a friend of mine.

Q You knew the family, didn't you, the Sarros-- the Sarro family? A Yes, I knew the family.

Q You met Sarro's mother, didn't you? A I met her in the house.

Q You visited there? A Yes, sir; with Louis Sarro's brother; he asked me to the house.

QQ When you met the defendant there, as you have testified here, who was present? A Louis Sarro and Morris Dickner.

Q Was Sarro's mother there? A She was in the front room; she was in the kitchen.

Q She was in the apartment at the time? A Yes, sir; she was in the apartment at the time.

Q She saw you come in and go out? A She saw me come in.

Q She saw you go out? A Yes, sir; she saw me go out.

Q She saw the defendant come in? A I don't know if she saw him come in.

Q You saw him come in, didn't you? A I saw him in the room.

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Q Now, when did you get your share of this loot from the hold up? A The same day.

Q Who divided it up? A Louis Sarro.

Q Where was the division made, in this house? A In my house.

Q Where do you live? A 108th Street, 337.

Q What is that? A 337 East 108th Street.

Q How long after the robbery did you get your share of this loot? A The same day.

Q Now, what did you do with your share? A I wrapped it up and I kept it.

Q Where did you hide it? A In my own house.

Q For how many months did you keep it hidden? A About three months, and then I made somebody else hold it for me.

Q Who broke it up for you? A Louis Sarro and Dickler.

Q After you had broken up your share of the loot, and mashed it up in every which way and shape that you could you then asked Sarro where to dispose of this loot, is that correct?

MR. OLCOTT: I object to that as assuming something not in evidence.

Objection sustained.

Q Did you ask Sarro where you could dispose of your portion of this loot? A No, sir.

Q Did they tell you that they knew-- Did you ask Sarro or Dickler where you could dispose of your portion of this loot?

A No, sir.

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A No, sir.

Q Did they tell you that they knew where you could dispose of it? A Louis Sarro told me that.

Q How many days before you met this defendant did Sarro tell you that? A He told me a couple of days before.

Q And they requested you to bring your share up to Sarro's house? A Yes, sir.

met Q And you left this defendant there? A Yes, sir.

Q Now, you say it was weighed by Sarro? A By Morris Dickler and Sarro.

Q That they weighed your share of the loot? A Yes, sir; he weighed it.

Q Who furnished the scales? A I don't know who furnished them.

Q Didn't Dickler bring the scales? A The scales was there.

Q The scales were Sarro's house? A Yes, sir.

Q They had been weighing jewelry there right along, hadn't they? A I don't know.

Q You found the scales there, anyway, when you got there?

A Yes, sir.

Q You don't know whether the scales were the property of the defendant or the property of Dickler? A No, sir; I don't know who brought the scales.

Q Do you know what pennyweights are? A No, sir.

Q Do you understand anything about jewelers' weights and measures? A No, sir.

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Q They did call off the weights of this jewelry, didn't they, and argued over it as to how many pennyweights was there?

A No, sir; just weighed it.

Q Just weighed it? A Yes, sir.

Q You didn't go to the defendant and say, "Here, buy this for me", did you? A No, sir, I took Louis Sarro's word for it.

Q Sarro weighed it and struck a bargain with the defendant? A I didn't tell no bargain.

Q They argued over the price, didn't they? A No, they did not argue over the price.

Q Were you satisfied with the price that you got for your share? A Yes, sir; he gave me \$104. I asked for more, and he told me he couldn't give me any more.

Q Was it worth more? A I don't know if it was worth more; they told me it was.

Q Do you know what the value of your share of the loot was? A I don't know what it was valued at.

Q You simply asked for more because you thought you were selling him some stolen goods? A No, sir; because I thought it was worth more.

Q But you didn't know you were selling old gold; did you? A I knew I was selling old gold.

Q The price satisfied Sarro, didn't it? A Yes, sir; the price satisfied Sarro.

Q Sarro made no objection to the price? A No, sir.

Q Nor did Dickler? A No, sir.

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Q But you thought you ought to get more? A Yes, sir; I thought I ought to get more.

Q You finally compromised and accepted how much? A \$104.

Q That was your share? A Yes, sir.

Q This was old gold? A Yes, sir; it was engagement rings and signet rings and chains and so forth.

Q What is that? A Signet rings, marriage rings, locketts and a few chains.

Q You were present then at all the conversations that were had between Sarro, Dickler and the defendant in that apartment, is that correct? A Yes, sir; after they weighed the stuff. I got the \$104.

BY THE COURT:

Q Now, when you entered that apartment, when you came into it, was Halpern already in there, or did he come into the apartment after you? A After I was there.

Q Who left first, you or Halpern.

Q So that you were in the apartment on this particular occasion all the while that Halpern was there? A Yes, sir.

Q Were you all the time in the same room that he was in?
A Yes, sir; I was in the same room.

Q Were Dickler and Sarro also in the same room? A Yes, sir.

Q When you reached the apartment was Dickler already in the apartment? A Yes, sir; Dickler was in the apartment.

Q Did he leave the apartment before you did? A Before I did, yes, sir.

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Q Dickler did? A Yes, sir.

BY MR. SANDLER:

Q Now, did you hear anything said by Dickler on that occasion concerning the Stern robbery? A Did I hear Dickler say anything concerning the robbery?

Q To either the defendant or Sarro or yourself concerning the robbery? A Yes, sir; he told me to take care of the stuff as you go out.

Q Who told you? A Dickler told Halpern to take care of himself when he takes it out.

Q To take care of himself? A Yes, sir.

Q When he takes it out? A Yes, sir; when he takes the gold out to go and sell it.

BY THE COURT:

Q What, if anything, did Dickler say about the Stern robbery on that occasion. - Voice up, now. A He was talking about the Stern robbery.

Q What did he say about it? A He told Halpern that when he takes the stuff or gold away he should take care of himself.

BY MR. SANDLER:

Q Halpern should take care of himself? A Yes, sir.

Q Halpern had bought and paid for this property? ~~for the~~
A Yes, sir, for the gold.

Q Was it after he paid for it that Dickler admonished him or warned him? A Right after he was going away.

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Q Now, did you hear Dickler say to Halpern, "This"--referring to the jewelry-- "is part of the proceeds of the Stern robbery" or words to that effect? A No, sir; but he told me that Halpern knew about the robbery.

Q Who told you that? A Dickler.

Q Was that in the presence and hearing of this defendant?

also
A Yes, sir; he told me in the room; when Louis Sarro told me that.

Q Louis Sarro told you that? A Yes, sir; and also Dickler.

Q They told you that the defendant here could be trusted; is that right? A Yes, sir; Dickler told me--

Q That he would not squeal? A Yes, sir.

Q Is that right? A Yes, sir.

Q You were a little worried about turning your stuff over to him, is that right? A Yes, sir.

Q They assured you that he knew all about it, is that right? A He knew all about it, yes, sir.

Q You relied upon that assurance in bringing your jewelry with you? A Yes, sir; Louis told me to bring it to his house.

Q Didn't Dickler tell you that the defendant was a very good friend of his and may be trusted, is that correct? A Yes, sir; he told me he was a friend of his.

Q And could be trusted with this jewelry? A Yes, sir.

Q Of course you were not interested in the disposition of it after you had received your money, were you? A No, sir.

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Q And you received your price? A Yes, sir; I got my money as I went away.

Q Satisfied with that? A Yes, sir.

Q Now, were you ever convicted of any crime in your life?

A No, sir.

Q Convicted of any crime? A No, sir.

THE COURT: Before this conviction were you convicted of any crime?

THE WITNESS: No, sir.

BY MR. SANDLER:

Q Isn't there a murder charge pending against you and you are being held for that now? A No, sir.

MR. OLCOTT: Objected to.

THE COURT: He has a right to interrogate the witness regarding any vicious act of his life.

MR. OLCOTT: As to whether he did anything or not.

THE COURT: You must confine yourself to that. I may say to you, Mr. Witness, that if you are asked any question a truthful answer to which would tend to incriminate you, that is to say, tend to an admission by you that you had committed a crime, you may refuse to answer on that ground. Have you understood what I said?

THE WITNESS: Yes, sir.

BY MR. SANDLER:

Q Isn't there a warrant out for you now?

THE COURT: That is not competent evidence. You may interrogate him respecting an alleged but not respecting a

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charge.

BY MR. SANDLER:

Q Aren't you mixed up at the present time in a murder case in Harlem? A I am a witness there.

Q You are a witness in a murder case? A Yes, sir.

Q Were you taken in custody by the police? A I says myself who done the--

Q You were supposed to be with the defendant who committed this murder at the time? A Yes, sir; I saw it done.

Q Going back to the robbery, you had a gun in your hand, is that right? A That was before that--

Q The Stern robbery? A Yes, sir.

Q Who did you hold up? A Stern.

Q You held up Stern? A Yes, sir.

Q That young man here? A Yes, sir.

Q Who was a witness in this case? A Yes, sir.

Q Was your revolver loaded? A Yes, sir.

Q Fully loaded? A Yes, sir; it was loaded.

Q You were brought over to the District Attorney's office yesterday with Dickler? A Yes, sir.

Q You both sat down in Mr. Olcott's room there? A We sat down but not together.

Q How many feet apart were you? A About five or six feet apart.

Q *Some of the* A short distance weren't you? A Yes, sir.

Q Were you questioned in the hearing and presence of Dick-

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ler concerning what you were to say here today? A I was speaking to my wife at the time they were questioning him.

Q It was a great privilege to be taken out from the Tombs and brought upstairs and meet your wife in the District Attorney's office, didn't you take it as such? A She was up there.

Q You were happy to see your wife, isn't that right, you were glad to see your wife under those circumstances? A I saw my wife.

Q You would do anything to reciprocate for the favor would you not? A No, sir.

Q You are telling the truth here, aren't you? A Yes, sir; I am telling the truth.

Q You are particularly careful to emphasize the fact that the defendant here was told to be careful of the stuff, is that right? A yes, sir; they told him to be careful with it, yes, sir.

Q You remember that very well, don't you? A Yes, sir.

Q You knew that is very important, don't you? A I don't know.

Q Do you know what the defendant is charged with? A I don't know what he is charged with.

Q Do you know the nature of the crime that this defendant is charged with? A No, sir; I don't know what he is charged with.

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

Q Do you know that he is charged with being one of the rob-

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bers? A I don,t know, all I know is I am telling the truth.

Q Didn,t you discuss this case at all with Mr. Dickler in the Tombs during your stay there? A No, sir.

Q Or in the Detention room this morning? A No, sir.

Q You didn't speak to him when you came down to the courtroom? A I spoke to him but nothing concerning this case.

Q He never told you what he said here? A No, sir.

Q You never told him what you were going to say here? A No.

Q You told it to no human being? A No, sir.

Q Did you tell it to the District Attorney? A I told the truth.

Q Did you make a statement to the District Attorney? A No, sir; not today.

Q To this gentleman here (Referring to Mr. Olcott) A No sir; I didn't make any statement.

Q Who did you make it to? A Deacon Murphy.

Q Did you ever make a statement to Mr. Olcott? A I told the truth, that is yesterday.

Q Why do you say the truth-- you told him the story, didnt you? A Yes, sir; I told him the story.

Q This story that you told to Mr. Murphy in the District Attorney's office, is that right? A I told Mr. District Attorney Deuell at the 116th street, Detective Bureau.

Q And the story that you told was reduced to writing, wasnt it, was that put in the form of a statement in writing? A What

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story?

Q The first story? A It was in shorthand writing.

Q Then it was typewritten? A I don't know.

Q Was it ever read to you? A No, sir.

Q Was it read to you before you took the stand in this case? A No, sir.

Q Do you know whether or not the stenographic notes were reduced to a statement in writing? A I don't know.

Q You never saw them? A No, sir.

Q Now, do you remember the same things today as you remembered what you told the District Attorney? A Yes, sir.

Q Did you, in your original statement, tell the District Attorney in substance that this defendant was told by Dickler or by yourself that he had to be careful about this property? A I didn't tell him anything at that time.

Q When did you make up your mind, or when was your attention directed to the fact that this was a necessary element in this case?

MR. OLCOTT: I object to that.

THE COURT: The question is objectionable as it assumes something not in evidence.

BY MR. SANDLER:

Q Now, who was the first man connected with the District Attorney's office that you made a statement to concerning what this defendant was told at that meeting on East 102nd street?

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A I was not there-- but Mr. Deuell-- I told him the truth, I told him I sold some gold, but I didn't know the fellow, I told him Morris Dickler knew the fellow.

Q You went to Mr. Deuell? A Yes, sir.

Q Did you tell Mr. Deuell at that time-- A Yes, sir; I told him that.

Q Just a minute-- that some one said to this defendant "Be careful of this stuff"? A No, sir; he didn't ask me that.

Q Now, when for the first time were you requested, or did you make a statement concerning this defendant to any one connected with the District Attorney's office? A Just now.

Q Just now? A Yes, sir.

Q Did you speak to Mr. Olcott yesterday up in his office?

A No, sir; I didn't speak to him.

Q When they brought you over yesterday? A He asked me if I was a witness in the case, and I told him yes.

Q What else did he ask you? A That is all he asked me.

Q Did he ask you what you were going to say concerning this affair? A No, sir.

Q Nobody asked you that? A No, sir.

Q Simply brought up from the pen and marched here, and told this story? A Yes, sir.

Q Never told it to Mr. Olcott? A No, sir.

Q Never told it to Mr. Deuell? A I told Mr. Deuell I stole some stuff in 102nd street.

Q Now, I asked you concerning the defendant whether or

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not you told him? A I didn't know him at the time.

Q Did you tell anybody connected with the District Attorney office that somebody said in that room to this defendant, as he was leaving with the jewels "be careful of that stuff"? A I didn't tell him it at that time.

Q Did you tell it to anybody? A No, sir.

Q So this is the first time you told it? A Yes, sir.

Q Did you tell that to Dickler? A No, sir; I did not.

Q Didn't you tell Dickler last night in the Tombs what you were going to say here? A No, sir; I didn't tell him nothing.

Q Didn't you tell him ^{what}/you were going to say, concerning this defendant here? A Told him I was going to tell the truth.

Q That you were going to say that somebody said when he was passing out, "be careful of that stuff", didn't you say that to Dickler? A No, sir; I told him I was going to tell the truth.

Q You did discuss the case with Dickler after all? A No.

Q You talked to him, didn't you? A No, sir; nothing concerning this case.

Q You didn't tell him what you were going to say here?
A No, sir; he knows what I was going to say himself. He was there at the time when I sold the stuff.

Q But did he know that you were going to say just now to this jury that some one said to this defendant "be careful of this stuff"? A No, sir.

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Q Is that the truth? A Certainly.

Q Did somebody say that? A Say what?

Q That he should be careful? A Yes.

Q Who was it that said it? A Dickler said it himself,
and also Louis Sarro.

Q I mean in the room at that time? A Well--

Q Did you hear Dickler say to him, "be careful of that
stuff" and sell it? A Yes, sir.

Q You heard that? A Yes, sir.

Q Is that correct? A Yes, sir.

Q Did you hear Dickler say to him, "this is the proceeds
of the Stern robbery". Did you hear that? A He knew that.

Q Did you hear Dickler say that? A Yes, sir.

Q You heard Dickler say that? A They were speaking about
the pawnshop.

Q Now, do you understand me when I am asking you? A I un-
derstood what you asked me.

Q Let us get this clear. Who warned this defendant, was
it Sarro or Dickler? A Sarro.

Q Did you warn him? A Sarro told me he had a buyer for
the gold.

Q He introduced you to this man? A Yes, sir.

Q As a buyer? A Yes, sir.

Q Now who gave him the warning, was it you, Dickler or
Sarro?

MR OLCOTT: I object to that. I am not quite clear

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that this witness understands what the word "warning" means or just what counsel is referring to, just what warning counsel now refers to.

BY THE COURT:

Q You understand the question? A Warning means he told him-- don't it?

THE COURT: Practically, yes, sir.

MR. OLCOTT: I ask, your Honor, that it may be made clear what warning is referred to. Apparently there were several.

BY MR. SANDLER:

Q Did you ever tell this defendant, at any time in your life, on the occasion of your only visit when you confronted him with the jewelry that it was stolen and part of the proceeds of the Stern hold-up? A Yes, sir; he knew it.

Q Did you, yes or no? A I didn't tell him, no, sir.

Q Why don't you say so? A No, sir.

Q You didn't tell him anything? A No, sir.

Q If anything was said to him it was said neither by Dickler or Sarro? A Yes, sir.

Q Sarro is a fugitive, isn't that so, is missing, the police are looking for him? A Yes, sir.

Q You were arrested in Connecticut, weren't you? A yes.

Q You were brought back? A Yes, sir.

Q You mentioned the name of Dickler when you were arrested by the police? A Yes, sir.

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Q Did you mention garro's name? A Yes, sir.

Q Were you in custody of the police when Sarro and Dickler were brought in together-- were you in the Harlem Detective Bureau? A Yes, sir.

Q Did you hear Dickler say to the police then and there that garro had nothing to do with the hold-up? A No, sir.

Q Did you hear Dickler say anything concerning Sarro to the police? A No, sir.

Q Did Sarro walk home? A Yes, sir; he went out.

Q He went out? A Yes, sir.

Q He is still out? A Yes, sir.

RE DIRECT EXAMINATION BY MR. OLCOTT:

Q You remember seeing me up in my room yesterday? A Yes.

Q Do you remember that Mr. Stern was there, don't you?

A Yes, sir.

Q That I talked with Mr. Stern for quite a few minutes-- you saw me talking to him? A Yes, sir.

MR. SANDLER: I object to the form of the question.

THE COURT: I will allow it. I am going to find out what happened up there. You have interrogated him about it.

BY MR. OLCOTT:

Q You remember my talking to Mr. Dickler for sometime, don't you? A You were talking but I didn't hear it.

Q Where were you while I was talking to those two men?

A A few feet away from you.

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Q Who were you with? A With my wife.

Q What were you doing? A Nothing, just talking, that is all.

Q Talking to your wife? A Yes, sir.

Q Do you remember what time it was when I stopped talking to Mr. Dickler? A About ten minutes to two.

Q Do you remember my saying anything to you about the time? A No, sir.

Q Did I say anything to you in the way of questioning you about what you were going to say or testify to? A No, sir.

FELIX B. DEMARTINI, a witness called on behalf of the people, being duly sworn, testified as follows:

(The witness states that he is a police officer attached to the Third Branch Detective Bureau.)

DIRECT EXAMINATION BY MR. OLCOTT:

Q You are an officer connected with the Municipal Police Force? A Yes, sir.

Q How long have you been connected with the Police Force?
A Ten years.

Q How long have you been connected with the Detective Bureau? A About eight years.

Q When did you first see the defendant? A That was the night of the arrest, the day of the arrest.

Q The first time you ever saw him? A yes, sir; the first time I ever saw him.

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Q When was that? A That was on September 3rd.

Q Where did the arrest take place? A On Park Row. He was in a store there on Park Row near the counter, throwing dice where they were playing dice, throwing it, throwing them on the showcase.

Q He was there at that time with other people? A Yes, sir.

Q You placed him under arrest? A Yes, sir; I did.

Q Who else was with you at the time? A Detective Mike Myers.

Q Did you have any conversation with the defendant at that time? A I did.

Q What did you say to him, and what did he say to you?

A Why I told him he was under arrest, and he said -- after walking a little while, "all right", he said, "I expected this". So I said, "If you expect this", I says, "we would like to know the truth. We would like to get back some more stuff" meaning the jewelry which was taken from the Stern pawned stuff. So first he said he didn't know nothing; he said he didn't care about talking.

Q Let me interrupt you right here, and ask you whether anybody else was arrested at that time? A Well not at that particular time.

Q At this time? A No, sir.

Q Had you arrested anybody else? A No, sir.

Q Where was Mr. Myers at the time this conversation was

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being had? A He was walking with me.

Q You were on one side and the defendant was on the other? A I think we had him in the middle, sometimes walking along, and naturally as you walk along --

Q Walking to some police station? A Yes, sir.

Q When the conversation was first had? A No, sir; we took him to a restaurant and gave him something to eat. Then from there we went to the Detective Bureau.

Q When did this conversation begin, in the restaurant, going to it or leaving it? A Going to the restaurant the first conversation took place immediately after the arrest. He said, that he didn't care; he said that he was willing to take his medicine. So I told him, "What is the use of talking so foolish". "Now", I said, "there is some-quite some little jewelry missing. We would like to get it back." I also asked him if he knew where the other two defendants were in this case, and so he said "pshaw", he says, "I will take my medicine", and he says, "if the other fellows have spoken I will take my chances. If it wasn't for one thing" he says, "I would beat you on the case". So I asked him, what was that one thing, and he would not tell me. So going up to the branch I asked him regarding the ring in Adams' and also about another piece of jewelry that was found down on Park Row, and he said that he had pawned that, I think he said, he received five dollars for pawning it. I then asked him about him going into Mrs.

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Sarro, s house or Mrs. Vannis' house. First off he stated-- he said that he never had been and later on he admitted that he went there, and that he knew Dickler; I am not so sure whether he said he knew -- whether he knew DeLala and Sarro, I am not sure about that; I wouldn't say positively about that. I called his attention to the breaking up of the jewelry, and taking it to a place named Hammerschlags where it was disposed of. He said, "I won't talk about that." I said, "Will you deny it." He said, "I would sooner not answer that." Well, I said, "That doesn't look as though you were trying to help out" I says, "I think it would be best of you would tell the truth, if we could get more of this jewelry back I think it would be better for yourself." He said, "I would sonner not talk about it, I am no squealer, I am no rat, I will take my medicine."

Q Did you have any further conversation with him at any time? A Well, that is practically the substance of the whole conversation with him from the time of the arrest until he was arraigned in court.

Q You saw him for wuite sometime there? A Yes, sir.

Q Questioned him at great length, is that right? A Yes, sir.

Q Was officer Myers present during all this conversation?

A Why pretty near, I think, yes, sir, I will say pretty near all the conversation.

CROSS EXAMINATION BY MR. SANDLER:

Q When you arrested the defendant you say you found him in a store on Park Row? A Yes, sir.

Q Do you know the name of that store? A Why to be candid

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1 with you, I don't think I do know it.

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Q Was it the jewelry store of Moscovitz & Schwartz? A It was the jewelry store but I don't know the name; it was on the east side of the street.

Q Was the defendant behind the counter or in front of the counter? A He was behind the counter. I think he was behind, I am not sure, I think behind the counter.

Q You saw this counter with diamonds and a lot of jewelry in that store? A There is jewelry in that store, yes, sir.

Q Now when you took him into custody, you just beckoned him to come out, didn't you? A It was Detective Meyers that beckoned to him, not I.

Q After he was beckoned to he came out in the street? A Mike Meyers says, "come on, we want you" and as I was going in the door to get him I saw him there.

Q After you got him out on the sidewalk he had his hat and coat on? A I think he did, yes, sir.

Q You invited him to take a walk? A No, sir; not to take a walk; told him he was under arrest, to come along with us.

Q Who told him that, you or Meyers? A Well now both of us told him that.

Q Did you tell him that? A He was told. I couldn't tell you word for word what was said, that is the substance, he was told he was under arrest.

Q You are a police officer attached to the Police Force of the City of New York and called out a citizen from the store?

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A Yes, sir.

Q To the sidewalk? A Yes, sir.

Q You are apparently calling him out for a purpose, aren't you? A To place him under arrest.

Q Did you inform this defendant that he was under arrest?

A Why, certainly.

Q You did? A Yes, sir; certainly he was told he was under arrest, positively.

Q What crime did you charge him with? A Charged with stealing this stuff knowing it was stolen.

Q What stuff? A The jewelry in the Stern robbery.

Q You told him right in front of the store, did you?

A No, sir.

Q How many blocks did you walk before you told him? A I don't know. We walked from that place, he asked to get something to eat, he requested to get something to eat. I don't know how far we had walked before I told him that.

Q Now, isn't it a fact that after you walked about a block you asked the defendant, do you know where you are going to?

A Yes, sir; because he said it didn't look like --

THE COURT: Yes is an answer.

Q Did you say "Let us come and have dinner"? A No, sir.

Q What restaurant did you go with the defendant to?

A Over here on Lafayette street.

Q Lafayette street? A Yes, sir.

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Q A lunch room? A Yes, sir, a lunch room and restaurant.

Q You asked him to go to Police Headquarters with you?

A No, sir.

Q Did you arraign him before a Magistrate? A No, sir, there was no Magistrate then to arraign him before; it was too late.

Q It was night? A Yes, sir.

Q What time? A I should judge about five or six o'clock.

Q Couldn't take him to the Night Court? A No, sir.

Q Did you take him to Headquarters immediately, did you?

A No, sir.

Q You took him for some lunch? A Yes, sir; gave him some lunch.

Q He expressed a desire to eat? A Yes, sir.

Q He was too unconcerned about his arrest and the fact that you were detaining him upon a charge that he wanted to eat?
A Well, that I don't know what was in his mind.

Q You obliged him by taking him to a restaurant? A I did.

Q Now while you sat in the restaurant the defendant was then your prisoner? A Yes, sir; he was.

Q Detective Meyers with you? A Yes, sir.

Q During that conversation with the defendant did you say to the defendant, "Halpern you know there is \$3000 reward offered by Stern for the recovery of as much of this jewelry as what we can get"? A No, sir.

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Q Did you tell that to him? A No, sir.

Q Tell it to anybody, Officer, this \$3000 reward offered by Stern for the return of this jewelry? A No, sir; I didn't tell it to anybody.

Q Do you know, as a matter of fact, that there is a reward of \$3000? A So I heard.

Q Do you know it? A I heard it.

Q Have you been told it by Stern? A I have been told, yes, sir.

Q You know it? A Yes, sir.

Q And that if all the men who were concerned in this robbery are apprehended, anybody who had anything to do with it are jailed the \$3000 will be paid to the police officer in this case. Isn't that correct, Officer? A I can't understand that question the way you put it. The reward is to be given to the men who actually participated in the robbery, who actually took part in the hold-up.

THE COURT: That is not correct.

THE WITNESS: That reward is to be given for the arrest of the men, - for the arrest of the men.

BY MR. SANDLER:

Q Before you arrested the defendant Halpern you had a conversation with the defendants DeLala and Dickler, isn't that correct? A Yes, sir.

Q Basing your conduct or action on whatever information you received from these two men you arrested the defendant?

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A Well on the information received from them, yes, sir.

Q Did you they at any time, while talking to you, state or charge that this defendant was possessed of any of the property or loot which was taken from Stern's pawn shop? A They said that he possessed the old gold that they had given to him to take down to sell and also a few pieces which he had collected for them.

Q That the old gold that he had received from them, and that he had also pledged or sold, is that correct? A That he had sold.

Q So when you arrested him you charged him with having criminally received stolen property? A That is correct.

Q You didn't charge him with the possession of the property, did you? A With criminally receiving it.

Q Receiving and disposing of it? A Yes, sir, after that -- knowing that it was stolen.

Q But it was contended by these two men I have just mentioned that he had any of the property in his possession on the day of his arrest? A Not the day of his arrest.

Q Or any time after his arrest? A No, sir; not after his arrest.

Q Or is it claimed now by the police authorities that this defendant has anything belonging to Stern or any of the proceeds of the Stern robbery? A Well, that I couldn't say, I don't know.

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Q Do you know that from the investigation you made? A That I don't know whether he has or not; I could not say that he has, and I could not say that he has not.

Q Can you tell the jury whether or not this man at the bar has any property that has not been accounted for?

THE COURT: He says he does not know.

Q You made an investigation in this case? A Yes, sir; I have.

Q You are thoroughly familiar with all its details?

A I am familiar with the case.

Q Did you ever arrest Sarro, one of the robbers? A Sarro was never arrested.

Q Was Sarro ever in the custody of the police? A He was in the Third Branch Detective Bureau.

Q Who was the officer who brought Mr. Sarro into the Third Branch Detective Bureau? A I was one, I think Detective Myers was another and Grossman if I am not mistaken.

Q Mr. Sarro was questioned at length there by you and Mr. Myers and Mr. Grossman? A Yes, sir.

Q There were some questions that you asked him whether or not he had participated in this hold-up or robbery in Stern's pawn shop? A Yes, sir.

Q And another gentleman who was there at the time with a man named Dickler, wasn't he? A Morris Dickler.

Q A co-defendant? A Yes, sir.

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Q The man who has pleaded guilty here to robbery? A Yes, sir.

Q Of course you asked Dickler whether or not Sarro was one of the men in the robbery? A At what time?

Q In the first minute, the first day? A Yes, sir.

Q And Dickler, of course, told you that Sarro was an innocent as a baby, had nothing to do with it, is that correct?

A That is correct.

Q Then the police let him walk out? A Yes, sir.

Q And after that Dickler was re-arrested? A Yes, sir.

Q It was after Dickler was in custody that he mentioned the name of Halpern? A Yes, sir; the second time in custody.

Q That he told you officers that? A Yes, sir.

Q Now, when he said to you, in your walk and talk, that he was willing to take his medicine, did you think he was trying to shield some one? A My opinion is yes if you say I think.

Q Then he was trying to shield some one, you thought he was trying to shield some one? A I thought he was trying to shield some one, yes, sir.

Q You told him to help all he could to get the jewelry back? A Yes, sir; I did tell him.

Q Because there was a reward offered for it? A No, sir; no reward; I didn't speak to him about the reward, positively.

Q He admitted pawning these two rings? A Yes, sir; he did.

Q Showed you the pawn shop where he pawned them? A Yes; sir; that is correct.

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Q You told them the pawn shop? A Yes, sir; he said that was the place.

Q You have also ascertained that those rings had been pawned before in other pawn shops before the defendant got them from Dickler or DeLala? A I ascertained on one -- that there was one in Adams'.

Q Which had been pawned before? A Yes, sir.

Q Not by this defendant? A Yes, sir; it was pawned -- that I don't know; he did pawn it in Adams the first time and then went back and got a larger loan on it.

Q He pawned it again? A Yes, sir.

Q But before he took it to Adams' and took it out again, out of pawn, somebody else had it in pawn? A Yes, sir, that is right, yes, sir.

Q You found none of the loot in the possession of this defendant when you searched him? A I found nothing on him.

Q You claim he has nothing belonging to Stern's now? A I don't know; I don't claim that.

Q Will you say he has any property belonging to Stern?

A I won't say that he has or that he has not.

Q You would give him the benefit of the doubt, wouldn't you?

Objected to. Objection sustained.

M I C H A E L M Y E R S, a witness called on behalf of the People, being duly sworn, testified as follows:

(The witness states that he is a police officer attached

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to the Third Branch Detective Bureau.)

DIRECT EXAMINATION BY MR. OLCOTT:

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

Q How long have you been a member? A Twenty years.

Q How long have you been connected with the Detective Bureau? A About fifteen years.

Q Do you remember the 3rd day of September in the late afternoon? A Yes, sir.

Q The early evening? A Yes, sir.

Q Did you see the defendant at that time? A Yes, sir.

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

Q Were you present when he was arrested? A Yes, sir.

Q What other officer was with you at the time of the arrest? A DeMartini.

Q The last witness on the stand? A Yes, sir.

Q What did you do with him -- did you have any conversation with the defendant at the time of his arrest? A Yes, sir.

Q Officer DeMartini was there, is that right? A Yes, sir; Halpern was between us.

Q Will you please state what that conversation was? A I told Halpern what we were --

MR. SANDLER: I will object to this unless the defendant made these statements after he was put under arrest and was informed by the officer that he was under arrest.

Objection overruled.

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THE WITNESS: (Continuing) After the defendant asked me where we were taking him I told him and he asked me "What for" and I told him for pawning some jewelry. He said "What jewelry". I said, "Off Morris Dickler." He said "Yes." I said, "Did you pawn stuff for him" and he said "Why". I said, "Did you" and he says "Do you know that I did". I said "Yes." He says "Well tell me something I pawned for him". I mentioned several articles at that time we knew.

Q Were you walking at this time? A--North on Park Row, went through Worth street and north on Lafayette street.

Q Where were you bound on this particular occasion?
A 116th street and Third avenue.

Q Did you stop anywhere on the way? A Yes, sir; to have a bite to eat. We gave Halpern something to eat.

Q Where was that? A At a restaurant.

Q Was this conversation between you and the defendant before you reached the restaurant or after? A Before -- I told him of several pledges that we knew he had pawned for Dickler and Halpern then admitted he had pawned several pledges for Dickler and Dickler had paid him five dollars for each article that he pawned for him. I asked him where and as to several trips he had made to an assayer's office on Park Row to sell some old gold, and he said "Do you know I did"? I said, "I have been told so". He said "I will tell you something. What is

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your name." I says "Meyers." He says "I will tell you Meyers" he says "this is in your line of graft. You find that stuff out and prove it. That is your business. I ain't going to admit anything to you. I ain't a rat. Anything you can find out, prove, go ahead and prove it. I am no rat, I ain't going to tell you nothing. "

Q Did DeMartini address questions to him? A When the conversation was had I would speak to him and DeMartini spoke to him and that was part of mine and some of his.

Q Now was there any further conversation when you got up to the Third Branch Detective Bureau? A Yes, sir.

Q Do you remember the substance of that conversation? A DeMartini done most of the questioning there and I remember some of the talk.

Q Can you remember any of it sufficiently accurately to swear to it here? A Yes, sir, particularly about the old gold, particularly on that one subject.

Q What was that conversation? A DeMartini asked him if he knew there was a thousand or two thousand dollars worth of old gold broken up . He knew Halpern had taken it to Hammerschlag's the assayer's office, on Park Row, and had made several trips down there and Halpern told him, he says "Well, that is for you fellows to prove. I ain't going to admit a thing to you at all" and he made a remark "If it wasn't for one thing" he said "you wouldn't have anything on me". DeMartini tried to drive that out of him, what he meant by "If it wasn't for one thing" and

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he never answered it.

Q He didn't answer what that one thing was in response to DeMartini? A No, sir; he did not.

CROSS EXAMINATION BY MR. SANDLER:

Q How did he try to drive that out of him? A By questioning him.

Q Is that all? A Yes, sir; absolutely.

Q Just moral suasion. Do you know what I mean by that, an even tone of conversation? A No, sir; not exactly in an even tone. He raised his voice at times.

Q Did he raise anything else? A Absolutely nothing.

Q Did you see anybody raise anything else to this defendant? A No, sir; I was in the room all the time.

Q You didn't see him slugged? A Halpern? No, sir; he was not.

Q You advised him of his legal rights when you arrested him? A He knew --

Q He knew that anything he would say would be used against him? A Yes, sir.

Q When he refused to talk and stood on his legal rights you started to drive it out of him, didn't you? A By the word "drive" counsel it means simply conversation, absolutely, conversation.

Q Didn't the defendant tell you after he was advised of his legal rights by you that he wouldn't answer any questions? A He

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wouldn't say anything; he said he would not; said he was not a rat; he wouldn't answer questions; it was my business to prove it, not him to admit.

Q Because you had warned him of his legal rights? A Yes, sir; I did.

Q You weren't in the room all the time, Officer, were you, when this defendant was with DeMartini and Grossman? A Well, besides the defendant there was DeMartini, Grossman and myself. At one time I left, I might have left to use another room for a moment or two, but not very long.

Q You went over to the Tombs yesterday, Officer, and took DeLala and Dickler up to the District Attorney's office? A No, sir.

Q You were there? A No, sir, I did not go to the Tombs. I went to the pen here.

Q To the pen? A Yes, sir.

Q At whose request did you bring up the two defendants upstairs in this building? A Mr. Olcott's.

Q When you got up to Mr. Olcott's office who was there?
A Mr. Olcott.

Q Who else? A DeLala, Dickler and Grossman and DeMartini myself and Mrs. DeLala.

Q DeLala's wife was there? A Mrs. DeLala.

Q Did you have any talk with her yesterday? A I had been speaking to Mrs. DeLala for half an hour before I brought the prisoners over, out in the hall, just casually.

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Q Mrs. DeLala had numerous talks with you before yesterday?

A Yes, sir, since the arrest, yes, sir, several times.

Q And Mrs. DeLala has been furnishing you with whatever information she could get from her husband regarding these matters? A Principally ^{to} DeMartini; she has been talking to me.

Q You were looking of course, for a robber named Sarro and a robber named Nino? A They are implicated in this robbery.

Q That is how you were interested in speaking to Mrs. DeLala?

A Why it is natural, counselor, for the wife of a prisoner to speak to the officer; she can't help herself in that way.

Q Do you know who asked her to go upstairs to see her husband? A I did; I told her where her husband would be if she wanted to see him, I thought that was gentlemanly, no other reason.

Q She could not have seen him in the pen, it was against the rule? A Yes, sir; against the rules.

Q Were you present at the time these men were questioned by Mr. Olcott? A Not all the time, part of the time.

Q Were you present when Mrs. DeLala was questioned? A Part of the time.

Q Did you hear substantially everything that he said to Mr. Olcott? A Everything? No, sir.

Q Do you know anything that DeLala might say which would connect this defendant with this or hold him for this crime he is charged with? A In Mr. Olcott's room?

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Q Yes? A I -- not DeLala -- I heard Dickler talking; I didn't hear very much of what DeLala said then I went out to get a bite to eat.

Q How long did Mr. DeLala speak to Mr. Olcott? A I can't tell; I went out.

Q Did you see him speak at any time? A Yes, sir.

Q You saw Mr. Olcott have a statement in front of him?

A A written statement in his hand, yes, sir.

Q Now, Officer, did you ever arrest Sarro? A No, sir.

Q Sarro is one of the missing robbers? A Yes, sir.

Q Was Sarro in the Third Branch Detective Bureau at any time? A Yes, sir.

Q Who brought him in, if you know? A I don't know.

Q You were there when he was interrogated, weren't you, when he was questioned? A Yes, sir.

Q Was Dickler there at that time? A He was in the building.

Q In the building? A Yes, sir.

Q He was questioned? A Yes, sir.

Q Do you know whether or not Dickler was asked whether Sarro was one of the robbers? A Yes, sir.

Q Do you know what answer Dickler made? A Yes, sir.

MR. OLCOTT: On the first occasion?

MR. SANDLER: Yes.

Q Will you tell the jury what Dickler said? A He said he

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did not know him -- on that day.

Q Then you directed Sarro to walk out. Sarro walked out of the building there? A Yes, sir.

Q Have you ever had any talk with Mr. Stern, the man whose place was robbed? A Oh, I have known Mr. Stern twenty years. I was going in his place all that time.

Q Very friendly with him? A Yes, sir; very friendly.

Q Now, in your various talks with Mr. Stern, which, of course, concerned this robbery, was any mention made of any reward having been offered either by Mr. Stern or by the Jewelers' Protective Association or any other party for the work that you detectives were doing in this case? A It did mention it. The newspapers mentioned it.

Q Other than what you read in the paper did anybody, Mr. Stern or any one in his family tell you that there was a reward of \$3000 to the officers in this case? A Why I knew that, counsel, without Mr. Stern, the newspapers advertised it.

Q Did you in your talk with Mr. Stern discuss that reward? A Absolutely not.

Q At no time? A It wasn't necessary to speak to Mr. Stern about that.

Q Did he ever mention it to you? A It wasn't necessary, no, sir.

Q You never mentioned it to him? A No, sir.

Q But there is a reward out? A Yes, sir.

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Q You are trying to get that reward, you are trying to earn that reward if you can? A We are.

Q The officers in the case? A Yes, sir.

Q If the Police Commissioner lets you take it? A He will let us.

Q Do you know whether or not this defendant has any property or loot that was stolen from Stern? A I didn't get that, counsel.

Q (Repeated) A If he has any? No, sir.

Q All you know about it is what you have testified here that the two men DeLala and Dickler told you of giving him stuff to pawn? A And Halpern's admission about things that he pawned.

Q He admitted that he pawned those rings? A Half a dozen articles he admitted.

Q He didn't deny that? A No sir.

RE-DIRECT EXAMINATION BY MR. OLCOTT:

Q Officer do you know whether I took any statement of the testimony of DeLala of your own knowledge? A No, sir.

Q You don't know whether I did or not? A No, sir.

Q Do you remember Mr. Stern being up in my room. Do you know Mr. Stern? A Yes, sir.

Q Do you remember my questioning him? A Yes, sir.

Q Do you remember my questioning Dickler? A Yes, sir.

Q Do you remember at that time my having a long statement

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in front of me? A Yes; a typewritten statement, yes, sir.

Q It was very much like this piece of paper (showing witness a piece of paper)? A Yes, sir; exactly like that, yes, sir.

Q Do you remember whether I addressed formal questions and answers to DeLala at any time while you were in the room in regard to this particular matter -- not in regard to a conversation with his wife or anything of that sort? A No, sir; not to DeLala.

Q What time did you leave, do you remember, to go to your lunch to-day? A Shortly before one o'clock I believe it was.

Q You went out and did you return? A Yes, sir.

Q About what time did you come back? A I got to your office again about -- I didn't go to your office, I came in this court room and then was ordered out by Mr. Sandler's request, -- that was after his Honor had opened Court again at a little after two o'clock.

MR. OLCOTT: I think I neglected, your Honor to ask the formal questions about the City and County of New York. If that is conceded, that 116th street and these other places are in the City and County of New York, I will rest.

MR. SANDLER: Yes.

MR. OLCOTT: The People rest.

MR. SANDLER: Now I respectfully move, your Honor, that your Honor take from the consideration of the jury the count in this indictment -- only one count -- of crimi-

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nally receiving stolen property as charged against the defendant on the ground that the People have failed to establish the crime charged in the indictment by any legal evidence. The testimony here, your Honor, is substantially the testimony of accomplices all implicated and concerned in the robbery. There is no independent corroboration from any source which would tend to throw any light whatsoever or to satisfy the Court that this defendant criminally and knowingly received this property knowing the same to have been stolen. That element, your Honor, I submit is lacking in this case. There is nothing here to shed light to the Court or assist the Court here in deciding whether this case is entitled to go to the jury. Every witness here is an interested witness and if your Honor please I press that motion.

THE COURT: I think I will deny the motion, Mr. Sandler, and give you an exception.

MR. SANDLER: I respectfully except. I assume that your Honor will instruct the jury that the denial of this motion does not in any way tend to indicate a doubt in your Honor's mind as to the defendant's guilt in this case.

THE COURT: I will charge the jury when I do charge them -- if I submit the case to them -- not to be influenced by my decision of this motion for it imports no opinion as to what their verdict should be.

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MR. SANDLER: I ask your Honor to direct the jury to acquit the defendant upon the ground that the People have failed to establish the crime charged in the indictment.

THE COURT: I make the same disposition of that motion. Exception.

The Court then admonished the jury calling their attention to Section 415 of the Code of Criminal Procedure and took a recess until two o'clock.

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After Recess.

TRIAL RESUMED.

(Mr. Sandler opened to the jury in behalf of the defendant.)

M O R R I S H A L P E R N, the defendant, being called as a witness in his own behalf, and duly sworn, testified as follows:

(The witness states he resides at 190 Second avenue.)

DIRECT EXAMINATION BY MR. SANDLER:

Q Now Morris, when you answer my questions, try to speak as loud as I do so this last gentleman there can hear you. Who do you live with, Morris? A I am rooming at present.

Q Have you any parents? A Yes, sir.

Q Where do they live? A The last they lived in Mount Vernon with my older brother.

Q And your older brother, what is his name? A Michael Halpern.

Q Is that the brother for whom the witness Dickler worked? A Yes, sir.

Q What day were you arrested, Morris? A September 3rd.

Q This year? A Yes, 1915.

Q And you have been in the Tombs since that day? A Yes, sir.

Q And this is the first time you have had a chance to tell your story to a jury? A Yes, sir.

Q Were you arraigned before a Magistrate? A Yes, sir.

Q And you were held over for the Grand Jury by the Magis-

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trate? A Yes, sir.

Q Now then Morris, prior to the date of your arrest you had known Dickler for quite a number of years? A Yes, sir.

Q How many years in all did you know him? A Four or five years.

Q How did you come to meet him the first time? A By being a salesman with my brother.

Q That is where you met him? A Yes, sir.

Q You visited him often at his place of business in Stern's pawn shop? A Yes, sir.

Q Did you ever have any business dealings with him?
A No, sir.

Q Did he ever request you to pawn any property prior to January the 30th? A No, sir.

Q Or at any time in 1914? A No, sir.

Q Or at any other time? A No, sir.

Q Did he ever visit you at your place of business?
A Yes, sir.

Q Now, you visited the pawn shop in Stern's even after the robbery; is that right? A Yes, sir.

Q You had read about that robbery? A Yes, sir.

Q Did you or did he at any time discuss the robbery?
A No, sir.

Q Did you ask him anything about the robbery? A Yes, I asked him how it happened and when it took place, and whether he was hurt.

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Q Whether he was hurt? A Yes, sir.

Q And he told you all about it? A He told me he was hit in the face.

Q By one of the robbers? A By one of the robbers.

Q Now you continued to see him up to the time he was discharged from Stern's? A Yes, sir.

Q And after he was discharged did he call on you? A He called on me at 250 Bowery -- or 240 Bowery in the adjoining store, of Julius Hiebold, where I was employed.

Q In what capacity? A I do not understand.

Q What were you doing there, a clerk? A A salesman behind the counter.

Q How much of a stock did that business carry?

MR. OLCOTT: I object to that, as immaterial and irrelevant, how much stock was carried by his employer.

Objection sustained.

Q Was it a large store? A Yes, sir.

Q A double store? A Well, he did have two stores, and this was an adjoining store, a store which he just opened.

Q Did he have a large stock in that store?

Objected to; objection sustained.

Q There were diamonds there? A Diamonds, watches and jewelry.

Objected to; objection sustained.

Q After he visited you there he had a talk with you?

A Yes, sir.

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Q And did he say anything to you about the Stern robbery then? A No, sir.

Q When for the first time did he visit you and discuss with you the pawning of jewelry or a ring? A About in the middle of June.

Q This year? A Yes, 1915.

Q Where did he meet you? A On 116th street and Lenox avenue.

Q In New York City? A New York City.

Q What did he say to you and what did you say to him at that meeting? A He asked me to pledge a ring for \$35 for him, which I did; I went to Adams' pawn shop and pledged it for \$35. I went in and asked for \$35, and pawned it for \$35, and I came back and returned to Dickler the money, and he returned me two or three dollars for my trouble. He said, "Here is a few dollars for your trouble."

Q When next did you see him? A Well, I have seen Dickler frequently after I have quit my job, almost every day, or every other day. Dickler has come to me, which I was unexpected to see him around noon hour, I was surprised to see him at that hour of the day, and I says "What are you doing down here?" He says "My boss discharged me, he is looking for another clerk." And Dickler asked me how I liked my job, and I said "Not very well." He asked me why, and I told him, "Because the boss's wife would interfere with my salesmanship, with every customer that would

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come in," and I told him that I had intended to quit him.

Q What was the name of your last employer? A Julius Hiebold.

Q That is the place he called upon you at, Dickler did?

A Yes.

Q Now, continue with your story; give us all the talks you had with Dickler? A Dickler came to me two or three days later --

Q What month was this in? A In May, the 8th or 9th or 10th of May. I think it was the second week of May. He asked me whether I could dispose of some old gold for him. I asked Dickler previous what did he intend to do, now, being that he lost his job, and he told me that he intended to go in a sales business himself, go out and buy and sell on the outside, with a partner. He then says, "If you leave your job I will probably give you a chance to make a few dollars on the outside," and I says "All right."

Q And you left your job? A I left the job the same week.

Q Yes; go ahead. A Dickler has made an appointment with me two or three days later, to meet me. He has first discussed whether I could sell some old gold for him and I says yes. I says "How much have you got of it?" He says "About a thousand pennyweight." I says "Where do you get so much?" He says "I have got a friend that is buying it up all around." I says, "Well, then, I will dispose of it, and I will get you the proper price for it." He says he was not well acquainted with the dealers

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in the trade, and he says that I was pretty well acquainted, that I could get the price.

I went up to Dickler -- that is, I made the appointment with Dickler to meet him in 102nd street, in Sarro's mother's house, which I met Dickler there, and Louis Sarro, in the front. I come up there and I wrapped at the door, knocked at the door, and Mrs. Sarro came to the door and I asked for Louis Sarro, which Dickler had told me to ask for, and Mrs. Sarro says, "Right in the front room," and I went in the front room, and Dickler introduced me to Louis Sarro as his partner in the business, the man he had spoke to me about, to take in as a partner.

And they have been breaking the gold up there and weighing it up, and I says to Dickler, "It is not necessary to break it," I says "I can dispose of it as it is." So Dickler says, "Well, you might just as well break it up, we bought it for old gold, and we sell it for old gold."

I then took -- not remembering how much -- down to an assayer, and sold it, and returned Morris Dickler the money, and made an appointment to meet him the second day.

The second day I also took the remains of the gold, that he had, and brought back the money also to Morris Dickler. The first sum of money I brought back to him, he has returned me ten dollars for my troubles. The second --

Q What was that amount, the first amount? A Why, I don't exactly remember, a hundred and some odd dollars.

Q Yes. Did you get a good price for it? A I got the

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standard price.

Q You did not sell it below the standard price? A No, sir.

Q Go ahead. A And the second parcel of gold, I took that down and I also received the sum of five dollars from Morris Dickler.

Q What amount of money did you hand him when he gave you the five dollars, how large an amount? A All in a hundred and some odd dollars, each time I went down, I don't exactly remember the amount.

Q Is that the standard price you obtained for that?

A Yes, sir.

Q Go ahead. A I then left Dickler, and had no other conversations with him, but he said, "If I will hear of anything else I will let you know."

I have already quit my job, having a few dollars, thinking that I would go in and invest it in a sporting game at the race track, which I went to the race track at Belmont Park one day, and met Morris Dickler and Louis Sarro there making a book, a hand book.

I asked him what he was doing there, and he told me that he was making a hand book, which I placed a few bets with them on my word, and paid them after the races were over.

About a week later Dickler has made another appointment with me to meet him in the same house with his partner, he has obtained some more gold from Italian friends of his, that he has bought up. He has made the appointment with me -- for

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him with me to come up there again to sell this gold for him, which I did.

And the week following I sold this gold, getting it from Morris Dickler, I went down to this assayer, and brought the money back to Morris Dickler, which he handed it to Louis Sarro in my presence. I was not -- I did not receive any fund for that at all.

Later, a day or two later I met Dickler, also at the track, and he told me he had another occasion of buying some more gold, and he made an appointment with me, and I went up to the house again, took the gold as Dickler weighed it off, and --

Q Whose scales were they? A Morris Dickler's.

Q You did not bring any scales? A No, sir. I took the gold that Dickler weighed off, I do not know the weight, but he told me what weight it was each time, he had told me, and when I took it down to the assayer after melting it it had lost a few pennyweight, which I had told him it loses in the melting, which sticks to the pot, which was different karats like eight karat, six karats, and fourteen karat, which in melting all together makes it one karat.

And when Morris Dickler had made this fourth appointment with me to meet him at his house, he has given me the balance of the gold which he has bought, which he has said he has bought, and I took that down to the assayer, sold it for him, brought him back the money, and he has paid me the sum of ten dollars.

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About three or four weeks later I have heard a discussion with Dickler and another young fellow on 116th street and Lenox avenue, New York, of this party wanting to buy a large diamond ring. Dickler says, "Listen, I have a ticket for a diamond ring which is in pawn about three months; I will give it to you; take it out, and if you don't like it I will refund your money, I will refund you the interest." The party took the ring out, and came to Dickler and told Dickler that he did not like it, and Dickler asked me to go down and pawn the ring on 116th street and Eighth avenue, Adams' pawn shop, where I was standing at 116th street and Lenox avenue.

I went there and pawned it for \$200. Dickler has returned the \$200, \$216, to the party that bought the ring, \$200 for the pledge, and \$16 as the interest was.

A week later Dickler says to me, "Morris, see if you can't go down and raise \$100 on that stone," which I think the stone is worth \$350, and asking me my knowledge of the stone. I told him that I really thought he could get \$300 or probably three hundred and a quarter, according to my knowledge.

I went down to the pawn shop and raised the hundred dollars, which the pawnbroker has taken out two dollars for his interest of the \$200, as the stone has been pawned for. He gave me \$98. I went back to Dickler, and Dickler also gave me a few dollars at that time.

Later, Dickler has given me a stone, and says "See if you can't get me \$50 for this stone." He says, "I must have \$50

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for this stone, because I will make very little profit on it."

And I went -- according to my knowledge I understood that this pin would pawn for \$50, and probably more, probably five or ten dollars more. I went and I pawned this stone for \$50.

Dickler says "Keep the -- I went back and returned the money to Dickler, and he says "Keep the ticket, for your trouble."

I have lost the ticket. I went down to the pawnbroker, swore out an affidavit, and took the stone out and sold it to a dealer in the business, that is, a storekeeper, for \$65.

Previous to all this -- previous to the \$200 pledge, Dickler has given me a \$35 stone to pawn, which I have pawned; and returned it to Dickler.

MR. OLCOTT: Returned the money to him?

THE WITNESS: Returned the money to Dickler, yes, sir.

That is all that I really remember that Dickler gave me.

Q Now, did Dickler ever say to you, on the occasion of your first visit to the apartment, to the tenement in East 102nd street, that this is part of the Stern stuff? A No, sir.

Q Stern robbery? A No, sir.

Q Say anything to you as to where this property came from?

A Yes, sir.

Q What did he say? A He said he was buying it up with his friends, in old gold.

Q Sarro? A Sarro, yes, sir.

Q Did any one say to you, Sarro, DeLala, or Dickler, when

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you were leaving the apartment with the gold, that you had better beware, or be careful? A No, sir.

Q Was anything said to you which would in any way have put you on your guard or informed you that this property was stolen property? A No, sir.

Q You had known this Dickler for quite a number of years? A Yes, sir.

Q And you had been satisfied that whatever he told you was a fact? A Yes, sir.

Q And knowing him, that he worked for Stern's pawn shop? A Yes, sir.

Q Now were you ever convicted of any crime in your life? A No, sir.

Q Where did you work before you left your last place? A I worked for Hyman Greenberg.

Q Where is Hyman Greenberg's place of business? A 155 Park Row.

Q How many years did you work for Hyman Greenberg? A Five years.

Q What were you doing there? A As salesman.

Q What kind of a store did Greenberg have? A Greenberg's was a pawnbroker's sales store, diamonds, watches and jewelry.

Q Where did you work before you worked for Greenberg? A Berkowitz, a pawnbroker's.

Q Where is his place of business? A 15 Cooper square.

Q How long did you work for him? A About eight or nine

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months.

Q What business does he conduct? A Well, he conducted at the time a pawnbroker's sales store; to-day he is a pawnbroker.

Q Now where did you work before you worked for Berkowitz?

A For Isidor Spiegel; it was I. Spiegel & Company.

Q Where is his place of business? A It was 108 Park Row; now 117 Park Row.

Q What line of business is he engaged in? A Diamonds, watches and jewelry.

Q You worked there for how many months? A (No answer.)

Q For how long a time did you work there? A About a year or so.

Q Now did you work for S. Solomon, 141 Park Row? A Yes, sir.

Q What business is he in? A Diamonds, watches and jewelry.

Q Was there ever any complaint made about you in any one of these places? A No, sir.

CROSS EXAMINATION BY MR. OLCOTT:

Q When did you begin working in the jewelry trade?

A For my brother.

Q How long ago, I mean? A About twelve years ago -- no, I have got that wrong, the first place I worked was for my brother-in-law, about fifteen years ago.

Q When you were ten years old? A Yes, sir; I have helped him around in the store.

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Q Where was your next position? A For my brother.

Q How long did you work for him? A Three years.

Q Well, that is until you were about thirteen, is that right, or fourteen? A Well, I have -- no, I have been in an institution.

Q Well, what kind of an institution? A I have been in the Hebrew Orphan Asylum for twelve years, in Brooklyn.

Q Then your addition is a little wrong there, or is your age wrong, which is it, do you know? A Well, it must be my age.

Q You may be older than twentyfive? A Yes, sir.

Q Well, you worked for your brotherinlaw one year?

A My brotherinlaw?

Q Yes, how long? A I have not worked for him at all, exactly, but I have helped him out in the line.

Q How long, in the line, with your brotherinlaw? A About a year.

Q That is the first time you worked? A Well, I was not working for him.

Q All right, the first time you helped him out in the line?

A Yes, sir, that is where I gained the experience in the trade.

Q When you were ten or twelve years old, is that right?

A Yes, sir.

Q Where did you work, after leaving your brotherinlaw?

A For my brother.

Q For three years? A Yes, sir.

Q And then where did you work? A Then I went up on the farm, my brother retired from the jewelry business, and bought a

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farm, and I stayed up there a year and a half with him.

Q Then where did you work? A I came down and worked for I. Spiegel & Company.

Q For how long? A Well, I don't exactly remember the time I have worked for these people, being it is so long ago.

Q Well, you were very ready to give your counsel the time, can't you give me the time in the same way? A I am not positive of the time I worked for these people.

Q Well, approximately how long did you work for Spiegel?
A About ten months.

Q Then where did you go? A To Berkowitz, 15 Cooper square.

Q Why did you leave Spiegel? A Not satisfactory with the salary.

Q How old were you then, about? A About eighteen.

Q How much money did you get at Spiegel's? A Ten dollars a week.

MR. SANDLER: Well, I have no objection to the witness answering the question, but I object to it on the ground it is immaterial.

THE COURT: Well, he has answered it, I will let the answer stand.

Q You did not consider that enough, at eighteen, is that right? A No, sir.

MR. SANDLER: I object to that question.

THE COURT: I will let his answer stand.

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Q Where did you go next? A To Berkowitz, 15 Cooper square.

Q How long did you stay there? A Several months, - not knowing how much, how long I have stayed there.

Q Just a very little while, is that right? A I quit the job at Spiegel's and went right to work -- I quit the job at Spiegel's on Saturday and went right to work for Berkowitz the following Monday morning.

Q How long did you work for Berkowitz? A I ^{worked} ~~worked~~ for Berkowitz until he opened up a pawn shop -- not knowing how long it was.

Q About how long, a week or a month or a year? A Oh, no, six or eight months.

Q And you left Berkowitz? A Yes, sir, I left Berkowitz on the Saturday night -- that is Mr. Berkowitz has told me that he was going to open up a pawn shop and he has had two clerks there at the time, and that he could not use me in the pawnbroking business as I was not a counter man to take in pledges, but he would recommend me to another position, which he did, to H. Greenberg, 155 Park Row -- he is now at 154 Park Row.

Q How long did you work for Greenberg? A Five years.

Q Why did you leave Greenberg? A We had a little dispute regarding the business, and Mr. Greenberg thought that I was taking advantage, being that I was there so long, and he has discharged me.

Q At the time you were discharged, was anything said by

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Mr. Greenberg to you about your gambling? A No, sir.

MR. SANDLER: Oh, I object to that, that question is not based on fact, your Honor.

MR. OLCOTT: I am asking the witness.

THE COURT: The question is allowed.

Q Nothing was said by Mr. Greenberg? A No, sir, Mr. Greenberg always advised me to the best.

Q No, no. I wonder if you understand my question. Did he at the time that you were discharged complain of your gambling?

A No, sir.

MR. SANDLER: I object, your Honor, to that. The question is not proper in form.

THE COURT: I think it is proper; I will allow it. I will allow the answer to stand.

MR. SANDLER: I except.

Q You say no? A No, sir.

Q And you are sure of that? A Yes, sir.

Q Was Greenberg's the last place you worked? A No sir.

Q Then after leaving Greenberg's where did you go? A For the holidays I have worked for a man by the name of Storage, in 24 Bowery; he has engaged me temporary for the holidays only.

Q How long did you work there, just those couple of months known as the holiday months or weeks? A A few weeks, yes.

Q When was that? A Last Christmas.

Q This last Christmas, 1914 Christmas? A Yes.

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Q Then where did you go? A From there, his uncle, Max Avidowitz, was to go under an operation, and he asked me to take his place for a week or ten days in his store, which I did.

Q You left at the end of that time? A Yes, sir.

Q Then where did you go? A Then I have not been employed until May, and I seen an opening for a steady position I found out that Mr. Julius Siebold was going to open up another store.

I went to Julius Siebold to inquire about the job, and he has told me he would look up my reference, and he made an appointment that I should call on him in a few days later, which I did, and he has engaged me to work, I think it was the beginning of May.

Q How long did you stay there? A About two and a half weeks.

Q And you left because you were being supervised, is that right? A Yes, sir.

Q By a woman, and that did not appeal to you? A Yes, sir.

Q Now when you left did you leave to take up a business with Dickler? A No, sir.

Q Was it your idea to go in business with Dickler? A No, sir.

Q You said, didn't you, on your direct examination, that Mr. Dickler suggested that he would be able to let you make a little money here and there? A Make a dollar or so, as long

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as I am not employed.

Q You had saved considerable money up, at this time?

A Yes, sir, I had a few dollars saved.

Q Did Mr. Dickler offer to take you into partnership?

A No, sir.

Q Or to do anything more than just to have you make a few dollars here or there, is that right? A No, sir.

Q You have known Mr. Dickler for some time, haven't you?

A Yes, sir.

Q How long, to your knowledge, has he been in the jewelry business? A Five years.

Q Five years? A Yes, sir.

Q And he has been working up at Stern's for all that time, do you know? A No, sir.

Q About how long has he worked up at Stern's? A I know he has been working in Stern's about three and a half years or three and a half to four years.

Q Do you know what his position was up in Stern's? A Yes, sir.

Q What was it? A Counter man.

Q That is the man who makes appraisals? A Yes, sir.

Q And a man who has a pretty intimate knowledge -- or is supposed to have, perhaps I should say -- a pretty intimate knowledge of jewelry? A Yes, sir. He was not, at the time he was employed.

Q No, but afterwards he worked up to that position, that

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is so, isn't it? A So I was told.

Q Did you ever talk with him about values in jewelry?

A No, sir.

Q Well -- A Yes, sir, I did.

Q When? A He has had a couple of stones, showing them to my boss, at a time I worked for Mr. Greenberg, trying to make a sale, while he was employed by Stern.

Q Then you did not, even at that time -- that was kind of a suspicious act, wasn't it? A No, sir.

Q Well do employes for jewelry stores usually make sales of stones while they are employed in a big concern? A Why, if I had a customer that would want to buy a stone, I would ask the consent of my boss to take a stone out, which he would give it to me.

Q But if it was done without the consent of the boss, that would not be looked upon with great favor by the boss, would it? A No, sir.

Q Now I understand that you went into Stern's place several times after the robbery; is that right? A Yes, sir.

Q Simply as a friendly visit to Dickler, that is right, isn't it? A Yes, sir.

Q And during the times that you went into Stern's, the several times, it is true that Dickler went down to see you, isn't it? After the robbery, I am speaking about, and before the time when he invited you to come up to 102nd street? A No, sir, I

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was not employed at the time; he came to see me after.

Q I see, after you were employed? A Yes, sir.

Q Before that you had dropped in to see him several times?

A Yes, sir.

Q Did you talk to Mr. Stern? A Yes, sir.

Q You spoke about the robbery, didn't you? A Yes, sir.

Q It was a thing that created quite a sensation among all of the jewelry trade, wasn't it? A Yes, sir.

Q It was well known and talked about all over amongst the trade, wasn't it? A Yes, sir.

Q When Dickler left Stern's, did you know of it? A No, sir.

Q Well, you did not know of it until he told you? A No, sir.

Q How long after he left was it, about, when you first saw him? A I don't know when he left.

Q Well, after he told you he left -- he told you he left, didn't he? A Yes, sir.

Q Was it a few days, or weeks or months, do you know?

A I did not ask him that question.

Q When he came down to see you he told you at that time that he had left Stern's, didn't he? A Yes, sir.

Q And he asked you to come up to a house and meet him and another man, didn't he? A Not at that time.

Q Well, what -- tell us the conversation that occurred at the time you saw him down at this store where you were em-

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ployed? A I was surprised to see him at the hour of the day, knowing it was a business hour. I asked him what he was doing down there at that hour, and he told me that he has given up his job, that is, his boss discharged him. I asked him, "What are you going to do now," and he told me that he intended to go in business with a man, of buying and selling on the outside.

Q Did he tell you who this man was? A Not at that time.

Q At that time did you know Sarro? A No, sir.

Q Then Dickler is mistaken when he said you had seen him several times before, is that right? A I probably have seen him.

Q Well, see him to know him, I mean? A Not to remember him.

Q Did you know him, did you have to be introduced to him when you went up to 102nd street? A Yes, sir.

Q You did not know him? A No, sir.

Q You did not know who he was or what he was? A No, sir.

Q Now after the second meeting or at the second meeting, down where you were employed, what was the conversation then?

A Morris Dickler asked me whether I could dispose -- he had bought a lot of gold -- whether I could dispose of it for him.

Q Did he tell you where he bought it? A No, sir.

Q Did he tell you what kind of gold it was? A Old gold.

Q Did he tell you why he could not dispose of it? A He asked me -- for the reason, he says, "You are well acquainted amongst the trade, and you could get the proper price for it, which there is none of them know me."

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Q Well, didn't you state a little while ago that you got the ordinary assayer's price for it? A Yes, sir.

Q Well, couldn't anybody get that? A No, sir.

Q Why not? A Well, I don't know whether a man would buy it of somebody else if he did not know who he was.

Q Well, wasn't Dickler pretty well known to the trade?

A No, sir -- he is probably known where he is, but he has not been known amongst the people downtown.

Q Couldn't he easily have gotten an introduction down here if he had been thoroughly on the level? A Possible.

Q How much old gold was there up at this 102nd street house when you went up there the first time? A Three or four hundred dollars worth.

Q In what form was it? A It was being broken.

Q No. Did you see any pieces that were not broken?

A Yes, sir.

Q Was there any good rings among them? A Well, all signets, which monograms were on, which cannot be used unless they are filed.

Q Were there any rings there that could have been sold as such? A I don't remember seeing any.

Q All had monograms on them, is that right, that you saw?

A It was not only rings, it was old style bracelets, been broken up, I have seen pieces there broken already.

Q So that there was nothing that would make you suspicious

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at that time? A No, sir.

Q You did not connect the fact that Stern's had been robbed with all of this jewelry accumulated by an employe of Stern's, did you? A No, sir.

Q It never entered your head? A No, sir.

Q Now, in your business, in pawnshops -- all of these places you have been engaged in have been places that sold jewelry, haven't they? A Yes, sir.

Q You people are pretty much on the lookout as to whether property is stolen property or not, aren't you? A Yes, sir.

Q You are instructed, aren't you, to be pretty careful about it? A Yes, sir.

Q And you have always daily a number of complaints that you have bought stolen property, that is so, isn't it? A No, sir.

Q Well, quite often, I won't say daily. A Never heard of it in the places where I have been employed.

Q You mean to say where you have been employed there never was any property that had been stolen property bought, so far as you know? A No, sir.

Q When you say no, you mean there never was? A No, sir.

Q But still you were instructed to be on the lookout for it, is that right? A Lookout for what?

Q For property that has been brought in, as to whether it has been stolen? A I have not been instructed at all.

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Q Didn't you answer me a little while ago that that is a custom among pawnbrokers? A It is the custom, but I have not been told this because I have not got the authority to buy.

Q Haven't you ever had the authority to buy and sell? You have not been a counter-man? A I have been behind the counter and sold.

Q But you never bought? A If a dealer came in to sell something and showed it to me I would show it to my boss.

Q Then you never had what might be termed as high a position as Dickler did? A No, sir.

Q Did you meet Sarro when you went up there the first time? A Yes, sir.

Q Was Sarro represented as a man in the jewelry trade? A Yes, sir, as his partner.

Q Did you inquire where Mr. Sarro came from, or anything about him? A No, sir.

Q Well, didn't you think it rather dangerous to take quite a large quantity of gold down to be sold -- A No, sir.

Q From a man whose antecedents you knew nothing about? A No, sir. If I did I would never have taken it.

Q You have already told me that you have been employed a great many years in the pawnbroking business? A Yes, sir -- not pawnbroker, I never have been employed as a pawnbroker; in a sales store.

Q Sales store; I see. None of these men whom you have

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given the names of, Greenberg, Avidowitz -- they are not pawn-brokers? A No, sir, sales stores, diamonds, watches and jewelry.

Q Any man can come in there and sell them things?

A A dealer.

Q Only a dealer? A Yes, sir.

Q Now you said that -- did you make only one trip down with this gold that first day? A Yes, sir.

Q And you sold a little over a hundred dollars worth, to the best of your remembrance? A Yes, sir.

Q Where did you sell it? A Liefskin & Hammerschlat.

Q Where are they? A I don't exactly know the number, I think it is 127 or 129, I am not quite sure, Park Row.

Q And is there a regular price for gold? A Yes, sir.

Q Was this gold melted, or was it in loose pieces? A It was melted.

Q Who had melted it? A Mr. Hammerschlat.

Q When you brought it there it was loose? A Yes, sir.

Q After he had melted it and it had been tested you were paid a certain sum for it, is that right? A Yes, sir, four cents per carat.

Q Is that a standard sum? A Standard sum, standard price.

Q Which anybody with a proper introduction could have gotten, is that right? A Yes, sir, anybody that was known in

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the line, in the trade.

Q Have you ever any time before this taken gold down for other people? A No, sir -- I have taken gold for my boss.

Q But not as a person earning a few dollars for taking it? A No, sir.

Q There was no conversation about why you should take it this first time, was there? A No, sir.

Q Did you see anything but old gold there? A No, sir.

Q You did not see any rings? A No, sir.

Q With stones in them? A No, sir.

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

Q Do you remember about how many monogram rings there were? A No, sir.

Q Well, couldn't you give me some idea, whether it was mostly monogram rings or mostly chains or what it was? A No, sir, it was all broke, almost all broke up when I came there.

Q You have stated that you asked them why they broke it up, is that what you said? A Yes, sir.

Q What did they answer? A They said, "We bought it for old gold and we sell it for old gold."

Q They could have gotten more for it if it was in proper shape as rings or chains, couldn't they? A No, sir.

Q They could not have? A They would have gotten less.

Q Well, then, it was really no cause -- well, what was the reason you asked why they broke it up then? A Because I

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seen them exhausting themselves, hurting themselves.

Q What? A Hurting themselves, breaking it. I says it was not necessary.

Q But you said that it could be gotten more for as old gold than anything else? A I did not tell them they could have gotten more for it.

Q Dickler knew that, didn't he? A He probably did, but whether he did or did not know I don't know, he probably has not had the experience I have in that line.

Q I see. So you wondered why they were breaking it up, although it was a better thing for them to break it up, is that right? A That I did not know, it was immaterial to me whether it was broke or not broke.

BY THE COURT:

Q What you mean is this, that it could have been sold for old gold without the articles being broken up? A Yes, sir.

Q In other words, it does not make it old gold to break it up? A No, sir.

Q The articles may be sold for old gold although not broken? A They were all old pieces.

Q What do you mean by old gold? A Old pieces which cannot be used for anything else but to melt.

BY MR. OLCOTT:

Q Didn't you think it strange that they were breaking it up? A No, sir.

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Q Then why did you ask them why they were breaking it up? A I says it is not necessary to do it.

Q Didn't you think it strange that they were doing it?

A No, sir.

Q It did not arouse any suspicion in any way? A No, sir.

Q How much did you get for this journey downtown and back?

A \$10.

Q When did you go back again to 102nd street? A When I sold the gold I returned him the money.

Q The same day? A Yes, sir.

Q And the next day, if my memory serves me, you say you went back again, is that right? A Yes, sir.

Q And there was some more gold there? A Yes, sir.

Q Do you know whether that had been acquired over night? A No, sir.

Q Was it up there the day before? A Yes, sir.

Q Why didn't you take it all down the same day? A He did not have it together with the others, he said, "I have got some more, I will give it to you to-morrow."

Q Didn't you suggest that one trip might be saving energy more than two? A No, sir.

Q They were exhausting themselves, apparently, breaking it up, but you were not trying to save your own exhaustion, is that right? A Well, I had nothing else to do at the time.

Q So it made no difference whether you made one or two

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trips? A No, sir.

Q But it did make a difference to you whether they broke it up? A It did not make any difference at all whether it was broke or whether it was not.

Q But it seemed a shame to use up energy to do something that was not necessary, you remonstrated with them, didn't you?

Objected to. Question withdrawn.

Q Now, when did you see Dickler or Sarro again after the second day you went up there and made trips down? A I seen him down at the racetrack, Belmont Park.

Q That was the next time you saw him? A Yes, sir.

Q Whej was that? A Well, I cannot exactly remember the day; a few days later.

Q A few days later? A Yes, sir.

Q Was Sarro there too? A Yes, sir.

Q And now let me go back just a moment: How much did you get for this trip the second day? A \$5.

Q And on the second day you were not suspicious, were you? A No, sir.

BY THE COURT:

Q Where did you sell the gold on the second trip? A The same place.

BY MR. OLCOTT:

Q Under the same circumstances? A Yes, sir.

Q Did they ask you any questions? A No, sir.

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Q You brought it down in loose broken up gold, and they asked you no questions, is that right? A Well, yes, he asked me what I was doing, Mr. Hammerschlat knew me to be employed on the street for several years, and he asked me what I was doing, and I told him, "I am trying to make a dollar on the outside."

Q And that satisfied him, is that right? A Yes, sir.

Q Or apparently satisfied him; of course you do not know whether it did or not. You just ran across Dickler and Sarro down at the racetrack by chance, is that right? A Yes, sir.

Q You had no appointment to meet them there? A No, sir, and I did not meet them at the racetrack, I met them at the Pennsylvania Depot in the train.

Q You did not know they were going there? A No, sir.

Q And they were making book, you say? A Yes, sir.

Q Did you ask them anything about how that happened?

A No, sir.

Q Only a day or so before they had been in the jewelry business, hadn't they? A Yes, sir.

Q And it did not strike you as peculiar that they should be making book also? A No, sir.

Q After this Belmont incident, when did you see them again? A I met them at Belmont Park several times.

Q Several times? A Yes, sir.

Q Was anything done there about a transaction in jewelry

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at all? A Yes, sir.

Q What? A About a week later he made an appointment with me to meet him up at the house, that he had a batch of gold from his country people, Louis Sarro had.

Q And was that the occasion when you saw DeLala? A Yes, sir.

Q And you did see DeLala, is that right? A Yes, sir.

Q And is it true that you paid him money for gold there?

A Paid who?

Q DeLala? A No, sir.

Q What did you do, what happened with DeLala? A I done nothing at all in the house. DeLala was there at present when the goods was being weighed up. Dickler had given it to me, and I took it down and sold it and brought the money back to Dickler.

Q You did not know it was DeLala's at all? A No, sir.

Q You did not know and do not know now whether it was or not? A No, sir.

Q What kind of jewelry was that? A Old gold.

Q The same kind? A Yes, sir.

Q Didn't the fact that on three different occasions there was the same kind of gold coming from a private residence and from a man who had been employed by Stern's -- didn't that arouse your suspicion? A No, sir, it did not enter my head at all, being knowing Dickler so long it did not enter my mind at

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all knowing him to be an honest boy.

Q And it was during this time you had seen him making book down at Belmont too? A Yes, sir.

Q When did you see him again after this third gold transaction at 102nd street? A About -- I have seen him frequently, I have seen him almost every day, or every other day.

Q And during that time was any old gold bought and sold?

A No, sir.

Q So there were only three occasions? A No, sir, he has made another appointment with me, another week later.

BY THE COURT:

Q On how many different occasions did you buy, or rather take down for sale, old gold, from 102nd street, from the 102nd street house? A Four times.

BY MR. OLCOTT:

Q What was the occasion of the fourth trip? A He has made an appointment with me, that he says he has got some more old gold. He told me to meet him up at the house at a certain time, which I did.

Q At 102nd street? A At 102nd street, and I met him there, this DeLala and another Italian fellow.

Q What happened then? A Dickler had weighed the gold up, he gave it to me, I took it down and sold it and brought it back -- brought the money back, and refunded the money to Dickler.

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Q The same, exactly the same transaction? A Yes, sir.

Q With the same type of goods, is that right? A Yes, sir.

Q About when was that? A This was about four weeks after the first trip I have made.

Q Now when was the first occasion that you sold any jewelry, or pawned any jewelry for him? A About a month and a half later.

Q That was sometime during the summer then, in July?

A Yes, sir.

Q What was said at the first time he requested you to pawn jewelry? A Nothing at all -- he says, "Here, I have got a loose stone here" -- not a loose stone, but "I have a stone here; see if you can get \$35 on it."

Q Couldn't he just as well have gotten \$35 on it?

A Probably not.

Q Why not? A He probably thought the stone was not worth -- he thought probably I could go in and give the man a talk for the \$35, which I have already done for the people at sales, not pawning goods.

Q He was a counter-man himself, wasn't he? A Yes, sir.

Q And he thought you could do better than you could, is that right? A Yes, sir.

Q Did he offer to give you some money for that? A Yes, sir.

Q How much did he give you? A Two or three dollars.

Q He thought you could get more than two or three dollars

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more than he could, is that right? A I don't know that he thought I could get two or three dollars more; he probably thought I could get \$10 more.

Q I see. When you knew him during this time had he ever pawned any goods? A No, sir.

Q You do not know whether he ever tried to pawn any goods or not, do you? A No, sir.

Q And you don't know whether his reputation is good or bad as a value getter, do you? A I know him good.

Q Yet you did not think it strange that he should want you to pawn a ring for him, did you? A No, sir.

Q And was willing to give up money to you for the privilege of having you do it? A Yes, sir.

Q As a matter of fact you knew Dickler as rather an expert in diamonds, didn't you? A No, sir, not an expert.

Q Well, a man has to be pretty expert if he is going to value and appraise, and be a counter-man? A Well, I don't know whether he was a counter-man or not, as he might have been and he might have been the man there to handle the pledge and hand it over to the boss and get his opinion of it.

Q A few moments ago you said he was a counter-man? A As I understand, but I don't know whether he was or not.

Q You don't know just what his occupation was? A No, sir.

Q Now apparently somebody, not you, at that time pawned this ring for \$200 before you saw this stranger on the street

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who was apparently willing to buy it, that is so, isn't it?

A Yes, sir.

Q So far as you knew it required very little real ability to get \$200 on it? A Yes, sir.

Q In fact, it was so good a ring that you finally got \$300 on it, didn't you? A My knowledge taught me that.

Q So that a man who had been in the jewelry business only a short time would have known that it was easy to get \$200 on this ring, wouldn't he? A Well, no; a man might be in business ten years and not know that.

Q Well, a man who was at all familiar with jewelry would have known that, wouldn't he? A Yes.

Q Now will you tell me the conversation that ensued when you were asked by Dickler to pawn this ring the first time?

A Dickler asked me to pawn it, and I did. I went down to Adams' pawnshop on 116th street and Eighth avenue, asked for \$200, gave my right name and address --

Q You were known there, weren't you? A No, sir.

Q You were not known there? A No, sir.

Q You saw the man who testified this morning? A Yes, sir.

Q He was the man who gave you that money? A Yes, sir.

Q And you knew him, didn't you? A No, sir.

Q You did not know him? A No, sir. Know him from entering the place, I have first pawned Dickler's ring from his finger, a ring that I know him to wear for a couple of years.

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Q That is not the one you are speaking of pawned for \$35?

A No, sir, for \$65.

Q That was one before? A Yes -- no, that is another pledge, that is in Adams' pawnshop to-day.

Q Yes, I know. Isn't that one that was made into a pin?

A No, sir.

Q Didn't you make it into a pin? A No, sir.

Q Didn't you ask to have it made into a pin? A No, sir.

Q On the 14th of August? A No, sir.

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

Q I hand you this piece of paper and ask you whether you have ever seen that before? A Yes, sir.

Q I ask you to turn to the back of that piece of paper, and I ask you to read what is there and say whether it refreshes your recollection any? A No, sir.

Q Do you know whose handwriting that writing on the back is in? A No, sir.

THE COURT: Do you want the paper marked for identification?

MR. OLCOTT: Yes, please.

(The paper referred to was marked People's Exhibit 3 for identification).

THE WITNESS: This is my signature to an affidavit of a pledge that I have taken out of pawn, which I admitted a few minutes ago.

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Q But it was not one of a jewel or a stone that had been made into a pin? A No, sir.

Q And you had nothing to do with it being made into a pin? A No, sir. I have taken the stone from the mounting and sold it loose.

Q When? A In the presence of Charles Storage, the party that bought it, a loose stone.

Q That was to be made into a pin? A I don't know.

Q How did you happen to do that? A I wanted to use the ring, the mounting, for another stone.

Q You had the pawn ticket to that then, it was not given back to Dickler? A What?

Q The money for this ring? A Yes, sir.

Q How did you happen to get control of the stone again? A Dickler says, "Keep the ticket for your trouble."

Q Oh, the whole ticket? A Yes, sir; not the money but the ticket.

Q I understand. You kept the ticket and he got the money? A Yes, sir.

Q And then subsequently you had a man who wanted to buy the stone? A Yes, sir.

Q So you took it out? A A business man, of 24 Bowery.

Q You did not think it strange that Dickler should ask you to go and have this ring pawned for \$200, did you? A No, sir.

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Q Did you get any money for doing that? A Yes, sir.

Q How much? A \$5.

Q Well, wasn't that the occasion when Dickler had to pay \$216 to the pawnshop? A Yes, sir -- no, he did not -- it was not.

Q Well, \$200 to the pawnshop -- or was it \$216 to reimburse the man who had paid the pawnshop? A Exactly.

Q Where did you get the \$5 from? A I got it from Dickler.

Q Did Dickler take that out of his own pocket and give it to you? A Yes, sir.

Q In other words, it was dead loss, that \$5, to him?

A I don't know whether it was, he probably had intentions of raising --

Q Well, it was not from the proceeds of this first pawning, that is what I mean? A No, sir.

Q How far did you go down to pawn this ring? A Two blocks.

Q You got the sum of \$5 for going the two blocks? A Yes.

Q Didn't you think that strange? A No, sir.

Q Why not? A Why ask?

Q You did think it strange? A No, sir, I did not.

Q Why not? Do people give \$5 to walk two blocks? A Yes, sir.

Q On the second occasion that you pawned this ring for \$300 what was said then? A Dickler says to me "Morris, go

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down and raise \$100 on that ticket," which I did, I went down to Adams' pawnshop and asked for another \$100 on the ring, which Adams, or the clerk there behind the counter, gave me \$98, and made me out a new ticket.

Q The \$2 was interest, or charges, or whatever they were?

A Yes, sir.

Q And you brought the money back, and how much did you get for that? A I brought the money to Dickler. I got nothing.

Q That was just a favor? A Yes, sir.

Q Did Dickler say why he did not go down himself? A No, sir.

Q He just asked you to go down? A Yes, sir.

Q How much money had you made out of Dickler on all of these transactions? A \$40 or \$50.

Q And how much had you made just during that month of July or August, the end of July or the first part of August?

A I have made this, all in all, \$40 or \$50 from Dickler.

Q I know, but how much in July, just prior to these two pawnings, just before these two pawnings; had you been pawning jewelry for Dickler in July other than this \$35 ring? A No, sir.

Q Had Dickler been doing any favors for you that month?

A No, sir.

Q Dickler is not an older man than you are, is he? A No, sir.

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Q Where did you live before you were arrested? A I lived at 333 East 19th street.

Q What is that, a boarding house? A Yes, sir -- rooming.

Q And where did your family live? A In Mount Vernon, that is, my mother.

Q They still live there? A No, sir.

Q Your mother still lives there? A No, sir, my brother is now here in court, - not knowing where they are living now; he has given up the store that he had, being that he was sick, and he had my mother with him.

Q You do not know where they are? A Well, I don't know his address now at present.

Q I see. A He is living there up to my arrest, in Mount Vernon.

M I C H A E L S. H A L P E R N, called as a witness in behalf of the defendant, being duly sworn, testified as follows:

(The witness states he resides at 1019 East 179th street).

DIRECT EXAMINATION BY MR. SANDLER:

Q Are you able to talk very loud, Mr. Halpern? A I will try my best.

Q You are afflicted with throat trouble? A Yes, sir.

Q The defendant at the bar is your brother? A Yes, sir.

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Q And you were in the jewelry business about five years ago? A Yes, sir.

Q Did you have in your employ a clerk named Dickler, Morris Dickler? A Yes, sir.

Q Where was your place of business at that time? A 148 Park Row.

Q What did you have, a pawnbroker's sales store? A Yes, sir.

Q Was your brother with you, the defendant at the bar, working for you then? A No, sir.

Q Did he meet Dickler in your store? A Yes, sir.

Q Dickler was your clerk? A Yes, sir.

Q Your brother was in the Hebrew Orphan Asylum for 12 years, wasn't he? A Yes, sir.

Q Did you see your brother after he left the Orphan Asylum? A Yes, sir.

Q Did you see him when he worked for Solomon, 141 Park Row? A Yes, sir.

Q And for I. Spiegel? A Yes, sir.

Q And Greenberg? A Yes, sir.

Q And Berkowitz? A Yes, sir.

Q Why did this man Dickler leave your employ?

Objected to. Question withdrawn.

(No cross examination).

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DANIEL NEWMARK, called as a witness in behalf of the defendant, being duly sworn, testified as follows:

(The witness states he resides at 91 East 116th street)

DIRECT EXAMINATION BY MR. SANDLER:

Q Now, Mr. Newmark, you are a prisoner lodged in the City Prison at the present time? A Yes, sir.

Q What crime are you charged with? A Grand larceny.

Q Have you been tried? A No, sir.

Q You are awaiting trial? A Yes, sir.

Q Now have you ever seen me before this moment? A Not to my knowledge.

Q Have I ever spoken to you? A Not to my knowledge.

Q Have I sent any one in my behalf to consult or confer with you? A No, sir.

Q You sent word by this defendant that you would become a witness in this case and testify truthfully to questions that would be put to you, is that correct? A Yes, sir.

Q In behalf of this defendant? A Regardless of in whose behalf.

Q Do you know a man named Morris Dickler, who is now waiting to be sent to Sing Sing after conviction for robbery?

A I know a man by that name, yes, sir.

Q You know that he is a witness in this case? A Yes, sir.

Q Now how long do you know him? A Why, about three

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months, I believe, this case --

Q While you were both in the City Prison? A Yes.

Q Did you have any talks with Morris Dickler concerning his case, or the case of this defendant Halpern? A I did.

Q Did Morris Dickler ever make any statement to you as to the character or nature of the testimony that he would give here on the trial of this defendant? A Not only that, but he told me what he had said before the Grand Jury.

Q Yes. Now did he say anything to you regarding any promise that was made to him by any one connected with the enforcement of the criminal law in this county, as to what reward he would receive for testifying against this defendant? A He did.

Q Tell this jury what he said to you?

MR. OLCOTT: I ask, your Honor, that this time be fixed, when this conversation occurred.

THE COURT: Yes; fix the time of the conversation.

Q When did you have your last talk with him, in which the conversation bore on this reward that he was to receive? A Really I cannot remember.

Q Well, was it just this week, or last week? A Why, I am not sure whether it was this week or last week, I am not positive, I know I had several conversations with him.

Q Well, give us the last conversation that you had as

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well as you can recollect it? A I will tell you all of the conversations.

Q Go ahead; tell the jury? A We were walking around the corridor, and as we generally do, talking to one another --

Q Talk louder.

THE COURT: Voice up, talk up, twelve men want to hear you.

A We were walking around the corridor, and as we generally do, talking to one another, and, why, I got into conversation with this man, and he asked me what I was charged with, and I told him, and I asked him what he was charged with, and he said, "Why, I am in that Stern case."

I said, "What Stern case," and he said, "That Stern robbery." And I said, "Yes, I remember reading of that."

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And he said, "Do you think the District Attorney would keep his word?" I said, "From all I know, yes." He said, "Well, they promised that they would have my sentence cut down if I would go in before the Grand Jury and help to indict this man."

Q What man? A I asked him what man, and he said, "A man on the tier." I asked him who the man was, and he mentioned Halpern. Then he said to me that they had not done that so far, he said, "they gave me a sentence from three to six years," and he said "I will tell you, I will be held for perjury either way, I have not told the truth before the Grand Jury, and if I now tell the truth the District Attorney will hold me for perjury, and if I testify in this case for this man I am afraid that his attorney will charge me with perjury, so what shall I do?"

I told him this, that if the District Attorney gave him his word that he would do something for him, I believed the District Attorney would do so.

He came to me a day or two later, with a paper, and he said, "Look at this," he said, "here is the New Haven Directors case," he said; there was an article there where they believed that Mr. Mellon was going to take the stand on behalf of the New Haven Directors. "Now" he said, "can they indict him for perjury if he does not give the same testimony as he did before the Grand jury?" I said, "I don't know."

He said "There is a whole lot of fellows around here

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telling me that if I changed my testimony they will hold me for perjury," but he says, "it seems funny to me that the District Attorney promised me that he would have my sentence cut down and has not done so; what should I do?"

I told him just this, "Do just what you wish, for if the District Attorney made you a promise he will keep it, but if he does not you cannot expect anything from him."

He says "Well, I will tell you about the case, and you will tell me what to do." I said, "I am not a counsel, I cannot tell you." He says, "Well, I will tell you about it, and he came into my cell and he said to me, "A long time after this robbery took place he went down to where this man was working, and he asked him if he wanted to make some money, and this man said yes, he would like to make some money. And he said, "A man and myself have gone into partnership to buy up some old gold," and he said to him that he was better acquainted with the trade than he was, and thought that he could get a better price than this man Dickler did.

So he said that this man agreed to sell the property for him. I believe that he told me that on the following day this man came up to his partner's house, and that this man Dickler gave him some gold and told him to sell it.

Then he told me that this man went out and sold the gold and came back and gave him the money, and that he gave him ten dollars.

After that, he told me, that he told him he would have some

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more gold for him, and that he wanted him to sell it, and he said that again this man came to this house, and that he gave him the gold and he sold it and gave him the money, and again he gave him ten dollars.

He told me that after that he heard a man on 116th street and Lenox avenue wanted to buy a diamond ring, and he said, "I had a pawn ticket for a diamond ring in pawn for \$200," and he said, "I went to this man and told him I had a pawn ticket for a ring, in for \$200, " and I told him I would give it to him, he could take it, and if he liked it he could keep it, and if not, return it to me, and I would give him back the interest. "

He told me that this man kept the ring for a time, and that then he said that he did not want the ring.

Then he said he went to this man, and asked him to put it in pawn for him, and he has told me that this man did put it in pawn for him, for \$200. Then he told me that he gave this other man back the interest.

And then he told this man afterwards that he should try and raise some money out of that ticket, and then he told me that this man went to the pawnbroker where he had got the loan, and that he had raised I believe, he said, \$98 or \$100, ^{and} /I am not quite sure now whether he told me he gave this man five or ten dollars for his trouble.

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At another time he told me he came to this man with a diamond ring, and he wanted him to pawn it for him, or sell it for him, or get him fifty dollars for it. He says he gave this man the ring, and this man came to him with fifty dollars and the pawn ticket, and he told me he gave this man the ticket for his trouble. That is all.

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Q Now, what did he say about-- did he mention the name of the person who was to get him this reduction or commutation of sentence? A No.

Q Did he say anything to you about the police officers making any promises to him? A Oh, yes.

Q Tell the jury about that? A Well, I don't want to get in trouble over this myself.

MR. SANDLER: Well, will your Honor instruct this witness that this Court will afford every witness any protection that the law permits a witness to receive, and that anything that he testifies to here is in the interest of justice and truth?

THE COURT: I do not think that the witness requires any such statement to be made to him. Now the witness will go ahead.

Q You may proceed, Mr. Witness. Tell your story to this jury, as to all the conversations as to all the conversations that you had with this man Dickler concerning any promises made to him for the testimony that he would offer or give in this case against this defendant?

A Well, I will take the chance. He told me he had something on one of these detectives. He told me he had done business with one of these detectives and that this detective told him that he would put him on the street if he would not only help to convict this man but another woman that was arrested in this case.

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Q Do you know the name of that woman? A I do not.

Q Isn't it the mother of-- Sarro's mother, who is being kept in the House of Detention? A Yes, he told me that she was arrested.

Q And she is still under arrest? A Well, I don't remember that he told me the name.

Q All right; proceed. A And he then asked me what he should do, and I told him the best thing he could do was to consult his lawyer. He said, "My lawyer has sold me out to the District Attorney, and they have given me three to six years, and I don't believe they are going to cut my sentence down, they are trying to put something over on me, they have not cut my sentence down, and the best thing is to go up on the stand when this man is tried and tell the truth."

He told me that when he went before the Grand Jury that he was asked whether he had told this man that this property was stolen, and he told me that his answer was that he did not tell him in so many words that it was stolen, but that he thought that this man understood that the property was stolen.

"Why", I said, "I couldn't understand anything like that. The District Attorney wouldn't let anything like that go by." He said, "Well, it went by."

And he said, "Now, if I go on the stand, what should I say?" I said, "Don't ask me what to say, don't drag me into this." "Well," he said, "all these fellows around here are

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telling me what to say, calling me a squealer, and things like that, and I don't know what to do. If I tell the truth at this man's trial and it is not similar to what I told before the Grand Jury, where am I at?" I told him finally to take care of his own interests. He said, "Well, do you think the District Attorney will make good?" I said, "He has given you his word, I would take a chance on it." That is all.

Q You told this defendant last night what you knew about this case? A (No answer)

Q What you have testified to here? A Yes.

Q And you requested him to notify his attorney to send for you if necessary? A Oh, no, no, that is wrong, no, that is wrong.

Q So you did not know that you were to be called in this case at all here today, did you? A Well, I will tell you the conversation. Last night when he came down he said, "They are trying to hang me; that fellow Dickler is lying." I said, "In what way is he lying?" And then he told me that this man Dickler had testified here that he knew that this property was stolen. He said to me, "Dan, now you know what he told you, not only did he tell you but he told several others; will you take the stand for me and tell the truth?" I told him this, "Yes, I would tell the truth whether it did him any good or not."

CROSS EXAMINATION BY MR. OLCOTT:

Q He called you Dan, did he? A How?

Q The defendant called you Dan? A No, he did not; he said

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Dave, and I corrected him at the time, and this morning he called me Dave, and I said, "That is wrong," I said, "my name is Dan Newmark."

Q You never knew him before? A I never knew him before.

Q You have been convicted of crimes before the one with which you are now charged? A I have.

Q Please tell me what they were? A Petty larceny, disorderly conduct, and maintaining an agency without a license.

Q On March 31, 1911 what did the disorderly conduct consist of? A What did it consist of?

Q Yes. What was the offence with which you were charged with disorderly conduct? A Disorderly conduct.

Q What was it, what did you do?

MR. SANDLER: I object to that question. The courts have not been able to decide that.

THE COURT: He may state what was said at the time of his arraignment.

MR. OLCOTT: May he not state what he did, your Honor, to constitute this offence?

THE COURT: I take it he did not admit he was guilty of any offence.

MR. OLCOTT: He was found guilty--

Q Or did you plead guilty to it? A Found guilty.

Q What was the testimony against you, was it true? A No.

MR. SANDLER: I object to that, your Honor. The judgment of conviction is the best evidence that this

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defendant was convicted of the crime, and he admits it. 170

MR. OLCOTT: I want to know what it was.

THE COURT: I have ruled that this witness may state what was said in the Court as being done by him. He may say what the testimony was which was construed by the Magistrate to constitute disorderly conduct.

THE WITNESS: Very well. In the City of Chicago on Wabash Avenue a prostitute spoke to me and she told me that detectives were following her and would I kindly walk a block with her--

Q Was that what was testified to? A I am starting from the beginning and going all the way through, if that is what you want.

Q No. I am asking you what was testified to.

Objected to. Question withdrawn.

Q Now, in April of 1902, on the what you call the petty larceny charge, what were you sentenced to at that time? A What was the sentence?

Q Yes. A From one to three years.

Q And that is petty larceny? A Yes, sir.

Q What did you do on that occasion-- were you unjustly found guilty then, too, or did you plead? A I pleaded.

Q What did you do, may I ask? A Just what do you mean?

Q What was the charge? A The charge was petty larceny.

Q What did you steal, and who from? A I did not steal anything, I assisted a man who stole a bicycle to sell it.

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Q And in 1913 you were conducting a detective agency without a license? A No, I was not; that was the charge.

Q Did you plead guilty to that? A No, I did not.

Q You were sent one year to the penitentiary? A Yes.

Q But you were not guilty, is that right? A No, I was not.

Q Now, will you try to fix, in the best way you can just the time that you had this conversation or this series of conversations?

A With who?

Q With Dickler. A Well, I don't remember.

THE COURT: Think of the days of the week.

Q Won't you fix it some way? A I can't remember.

Q Was it a week ago or a month ago? A Well, the last conversation I feel positive was either the latter part of last week or either Tuesday of this week, I am not sure.

Q Well, it was in the last week or so, is that right?

A The last two weeks I will say.

Q Within the two weeks? A Yes.

Q What tier are you on over there? A The first.

Q What tier is Dickler on, do you know? A No, I don't know what tier he is on now.

Q What tier was he on at the time he spoke to you? A On the first.

Q Are you sure of that? A Well, positive.

Q How long has-- Do you know what tier or what part of the prison the defendant was in? A Also on the first tier.

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Q And you have talked to him quite often, haven't you?

A Very often.

Q About this case? A I have.

Q And he has told you all about the case? A Told me all about it.

Q And when did you tell him for the first time about Dickler? A When did I tell him about Dickler?

Q Yes. A Why, I believe it was two days after my first conversation with Dickler.

Q So last night was not the first time he knew about this?

A Oh, no; oh, no, certainly not, about this case here; oh, no.

Q About this information that you had to give about Dickler? A Oh, no, positively not.

Q He knew it some time ago? A He did.

Q So last night you were just going over again what you had said before, is that right? A No, I did not go over anything; he told me what had taken place here yesterday.

Q I see. Do you know whether this was before, when you had this conversation, was before or after the time that Dickler was sentenced? A Why, it was after he was sentenced. It was after he was sentenced.

Q It was after he was sentenced, you are sure of that?

A He told me--

Q In fact, in his conversations he spoke of being sentenced from two to four years or three to six, whatever it was?

A Yea.

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Q It is impossible, is it not, for a man on the first tier to talk with a man on the seventh tier? A I don't know.

MR. SANDLER: I object to the form of the question.

Q Now, you have never talked to a man up on the seventh tier, have you? A That does not necessarily mean it is impossible, because I have not done it.

Q Do not argue with me; won't you answer the question, whether you have done it or not? A I have not done it.

Q Do you know any one over there who has done it? A No.

Q And do far as you know men who are on the seventh tier are never permitted to come down and walk around the first tier, are they, so far as you know?

MR. SANDLER: I object.

A No, I do not know whether they are or not.

MR. SANDLER: It is immaterial, your Honor.

THE COURT: I will allow the answer to stand.

MR. SANDLER: I except.

RE DIRECT EXAMINATION BY MR. SANDLER:

Q As a matter of fact, up to last Monday you, the defendant, and Dickler, were placed in what is commonly called in the Tombs the flats, is that right? A Yes, sir.

Q You were all together there? A Yes.

Q And taking your exercises around you all talked and walked together? A Yes.

Q And it is rarely that a prisoner walks by himself, he

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usually doubles up with another man? A Yes, sir.

Q Sometimes you walk three or four together around and around the place, to get exercise? A Yes, and sometimes we go in one another's cells, and just talk over one another's cases, that is all.

RE CROSS EXAMINATION BY MR. OLCOTT:

Q Before you were arrested you were a private detective, weren't you? A I would not answer that question, that has a bearing on my own case. In fact, I refuse to answer the question.

MR. SANDLER: If your Honor please, I think this witness should be advised as to his legal rights here; he is apt to be put to trial for a certain crime--

THE COURT: You are not obliged to answer any question the answer to which if truthfully given would tend to incriminate or degrade you. In other words, if a question is asked you which if you answer it truthfully would tend to incriminate or degrade you, you may refuse to answer.

THE WITNESS: I do.

Q Do you plead that privilege? A Why, I refuse to answer, of course.

MR. SANDLER: Now, then, your Honor, in view of the testimony of this witness, I call upon the district attorney to consent that your Honor read for your own information the minutes of the Grand Jury at the time

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the indictment was filed against this defendant.

THE COURT: I will not do it. Call your next witness.

HYMAN GREENBERG, called as a witness in behalf of the defendant, being duly sworn, testified as follows:

(The witness states he resides at 154 Park Row).

DIRECT EXAMINATION BY MR. SANDLER:

Q Mr. Greenberg, what line of business are you engaged in at the present time? A Jewelry business.

Q Will you please qualify that a little more? A Jewelry business.

Q And is it a retail or wholesale business? A Retail.

Q Do you know the defendant at the bar, Mr. Halpern? A I do.

Q How many years have you known him? A Six years.

Q Was he in your employ at any time? A Yes, he was.

Q In what capacity? A In the store selling, as a salesman.

Q Did you have a large place of business at the time that you employed him, that is, a big store? A Not exactly, no.

Q Well, you carried diamonds and watches in stock, didn't you? A Yes, sir.

Q And this defendant was employed there in your place five years? A Yes, sir.

Q Did you have occasion to go to the country in the summer time? A Yes, sir.

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Objected to. Objection sustained.

Q And leave the defendant in charge?

MR. OLCOTT: It is objected to and sustained.

Q Do you know other men in your line of business that know this defendant? A Yes.

Q Other dealers? A Yes, sir.

Q Have you ever heard discussed defendant's character for his honesty or his reputation in the community? A Yes, sir.

Q What is his reputation so far as you know it? A As far as I know he worked for me for five years and I trusted him all my business--

THE COURT: No. Now, what is his reputation. That means to say, what do people say about him, what is the speech of people regarding him?

THE WITNESS: Well, everybody had a good word about him.

Q His reputation is good. Isn't that it? A Yes, sir.

CROSS EXAMINATION BY MR. OLCOTT:

Q Who did you talk to about him? A Who did I talk to about him? Anybody that used to come into my store.

Q Well, who? A People that I had business with.

Q Can you name one man? A Frieberger.

Q Frieberger talked to you about him? A Yes, sir.

Q When? A Oh, long ago.

Q So, long ago his reputation is good, is that right?

A Yes.

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Q Why did you dismiss him, may I ask?

MR. SANDLER: I object to that question.

Objection overruled.

A He interfered with some private business that I had there, and I thought he took a little too much liberty, and I told him that he had worked long enough for me already, that he could look for another position.

Q Did you ever have a conversation with Officer Meyers about this? A Yes, he was in my store, Myers.

Q May I ask whether that conversation with Officer Meyers will recall any other reason for dismissing him?

MR. SANDLER: I object to this question, your Honor; this witness is offered for character only, and I believe, unless I am sadly mistaken, that the limitation of this examination can only be confined to the questions put to the witness as to the defendant's character.

THE COURT: Well, that is true regarding a witness as a witness called by the defence, but the People have a right to make him a witness for themselves. The defendant by taking the stand and giving testimony has put his credibility in issue, and by offering character evidence he has put his character in issue.

MR. SANDLER: Yes, your Honor, but the new matter that is brought out by the District Attorney, which may

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may be entirely collateral, he is bound by the answers of the witness, and I will be entitled to cross examine him.

THE COURT: Yes, he is his own witness on that.

Q Does that refresh your recollection any as to any other reason for discharging this young man? A Well, he came late a few times, and that was the other reason; nothing else.

Q No other? A Nothing else, I say.

Q -Well, will it refresh your recollection any-- do you remember what you told Officer Meyers? A That is just what I told him.

Q And that is all you can remember having told him, or that is the only reasons that you can now remember, is that right? A That is what I told him.

Q Well, was there any question about this young man gambling? A No, sir.

Q Are you sure of that? A Positive.

Q And you did not tell Officer Meyers that? A No, sir.

I S A I A H S P I E G E L, called as a witness in behalf of the defendant, having been duly sworn, testified as follows:

(The witness states that he resides at 217 West 111th Street).

DIRECT EXAMINATION BY MR. SANDLER:

Q What is your line of business, Mr. Spiegel? A Jewelry and

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musical instruments.

Q How long have you been in business? A Sixteen years.

Q And you are located on Park Row? A Yes.

Q Do you know the defendant at the bar, Halpern, this man here? A Yes, sir.

Q How long do you know him? A well, he worked for me in 1908.

Q How long did he work for you? A About a year and a half.

Q And do you sell diamonds and jewelry? A Yes, sir.

Q And valuable instruments? A Yes, sir.

Q During the time he worked for you did you have occasion to discuss or hear discussed his reputation with other business men in the vicinity or in the city, talk about his character? A Never heard of anything.

Q No. Did you talk or hear others talk about whether he was a good boy or a bad boy? A Yes, he always was a good boy.

Q Did he leave your place to go to work for Berkowitz? A Yes, sir.

Q And he left of his own accord, didn't he? A Yes.

Q You always left him in charge of the store? A Yes, sir.

Q Never had any trouble with him? A No.

(No cross examination)

S O L S O L O M O N , called as a witness in behalf of the defendant, being duly sworn, testified as follows:

(The witness states he resides at 141 Park Row.)

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DIRECT EXAMINATION BY MR. SANDLER:

Q Mr. Solomon, what line of business are you in? A Jewelry business.

Q Where is your place of business? A 141 Park Row.

Q You sell diamonds and watches and jewelry? A Yes, sir.

Q And you are in business there at the present time? A Yes, sir.

Q Do you know the defendant here at the bar? A Yes.

Q How long have you known him? A The last ten years.

Q Do you know others who know him that are engaged in your line of business? A Yes, sir.

Q Have you ever heard his reputation discussed among business men as to whether it was good or bad? A Good.

Q What is his reputation? A Very good.

Q He worked for you? A Yes.

Q How long a time did he work for you? A He worked for me for three months.

Q During the time that he worked for you did you ever have any trouble with him? A Not at all.

Q Did he leave of his own accord? A Everything was all right.

MR. OLCOTT: No questions.

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M A X S C H W A R T Z B E R G , called as a witness in behalf of the defendant, being duly sworn, testified as follows:

(The witness states he resides at 135 Park Row.)

DIRECT EXAMINATION BY MR. SANDLER:

Q Mr. Schwartzberg, where is your place of business? A 135 Park Row.

Q What line of business are you engaged in? A Jewelry business.

Q Selling diamonds and watches and jewelry. A Yes, sir.

Q How many years have you been in business there? A Seventeen years.

Q Do you know the defendant, Halpern, at the bar here? A I do,

Q How long have you known him? A Practically ever since he was in Park Row, seven or eight years, I believe.

Q Do you know other men engaged in your line of business that know this defendant? A Yes, sir.

Q Have you ever discussed or heard discussed his reputation, whether he was honest? A He was considered an honest boy all the time.

MR. OLCOTT: No questions.

H A R R Y R O S E N T H A L , called as a witness in behalf of the defendant, having been duly sworn , testified as follows:

(The witness states he resides at 122 Park Row.)

DIRECT EXAMINATION BY MR. SANDLER:

Q Mr. Rosenthal, you are in business at 122 Park Row?

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A Yes, sir.

Q What business are you engaged in at the present time?

A Pawnbrokers' sales store.

Q What is that? A It is my own business, pawnbrokers' sales store.

Q You sell diamonds and watches and jewelry, don't you?

A Yes, sir.

Q How many years have you been engaged in that business?

A For myself?

Q Well, whether for yourself or with others, how many years have you been engaged in the business? A Ten years.

Q Do you know the defendant at the bar here, Halpern?

A Yes, sir.

Q How many years have you known him? A About eight years.

Q Do you know others who know him in your line of business, other dealers or merchants? A Yes, sir.

Q Have you heard discussed or have you discussed his reputation with them, whether it was good or bad? A A good reputation, as far as I know.

Q A good reputation? A Yes, sir.

MR. OLCOTT: No questions.

MR. SANDLER: The defence will rest, your Honor, and I will now renew the motion made at the close of the plaintiff's case, that your Honor take from the consideration of the jury--

THE COURT: Counselor, I remind you that perhaps

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the people have some additional evidence, they might have some rebuttal evidence, and you had better reserve your motions until we learn whether the people rest or not.

MR. SANDLER: I thank you.

MR. OLCOTT: Your Honor, I perhaps have some other testimony, but I would like an opportunity to investigate some of the statements that were made here today.

THE COURT: I will let the case stand over until tomorrow. You are admonished, gentlemen, not to converse among yourselves on any subject connected with this trial, or to form or express any opinion thereon until the same is submitted to you.

(Thereupon the Court adjourned the further trial of the case until tomorrow morning, October 22nd, 1915, at 10:30 o'clock.)

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