

START

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CASE

CASE #1795

COURT OF GENERAL SESSIONS OF THE PEACE,
City and County of New York.

-----x
THE PEOPLE :
 against :
SAMUEL KOPPELMAN and RUBIN GREEN- :
BLATT. :
-----x

2195

Indictment filed 22nd day of May, 1913.
Indicted for Attempted Extortion.

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

For the People,

ASSISTANT DISTRICT ATTORNEY McCORMICK

For the Defendants,

HAROLD SPIELBERG, ESQ., and HENRY A. BLUMENTHAL, ESQ.

Tried before HON. JOSEPH F. MULQUEEN, Judge,
and a jury, on the 9th day of December, 1913.

Thomas W. Osborne,
Official Stenographer.

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MR. SPIELBERG: I ask that your Honor exclude all witnesses who are not testifying.

THE COURT: Motion granted.

J A C O B M. S E I D E N B E R G, called as a witness in behalf of the People, being duly sworn and examined, testified as follows:

(Residence 52 East 122nd street).

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DIRECT EXAMINATION BY MR. McCORMICK:

Q What was your business last April? A Plumbers' supplies.

Q Where were you engaged in business? A 335 East 34th street

Q How long have you been there in business? A Six or seven years.

Q Did you see either one or both of these defendants a few days before the 19th of April, 1913? A I did.

Q Where? A In front of my apartment at 63 East 121st street where I used to live.

Q How long had you known these two men before that day?
A I have known them for years.

Q What did they say to you, if anything? A They approached me as I was coming out and said "Mr. Seidenberg, we would like to have a few words with you" and I went a few steps away from where I was living and they said "Mr. Seidenberg chances knock at one's door every once in awhile. It seems this is our chance now to make some money, you know you failed and we know a great many things about your concealed assets and other things you have done

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away with that you should have given to the creditors. Now we cannot save any money as workmen. Now is our chance to make a piece of money and we want you to give us what we ask you or on the other hand we will have to report it to the police or to the creditors, and we have enough on you to send you to jail." I said to them "What have you got against me" and they said "Well, we have everything written in a little book." I said "Tell me something about it" and they began telling me about "We know different deals you have made with different dealers, the way you have delivered stuff" and all such things, and I listened to them and I said "It is hard enough after being fifteen years in business to be placed in bankruptcy, but one of you especially who worked for me for years has no reason except that you are looking for making money and should not come to me at this stage and demand money where you know I haven't any." He said "Mr. Seidenberg we know you made money and we want to be paid for this." I seen I cannot get them to think different and I said "How much do you want" and they said "We want \$300. each." I told them it is rather too much, cannot you make it less, and they said "No." After awhile I told them "Well boys, I haven't got no money with me but if you come back Saturday around 7:30 I will be prepared to do business with you on that question." They went away and as soon as they went, the next day I went downtown to Headquarters and I asked to be advised what to do in a case of this kind.

Q You must not tell about any conversation you had at Police

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Headquarters but, did you visit Police Headquarters? A I did.

Q When did you next see these two defendants? A Saturday around 7:30.

Q Where was it? A My house.

Q Before they came there at 7:30, was there any one else there? A I had there two officers in my rooms, concealed in a bedroom.

Q What were their names? A I don't know their names.

Q Do you know them when you see them? A I will.

MR. SPIELBERG: There will be no dispute as to that.

BY MR. McCORMICK:

Q Describe the door from the bedroom to the parlor, how was it arranged? A The bedroom -- there was a pair of portieres hanging, and, it leads into the front room. I had the defendants in the front room while the officers were behind the portieres.

Q Was Cohen, your manager, there? A Cohen was also there but he was in the hallway at the door leading into the parlor.

Q What did these two defendants do when they came there at half past seven? A They came in and I said, as soon as they came in, I sat them down at a little table in the front room and I was sitting opposite them and I said "Now boys let me see what you have actually against me sufficient to warrant me giving you all that money." They took out a little book and began reading out of that book, different things that I hardly listened to. When they got through reading I said "You have given me enough."

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BY MR. SPIELBERG:

Q What is that? A "You have read enough. Now let us fix the price -- cannot you make it any less?" They said "No, Mr. Seidenberg, you know it is actually worth one thousand dollars and when we are doing it for six hundred we consider you are not in such bright circumstances as otherwise." I said "Cannot you make it less" and finally they won't make it less and I took out two rollsof stage money which had a ten dollar bill outside and inside, and it was marked up before by the officers, and I handed them the money, each in a bundle and I said "All right boys, here is your money" and they grabbed the money and no sooner than they grabbed the money than the officers came from behind the portieres and grabbed the defendants by the collar.

Q Had you gone into bankruptcy -- had you had a petition in bankruptcy filed against you? A Yes.

Q How long before the first day you talked with these defendants? A Must have been a week. I cannot remember dates exactly.

Q About how long? A I think about a week.
have

Q Now you told all the conversation there was before the arrest? A As far as my memory is.

CROSS EXAMINATION BY MR. SPIELBERG:

Q Your memory is pretty good, is it not? A As for as I can recollect.

Q Nothing the matter with your memory, is there? A No, not

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exactly that I know of at this time.

Q Now, referring right back to the details of the conversation which you gave us, towards the end of your testimony, I would like to go through it again with you -- what time was it that these two young men came up to your rooms -- what time in the day or night was it? A When?

Q They were only up once in your house? A About 7:30 on Saturday.

Q They were only up once? A In the house once.

Q At about 7:30 in the evening? A Yes.

Q Saturday evening? A Yes.

Q Did you ask them to sit down? A Yes, sir.

Q At a little table? A Yes, sir.

Q In your parlor? A Yes.

Q You turned up the gas light or electricity -- is that what you had? A It was light enough.

Q 7:30 in the evening -- didn't you turn any light on? A I don't remember whether I had or not.

Q Don't you remember whether you turned on the light? A I can't remember that.

Q 7:30 in the evening in April, and they read something out of a little book? A It may have been a light.

Q Don't you remember whether you turned on a light or not? A No, I don't remember.

Q You had a friendly conversation, did you not? A Just what

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I repeated, what I said.

Q You were on fairly friendly terms with Koppelman and Greenblatt at that time, were you not? A With the exception I was a little sore on their first visit when they came to demand the money.

Q And this particular visit at your home was the first visit they ever made to your home? A Yes.

Q And you asked them to come to you, didn't you? A I did.

Q That Saturday afternoon, that particular Saturday afternoon, you came to your brother-in-law's shop, did you not, about one o'clock? A I guess so.

Q These two boys were employed in your brother-in-law's shop, is not that so? A Yes.

Q And his name is Gruber? A Yes.

Q Married to your sister? A Yes.

Q You saw these two boys working as tinsmiths in Gruber's shop? A Yes.

Q Working at separate parts of the shop? A Yes.

Q You first went over to Koppelman and said "Sam, are you coming up to-night" or something to that effect? A No, sir.

Q Didn't you ask him whether he was coming up that evening?
A No.

Q Did you ask Greenblatt whether he was coming up that evening? A No.

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Q You know the bookkeeper of Gruber's place? A Yes.

Q In your brother-in-law's place? A Yes.

Q Didn't you say to Koppelman in the presence of the bookkeeper "Don't forget, come up to-night and bring up the books?"

A I don't remember seeing the bookkeeper there.

Q You don't remember seeing Koppelman? A I saw them there working in the store.

Q You did see him? A Yes.

Q But did not talk to him? A I don't remember having any conversation.

Q You won't swear you did not ask him to come up? A I swear already.

Q You say you don't remember -- I don't doubt your oath, but you say you don't remember? A Exactly.

Q You are not willing to swear one way or the other -- you may have asked them to come up that night? A I did not ask them that I remember.

Q Did not even talk with them? A I don't remember having any conversation with them.

Q Are you sure about it? A I am almost sure.

Q You remember that distinctly? A Yes.

Q You did not talk with Sam Koppelman or Greenblatt? A No.

Q You have known Koppelman some time? A Yes.

Q As far as you know he was a decent sort of a fellow?

A He was, certainly.

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Q A good man? A Yes.

Q An honest man? A Yes.

Q He worked for you? A Yes.

Q For a year? A A couple of years.

Q A couple of years? A Yes.

Q He was a driver for you? A Yes.

Q A hard working lad? A Yes.

Q You trusted him with fairly large sums of money and collections? A Yes.

Q Never had any difficulty and never had any occasion to doubt his honesty? A No, at no time.

Q You considered him to be a pretty honest sort of a fellow? A Yes.

Q You also knew Reuben Greenblatt, the other defendant?

A I do.

Q He worked in the same line of business? A Yes.

Q Did not work for you? A No.

Q But he worked for your brother-in-law? A Yes, sir.

Q You have two brother-in-laws in the same business?

A I do.

Q One is Gruber ? A Yes.

Q And the other is Schlossman? A I have some more of them.

Q I only know those two, I'm not quite well acquainted with the family yet, but, Schlossman was in the same business as you? A Yes.

Q Tinsmith's supplies and plumber's supplies? A Yes.

Q That is, you were wholesalers supplying plumbers with

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their material? A Yes.

Q You were on friendly terms with one of your brother-in-laws, Mr. Gruber? A Yes, sir.

Q And you were on bad terms, you were hostile towards Schlossman or he was towards you? A How do you express yourself.

Q There was a strange feeling between Schlossman and yourself, you were not on speaking terms?

Objected to as immaterial.

MR. SPIELBERG: I promise to connect it.

Objection overruled.

BY MR. SPIELBERG:

Q Is not that so? A Yes.

Q Coming back to that Saturday evening at 7:30, when these two boys came in, I want you to tax your memory to its utmost, because this is important to these defendants.

THE COURT: Please put your question.

MR. SPIELBERG: The gentleman said he did not remember exactly.

THE COURT: It is all important to the defendants but put your questions without any unnecessary phraseology. We want to get through.

BY MR. SPIELBERG:

Q Now, Mr. Seidenberg, on that particular Saturday afternoon at 7:30, when these two men came up to you, what did they say who spoke first, you or they? A I asked them to come inside to the parlor and told them to sit down and I asked them, now, boys, tell me what you have to say.

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Q Who spoke up? A Greenblatt done most of the talking.

Q What did he say? A I asked him "Have you got that book with you." He said "Yes." "Now tell me what you have against me." He began reading out of the book.

Q Greenblatt began reading out of the book, is not that so? A I think Greenblatt did, yes.

Q Did he read the entire book? A No.

Q He read in part of it? A Yes.

Q Can you remember what he read to you? A I didn't pay any attention to what he read.

Q What did he read, what was it about, what did he say?
A That we have delivered stuff here and there. I did not follow any of his reading at all.

Q After he got through reading the book, what happened -- Koppelman up to that time had not said a word? A I would not be positive whether he did or not.

Q Give me your very best recollection? A My best recollection is as I am giving it to you.

Q Koppelman had not said anything to you? A I cannot remember whether he did or not.

Q If he did say something to you you don't remember what he said? A He may have butted in once in awhile to say something, but I cannot repeat it.

Q Do you remember one single word Koppelman said until

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Greenblatt finished reading the book? A Simply that is cheap.

Q What? A That the price \$600 was very reasonable.

Q Did he say anything else? A Not that I remember.

Q Greenblatt finished reading the book, you stopped him, you said "that is enough Reuben"? A Yes.

Q "I have heard enough"? A Yes.

Q Well, after you stopped him reading, what did he say?
A I asked him if they can lower the price, make it less, and he said they intended asking a thousand dollars.

Q Reuben said that? A Yes, but considering the condition of affairs with me they are satisfied with six hundred. That he will not take a cent less.

Q What else? A Well, after this I said "Well, since I cannot get you down on the price here is the money boys" and I had two different rolls and I gave them the money.

Q What else? A Then the cops came out.

Q You said here are your prisoners officers? A No, sir.

Q Is not that what you said? A No.

Q What did you say? A As soon as I gave the money. I said: "Here is the money boys." The cops came right out and got hold of them, without me saying anything.

Q I ask you again did you tell me all that happened that Saturday evening before you turned over that money? A Will you repeat that question?

The question is repeated.

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A To the best of my recollection.

Q Cannot you think of anything else that Reuben Greenblatt said? A Not at this time.

Q Did Sam Koppelman say anything else except "That is cheap", or words to that effect? A He may have said --

Q Not what he may have said, but did he say, I must know that? A "It ought to be a thousand dollars."

Q You said a minute ago that you asked Greenblatt "Cannot you make it any less" and Greenblatt said "It ought to be a thousand dollars" but did Koppelman state that? A He may have said the same. He possibly did but I am not sure of it.

Q He may have said a million and one things-- he may have made a speech, but ^{it} did he say? A I wouldn't be sure of it.

Q You don't remember? A No.

Q So that during the entire evening, the only words that Koppelman said were: "That is cheap" as far as you recall-- you were there during the entire time of course? A Yes.

Q This conversation took place between you three gentlemen? A Yes.

Q In a fairly small parlor or large parlor? A Oh, reasonable size.

Q Was the door leading from the parlor into the bedroom where the two detectives were concealed, closed or open? A It was open with the exception of two portieres.

Q The door was wide open? A Yes, open.

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Q There were two portieres? A Yes.

Q Before this conversation took place did these two men look about if there was anybody in the room? A They turned around as usual.

Q Just casually glanced around at your furniture and appointments and so forth? A Yes.

Q But did not go over to the door to see if anybody was watching? A No.

Q The door was open? A Open, yes.

Q And portieres covered the entire door or just part of it? A The entire entrance to the bedroom.

Q They spoke in a loud tone of voice? A Quite loud.

Q Did not whisper? A No whispering.

Q Come back to the occasion immediately before that, before they called at your home, that was the Thursday preceding that Saturday, was it not? A I think it was Thursday.

Q You met them in front of your house? A Yes.

Q And you had a chat over there? A Yes.

Q You were there and the two defendants and nobody else? A Nobody else.

Q What conversation did you have with them that night? and tell me who spoke? A They said to me Mr.--

Q They said-- I asked you who spoke? both did not talk together, did they-- one spoke at a time, didn't he? A Mr. Greenblatt done part of the talking as well as Koppelman did

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another part.

Q Now, we want the conversation of Thursday evening, who spoke? A Mr. Greenblatt.

Q What did he say? A "Mr. Sordenberg, the chances knock at one's door once in a while and this is our chance. We know that you failed and we also know that you have done away with assets, that you are to hand over to the receiver and creditors, and as we are workmen, working for a living, we have not got no chance of saving any money from our work, and this is our chance to make a piece of money and therefore we come to you, and unless you give us that money, otherwise we will have to go and tell the police or the receiver and the creditors."

Q Is that all he said? A As far as I can remember.

Q Did Koppelman say anything? A Koppelman actually repeated the very same thing after.

Q The same evening, right on the street, he also had in mind about opportunity knocking at each one's door once? A Yes.

Q Did he repeat the same phrase? A Yes.

Q Did he say "Chances knock at one's door once"? A That is the exact.

Q Chances knock at each man's door once? A Yes.

Q What did you say to that? A I asked him what have you got on me, boys.

Q Who spoke in reply to that question? A Greenblatt.

Q What did he say that he had on you? A "We have a book

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and in that book we have got everything, we know every man you met and--

Q Did you ask him in detail what they had against you?

A I did ask him the details.

Q Did Greenblatt answer-- what did Greenblatt answer if anything? A They told me about goods delivered to Gruber and Davis and other people. I asked them what else they knew and they all said they can't remember about the book.

Q Greenblatt did the talking? A He did.

Q After he told you that, you were not worried, were you?

A What is that?

Q You were not in any way at all worried about it, were you? A In a way I was.

Q When Greenblatt told you that he knew that you had delivered goods to Gruber, your brother-in-law, you knew that was not so, didn't you? A I knew it was so.

Q You did deliver goods to Gruber? A Yes.

Q In a perfectly proper business-like manner? A Yes, sir.

Q Nothing wrong about that, was there? A No.

Q Did Greenblatt say that he knew anything else about you except delivering goods to your brother-in-law? A I have told you what he said.

Q You have told me what he said-- I ask you now-- did he say that he knew that you stole anything? A No.

Q Did he say that he knew something about you, that you

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robbed some people? A All he said that he knows that I concealed goods there. He did not say delivered. He said I concealed goods there.

Q He said: "Seidenberg, I know you concealed goods with your brother-in-law Gruber for whom I work." Did he say that?

A Yes.

Q Did you ask him what goods? A I did not go into details with him.

Q Did you ask him where they were concealed? A I did not go into details with him.

Q Did not ask him those questions at all? A No.

Q You had sent some goods to your brother-in-law Gruber from your place of business? A On and off.

Q Sold him some stuff? A Yes.

Q And he paid you for it? A Yes.

Q Nothing wrong about that in your opinion, was there?

A No.

Q That was not done for the purpose of taking your merchandise and concealing it from the receiver, was it? A No.

Q You did not care anything about Greenblatt's knowing about it, did you?

MR. McCORMICK: I object as immaterial. The charge is an attempt to commit the crime of extortion. The only charge is that these men threatened to do him an injury. They can bring this trial out for a week, if they want to go along lines that are collateral.

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THE COURT: I will allow it but, the charge is not that they did succeed in inspiring fear in his mind but only attempted. The question is really immaterial but I will allow it.

The question is repeated.

A No, sir.

THE COURT: I cannot understand that--

BY MR. SPIELBERG:

Q You knew Greenblatt and Koppelman worked for Gruber?

Objected to as repetition.

Q You knew that, didn't you?

THE COURT: Why do you repeat that?

MR. McCORMICK: This witness has testified to that.

THE COURT: I sustain the objection from the ground that it is repetition.

Exception.

BY MR. SPIELBERG:

Q You knew that Koppelman worked as shipping clerk for Gruber and receiving clerk too?

Objected to. Overruled.

A I did not know exactly what he worked there as.

Q But he received the merchandise? A I know he worked there.

Q Do you know if he received the merchandise which you had sent over to Gruber? A I really don't know.

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Q You could not say as to that? A No.

Q What else did Greenblatt say that evening except that he said to you "I know that you have concealed goods in my boss's place, and I have got a little book." What else did he say. A I told the story.

Q You must tell it again to me, if you don't mind-- tell it to me again-- what else did he say-- it is very important.

A With the exception he demanded money to keep quiet.

Q What? A He demanded money to keep still.

Q How did he say it? A He said "Now, we want \$600 from you and if you give us that money we will give you that book and you can do as you like with it, no one else has anything like it, it is the only book we have and on the other hand if you refuse to give us, we will go right down to the receiver or the police" and mentioned other threats "and we will"--

Q I want those threats. A "We will go to the police and receiver and we have enough on you to send you to jail."

Q "Did he use the words I will go to the police"? A Yes.

Q Did he use the words "I will go to the receiver"? A Yes.

Q What did you say after that?

Objected to. Objection overruled.

A I said to them "Boys, now you know it is bad enough when a man has to be thrown in bankruptcy, after being fifteen years in business, and you know, especially you Koppelman," I said, "who have been working for me, you know I have not done so very

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well lately, I have big losses and you are the last one I suspected to come up and try to make money on me." They said: "Why, Mr. Seidenberg"--

Q Who said? A Both of them. "This is our only chance"--

THE COURT: Wait until the answer is finished, Mr. Spielberg.

THE WITNESS: (Continuing) "This is our only chance to make a piece of money" and in fact they also said at that time that "We intend to go into business together."

BY THE COURT:

Q He asked you who said that, the one of them or both?

A One done part of the talking and then the other. I cannot actually divide the conversation.

Q But they were both present and heard the statement made? A Yes, both present and speaking.

BY MR. SPIELBERG:

Q Did you say anything to them about how much you owed at that time? A No.

Q Didn't you tell them about Cohen, your manager, asking money from you? A No.

Q Do you remember that conversation? A No, sir.

Q Never said a word about that? A No, I don't remember it.

Q Didn't you say at that time: "This man Cohen has been with me 11 years now, and now that I am in this difficulty he

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wants five thousand dollars from me"? A No, sir.

Q Did not mention that? A No.

Q Didn't you say to them: "I would be willing to give him \$2500 but I cannot give him \$5000? A No, sir.

Q Nothing of the kind? A No.

Q Did you say to them you may have to leave the city?

A No, sir.

Q Now, before that Thursday evening, when had you seen those two men? A On and off, as I came into Gruber's store.

Q Did you have any conversaton with them? A None that I can remember.

Q Did anybody say anything to you before that Thursday evening in reference to talking about your affairs? A If you will express yourself a little plainer what you refer to I may answer.

Q Did Koppelman, before this Thursday, ever speak to you about knowing something about your business affairs? A Not to me.

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Q Not before Thursday evening? A No.

Q The first information you got was on that Thursday evening? A Yes.

Q When you saw the two of them in front of your house? A Yes.

Q Did you ask them to come to your home that evening? A On Thursday I asked them or Saturday?

Q Did you ask them to come on Saturday? A No, sir.

Q Just happened to find them there? A They met me. I was told that two fellows had been looking for me before there but did not find me at home and they admitted themselves to me that they had been there before but could not find me.

Q Did you ask them to come to your home? A No.

Q Did you have any talk with them in the presence of the bookkeeper of Gruber's before that Thursday? A Not that I can remember.

Q Are you ready to swear that you did not tell them to come to your home that night? A Positively.

Q Now, before you went into bankruptcy, you had shipped a considerable number of consignments to your brother-in-law, did you not? A If you express yourself right I will answer.

Q You shipped a lot of goods to Gruber? A In the first place I want to correct you. I have not gone into bankruptcy. I have been thrown into bankruptcy.

THE COURT: Please answer the question.

BY MR. SPIELBERG:

Q You did not file a voluntary petition in bankruptcy? A No.

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Q A petition was filed against you? A Yes.

THE COURT: Never mind. That is plain enough. It is a fact. You know whether he was a voluntary or an involuntary bankrupt.

MR. SPIELBERG: The jury may want to know just how it happened.

THE COURT: Proceed. The point of your question is that before the act of bankruptcy, or before the charge on which he was declared a bankrupt, he shipped certain articles to his brother-in-law, is that your question?

MR. SPIELBERG: Yes.

A I did.

BY MR. SPIELBERG:

Q And you also at that time shipped by merchants from whom you bought that merchandise, directly to Gruber instead of your place, is not that so? A No, sir.

THE COURT: Understand Mr. Spielberg you are bound by his answers to these questions now.

BY MR. SPIELBERG:

Q Didn't you buy from Bruce & Cook and instead of shipping it to your place of business, you shipped it directly to Gruber?

THE COURT: Give the date.

THE WITNESS: I can't remember.

BY MR. SPIELBERG:

Q Shortly before the petition was filed against you? A I

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cannot remember the details as I did not do any shipping myself.

THE COURT: You must try to remember.

A I have not done the shipping myself. I always had shipping clerks there to do the shipping.

BY THE COURT:

Q He charges you with ordering these goods and instead of having them sent to your own establishment, having them sent to some one else's place? A No.

Q You remember you must tell the truth? A I remember -- I never did.

THE COURT: The defendant is bound by the witness' answers.

BY MR. SPIELBERG:

Q Didn't you buy merchandise from the Union Smelting Company and instead of shipping it to your place of business you had it shipped to Mr. Gruber's place of business? A No.

Q Didn't you buy the merchandise from U. Hungerford & Company --

THE COURT: You understand, if you give false answers here you are liable to an indictment and punishment for perjury.

A Yes.

BY THE COURT:

Q You know what perjury is? A Yes.

Q What is perjury? A Not telling the truth.

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Q When you are under oath on the stand, you understand?

A Yes.

Q When you swear in a legal proceeding, wilfully untruly, or deny knowledge that you have on a material point in the case, that is perjury? A Yes.

THE COURT: The jury must remember that they do not get evidence from questions, but from questions and answers, and the answers made by this witness to questions of this kind are binding upon us all. So, proceed.

BY MR. SPIELBERG:

Q Didn't you buy merchandise from U. Hungerford & Company and instead of having it shipped to your place of business, shipped to Mr. Gruber's place of business? A No.

Q You had a place of business just prior to the petition being filed against you? A I had.

Q Where was it? A 335 East 34th street.

Q A tinsmith shop in a store? A Yes.

Q A plumbing supply shop? A Yes.

Q Where was your brother-in-law's place of business?

A Second avenue.

BY THE COURT:

Q What number? A 2nd avenue and 36th street.

BY MR. SPIELBERG:

Q In the neighborhood? A Yes.

Q Didn't you buy a bill of merchandise from the Wheeling

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Corrugated Company and have your brother-in-law send for it to be delivered to him? A I may have bought something of that sort yes.

Q And had it delivered to your brother-in-law? A Possibly.

Q At that time Koppelman was working for your brother-in-law, A Yes, sir.

Q Coming back to the time when these two young men were arrested by the policemen, did they say anything after they were placed under arrest, do you remember?

THE COURT: What difference does that make.

THE WITNESS: Not after.

MR. SPIELBERG: I will make this statement now --

THE COURT: What they said is not evidence. They cannot prove self serving declarations.

BY MR. SPIELBERG:

Q Did they say anything to you at all?

Excluded as immaterial. Exception.

Q Did you say anything to them?

Excluded as immaterial. Exception.

THE COURT: Seidenberg is not on trial.

MR. SPIELBERG: What he said to them, as showing the entire gist of the transaction.

THE COURT: What did you say to them when the police arrested them.

MR. SPIELBERG: This is all a question of the operation

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of the man's mind, and the only way we can get at that is by their conversation. If these people were deaf and dumb I don't believe they could have attempted extortion unless they have a revolver in their hands.

THE COURT: He has told you over and over again what he alleges to have been their acts.

MR. SPIELBERG: What he says and what the officers are going to testify to is going to be an entirely different story and I might as well pin him down when I have him here as to what they said. I take my chances that the officers will tell a different story entirely.

THE COURT: It makes no difference what he said.

MR. SPIELBERG: It makes no difference?

THE COURT: Unless you can show it contradicts some statements he made here as to what they said.

MR. SPIELBERG: I cannot show it unless I ask questions.

BY MR. SPIELBERG:

Q What did you tell them?

Excluded as incompetent.

Q Didn't you --

THE COURT: Do not ask any question along that line. You can take an exception.

MR. SPIELBERG: I take an exception. I can prove what he told them -- I know what he told them.

THE COURT: You cannot ask him immaterial things.

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MR. SPIELBERG: It is a very immaterial matter.

THE COURT: I differ with you and rule against you.

MR. SPIELBERG: You do not know what I am going to ask.

THE COURT: I am going to forbid you asking him what he said to them after they were arrested, unless it contradicts the statements already alleged to have been made by him.

MR. SPIELBERG: I have a statement made by him to these defendants which does contradict and which exonerates them entirely --

THE COURT: On that statement --

MR. SPIELBERG: How will I put it, unless you allow me to ask it.

THE COURT: On that statement I will allow you to ask the question. You say it contradicts the testimony already given by him.

BY MR. SPIELBERG:

Q Didn't you tell these men "Look here, boys, I have absolutely nothing against you, what I am after is my brother-in-law Schlossman who sent you up here, and if you tell me Schlossman did send you up here, I will let you go." Did you tell them that or not? A No, sir.

Q Never mentioned that at all? A I mentioned something --

THE COURT: You are opening a line of something immaterial.

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MR. SPIELBERG: This is material -- it declares their innocence and saying he is after somebody else.

THE COURT: I was misled by your representation as to the character of the evidence. You must keep in mind the question. The question is that they made certain demands upon him accompanied by threats -- not what he said -- and if they made them it makes no difference what he said, whether he was after Schlossman or anybody else -- that is the point in issue.

BY MR. SPIELBERG:

Q I am coming back to that Saturday evening when the officers were concealed in one room and Samuel Cohen in another room -- did Koppelman say anything else to you that entire evening except "That is cheap"? A It ought to be a thousand dollars.

Q What? A That it ought to be a thousand dollars.

Q You were not sure before about that? A Yes, that he always repeated after him.

Q You testified before that you were sure he said something about it being cheap, but were not sure if he mentioned a thousand dollars? A He said that at the first visit as well as the second.

Q Is that all he said that Saturday evening? A He may have said more that I cannot recollect.

Q What did he say that evening about going to the District

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Attorney's office and making a complaint against you? A What evening do you refer to?

Q Saturday evening? A No occasion to say it, because I gave him the money then.

Q Before you gave him the money did he make any threat against you that Saturday evening? A He said unless they got the money they would certainly go to the District Attorney or receiver.

Q Koppelman said that, A Both of them. I cannot divide their conversation.

Q When you testified in reply to the District Attorney's questions, you did not say anything about him threatening you Saturday night? A They threatened -- they have in that book enough testimony to send me to jail. I said that.

Q Let us see if we cannot go over it again.

THE COURT: I will not allow you to go over it again.

Put your next question.

BY MR. SPIELBERG:

Q When the two men came into your place of business or into your home, you asked them if they had a little book, you so testified?

THE COURT: I will exclude it as repetition. Exception.

Q Thereupon you had them read a book to you.

THE COURT: Excluded as repetition. Exception.

Q Did you not?

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Objected to. Excluded as repetition. Exception.

Q Didn't you so testify?

THE COURT: Do you think, Mr. Spielberg, you have a right to go all over that?

MR. SPIELBERG: It is cross-examination. He testified to one thing and now to another thing.

THE COURT: I am not going to have you go over it three times. I have not limited your cross-examination. You have gone into it very fully and unless you have something new -- the jury know exactly what he testified to. You do not gain anything by asking him what he has testified to. Proceed with the case and we will go on, if necessary, to 6 o'clock.

MR. SPIELBERG: I know the Court invariably adjourns at 4 o'clock. I have had a dozen witnesses outside, working men, who have been here half a dozen times and I could not pay them for coming here, and they went home to get half a day's work and I cannot continue except so far as the People's case is concerned and I think I am entitled to an adjournment at 4 o'clock. I want to go very fully into this bankruptcy affair and want to go into the circumstances leading up to the bankruptcy.

MR. McCORMICK: I object to it as incompetent, irrelevant and immaterial.

MR. SPIELBERG: Let me state to you what my defense is going to be.

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THE COURT: You need not state your defense. I have allowed you to conduct a cross-examination that would apply to any possible defense.

BY MR. SPIELBERG:

Q Do you know Mr. Seidenberg about how much worth of goods you shipped to Gruber just prior to your bankruptcy?

Objected to.

THE COURT: He did not say he shipped any. He denied that he shipped any.

MR. SPIELBERG: He said he did ship some.

THE COURT: He said he allowed some to be shipped.

BY THE COURT:

Q You did not ship any to Gruber? A No.

Q But you allowed some to be shipped? A My employes.

Q You ordered them and they never came to your shop but went to Gruber's shop? A I don't understand your Honor's question.

Q You had a shop, you know what that is? A Yes.

Q You know what ordering goods is? A Yes.

Q You did give an order to the Wheeling Corrugated Company, you gave them an order -- did the goods that you ordered go to your shop or to Gruber's shop, that is the question? A I may have once given an order to Mr. Gruber to pick out some stuff that I wanted.

Q How much was that? A If I had the books here I would be able to tell.

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Q You don't know now? A No.

BY MR. SPIELBERG:

Q Did you also buy some merchandise from the West Side Plumbing Company and have it shipped and sold it directly to Gruber -- had it shipped to Gruber?

BY THE COURT:

Q Charged to you and delivered to Gruber, that is what you mean?

MR. SPIELBERG: I withdraw the question.

BY MR. SPIELBERG:

Q I am wrong on that proposition, am I not?

MR. McCORMICK: I object to that.

THE COURT: Proceed.

BY MR. SPIELBERG:

Q You purchased the goods and had them shipped directly to your other brother-in-law, the West Side Plumbing Company, did you not?

Objected to as incompetent, irrelevant and immaterial, and has nothing to do with the case.

THE COURT: It is on the question of the credibility of the witness.

MR. SPIELBERG: More than credibility.

THE COURT: No, not more, that is the only thing it is competent on here. He is not on trial for his acts. These defendants are on trial for acts alleged to have been com-

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mitted by them, and the question is whether they committed those acts. He has testified and the jury must determine how much weight to give his testimony and on that question, the question of the credibility, if he has been guilty of any criminal or vicious or immoral acts, you may call his attention to them, but as I told you before, you are bound by his answers, and I won't allow you to contradict them. You cannot prove by witnesses that he did these various things.

MR. BLUMENTHAL: May I suggest to the Court that the questions that we want to go into are the acts of this man while he was a bankrupt or just prior to the time --

THE COURT: You have a right to ask --

MR. BLUMENTHAL: Just for that purpose -- that all those acts will tend to show the probability or not of whether an attempt was made by these defendants to extort money.

THE COURT: You have to prove that by your own witnesses and not by him. You are bound by his answers. I will only allow them on the question of his credibility. You are bound by his answers. If you make him your witness you cannot contradict him.

MR. SPIELBERG: That is true enough, but our defendants will tell the entire story, whether he admits it or not and we will have evidence to prove it. The object of this cross-examination is to show, not that these two men attempted to extort any money from him, but that he being afraid they

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might be witnesses against him in a bankruptcy proceeding, sent for them and tried to work it so that they would be neutralized, and that is why I wanted a little more latitude to examine this man.

THE COURT: You are bound by his answers.

MR. SPIELBERG: I will take my chances on his answering assuming that he answers all my questions.

THE COURT: It is an elementary principle that you cannot contradict your own witness, and you cannot cross-examine your own witness. All this is new matter, and it is admissible solely on the ground, as I understood it -- I thought that you were trying to show that he was a man who was unfit to be believed -- that is a proper matter for cross-examination but, when you ask him questions, you are bound by his answers, as I have told you repeatedly. There is one issue in this case, not did he commit a crime, but did the defendants commit the crime charged in the indictment. If he committed any crime, it is merely affecting his credibility here, and that is all.

MR. SPIELBERG: I am not charging him with the commission of any crime but I am charging him with the fact that he was afraid of these men and sought to neutralize any testimony they might give and to do so, lock them up immediately.

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THE COURT: You will have to show that by some act or declaration. He has testified to an entirely different state of affairs.

BY MR. SPIELBERG:

Q Don't you know that before you had these two men arrested that your entire dealings prior to this bankruptcy were being investigated by the District Attorney of this County?

Objected to as incompetent, irrelevant and immaterial.

Overruled.

A I do not know of anything and I have never known at any time, except hereafter, after the bankruptcy, I found out that one of the lawyers for the defendants, Mr. Blumenthal, compelled the witnesses with a promise to save them from this here crime by giving them affidavits to that effect, that I had concealed assets, and they have given affidavits. I also know that you, on the top of those affidavits got those witnesses to give you affidavits, that the affidavits given to Blumenthal is purely and simply false and untrue, and you have the affidavits and I think you have them with you, and all the witnesses outside to that effect, and Mr. Blumenthal is here for the purpose to get evidence against me.

BY MR. SPIELBERG:

Q You did not know that the District Attorney of this County--

THE COURT: He has answered that once.

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MR. SPIELBERG: He made a speech-- I did not know if he answered yes or no.

THE COURT: He answered.

BY MR. SPIELBERG:

Q You do not know to-day that your case is in the hands of Mr. Leo?

Objected to as repetition. Excluded as repetition. Exception

MR. SPIELBERG: I asked him before and now I ask him to-day.

THE COURT: I exclude it as repetition. Exception.

BY MR. SPIELBERG:

Q During the first conversation on Thursday evening, Mr. Cohen was not present? A He happened to passby and saw them in conversation with me.

Q He just happened to come along? A Yes.

Q Didn't you tell these two defendants "Go about your business now because there is Cohen coming and I don't want him to see you"? A I said to them "Here is Mr. Cohen coming up the street".

Q Did you tell them to go away? A No.

Q Did not tell them that? A No.

Q When you saw Cohen on the corner? A No..

Q Did not call them any names, did you?

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Objected to as immaterial. Excluded. Exception.

RE-DIRECT EXAMINATION BY MR. McCORMICK:

Q I show you an article and I ask you whether you saw that on the night of the 19th of April? A Yes.

Q Where did you see it first? A I had bought this ^{stage} money-- that is, I had it bought.

Q You had it in your possession? A Yes.

Q What did you do with it? A I brought it up to the house to the officer--

BY THE COURT:

Q What did you do with it? A Handed it to the defendants.

Q Which one? A One to each, one package to each defendant.

Q You had two packages? A Yes.

Q Do you know which one you gave it to-- can you separate them? A No.

Q Which one you gave to Koppelman and which one you gave to Greenblatt? A No.

BY MR. McCORMICK:

Q You gave one package to one defendant and the other package to the other defendant? A Yes.

Q Was that when you were in the front room of your house? A Yes.

Q Who prepared the money in that way? A The officers.

Objected to. Overruled. Exception.

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BY THE COURT:

Q Did you prepare it? A No, the officers.

MR. McCORMICK: I offer it in evidence.

THE COURT: I do not think this is the time to offer it in evidence, unless there is no objection.

MR. McCORMICK: He says he gave it to the defendants.

THE COURT: You will have to have more proof than that.

MR. SPIELBERG: I do not think it has been properly identified, as to which bundle was given to each defendant.

The packages of money are marked People's Exhibit A and B for identification.

THE COURT: Find out in whose custody it has been since the 19th of April and how it has been produced here. You have to prove all that unless they stipulate it.

BY MR. McCORMICK:

Q After you gave the packages of money to the two defendants, what happened in connection with the money? A The officers came--

BY THE COURT:

Q What did they do with it when they got it in their hands, did they hold it up in the air? A One put it in his pocket and the other began to count it and the officers came out and grabbed them.

Q Which one was counting it? A Greenblatt.

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Q Which one is Greenblatt, the end man? A The young fellow.

Q He was counting it when the officers came in? A Yes.

Q What did the officers do, take it away from them?

A He grabbed them.

Q Did they officers take this money away from them, that is all I have asked you? A Yes, they took the money.

Q You saw them take it from them? A Yes.

Q And the officers had it ever since as far as you know?

A Yes.

Q He did not give it back to you? A No.

BY MR. McCORMICK:

Q Did either of these defendants say anything about that piece of glass (showing the witness the top of a bottle).

A Mr. Greenblatt took this out of his pocket and said to the officer "I came here to sell a patent. I did not come here to take money. I came here to sell a patent."

THE COURT: That is what I have excluded on the part of the defendant.

BY MR. McCORMICK:

Q And showed this glass? A Yes.

Q Did the officer take the glass? A Yes.

The glass is marked for identification People's Exhibit

3.

The two packages of money are marked for identifica-

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tion People's Exhibits Nos. 1 and 2.

THE COURT: I will now allow you, Mr. Spielberg, to cross examine as to everything that was said by these defendants, they having brought it out. Proceed, if you want to cross examine him upon this last testimony.

BY MR. SPIELBERG:

Q You did have a conversation with Greenblatt about a patent, which he said he had invented?

THE COURT: At what time?

BY MR. SPIELBERG:

Q Prior to this occasion?

THE COURT: How long prior?

MR. SPIELBERG: I don't know exactly how long but in a few months before that, did you not?

THE WITNESS: Possibly.

BY THE COURT:

Q Prior to that night did you ever have a conversation with either of these defendants?

BY MR. SPIELBERG:

Q About three weeks before that night? A Yes, they showed me this.

BY THE COURT:

Q Answer yes or no? A Yes.

BY MR. SPIELBERG:

Q Greenblatt showed you something? A Yes.

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Q And he told you that he had invented some new process of finishing up tin or something to that effect, didn't he?

A Showed me a bottle.

Q Didn't you say to him: "Why, I might go in business with you? A No.

Q In this patent business? A No.

Q Didn't you say I may invest a thousand dollars? A No.

Q But you talked with him about a patent? A Yes.

Q You knew about the patent before he came to your home that night? A I knew he had it.

BY MR. McCORMICK:

Q Now, is that the book you spoke about in your testimony?

THE COURT: What book is that?

MR. McCORMICK: The book the defendant had?

THE WITNESS: Yes.

MR. McCORMICK: I offer it in evidence.

THE COURT: I do not know anything about the book.

MR. MC CORMICK: He testified that the defendant took that book out of his pocket and one of them took that book out of his pocket and read it.

BY THE COURT:

Q Which defendant took it out of his pocket? A Greenblatt.

Q How do you know that is the book? A It is marked by the officer at that time.

Q Did you mark it? A I saw them mark it.

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The book is marked for identification People's Exhibit No. 4.

BY MR. SPIELBERG:

Q When you stopped Greenblatt from reading further in the book, did you take the book from him or did he give it to you?

A No.

Q Didn't he give it to you at all? A No.

Q How did you get the book? A The officer grabbed it out of his hand-- the officer grabbed it out of their hands.

Q Did you ask him to give you the book? A No.

Q Never made any request for that? A No.

FRANK C. DEISHLY, called as a witness on behalf of the people, being duly sworn and examined, testified as follows:

DIRECT EXAMINATION BY MR. McCORMICK:

(43rd Precinct Detective Bureau.)

Q You are a member of the Municipal Police Force? A Yes.

Q On the 19th of April, 1913, did you see this complaining witness? A I did.

Q Where? A You mean Mr. Seidenberg?

Q Yes. A I did.

Q Where? A 43rd Precinct station house.

Q What time of the evening was it? A About five P. M.

Q After that did you see him any other place? A I did.

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Q Where? A At his residence.

Q Wat time of the evening about was that? A That was about 6:00 P. M.

Q Will you tell what happened there that night? A Mr. Seidenberg came to the station house and he said that --

Objected to.

Q I led you past that.

BY THE COURT:

Q You had a conversation? A He came to the station house.

Q Never mind that, you went to this house? A Yes.

Q The question is what did you hear-- did you see these defendants at any time that night? A I did.

Q What did you hear them say to Mr. Seidenberg? If you heard them say anything? A I heard Greenblatt say to Mr. Seidenberg: "Now, we come here to settle up this affair. Now, for \$600 this thing can be done." Seidenberg said "What have you got." "Well," he said, "I have a book here with a list of stuff, and I have enough stuff in this book here to send you to jail. Now, there is not a duplicate of this book, and nobody has got this information only I." And Seidenberg said: " I am a poor man, I can never afford to give you that money, that is a lot of money." "Well, " he said, "this is worth a thousand dollars to you but I will do it for six hundred, I cannot do it for a cent less." "Well," he said, "what is in that book."

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He said "There is a lot of information in that book and this information will send you to jail." He said: "What will you do if I give you \$600." He said "I will destroy this book in front of you or give you the book."

BY MR. McCORMICK:

Q Which defendant said that? A Greenblatt.

Q That is which one? A The man to the right.

Q The furthest away from the jury? A Yes.

Q Go on. A So, by arrangement with the complaining witness, when he would say to the defendant: "All right, here is the money, put it in you pocket quick" - that was a cue for me to come out and we came out and Greenblatt at that time had a roll of confederate money with two five dollar bills, one on the inside and one on the outside, marked for identification by me and my partner, Detective Phelan, and he had that in his hand just as we came into the room and he was trying to shove this roll in Koppelman's pocket and at the same time he put his hand in his pocket and he pulled out a broken bottle with a stopper, and he said "I am trying to sell this patent." But, there was no conversation that occurred, that I heard, about a patent, previous to me walking out.

BY THE FOURTH JUROR:

Q When did he say that about the bottle, was that when he saw you coming out? A Yes, when he saw me and my partner come towards him. I did not hear Koppelman say anything only

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during the conversation that Greenblatt had, he would say "Oh, that is so, that is right--" to that effect-- the exact words, word for word, I could not remember, since the 19th of April. That story I repeat I remember distinctly.

BY MR. McCORMICK:

Q What happened then? A Then I informed them they were under arrest and Detective Phelan took Greenblatt and I took the book off Greenblatt and Detective Phelan took that bottle and the bills from Greenblatt, and I took a roll of bills off Koppelman. At the head of the stairs going down the hallway, I said "Where have you got yours?" And he said: "That is all right, you need not go in my pockets," and he put his hand in his trousers pocket and gave to me that roll of bills marked for identification.

Q I show you Exhibit 1 for identification and I ask you if that is one of the rolls of bills you have spoken of? A Yes.

Q Did you put the mark on there that identifies it now?
A Yes.

Q When? A About 6:00 P. M. on the 19th of April in the residence of the complaining witness, previous to the arrival of the defendants.

Q Then you gave it to the complaining witness? A Yes, after I marked it.

Q That is People's Exhibit 1 -- now I show you People's Exhibit 2, did you prepare that money in the same way and at

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the same time? A Yes, sir.

Q After you prepared it in that way and marked it for identification, do you gave it to the complaining witness? A I did.

Q These are the two rolls you saw taken from the two defendants? A Koppelman gave me one roll and my partner took the other roll out of Greenblatt's hands.

Q But the roll Koppelman gave you had been handed back to Koppelman-- had it been in the possession of either of the defendants at any time? A Yes, sir. I got the roll from the defendant, from Koppelman, the defendant.

Q I see. A Out of his pocket and my partner got the roll out of Greenblatt's hands.

MR. McCORMICK: I offer these two rolls of bills in evidence.

Received and marked People's Exhibits Nos. 1 and 2.

Q Now I show you a small book and I ask you if you saw that on the night in question, the 19th of April? A Yes.

Q Where was it when you first saw it? A That book was in the hands of Mr. Greenblatt.

Q What was Greenblatt doing with the book at the time he had it in his hands? A His hand was by his side and he had the book in his hand like that.

Q What was he saying at that time? A Nothing, when I took the book.

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Q Before that had you seen him using the book in any way?

A He showed the book to the complainant, telling the complainant that he had information in that book enough to send him to jail.

MR. McCORMICK: I offer the book in evidence.

MR. SPIELBERG: I object as incompetent, irrelevant and immaterial and not binding upon the defendant, and not binding upon Koppelman.

THE COURT: The objection is overruled. Unless knowledge of the contents is brought home to Koppelman, it will be binding only on Greenblatt, but the rule is, that if two or more persons are concerned in the commission of a crime-- if two men agree to commit a crime, each one is responsible for the acts done by the other, or the declarations made by the other in order to carry out the corrupt agreement. If there was no agreement between these men to commit a crime, the evidence will be binding only on Greenblatt and each one would be responsible only for what he did himself, but, whether he be present or absent, if two agree to commit a crime, the absent one will be bound by all the other one does to carry out that crime-- all that he does pursuant to their agreement. As one court puts it, if one man drags another man into a robber's den, he is equally guilty with the robbers on the inside, who rob him after he has been robbed in there. If there

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was no agreement between these men or if you have a reasonable doubt about that, then you must decide as to the guilt or innocence of each, solely and simply upon the facts proved or attempted to be proved against that individual.

Exhibit 4 for identification is received in evidence and so marked.

CROSS EXAMINATION BY MR. SPIELBERG:

Q What time did you go to Seidenberg's home Saturday evening, April 19th? A About six P. M.

Q You and Phelan were stationed in a room adjoining the parlor? A A Bedroom, yes.

Q Was the door open or closed between the two rooms? A Portieres between the two rooms.

Q You could hear everything that was being said? A Yes.

Q These men came in and spoke in a loud tone of voice? A Yes.

Q Or the one who did speak, did? A Yes.

Q An ordinary conversational tone? A Yes.

Q You could overhear every word? A Every word, where was.

Q Could you see the people? A Yes.

Q You could see who was talking, couldn't you? A Yes, you could see who was talking.

Q And how far away would you say you were from the two

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men? A Seven feet.

Q Seven feet? A About seven.

Q As far as you are now from this table? A No, that is about eleven feet from here to there.

Q Less than that? A We were closer than from here to that table-- about from the edge of this table (indicating) to the edge of that table. (indicating).

Q You and your partner, your brother detective, were at that particular door? A There was a large opening between the two rooms and there was portieres and we were right behind them.

Q Who spoke first, Seidenberg or any one of the defendants?

A I think Mr. Seidenberg spoke first and said: "You are a little late."

Q Who answered? A Well, that I do not want to answer. I do not know.

Q Did Seidenberg ask them to sit down, take a seat?

A I don't think so. They did not sit down. They were standing.

Q They stood up during the entire time? A Yes, stood up.

Q Was there a little table in the parlor? A Yes.

Q Did Seidenberg take a seat? A He was standing on the other side of the table.

Q And the two men were standing opposite? A Yes.

Q You could see them very distinctly? A Yes.

Q Now, officer, did Greenblatt take out the book out of his coat pocket or pants pocket, do you recall? A I do not

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recall that.

Q But you saw him take it out? A I saw it in his hand.

Q You did not see him take it out? A No.

Q Do you remember hearing him read out of the book?

A Yes.

Q He read out of it? A He read some items out of the book but I don't remember what he read.

Q Do you remember Seidenberg asking Greenblatt, "Reuben, did you make up this book, did you write it?" A No. I did not.

Q Do you remember Greenblatt saying that he wrote out the book? A No.

Q But you remember he read it? A He read a few items to Seidenberg.

Q That was immediately when he came in? A After Mr. Seidenberg said "What is in that book, what do you know."

Q Reuben read to him the contents of the book? A The contents-- I don't know as he read the contents.

Q He read out of the book? A Yes.

Q You saw him hold up the book to his eyes? A He read something out of the book.

Q Do you remember was the gas lighted? A I don't think the gas was lit.

Q It was still dark? A No, it was not dark. It was in April. I think it was light.

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Q At 7:30? A It might have been 7:30 or 7:15 or 7:10-- around that time.

Q But it was quite light? A Yes.

Q You remember Reuben holding up the book and looking at it and reading something out of it, don't you? A Well, I don't know whether I remember him reading out of the book, but I remember that he did read some items out of the book.

Q That was what I said, you don't remember what ^{the} items consisted of? A No.

Q He kept on reading and did you hear Seidenberg stop him?

A That I do not know.

Q You did not hear Mr. Seidenberg say "Stop now, I have had enough of it" or words to that effect? A He may have, I don't remember.

Q You don't remember that -- Now, after Reuben stopped reading the book, did they take a seat? A No, sir, not that I know of.

Q Remained standing-- two on one side and Seidenberg on the other side of that little table. Who spoke after the book was finished? A Greenblatt done all the talking that I could see.

BY THE COURT:

Q That you could hear? A That I could hear and see.

BY MR. SPIELBERG:

Q What did he say? A He came in and he told the com-

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plainant, Mr. Seidenberg, that he had a book there that had information in it and that its duplicate was not in existence and that this information was in this book and would do him a lot of harm and send him to jail.

Q He said all that the minute he came in? A Well, they had a few other words. Every word that they had I cannot repeat.

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Q I don't ask you for that, but for the substance -- the minute Greenblatt came in, he said these things in substance to Seidenberg? A Not immediately after he came in.

Q Before or after reading the book? A They conversed about some other affairs.

Q You did not hear that? A And the book was brought out.

Q Did you hear the other affairs they conversed about?

A Yes, sir, but I cannot remember them. I heard them but don't remember them.

Q Let us try to refresh your recollection -- may be I can help you along in this line? A All right.

Q You saw them come in? A Yes.

Q You had never seen these two men before in your life? A No

Q Were unfamiliar with their voices? A Yes.

Q You saw them speak -- that is how you know each one spoke -- whether one spoke or the other? A I saw Greenblatt speaking and heard him speak.

Q What was the first thing that was said? A The first thing I do not recall.

Q What was the very next thing that was said? A I do not recall.

Q How long a time passed before you saw Greenblatt reading the book? A I would imagine five minutes.

Q What was said during those five minutes? A Well, what was said -- the complaining witness said "Now, you know I am a

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poor man, \$600. is a lot of money and I cannot afford that." He said "Well, this is worth a thousand." He said "What is in that book -- what is in there that is worth so much money." He said "There is a lot in here, there is enough in here to send you to jail," and I believe, if I remember right, that at Seidenberg's request, Greenblatt read some items out of that book, but just what they were I cannot recall.

Q Before reading out of the book Greenblatt said "There is enough in this book to send you to jail"? A Yes.

Q How many times did he repeat that expression "I have enough to send you to jail" that evening? A Once.

Q Only once? A Might have said it twice. I heard it.

Q Did he say anything about the receiver in bankruptcy, did you hear him say anything about that? A Yes.

Q What did he say? A Well, there was something about a bankruptcy, wherein Seidenberg had -- he said "You know I know where you put this stuff" or something to that effect.

Q What did Seidenberg say to that? A He said "Is that so."

Q Go on -- is that all that was said on that subject? A Not all, but I cannot recall every word. I did not write this down and I cannot recall it.

Q But you remember distinctly that the defendant Greenblatt said to Seidenberg "I have enough to send you to jail"? A That he said to him.

Q What else did he say?

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THE COURT: He has told you.

THE WITNESS: I cannot recall.

BY THE COURT:

Q In addition to what you have said do you recall anything else? A No, I am trying to do the best I can.

Q I understand that, but in addition to what you said, do you recall anything else? A No. They had conversation there.

THE COURT: Very well -- you do not recall anything else.

BY MR. SPIELBERG:

Q Did you hear Seidenberg say anything to the defendants after you had come out and placed them under arrest? A No, sir, we went right on our way downstairs into the station house.

BY THE COURT:

Q Were you alone in there? A No.

Q Another officer? A Yes.

Q The question is, after you came into the room and placed them under arrest, did you hear Seidenberg say anything to them? A Not that I can recollect. I told them they were under arrest.

Q You told them they were under arrest? A Yes.

BY MR. SPIELBERG:

Q When you came out of your concealment, did you tell them you were a policeman? A I don't think I said I was a policeman. I just placed my hand upon him and I said "You are under arrest."

Q Did the defendant say anything to you? A He said all right.

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Q Upon whose shoulder did you place your hand, do you remember? A Koppelman.

Q And the other officer -- A Well, upon his arm here (indicating).

Q Just touched his arm and said "You are under arrest and he said all right"? A Yes.

Q Did Greenblatt say anything? A My partner was with Greenblatt and I accompanied Koppelman out.

BY THE COURT:

Q You don't remember if he said anything or not? A No.

BY MR. SPIELBERG:

Q As you were coming out of the door you testified Greenblatt held up a bottle and said "I came here to talk about a patent"? A That was as we entered the room directly, as we came before him, just as soon as he saw us -- he had a roll of money in his hand and he was trying to push it into Koppelman's pocket, like -- feeling -- like that, and with the other hand he put his hand in his pocket and he said "I was trying to sell a patent stopper."

Q Did he say it to you? A I guess he was addressing both of us, not me individually.

BY THE COURT:

Q He saw you coming when he said that? A Yes, and my partner

Q And he was facing you when he said that? A Yes.

Q Looking in your direction? A Yes.

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BY MR. SPIELBERG:

Q It was still dark, no light? A It was twilight. It was not dark. It was not light.

BY THE COURT:

Q There was no artificial light, no electricity or gas?

A Not that I remember.

BY MR. SPIELBERG:

Q Did you push the portieres aside in order to look through? A About that space (indicating).

Q How large a space? A About that much.

Q About how many inches would you say it was? A That would be about five.

Q Were you facing these two men? A Yes.

Q You put your face through the opening? A Yes.

Q You did? A Not through the opening, no.

Q But at the opening? A At the opening.

BY THE COURT:

Q How far away from the portieres were you standing, on the other side? A How far were they?

Q How far were you back, were you right at the portieres or a little back from them? A About six or eight inches.

Q You stood back a little and looked into the other room you looked through? A Looked through.

BY MR. SPIELBERG:

Q You were right near the portieres and separated them with

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your fingers? A No, I was where the woodwork and portieres come together.

Q You pushed the portieres aside and looked through?

A They were aside like that (indicating).

J O H N J. P H E L A N, called as a witness in behalf of the People, being duly sworn and examined, testified as follows:
(43rd Precinct Detective Bureau).

DIRECT EXAMINATION BY MR. McCORMICK:

Q You are a member of the Municipal Police Force? A Yes.

Q And at the present time you are assigned to what duty?

A To the Mayor's office.

Q Did you see these two defendants on the evening of the 19th of April? A The 17th I believe it was.

Q The 19th? A Was it the 19th?

Q Yes.

BY THE COURT:

Q Have you any memorandum book? A Yes.

Q Look at your book and see if you can refresh your recollection as to the date -- if the date is important?

MR. McCORMICK: I do not think it is.

THE COURT: The defendants will admit that this officer was there, will they not?

MR. SPIELBERG: There is no question about him being there.

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MR. McCORMICK: Then never mind the date.

THE WITNESS: It was Saturday evening.

BY THE COURT:

Q You were there at the arrest of these defendants? A Yes.

Q Who else was there with you, if any one? A Detective Deishly, the complainant and Mr. Cohen.

Q Tell us what occurred? A Mr. Seidenberg came to the station house --

Q Never mind what he said, he came there and had a talk with you? A Yes.

Q You went back to his house? A Went to his house.

Q What did you do from that time on? A They handed us some stage money and \$20., and we made up two separate rolls which were supposed to consist of \$300. each, and we marked them for identification. We gave them to Seidenberg and told him that these two men --

BY MR. McCORMICK:

Q Never mind what you told him? A He went in the front room.

Q After the bills were marked and given to the complainant--
A We went into a room behind the bed, there is a portiere separating the front room from the bedroom, with a space between the portiere and the woodwork of the room about six inches, so we could see into the parlor. About 7:30 the two defendants came to the house. Mr. Seidenberg told them that they were late, and

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they said it was as quick as they could get there, and Mr. Greenblatt started the conversation with Seidenberg, stating that he came there to get the money that they were promised, \$600. Mr. Seidenberg said "I am a poor man and I cannot afford to give \$600., couldn't you make it less" and he said "No, this thing ought to be a thousand dollars. You know we ~~have~~ only get one chance in a lifetime and this is our chance and we cannot make it any less than \$600. We have a book here that we have everything written down in and it will go bad against you in your bankruptcy case, and we know all about you, and you had better give us the money." Seidenberg said "Well, if that is the way you feel about it, I will have to give you \$600." He handed each one a roll. He said to them "Put it in your pocket quick." As soon as he said that we came out from behind the bed and I got hold of Greenblatt and Mr. Greenblatt had the money in his hand and tried to put it in Mr. Koppelman's pocket, putting his hand into a raincoat he had on, and taking out the small neck of a glass bottle and saying "I came here to sell this patent. I did not come here for anything else." "This is what I came here for." Going out of the room towards the hall Koppelman put his hand in his pocket and took out the other roll and handed it to Deishly. We examined the packages and found out they were the exact bills we had marked for identification.

THE COURT: Where are those bills now?

THE WITNESS: With the initials J.P. and D. are on the bills.

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BY THE COURT:

Q Those are the bills you gave him? A Yes.

Q That is the roll of stage money and \$10. of good money?

A Yes.

Q The same as the other package? A Yes.

(Exhibits 1 and 2 handed to the witness).

BY THE COURT:

Q Was there any mention of that stopper until after you put them under arrest? A No, none whatever.

BY MR. McCORMICK:

Q That is all you know about it? A That is all.

CROSS EXAMINATION:

Q How far away were you from the two defendants? A I should judge about ten or twelve feet.

Q You could see them? A Yes.

Q You could see them talk? A Yes.

Q You could see Seidenberg talk? A Yes.

Q Were they sitting or standing? A He was standing.

Q Seidenberg? A Yes.

Q Were the defendants sitting? A Yes.

Q And Seidenberg remained standing? A Seidenberg remained standing -- there were two chairs at the other side of the table, which was in the center of the floor and Seidenberg -- Koppelman -- no, they were standing -- Koppelman was standing with his back towards the portieres, towards the bed, and Greenblatt was facing

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towards the windows, that led out into the street.

Q Were they facing you? A No, sir, they were not facing me.

Q Away from you, you could see their backs? A I saw their backs -- standing side by side like -- facing Seidenberg on the other side of the table.

Q They were sitting and not standing, you say? A No, they were standing.

Q All standing? A Let me see -- no, Seidenberg was standing and the two defendants were seated.

Q Not facing you? A Not facing me at all, no.

Q Facing away from you? A Facing away from me altogether.

Q You could just see the back of their heads? A No, you could see the side from here (indicating).

Q Who spoke first? A Greenblatt.

Q What did he say? A Greenblatt stated he came there to get the money that --

Q How did he say that, use the exact words if you can?

A I don't know as I can use the exact language.

Q As nearly as you can what did he say -- good evening?

A Good evening, and Seidenberg said "You are late" and he said "We could not get here any earlier and we came here to get the money you promised us."

Q Those were the first words he uttered? A Those were the first words he uttered.

Q "We came here to get the money you promised us?" A Yes.

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THE COURT: No, he did not say that. He said Seidenberg told them they were late and they said "We could not come any earlier" -- those were the first words said.

BY MR. SPIELBERG:

Q What did Seidenberg answer? A Seidenberg told them that it was quite a lot of money they asked for, that he was a poorman and could not afford to give them \$600. They said "You know Mr. Seidenberg, we only get one chance in our lives, and this is our chance now, and we need the money and you know if we tell what we know we will send you to jail."

Q Did Greenblatt say words to that effect -- "chance knocks only once at a man's door"? A Yes I believe --

Q Yes, that was what he said? A Yes, as I say I cannot remember word for word.

Q Did you hear him use that peculiar expression? A Yes.

Q How many times did you talk with Seidenberg before this case came up? A I have talked to him five or six different days that we were down here.

Q Is it not a fact that Seidenberg told you this was the phrase that Greenblatt used on the Thursday previous, when you were not present at all? A No, he did not.

Q He did not tell you that? A No.

Q You heard him say that that Saturday night? A Yes.

Q That chance knocks at the door? A Once in a man's life.

Q He said that on Saturday night? A Yes, Saturday night.

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Q It was not Seidenberg who told you he had gotten this phrase from Grenblatt on the previous Thursday? A No.

Q What else was said?

THE COURT: That you remember.

THE WITNESS: He said he had enough in this little book to send Mr. Seidenberg to jail for what he done with the stuff taken away from the place, and he knew where it went to.

Q What else did he say? A Mr. Seidenberg asked him if he could not make the price less and he said no, it was worth a thousand and we cannot do it any cheaper than six hundred.

Q What else did he say?

BY THE COURT:

Q Do you recall anything else? A That is about all I can remember perfectly now.

BY MR. SPIELBERG:

Q Did you see Mr. Greenblatt take out a book out of his pocket? A Yes.

Q Took it out of which pocket? A Out of the rain coat pocket.

Q Greenblatt had a rain coat on too? A Not Greenblatt-Greenblatt-

Q This is Koppelman (indicating) and this is Greenblatt (indicating). A Greenblatt-- this fellow (indicating).

Q The last fellow? A Yes. He is the one we took the

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book away from.

Q This is the man that did all the talking? A Yes.

Q Of course you kept on looking at the two of them all the time? A Yes, we kept on looking to see-- watching everything we could possibly see at the time.

Q You could see distinctly? A Yes, pretty fair.

Q And hear distinctly? A And hear distinctly, yes, plainly-- no trouble to hear at all.

Q Do you remember, if you do, out of which pocket Greenblatt took out his book? A Out of the raincoat pocket.

Q Inside pocket? A No, outside pocket.

Q Right or left hand, if you remember?

THE COURT: If you do not remember, say so.

A The pocket towards the parlor-- towards the parlor bedroom door-- that would be the north side of the room.

BY THE COURT:

Q Do you know whether it was the right or the left-- if you do not, say so. A It was the left hand pocket.

BY MR. SPIELBERG:

Q Then he commenced to read out of the book? A No, he did not commence to read out of the book then. He said he had enough in that book that would send Mr. Seidenberg to jail.

Q He said that when he took the book out? A Yes.

Q What led him before to say that, do you know?

Excluded.

Exception

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Q Did Seidenberg refuse to pay any money before he said that? A Yes, sir-- there was nothing said about refusing to pay the money at all only Seidenberg asked him if he could not make it less, that he was a poor man and could not afford to pay that amount.

Q Greenblatt said he could not make it less, it was worth a thousand dollars? A Yes, sir, he was letting him off pretty cheap at \$600.

Q What did Seidenberg say after that to make Greenblatt answer him: "I have enough here to send you to jail"?

Excluded as calling for a conclusion. Exception.

Q Did Seidenberg say anything before Greenblatt made the statement about sending him to jail? A He said "I don't know where you got this from." He said "We know all about this and we know where the stuff was delivered and we have it down in this book."

Q What did Seidenberg say? A He said "If I give you the money what are you going to do with that book." He said: "Well, we will tear the book up in front of you or give the book to you after you give us the money." Seidenberg said: "If you give me the book I will give you the money." They said: "All right."

Q Who said?

THE COURT: Let him finish.

THE WITNESS: I mean Greenblatt-- he was the one who was doing all the talking.

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BY THE COURT:

Q He handed the book to Seidenberg? A No, sir. He did not hand the book. The money was handed to Greenblatt and Koppelman and Koppelman put the money in his pocket and Greenblatt had the money in his hand, because as the money was handed over, Mr. Seidenberg said "Put the money in your pocket quick." That was the remark for us to come out of the room and we ran out and I got to Greenblatt and Greenblatt had the money in his hand and as he saw me coming towards him, he tried to put the money in Koppelman's pocket and at the same time put his hand into his right hand raincoat pocket, picking out the stopper of a bottle and said "I am here to sell this patent." There were no words said about the patent at all until after the arrest was made.

BY MR. SPIELBERG:

Q As you came out of the room, Greenblatt had the money in one hand trying to shove it in Koppelman's pocket? A Yes.

Q Which hand? A He had that in his left hand, trying to find the pocket in Koppelman's coat to put the money in.

Q In which hand was the book? A The book was in his right hand.

Q With which hand did he take the stopper out? A He took the stopper out with the hand he had the book in, out of his raincoat pocket.

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Q He held up the stopper and the book? A Yes, sir, and he said "I wanted to sell this patent."

Q What did Seidenberg say that led up to Greenblatt's saying "I will put you to jail"?

Objected to. Sustained.

THE COURT: There is no allegation that anything led them to do anything. The witness must not say what led up or what did not.

MR. SPIELBERG: I did not mean anything else but what I said.

THE COURT: You can ask him the last thing Seidenberg said, if he can remember, before they said that.

A Greenblatt stated that if Mr. Seidenberg did not give them the money they had enough in that book to send Seidenberg to jail.

BY MR. SPIELBERG:

Q What did Seidenberg say before Greenblatt made that statement? A He was making the excuse that he was too poor to pay the amount of money asked him.

Q When Seidenberg said I have not so much money as you ask or words to that effect, Greenblatt answered it is worth a thousand and we are letting you off with six hundred or words to that effect? A Greenblatt said it was worth a thousand dollars but he was letting him off for six hundred and he thought it was very cheap.

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Q That was after Seidenberg's statement that he was a poor man? A Yes.

Q What was the next that Seidenberg said? A He said if he had to give him \$600 and he demanded it, he said he would have to give it to him.

Q When did Greenblatt say he had enough to put him in jail? A Just when they were standing at the table.

Q Seidenberg said I am a poor man? A Yes.

Q Greenblatt said it is worth a thousand dollars and I will let you off with six hundred? A Yes.

Q Seidenberg said All right, if it has to be done I will give you six hundred? A He said if you demand six hundred I will have to give it to you but it is more money than I can afford.

Q After that Greenblatt said we have enough to send you to jail? A No, before that Greenblatt-

Q You said before he handed him the money? A Yes, before he handed the money. When Seidenberg stated that six hundred dollars was too much, he said if you don't give it to us we have enough in this book to send you to jail.

Q Seidenberg said he was willing to give him \$600? A He said he would give him \$600 when he said he had enough in that book.

Q Seidenberg said "I will give it to you and I will give you \$600?" A He said if I cannot give you less, here is \$600.

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Q He consented to give \$600? A He consented on the threat.

BY THE COURT:

Q After he said "Very well, I will give you \$600", he gave it to him? A Yes, he handed over six hundred.

BY MR. SPIELBERG:

Q When did Greenblatt say to him "I will send you to jail"? A Before.

Q When did he say that? A When they were arguing about the price, six hundred and the thousand dollars, Seidenberg was hesitating about giving any money at all and he said "We have enough in this book to send you to jail" and he said "The job is worth a thousand dollars and we are letting you off with six hundred and we cannot do it any cheaper.

THE COURT: This charge is not extortion. Extortion is where fear is actually instilled in mind. This is attempted extortion, where the attempt is made to instill fear but fails, and the money is paid on the pretense that that the man is afraid.

BY MR. SPIELBERG:

Q Greenblatt spoke in an ordinary tone of voice? A Yes, in the ordinary tone.

Q Made no attempt to whisper? A No, no whispers whatever.

Q Did he look about to see if there was anybody who could hear him? A No, did not seem to concern him whether there was

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anybody around the place or not.

S A M U E L J . C O H E N , called as a witness on behalf of the people, being duly sworn and examined, testified as follows:

(Residence: 58 East 120th Street.)

DIRECT EXAMINATION BY MR. McCORMICK:

Q You were manager for Seidenberg? A Yes.

Q In the plumbing business? A Plumbing supplies.

Q Were you with Seidenberg one night when he met the two defendants, one night in April? A I met Seidenberg and the two defendants but I did not hear the conversation.

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BY THE COURT:

Q He asked you if you saw them together or not? A Yes.

BY MR. McCORMICK:

Q After that did you see them at Seidenberg's house? A Yes.

Q How long after that? A About two days.

Q What time of the day was it? A About 7 o'clock in the evening.

Q Where were you standing? A I was behind a bedroom door. Just left ajar about half an inch.

Q You were there when they were arrested? A Yes.

BY THE COURT:

Q Who else was in the apartment at the time?

BY MR. McCORMICK:

Q What other people were there at that time? A In which apartment?

Q Where you were? A I was all by myself in this one apartment.

Q You were in a room? A Yes.

Q Was it only a one room apartment? A No, seven rooms but in the apartments were Seidenberg, the two defendants and two officers.

Q Where were the two officers, do you know? A Yes, sir, they were in the parlor when they made the arrest.

BY THE COURT:

Q Did you see them before that? A Yes, I saw them.

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Q Did you see the officers come in? A Yes, they came in around 6 o'clock.

Q Did they come in before or after the defendants? A Before.

Q Where did they go when they came in? A Went in the parlor and marked bills for identification.

Q You saw that done? A Yes.

Q Where did they go after that? A The officers went in the bedroom.

Q The same bedroom you were in? A No.

Q In a different bedroom? A Yes.

Q How was that bedroom separated from the parlor? A It was not separated at all. The parlor led right into this bedroom.

Q Was there anything to prevent one from seeing into the bedroom? A Yes, some tapestry.

Q A portiere? A Yes.

Q You were in another bedroom at a door? A Yes.

Q You had that door on a crack? A Yes.

Q Tell us what you heard either of these defendants say to Seidenberg when they came in, and what did Seidenberg say to them? A After the defendants came in --

Q Did you hear them say anything? A Yes.

Q What did you hear them say? A After the defendants came in, the door of the parlor was shut, and I came from my room and stood up close to the door. I recognized Seidenberg's voice saying "Well boys, now what can I do." He said "Well Mr. Seidenberg,

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we came to-night for that money." One of the defendants -- I recognized the voice of Greenblatt.

Q You had known them before that time? A Yes.

Q You were a fellow employe of theirs? A Yes, sir, and at one time, of one of the defendants, not both.

Q Which one? A Koppelman.

Q How long did you know Greenblatt before that night?

A About four to five years.

Q You knew his voice? A Yes.

Q What did you hear him say? A He said he came for that money, so Seidenberg said "Well \$600. is a lot of money. I am a poor man, give me a little chance, take less than six hundred." So Greenblatt said "It is easily worth a thousand dollars, but as long as we made that price of six hundred, I don't want to go back on our word and Seidenberg said "Can't you wait." He said "No, we want the money to-night. If we don't get the money to-night we will go with this story to the creditors -- we have got the book here and if you give us the money we will tear up the book in your presence." Seidenberg said "As long as you are determined on the amount, here is the money," and he gave each one a roll of bills -- about giving the bills, I did not see that.

BY THE COURT:

Q You could not see through the door? A No, I could not see that he gave him the bills.

Q Were you there when the door was opened? A Yes. I heard

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Seidenberg say "Put it in your pocket quick" and that was my cue to open the door and come in and as I came in the officers also came in from the other bedroom and they placed them under arrest and took the money away from Koppelman, and the defendant Greenblatt had his money in his hand and was about to place it somewhere -- I presume it was close to Koppelman, and I saw the officer take his hand --

Q Never mind what you presume? A The officer took the money away from him and took the roll away from him. And then placed him under arrest and took him over to the station house.

Q Did you go over with them? A Yes.

CROSS EXAMINATION:

Q How long have you known Sam Koppelman? A I have known Sam Koppelman about five to six years.

Q He worked with you for Seidenberg? A Yes.

Q He left to go in business for himself? A Yes.

Q You knew him well? A Yes.

Q He was an honest man as long as he was in your employ?

A Yes.

Q And after that he went to work for whom? A To my knowledge for Mr. Gruber.

Q Brother-in-law of Seidenberg? A Yes.

Q And he worked there at the time of his arrest? A Yes.

Q He was employed by Gruber? A Yes.

Q Did you have any talk with Koppelman or Greenblatt before

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that Saturday night? A No, sir.

Q You did not? A No.

Q You came there at the request of Seidenberg on that Saturday night? A Yes.

Q You had seen these two defendants the Thursday night in front of Seidenberg's house? A Yes, sir, about two nights before that night.

Q As you were coming along they were going away? A No, they were conversing with Seidenberg there and I stood on the stoop and waited until they got through, waited for Seidenberg.

Q You were on friendly terms with these two on that Thursday evening? A I bid them the time.

BY THE COURT:

Q Were you friendly with them that night? A No, never been friendly with them.

Q You have no grudge against them? A No, absolutely none.

Q And you have not any now? A No.

BY MR. SPIELBERG:

Q You have no grudge against Sam Koppelman at all? A No, positively not.

Q Which was the first one to speak when they came into the parlor that evening? A Greenblatt.

Q What did he say? A Mr. Seidenberg said "Well boys, I see you are here," and Greenblatt said "Yes, we came for that money."

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Q What did Seidenberg say? A Seidenberg said "I am a poor man, you know this thing has cost me a lot of money, take a little less and give me a chance."

Q Who answered? A Greenblatt.

Q What did he say? A He said "It is worth a thousand dollars, Mr. Seidenberg, but as long as we made the price, I don't want to go back on my word. We want \$600."

Q Who spoke next? A Seidenberg.

Q What did he say? A He said "Can't you wait a little while." He said "No" -- Greenblatt said "No, we want the money tonight or we will go to the creditors with your story. We have the book here and if you give us the money I will tear it up in your presence."

Q Who spoke next? A Seidenberg.

Q What did he say? A He said "Well, as long as you are determined, here is ^{apiece} \$300" -- "got it in two rolls" -- "put it in your pocket quick" -- that was his exact expression.

Q Is that all that happened that evening? A No, then the arrest followed.

Q I mean prior to the arrest, is that all the conversation that took place? A To my knowledge yes, as far as I can remember. This was long ago.

Q Did you see Greenblatt take out a book out of his raincoat pocket? A I saw a book in his hand, as I came into the room.

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Q Did you see him take it out of his pocket? A No, I did not.

Q Did you hear him read out of the book certain items? A I did not.

Q Did you hear him read anything at all? A No.

Q You stood close by, near by? A The door was closed.

Q You could hear everything that was going on? A Yes.

Q You did not hear him read anything at all? A No.

Q When Seidenberg said "I am a poor man" what did Greenblatt answer him? A "That it is worth a thousand dollars but as long as we made the price six hundred, we won't go back on our word."

Q Is that all he said? A Yes.

Q Did he say anything about going to District Attorney Whitman? A I don't remember his mentioning the District Attorney's name.

Q Did not say anything about the District Attorney? A No.

Q Did he say anything about the Police Department? A He said he would go to the creditors with the story.

Q He said he would go to the creditors with the story? A Yes.

Q Did he say what story he was going to go to the creditors with? A He did not mention any particular story.

Q He said "I am going to go to the creditors and tell them the story" or words to that effect? A Yes.

Q Is that all he said? A There may have been more. I cannot

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MR. SPIELBERG: If your Honor please, I now move that the indictment be dismissed against the defendants for the reason that the People have failed to make out a case according to the allegations contained in the indictment. The indictment charges them, that they did feloniously attempt to obtain from Seidenberg, and did then and there feloniously induce, by the wrongful use of fear on the part of the said Jacob M. Seidenberg, by means of then and there threatening to accuse the said Seidenberg of a crime to the Grand Jury aforesaid unknown, unless he, the said Seidenberg, pay over the sum of \$600. I respectfully submit to your Honor there is no proof that the two defendants accused this complainant of any crime. There is no statement of any kind tending to show that.

THE COURT: That is a question for the jury. Seidenberg says they did.

MR. SPIELBERG: He does not say so in so many words.

THE COURT: He mentions their words, and the jury can determine from that. If this complainant were an involuntary bankrupt, and he did secrete his assets, that would be a crime, would it not?

MR. SPIELBERG: That would depend upon a great many things.

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THE COURT (continuing) Furthermore it would involve perjury upon his part, if he made a statement to the Court of his assets, and wilfully and knowingly suppressed some of them -- that would be false swearing, perjury, and if these defendants threatened to publish that he had done such a thing unless he paid \$600., it was an attempt at extortion. If it succeeded in making him afraid, it would have been extortion, but they did not make him afraid, and therefore it is only an attempt.

MR. SPIELBERG: In the United States Court, the only crime is that of conspiracy between two or more persons to defraud persons, and the indictment is one of technical conspiracy. Assuming all the complainant has said to be true, they do not charge him with conspiracy. There is no such crime as concealing assets from creditors.

THE COURT: If you can satisfy me upon that point, I will dismiss the indictment. They charge here to accuse him of a crime, and I believe, and I so rule at this time, that it is a crime to withhold assets, to secrete assets, to wilfully and knowingly do so, with intent to defraud creditors, and to deceive the Court.

MR. SPIELBERG: There is not a single word of testimony taking the testimony at its worth, at the end of the People's case, and without any explanation on the part of the defense, where is there any testimony to show that either of the de-

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defendants said you did wilfully and knowingly and in order to defraud your creditors, secrete certain goods. Even that would not constitute a crime by itself -- there would have to be a conspiracy between two or more persons.

THE COURT: It would not be necessary to use those words.

MR. McCORMICK: Concealing property by a bankrupt is a crime.

MR. SPIELBERG: I ask your Honor to dismiss the indictment against Koppelman. The testimony, it seems to me, overwhelmingly shows that he did nothing absolutely at all. Every bit of testimony seems to eliminate Koppelman.

Motion denied. Exception.

MR. SPIELBERG: Now I ask your Honor under which section this indictment is found. The indictment does not speak-- is it 857?

THE COURT: The first section that applies is Section 2, last sub-division, defining an attempt to commit a crime.

MR. SPIELBERG: There is a particular section which speaks of attempt to extort money or property by threats, Section 857. If any violation has been spelled out at all, I take it it is under 857?

MR. McCORMICK: 850.

MR. SPIELBERG: No, that is extortion.

THE COURT: 850 defines extortion, and 851, Section 2 --

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MR. SPIELBERG: Will you be good enough to look at 857.

THE COURT: It says Section 857 does not apply to cases covered by Section 851 -- the second sub-division, to accuse him, or any relative or any member of his family of any crime.

MR. SPIELBERG: That would be extortion.

THE COURT: Yes. It would be extortion if it succeeded in instilling fear into his mind in getting the money, but where it fails, it is only an attempt.

MR. SPIELBERG: Section 857 speaks of attempt to extort money.

THE COURT: In the last line of 857 it expressly recites that it will not apply to cases mentioned in 851.

MR. SPIELBERG: If it is Section 851, then it is the complete crime of extortion.

THE COURT: Yes, if it were accomplished, but the allegation is here that he failed to commit the extortion.

MR. SPIELBERG: Then I have to proceed under Section 851, sub-division 2, attempt to commit extortion by charging this complainant with the commission of a crime?

THE COURT: 850 and 851, yes.

MR. SPIELBERG: I except to your Honor's denial of my motions.

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SAMUEL KOPPELMAN, called as a witness in his own behalf, being duly sworn and examined, testified as follows:

(Residence 589 Dumont Avenue, Brooklyn).

DIRECT EXAMINATION BY MR. SPIELBERG:

Q You say you live over in Brooklyn? A Yes.

Q What work do you do? A Salesman.

Q Are you working now? A Been working until the last month, when called to court this week.

Q What line of business? A Tinsmith's supplies.

Q Married man? A Married.

Q Have a child? A One child, eleven months.

Q You were married on the 19th of April of this year? A Yes.

Q How long do you know the complainant, Seidenberg -- you know the complainant? A Yes.

Q How long have you known him? A I know Mr. Seidenberg the last six years.

Q You worked for him? A I worked for him.

Q When? A In 1908.

Q When you finished working for him, what did you do? A I left Seidenberg and went in business with a partner of his by the name of Davidson.

Q Seidenberg's brother-in-law? A Yes.

Q How long did you remain in business for yourself? A One year.

Q Did you give up your business after a year? A Yes.

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Q You did not fail, did you? A No.

Q Went out of business? A Went out.

Q What did you do when you went out of business? A After I left business I went to work for a brother-in-law of Mr. Seidenberg's by the name of Benjamin Gruber.

Q How long did you continue working for him? A For over two years.

Q Did you work for him in the month of April, 1913? A Yes.

Q And in the months of February and January? A Yes.

Q Preceding that month? A Yes.

Q Do you remember the 19th day of April when you were arrested? A Yes.

Q I want you to tell me exactly what happened in the house of Seidenberg? A Yes.

Q What time did you go there? A I came there between 7 and 7:30.

Q How did you happen to go there? A Being Mr. Seidenberg came to Mr. Benjamin Gruber's place, a brother-in-law of his --

MR. McCORMICK: I object to that as immaterial.

THE COURT: He has a right to explain why he was there. The People charge that he was there to commit a crime pursuant to an agreement.

BY MR. SPIELBERG:

Q Go on? A I attended to a customer behind the counter --

BY THE COURT:

Q How did you go there? A Mr. Seidenberg --

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Q Who asked you to go there? A Mr. Seidenberg.

BY MR. SPIELBERG:

Q When? A Saturday.

Q What time? A Between 3:30 and 4.

BY THE COURT:

Q What did he say? A He said --

MR. SPIELBERG:

Q And where he said it? A He said "Sam, I want you to be up at my house, I want to talk to you over important business and kindly make me a little notice what you know about my affairs, that goods were sold to your boss and wherever it came from, and he begged me to not forget "I will be waiting for you at 7 o'clock and you do not forget to come up to the house and bring along the little book, that I want you to mark down all these things."

Q When he spoke to you, where were you at the time? A I was in the front store, at the counter.

Q Of Gruber's place? A Yes, Gruber's place.

Q Is there a bookkeeper in the place? A Yes.

Q What is his name? A Max Krauss.

Q Did this conversation take place in the presence and hearing of the bookkeeper? A Yes.

Q Was Rubin Greenblatt at your side at the time? A No.

Q Where was he? A The back of the shop.

Q A considerable distance back? A Yes, it is about probably from forty to fifty feet from the store to the back of the shop.

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Q When Seidenberg asked you to come up, Greenblatt was not with you? A No.

Q What did you say to Seidenberg when he asked you to come up? A I said "I will try to come up."

BY THE COURT:

Q He named the day to come? A The day.

Q And the hour? A And the hour.

Q And the place? A And the place.

Q And what you were to bring? A Yes.

Q What were you to bring? A A little notice book, to mark all these things down what we knew about his affairs.

Q Did he tell you why he wanted it in a book? A No.

Q Just simply said a little notice book? A Yes.

Q He used those words? A Yes.

BY MR. SPIELBERG:

Q Had you ever been to Seidenberg's home before? A Never at his house before -- only two days before on Thursday night, we met him downstairs.

Q How did you come to --

BY THE COURT:

Q Where? A At Mr. Seidenberg's residence.

Q You mean on the street? A On the street.

MR. SPIELBERG:

Q How did you come to go there Thursday night? A He asked me a couple of times before that I should come over, he wants to

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1. speak to me, and I always promised him and could never keep word, being my wife was at that time right after giving birth to a child and I had been of course very happy about it, and I have no time to attend to such things.

BY THE COURT:

Q Where did you live? A 589 Dumont Avenue, Brooklyn.

Q Where did he live? A Mr. Seidenberg?

Q Yes? A 121st street.

Q New York? A Yes.

BY MR. SPIELBERG:

Q You lived away-out in Brooklyn? A Yes.

Q Before you went to see him that Thursday evening, did you have any talk with Seidenberg in your shop? A Not about anything about his affairs.

Q What were your duties in Gruber's place? A My duties at Benjamin Gruber's place was being behind the counter attending to customers and receiving goods, shipping goods, and if there was nothing else to do I had to help Mr. Greenblatt in the back of the shop at his bench that he is working at.

Q You received the merchandise that came into Gruber's place? A Yes, sir.

Q Did you know at the time when Seidenberg asked you to come to see him that he had failed in business? A Not before the Tuesday that he failed, I did not know.

THE COURT: He did not ask you that.

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BY MR. SPIELBERG:

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THE COURT: He did not ask you that.

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BY MR. SPIELBERG:

Q Did you know before you came there Thursday night, before Thursday night? A No.

BY THE COURT:

Q When he asked you to come there, did you know that he had failed in business? A Yes.

THE COURT: That was what the question was.

BY MR. SPIELBERG:

Q How many people were employed in Gruber's place at the time? A Six.

Q When you came on Thursday night did you meet Seidenberg downstairs? A Yes.

Q Was Greenblatt with you? A Yes.

Q Did you have a conversation with Seidenberg? A Yes.

Q What did you say to him and what did he say to you?

A We came over to the house and met Seidenberg coming along and he said "Boys, come up to my house," and I told him "Mr. Seidenberg, I have had no supper and it is pretty late and I have to go home," and he said "Well, only a couple of words, I want to know of you boys" and he asked us what we know about his affairs. We told him, and he said "Can you tell me" --

BY THE COURT:

Q What did you tell him that you knew about his affairs?

BY MR. SPIELBERG:

Q Tell exactly what you told him? A Yes, he said being --

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BY THE COURT:

Q What did you tell him, you said you told him -- what did you tell him? A I told him.

Q What? A That goods came in from certain places to Gruber's which were concerned to him, and it came to Gruber --

BY MR. SPIELBERG:

Q Tell us what you told him? A Nothing else about this.

BY THE COURT:

Q That was all you told him? A That was all I told him.

BY MR. SPIELBERG:

Q Were you familiar with his business, were you acquainted with his way of doing business at that time? A Yes, sir.

BY MR. SPIELBERG:

Q Did you tell him anything about a statement which he had made? A No.

Q What did he say to you after you told him that? A After I told him all that he said "Boys, I really tell you the truth, now I have been going into the bankruptcy matter with \$85,000., and I really don't know what to do, being I have got a man that has worked for me by the name of Solomon Cohen for eleven years, and the man demands of me \$5,000. I have offered Mr. Cohen \$2500. and he won't take it and I have told him to come Friday night to settle it up with him and I guess that I may make it for \$3,000., or if he wouldn't take any \$3,000. I don't know what to do. I may have to leave the city, but I pity my wife and children if I have

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to do that.

BY THE COURT:

Q What did you say to him when he told you that? A No answer given on that.

Q Tell us the rest of the conversation? A In the meantime he turned around and saw Mr. Cohen coming along, and he said "Boys, there is Cohen coming," and he called him with names. He said "You go home, I will see you some other times, I don't want Cohen to see you over here" and we went right home.

Q Cohen saw you? A He saw us.

Q You saw him? A Yes, I saw him coming when Mr. Seidenberg told us he was coming.

Q Seidenberg said "I don't want him to see you"? A Yes.

Q While Cohen was in plain sight? A Yes.

BY MR. SPIELBERG:

Q Did you do any talking yourself? A Not at all.

Q Did you talk to Seidenberg? A I did talk to Seidenberg.

Q You did not stay there perfectly quiet? A No, not at all.

Q Did you do as much talking as Greenblatt did? A I don't remember if I did as much -- probably not.

Q But you did your share? A I did talk to him.

BY THE COURT:

Q Did Greenblatt say anything at this meeting on the street?

A We were talking together.

Q What did Greenblatt say? A He said the same words.

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Q You repeated them first and he afterwards? A Yes.

Q What were those words? A That Mr. Greenblatt said?

Q Yes? A He asked him "What do you know about" --

Q Who asked him? A Mr. Seidenberg.

Q Use the name Greenblatt and Seidenberg, so there will be no confusion? A Mr. Seidenberg asked Greenblatt to tell him what he knows about his business, and he told him the same thing.

Q You said "told him" -- I don't know what you mean by that?

A Mr. Seidenberg told Greenblatt to tell him what he knows about his affairs, and Mr. Greenblatt answered him.

Q What did he say? A He said the goods that came in there, soldering coppers that were concerned by the U. Hungerford Company and ten casks which concerned to J. M. Seidenberg came from Bruce & Cook directly to Gruber's place, also which concerned to --

BY THE COURT:

Q You mean consigned, not concerned? A That belonged to him, Seidenberg, were sent to Gruber's place.

Q Say by whom they were shipped? A Yes, he mentioned the Union Smelting & Refining Company.

Q Greenblatt told him that, you did not tell him that? A Yes

Q You did not tell him that? A I also told him when he asked me.

Q We asked you to tell us all that you said to him, you have told us? A Yes.

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Q Was there anything else that you said to him in addition to what you have told us already? A I said "Mr. Seidenberg, I have also received all that goods in Mr. Gruber's place, and one day, if you allow me, I can just tell --

THE COURT: No, one thing at a time, only the conversation.

THE WITNESS: I told him also these goods belonged to him and they came directly to Gruber's place which I received, and some of them signed for and some of them Gruber would not let me sign.

Q You told that to Seidenberg? A Yes, sir, I did.

BY MR. SPIELBERG:

Q Did you ask him for any money? A No.

Q Did you say to him he should give you \$600.? A No.

Q Did you threaten him in any way at all? A No.

Q Did Greenblatt threaten him? A No.

Q Was there any talk about \$600. that evening? A No.

Q Was it part of your duty to sign for goods? A Yes, sir, always when Gruber was not in the place I should receive the goods and sign for them.

Q You had received a number of shipments from Seidenberg's place to Gruber's place? A Not exactly from Seidenberg's place, but it came goods through different --

Q From different concerns? A From different concerns to Mr. Benjamin Gruber.

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BY THE COURT:

Q The bills were made out to Benjamin Gruber? A No.

Q How were they made out? A To Seidenberg.

Q But they were delivered at Gruber's place? A Yes.

Q You signed for them -- how did you sign for them? A I signed "Benjamin Gruber per Samuel Koppelman."

Q Although the bills were to Seidenberg, there was a bill showing they were consigned to Seidenberg, with them? A I can just tell you --

Q Tell us? A Ten casks of zinc was sent to Gruber's place.

Q There was a bill with that? A There was a bill with the driver.

Q What did that bill say? A I did not see in the bill exactly, being Gruber was in the store at that time.

Q You did not sign for that? A I did.

Q What did you sign? A I signed for ten casks of zinc.

Q Delivered to? A Delivered to Benjamin Gruber.

BY MR. SPIELBERG:

Q Did you sign Benjamin Gruber's name? A Yes, sir, and my name underneath.

Q Was Gruber there at the time? A Yes.

Q Did he say anything to you about it? A He gave me an argument after I done it.

Q What did he say to you?

Objected to. Overruled.

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Q What did he say to you? A After handing me the bill from the inside of the door, while I was on the sidewalk helping the driver take off the ten casks of zinc, he handed me a slip and said "Sam, you sign for it," and while I signed for it, the man looked through the door window and saw me putting his name on the top and mine underneath and right after I done it, I signed the paper, he came out of the door and gave me a big argument.

BY MR. SPIELBERG:

Q What did he say? A He said "What right did you have to put my name on there." I said "Mr. Gruber, this is the way I have always signed for goods, whenever I have received for you." He seeing he could not go any further, being I done nothing, he seeing I suppose I always signed that way, he stopped the conversation and I took in the ten casks of zinc, inside the store, and put it away back in the shop.

BY THE COURT:

Q At the meeting on the street was there anything else you told Seidenberg or he told you, or that Greenblatt said? A That Greenblatt said?

Q Yes, have you told us all about it? A No.

Q Tell us all about that? A What was that?

Q On the sidewalk, have you told us all -- the last thing you said was that you saw Cohen coming up and Mr. Seidenberg said Cohen wanted \$5,000., and he told you to go away that he did not want Cohen to see you? A Yes.

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Q Did you go away then? A Yes.

Q You have told us all that was said there? A Yes.

BY MR. SPIELBERG:

Q Before I forget I want to ask you this question, did you on any other occasion take goods at Gruber's place? A From where?

Q Goods consigned to Seidenberg and billed to Seidenberg?

A From the Wheeling Corrugated Company.

Q Tell us about that?

BY THE COURT:

Q Do you mean to say these different truck drivers brought goods addressed to Seidenberg -- where was Seidenberg's place?

A 34th street.

Q Addressed to him, and instead of taking them there, they brought them to Gruber's place, 2nd avenue and 36th street? A Yes.

Q Although the bill was made out to Seidenberg, you received it and signed it "Gruber, by you, Koppelman"? A And the driver took that and brought it away.

BY MR. SPIELBERG:

Q Did you do that? A What?

Q Did you sign? A I signed for --

Q (The former question is repeated as follows) "Although the bill was made out to Seidenberg, you received it and signed it 'Gruber, by you, Koppelman'" -- is that your statement? A Yes.

Q Did you take a wagon and go and get some goods and bring to Gruber's place which were shipped to Seidenberg or billed to

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him? A Gruber sent his driver down to pick up goods on Seidenberg's orders.

BY THE COURT:

Q Where, at Seidenberg's store? A No, at the Wheeling Corrugated Company.

BY MR. SPIELBERG:

Q Where is their place of business? A 16 Desbrosses Street.

Q Did you go along? A No.

Q Did you see what happened to Gruber's wagon, as far as the name was concerned? A Yes, sir.

Q Tell us? A Mr. Gruber went down to Mr. Seidenberg's place --

THE COURT: It makes no difference so far as this crime is concerned, whether the charge is true or false.

MR. SPIELBERG: No, I am simply tryint to show the probability of the entire story.

THE COURT: It is really not material, but I will permit it.

BY MR. SPIELBERG:

Q Tell me what happened to the wagon? A Gruber went down to Seidenberg's place and came back with an order of Seidenberg's and gave it to the driver that he should go down to the Wheeling Corrugated Company for to pick up about thirty or thirty-five bundles of sheet iron. I don't remember exactly. When Mr. Gruber came back with the order he gave it to the driver and told me and

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the driver to take a sheet of paper and cover his sign, of Gruber's, with heavy paper, so that the Wheeling Corrugated Company don't see whose wagon it is, being the driver of Gruber's went down to the Wheeling Corrugated Company with Seidenberg's written order.

BY THE COURT:

Q You did that, did you? A Yes, I obeyed the order of my boss, and covered the signs.

BY MR. SPIELBERG:

Q Now after the Thursday evening, or on that Thursday evening, did you make an appointment with Seidenberg to call at his home Saturday night? A On Thursday evening?

Q Yes? A No, sir.

Q When did you see Seidenberg again -- did you see him on Friday? A Yes.

Q Was he in the place? A Yes.

BY THE COURT:

Q Which place? A Gruber's place.

BY MR. SPIELBERG:

Q The place you worked at? A Yes.

Q Did you see him on Saturday? A I saw him Saturday.

BY THE COURT:

Q Where did you see him Saturday? A At Gruber's place.

BY MR. SPIELBERG:

Q That is the time you saw him, as you told us, that he asked you to come up? A Yes.

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Q In front of the place? A Yes.

Q Do you know what Seidenberg was doing there Friday and Saturday?

THE COURT: Let him state whether Seidenberg said anything to him, or in his hearing, on Saturday.

BY MR. SPIELBERG:

Q Did Seidenberg say anything within your hearing to Mr. Gruber, or to yourself? A No, sir.

BY THE COURT:

Q Or to Greenblatt -- did he say anything to Greenblatt?

BY MR. SPIELBERG:

Q Did he say anything to Greenblatt, as far as you remember? A On Friday?

Q Friday or Saturday? A No.

Q You did not hear Seidenberg talk to Greenblatt on Saturday? A No.

Q Saturday evening did you go to Seidenberg's place?

BY THE COURT:

Q Which place do you mean, his home? A Yes.

BY MR. SPIELBERG:

Q Was Greenblatt with you? A Yes.

Q Tell me again what happened as nearly as you remember, from the minute you entered until you were placed under arrest?
A As I came up to Seidenberg's residence, between 7 and 7:30 in the evening, in the month of April, on the 19th, I guess, Mr.

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Seidenberg seen us coming along the street. I remember it was on the first floor of the house, and through the window he saw us and made this way with his finger, that we should come up to the house. We came up to his house. He opened the door and took us into his parlor. He lighted the gas, not very big -- a little gas, and gave us chairs to sit down, and we took and sat down and so did Seidenberg. After we sat down he asked us, "Well, boys, did you bring the book along?" I said "Yes". He said "Hand it to me." I gave it to him.

BY MR. SPIELBERG:

Q I show you this book and I ask you if that is the book you gave to Seidenberg? A Yes.

Q Are you sure you gave it to him? A Yes.

Q Not Greenblatt? A No.

Q Whose book is this? A Mine.

Q Who wrote every word in this book? A I did.

Q Did Greenblatt ever have possession of this book? A No.

Q Go on, what did Seidenberg say to you? A I gave it to him in his hand. He asked me to read off things from the book, what was in it, and when I wanted to take it from him he said "Never mind, it is enough," he said "You can tell me all you know besides the book."

Q Did you read from the book? A After he handed it to me I read from the book, a couple of items.

Q Did Greenblatt read out of the book? A No.

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Q Did Greenblatt have the book in his hand? A No.

Q Did he take it out of his raincoat pocket? A No.

Q Where did you have it? A I had it in the back pocket of my coat.

Q How long have you had this little book? A I have had this book for about -- there was nothing in it -- writing --until the Saturday, at 4 o'clock.

Q You wrote all this Saturday morning? A No, Saturday after he left the place at 4 o'clock.

BY THE COURT:

Q Between 4 o'clock and the time you called upon him, you wrote all this? A Yes.

BY MR. SPIELBERG:

Q What happened then? A And I started to read this book for him and he said "Never mind reading. I have enough." Now, boys, all I want you to do for me is one favor, being you know Mr. Schlossman is a brother-in-law of mine which done me, you must have heard that he done me harm, by failing -- instead of failing later I failed sooner through Mr. Schlossman, being Mr. Schlossman", he said, "stopped me off a carload of stuff on the way and through that -- through Mr. Schlossman I have lost probably from four to five thousand dollars worth of goods which I am supposed to be getting in my place before I failed." He said "What I want you to do is to do me a favor, being I expect Mr. Schlossman, my brother-in-law, to get on the stand and testify

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things, all that he knows and what he heard -- that Mr. Seidenberg sold goods to Mr. Benjamin Gruber, a brother-in-law of his at 665 Second Avenue", and the moment he asked us that favor, I asked him "Mr. Seidenberg what do you want us to do for it." He said "All I want you to do is to say that when Mr. Schlossman gets on the stand and testifies all that, that I have sold goods to my brother-in-law Gruber, you should say that you don't know nothing about it", and the answer of mine to Mr. Seidenberg was that in case we will be called to court on the stand to testify upon that, I am not going to swear false for anything in this world, I am going to tell the truth, the truth from A to Z, whatever I know of about these affairs between Seidenberg and Gruber.

BY MR. SPIELBERG:

Q Did you ask Seidenberg for money on that occasion? A No.

Q Did you say it was cheap at \$600.? A No.

BY THE COURT:

Q Did anybody say that there? A No, sir.

Q The detectives did not hear that at all? A Well, I cannot tell whether they heard it or not being the --

Q If it was not said in that room you could not hear it?

A I don't think so.

Q Don't you know -- you did not hear it? A I did not say it.

Q Did you hear any one say it? A What?

Q Did you hear any one say it? A No.

Q Quite sure of that? A Yes.

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BY MR. SPIELBERG:

Q Now, Mr. Koppelman, did you do all the talking that you tell me now you did? A Yes.

Q Is it true as the detective, Seidenberg and Cohen testified, that you did not say a single word with the exception, perhaps of the words "It is cheap", is that so or not? A What is the question?

Q (The question is repeated)? A It is not true.

Q You read out of the book? A Yes.

Q You took the book out of your pocket? A Yes.

Q Are you living with Greenblatt? A No.

Q Are you working with him now? A No.

Q How long have you not worked together with Greenblatt?

A Since we left -- since we were locked up from the 19th of April.

Q Are you related to Greenblatt? A No.

Q What happened after that at Seidenberg's home that night?

A Mr. Seidenberg when the detectives came out --

Q Before they came out? A Mr. Seidenberg said "I want you to help me out in this way to say that Schlossman" -- that we shall say in case Schlossman goes on the stand and testifies all about goods sold to his brother-in-law Gruber, I said "I am not going to swear false for anything in this world, and I am going to tell the truth, whenever I get on the stand to testify all about your transactions as far as I know."

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BY THE COURT:

Q Come down to the money -- was there anything said that night about money at all?

BY MR. SPIELBERG:

Q Did you ask him for money? A No.

Q What was said about money by anybody? A Nether said anything, by me or Mr. Greenblatt.

BY THE COURT:

Q Who did say anything about it? A I don't know.

Q How many people were in the room? A Me, Greenblatt and Seidenberg.

Q You did not say anything about money? A No.

Q Greenblatt did not say anything about money? A No.

Q Did Seidenberg say anything about money? A After he was through with this conversation that he had he said "Boys, that is all I wanted to hear from you, and I thought I could get you to help me out in this way, but being you say that you won't do it, any way", he said "I know you for poor workingmen, I know you worked for me so long, and I know you worked for my brother-in-law, being honest and all that," he said "Here is something for you any way," and he told us to go home. The moment he gave us --

Q What did he do when he said "Here is something for you any way?" A He handed me something in my hand which I took, and I did not know what it was.

Q What did you think it was? A I did not think it was any-

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thing, just a roll of something which I had no time to look at.

BY MR. SPIELBERG:

Q Did you open it up and count it? A No.

BY THE COURT:

Q He said "Because you are poor I want to help you out" and he handed you something and you put it in your pocket, and you did not know what it was? A No.

Q Did you think it was a piece of candy? A I don't know what it was; I had no time to look at it.

MR. SPIELBERG: I object to that question.

THE COURT: He said he did not know what it was.

MR. SPIELBERG: There is no use reducing it to absurdity by asking him whether it was a piece of candy.

THE COURT: He said he did not know what it was.

MR. SPIELBERG: There is no occasion for asking him if it was a piece of candy.

BY THE COURT:

Q What did you think it was?

MR. SPIELBERG: It is not sufficient to take an exception. I am examining this man, and I do not think it is proper for the Court to ask any such question as to reduce this to an absurdity. I am trying this case and examining this witness.

THE COURT: Proceed.

MR. SPIELBERG: I except to this and I object to the question.

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THE COURT: Proceed.

MR. SPIELBERG: I now ask you to allow me to withdraw one juror, and declare this a mistrial, on account of the attitude of this Court in prejudicing this case by asking questions of that kind.

Motion denied. Exception.

BY MR. SPIELBERG:

Q After you had taken this roll, did you open it and count it? A No.

Q You put it in your pocket? A Yes.

Q Say anything? A No, sir.

Q Did Seidenberg say anything? A He told us to go out from the house.

Q Did the detectives come in at that time? A The same moment.

Q And put you under arrest? A Yes.

Q Do you remember which detective put you under arrest?

A I don't know his name exactly, but I can --

THE COURT: Let the detectives stand up.

BY THE COURT:

Q See if you can pick him out?

BY MR. SPIELBERG:

Q Which one was it? A The man with the brown mustache, I think.

Q Officer Phelan? A Yes, sir.

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Q Did he say anything to you when he put you under arrest?

A No.

Q Did you say anything? A No.

Q Did Greenblatt say anything? A No.

Q Did he take out a bottle from his pocket and say "I am here to talk about a patent" -- if he did, say so? A He did.

Q He took a bottle out of his pocket and said something about a patent? A Yes.

Q You did not say a word? A No.

Q Did Seidenberg say anything to you on your way downstairs?

A Yes.

Q What did he say to you? A Mr. Seidenberg, on the way going from his house to the station house said "Boys, I don't want you but I want really my brother-in-law Schlossman. If you will say that Mr. Schlossman sent us up to my house, you will go free, you won't have an hour in jail, and Mr. Schlossman is the man that I want."

Q Before you got this money did either you or Greenblatt say to Seidenberg "We have got enough to put you in jail"? A No.

Q Was that expression used? A No, sir.

Q Did you ever use the expression "Chances knock at each one's door once"? A No.

Q Did you ever use it? A No.

Q Either on Saturday or Thursday night? A I never did.

Q Did Greenblatt ever use that expression? A I don't know.

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Q Did you hear him use it? A Not the night that we were together.

Q Did you hear him use it? A No.

Q Did you tell Seidenberg Saturday evening that you were going to go and tell the receiver in bankruptcy about him concealing any assets? A No.

Q Did you use words to that effect? A No.

Q Or in substance? A No.

Q Did you tell him if he did not pay you you would go and see the creditors at that time? A No.

Q Did Greenblatt make any such threat? A No.

CROSS EXAMINATION BY MR. McCORMICK:

Q What did Greenblatt say about the bottle? A He took the bottle out of his pocket and he said to Mr. Seidenberg, "I am trying to come up and speak business about this bottle. It is a patent cap."

Q So Greenblatt went to see him about the bottle and you went to see him because he asked you to make this statement in a book, is that right? A He told me up in his house --

Q Wait, Greenblatt went to see him about the bottle? A I don't know what he spoke to Mr. Greenblatt, being he was back in the shop, but I know what he spoke to me.

Q Do you know why Greenblatt went to see him? A I don't know.

Q You know why you went to see him? A I do know.

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Q Because you say he asked you to come? A Yes.

Q He asked you to bring that book, and in that book was written all that you knew about these transactions with your employer -- what is his name?

A Yes -- Benjamin Gruber.

Q Where did you meet Greenblatt that night? A From the store.

Q Where is the store? A 665 Second Avenue.

Q That is near 36th street? A Near 36th street.

Q You lived in Brooklyn? A Yes.

Q So does Greenblatt? A No.

Q Where does he live? A Up in the Bronx.

Q How was it you two men happened to meet him in front of his house Thursday night? A Mr. Greenblatt told me that he is going to Seidenberg's house. He asked him to come up on the same time as he asked me, and I said "Well, we will go together."

Q When was it that evening that you were arrested that Greenblatt talked about the bottle to Seidenberg? A That was Saturday night at Mr. Seidenberg's house.

THE COURT: After his arrest?

BY MR. McCORMICK:

Q After the arrest or before the arrest? A That was at the moment when he was arrested -- when we were arrested.

BY THE COURT:

Q You saw the detectives? A Yes.

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Q You had the money? A Yes.

Q You knew it was money, didn't you? A I did not look at it.

Q Did you know it was money? A After it was taken I knew it was money.

Q When you first took it and put it in your pocket you did not know what it was? A I never looked at it.

Q Did you know what it was? A I did not.

Q Did you have any idea of what it was? A No, not at all.

Q You simply took something and put it in your pocket?

A Yes.

Q As soon as the detectives came in the room, then Greenblatt said "I have come here to sell a bottle"? A Yes.

Q And never before, not before the passing of the money?

A He spoke to him about business, about this bottle.

Q He did? A Yes.

Q Why didn't you say that -- tell us now what was said about that bottle and when? A That was Saturday night.

Q During what part of the interview -- you said you did all the talking and Greenblatt did not do any -- when did Greenblatt do this talking about the bottle? A Right after I was through he said "How about this bottle, this patent cap."

Q That was before the detectives came in? A Yes.

Q Before you knew there were detectives there? A Yes.

He took it out of his pocket and showed it how it was, how that bottle cap works.

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BY THE COURT:

Q After the detectives came in he then took it out again and said "I am here to talk about a bottle"? A Yes.

Q So he said that twice? A Yes.

Q Once before he was arrested and once after? A Yes.

BY MR. McCORMICK:

Q What did he say about the bottle? A He said "This is a patent, I am going to improve" -- and Mr. Seidenberg has told him he wants to go in partnership with this bottle patent, and he came up to speak that over with Mr. Seidenberg.

BY THE COURT:

Q When was the partnership going to begin? A That I do not know.

Q You knew Seidenberg was a bankrupt, didn't you? A Yes.

Q An involuntary bankrupt? A Yes.

Q Had he been discharged yet? A No.

Q You know something about bankruptcy? A I do understand a little.

Q What does it mean? A It means -- I cannot explain it exactly.

Q Tell us, you said you knew what it meant, tell us? A A man goes into bankruptcy being he cannot come up with paying bills, &c., he is short of money to pay his bills, and people put him in bankruptcy.

Q While that is going on can he go into business in another

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place? A I don't know.

Q Start right up? A I don't know.

Q You don't know that he is supposed to give up all he has to the Court to be divided among his creditors, A I don't know.

Q You don't know that, A No.

Q Then you do not know much about bankruptcy? A No, I said I knew a little as far as I can see it.

Q You did not think it was a crime to withhold assets -- and did not know a man was supposed to give up all his property? A No.

Q And if he secreted any property, or sent it to his brother-in-law, it was a crime, you did not know that? A No.

MR. SPIELBERG: It is not the law that he is supposed to give up all his property.

THE COURT: All except that which is exempt under the law. But, that does not exempt merchandise. It does not exempt soldier -- he has to give up all his soldier.

MR. SPIELBERG: Yes.

THE COURT (to the witness) You understood what I meant?

THE WITNESS: Yes.

MR. SPIELBERG: You said all he had.

THE COURT: There are some things he is allowed to keep for his family use, but his merchandise, if a man is being put in bankruptcy against his will, you understand it is unlawful for him to send some of his merchandise, his soldier,

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if he is a solder dealer, to his brother-in-law, instead of giving it all to the Court -- don't you know that is against the law?

MR. SPIELBERG: I object to that question. There is no such proof in this case that he sent it after the receiver was appointed, or after the bankruptcy.

THE COURT: Or in contemplation of bankruptcy.

MR. SPIELBERG: There is nothing unlawful sending stuff to his brother-in-law and getting money for it, and delivering it over to the receiver, and this witness is not an expert on the bankruptcy law.

THE COURT: I ask him if he knows.

BY THE COURT:

Q Do you know that? A What is that?

Q Do you know that a bankrupt must give up his assets, his merchandise to the Court, to be divided among his creditors?

A After he is a bankrupt, yes.

Q And not while they are in the act of declaring him a bankrupt? A I don't know -- as much as I understand, a man can sell his goods until the moment he is put into bankruptcy.

MR. SPIELBERG: I object to these questions, and ask that both questions and answers be stricken out.

Motion denied. Exception.

MR. SPIELBERG: There is no such thing as an act of declaring him in bankruptcy. The evidence shows there was an

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involuntary petition, so there could not have been any contemplation in anybody's mind, to conceal any assets.

BY MR. McCORMICK:

Q You knew that Seidenberg was sending goods that belonged to him, to your employer? A Yes.

Q And it was memorandum in relation to that that you put down in that book? A Yes.

RE-DIRECT EXAMINATION BY MR. SPIELBERG:

Q Did you think that sending goods by Seidenberg to Gruber was a crime?

Objected to. Objection overruled.

A No.

Q Did you ever go into bankruptcy yourself? A No.

Q How long have you been in this city? A Eight years.

Q In the country? A Eight years.

Q Eight years in this country? A Yes.

Q What have you been doing during those eight years?

A Working straight along in this line of plumbers and tinmiths' supplies.

Q Where did you lose your fingers? A Before I started in --

THE COURT: It is immaterial where he lost his fingers.

BY MR. SPIELBERG:

Q You were never arrested in your life? A No.

BY THE COURT:

Q Why did you write these things down here if you thought

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they were perfectly proper transactions? A Being Mr. Seidenberg asked me to, and I did not understand him what it was for, and I marked all these things down in the little notice book.

Q Where did you get the information, A Being I received all that goods and the goods was marked with Seidenberg's name on the cases.

Q When you received it you did not write or make any memorandum of it at all? A No.

Q It was not your business to? A No.

Q You receive every day lots of consignments? A Yes.

Q Did you make a memorandum of any one else? A I had that on my mind.

Q All the things you receive? A Yes.

Q So that as soon as he, about the 19th of April, told you to write out all the things of this kind, you knew them? A Yes.

Q Didn't have to look at any books or anything else? A No.

Q You just wrote them in the book? A Yes.

Q He did not tell you why he wanted them? A No.

Q And he wanted them in a book? A Yes.

Q In this notice book? A Yes.

Q Did not want it on a sheet of paper or a memorandum? A No.

BY MR. SPIELBERG:

Q Do you know if he said anything to your boss about these goods?

Objected to. Overruled.

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Q In your presence did he say anything to your boss? A Not that I remember.

Q You did not hear him say anything? A No.

RUBIN GREENBLATT, called as a witness in his own behalf, being duly sworn and examined, testified as follows:
(1205 Tinton Avenue, Bronx).

DIRECT EXAMINATION BY MR. SPIELBERG:

Q See if you can talk up so that we can all hear you -- are you a married man? A No.

Q You are living up in the Bronx? A Yes.

Q And Koppelman lives over in Brooklyn? A Yes.

Q You are not related to him?

THE COURT: The defendant Koppelman has testified to that. What is the use of repeating it.

BY MR. SPIELBERG:

Q You are not related to Koppelman? A No.

THE COURT: I will exclude those questions as having been already answered by the other witness.

BY MR. SPIELBERG:

Q On the 19th day of April, 1913, did you work for Gruber?

A Yes.

Q How long had you been working for him at that time?

A Two years.

Q At the same place? A Yes.

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Q How long do you know Seidenberg? A The same time.

Q How long do you know the other brother-in-law, Schlossman? A About seven years.

Q Now, coming down to two days before the 19th day of April, how did you happen to be in front of Seidenberg's place, tell me what made you go there? A Well, Mr. Seidenberg came in the night before and saw me and Koppelman there and he said -- a couple of nights ago -- he said "Listen, boys, I want to speak to you some business," and we did not get a chance during this time to go to him, and so on Thursday night I said "Sam, are you going to Seidenberg's to-night," and he said "Well, we will take a ride down" and from Gruber's place we took the El. and went down right near Seidenberg's residence, and we met Seidenberg downstairs.

Q Did you have a talk with him, did you have a conversation with him? A We had a little conversation with him.

Q Tell just what he said and what you said, as near as you can remember? A He said "Boys, I would like to speak to you, and I think you know a whole lot about my affairs, and I would like you to tell me a few things that you know." So I started to tell him a few words.

Q What did you tell him? A I said "Well, Mr. Seidenberg, we know you know about this solder that came into Benjamin Gruber, and we know about solder coppers from M. T. Hungerford, and we also know about the galvanized iron, and being we spoke to Seidenberg,

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Cohen passed by -- on the corner of 121st street.

BY THE COURT:

Q What avenue? A That was on 3rd avenue -- on Park avenue and he said "Well, boys, I don't think it is necessary for you to stay here, because Cohen is coming. I have great troubles with Cohen now. You know, after keeping him eleven years he demands \$5,000. of me now, and of course I offered him less, \$2500., and I don't think he will take it, I think I will make it for three thousand", and as soon as Cohen came over he said "Boys, come, I will see you some other time", and we left. Cohen came over there and we left. We said "Hello" to Cohen, and we went away.

BY MR. SPIELBERG:

Q Did you ask Seidenberg for \$600. that evening? A No.

Q Did you tell Seidenberg that evening that unless he gave you \$600. you would go to the police or to the creditors or to the receiver? A No, never did.

Q Did you threaten him in any way at all? A No, not at all.

Q Now, did you see Seidenberg on Friday? A I did at Gruber's place, 665 Second Avenue.

Q At Gruber's place? A Yes.

Q Did you have a talk with him? A He only came in. It was at 6 o'clock -- I had to go out, he said "Hello, Rubin" and left.

Q Thursday night did you make an appointment to go back to Seidenberg's home on Saturday night? A No.

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Q Did you see Seidenberg on Saturday? A I did.

Q Were you with Koppelman at the time? A No, sir.

Q Did Seidenberg talk to you? A He did.

Q What did he say to you? A First he stood about ten or fifteen minutes in the front of the store and then --

BY THE COURT:

Q You mean in the front of Gruber's store? A Yes. Then he came over to me and he said "Hello, Rubin, what are you doing, working hard?" I said "I am working." He said "Rubin, don't forget I want to see you to-night. So is Sam coming up to-night?" I said "What about?" He said "I will talk to you there. Come with Sam together."

Q Is that all he said? A That was all he said.

Q Sure of that? A "I want to speak to you very important." I said "What about." He said "I will speak to you to-night."

Q He did not tell you what it was about? A No, did not tell me nothing about it.

BY MR. SPIELBERG:

Q Were there other people working in the place? A There were some people working, but were not present when Seidenberg spoke to me.

Q Did you go to his place that night?

BY THE COURT:

Q This was between you and Seidenberg? A Yes.

Q That was all he said? A All he said.

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Q Sure of that? A Very important -- I should not fail to come. I should not come later than 7 o'clock.

Q He would not tell you why he wanted to see you? A He said it is very important.

Q You asked him why he wanted to see you? A Yes, he said "It is very important, and so is Sam coming", and when Seidenberg left, Sam came to me and he said "Rubin, what did he tell you." "He wanted to see me and you to-night, very important, and I think we will take a ride down to-night" -- we were only working till 5 o'clock.

BY MR. SPIELBERG:

Q Did you go up that night? A We went Saturday night.

Q Before you went there, before that Thursday that you had seen him, did you have some talk with Seidenberg in reference to some patent article that you had? A Yes.

Q Tell us that conversation?

THE COURT: When was this -- he said that was everything that was said.

MR. SPIELBERG: That was before that time.

THE WITNESS: About three weeks before. Seidenberg came in and said "Hello, Rubin, I here you are making a patent for a bottle cap, why don't you show me that. I am acquainted with Jacob Ruppert, if I go up there I think I will do business." I said "All right, Mr. Seidenberg," and I took out of my pocket a movable cap. He looked and he

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said "Very good idea. I think I will invest a thousand dollars, can you manufacture that?" I said "Certainly. We can order dies and a machine for it, and manufacture them, and we can sell them at the same price as they sell plain caps." He said "Well, I think I will speak to you about it some other time."

BY MR. SPIELBERG:

Q That was before he went into bankruptcy? A Yes, before he went into bankruptcy.

Q Three weeks before? A About three weeks -- not exactly.

Q Perhaps two? A Two or three weeks before. I couldn't remember exactly.

Q On that Saturday evening when you came up to his house, tell me exactly what happened, as nearly as you recall, all the conversation? A I came there about seven or half past seven. We came over to Seidenberg's residence, and Seidenberg looked through the window and made with his finger come up. We did not hear him, but only made this with his finger, and we came up and the door was open. He took us in the parlor and he lit a small gas -- sitting down by us. Seidenberg said "Sit down" and we took two chairs, and so was he sitting down and he said "Well, boys, I want to speak to you a few words. What do you know about my business." The first question was "Sam, have you got the books." He said "Yes", and he took out a little book and gave it to Seidenberg.

BY MR. SPIELBERG:

Q Did you ever have this book in your possession? A No.

Q Can you write English? A I could a little.

Q Did you write a single line in this book? A No.

Q Did you have it that evening in your hand? A No, sir.

Q Did you take it out of your raincoat? A No, sir, I never did.

Q Did you read out of the book to Seidenberg? A Not at all.

Q Who read? A Just a few items.

Q Who read them? A Sam Koppelman.

Q He held the book in his hand at the time? A Yes, and then Seidenberg said "I have got enough." "Now boys", he said, "You know that goods came in to Gruber a couple of days before failing." We said "We know all that." He said "You know all I want you to do for me is one favor, in case I went into bankruptcy -- I made about \$85,000. and I could make more if Schlossman had not stopped me with a car of iron and some brass fittings." I said "We don't know" and then he said "In case this thing here-- I don't think it will ever come to court, but all I want from you boys, in case this comes to court will you deny all that Schlossman will testify that the goods came in to Gruber." I said "No, sir, Mr. Seidenberg, in case it comes to court we will have to tell the truth, because I work there, and I remembered myself when Gruber came to me and said 'Rubin, there is twenty cases of solder on the floor, I want you to put them in the back and put

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tin on top of that', and I obeyed Gruber's orders, and did so, so they would not be seen. Always solder used to stay in front and he told me to put it in the back, and put tin on top, and so I did. I said "Mr. Gruber, what is the use of taking solder in the back, and you will have to keep"--

THE COURT: Never mind that, tell us what happened in the room that night?

A That was about all that happened.

BY THE COURT:

Q Didn't you get anything from Seidenberg? A Yes, sir, then--

Q Tell us about that?

BY MR. SPIELBERG:

Q Did you ask Seidenberg for money, A I did not.

Q Did you say to him that \$600. was not enough, it was worth a thousand? A Not a word mentioned about it.

Q Did Koppelman make any such statement? A No.

Q Did you say to him "I have got enough in this little book" holding it up in your hand? A I never had the book in my hand.

Objected to. Objection overruled.

Q Did you hold up the little book in your hand and say "I have enough in this book to send you to jail"? A I never had the book in my hand.

BY THE COURT:

Q Did you say that, yes or no? A No.

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BY MR. SPIELBERG:

Q Did you say you were going to go to the receiver appointed by the creditors and tell them all about it? A No.

Q Did you say you were going to go to the creditors unless you got money? A I did not.

Q Did you charge Seidenberg with any crime? A Not that I know.

Q Do you know if you did or not -- did you charge him with any crime, did you charge that he committed a crime of some kind?

A I did not tell him, not a word about it.

Q Tell me just how this money came to be passed over to you?

THE COURT: He said nothing about any money being passed over.

BY MR. SPIELBERG:

Q Did you have a roll of bills or something supposed to be a roll of bills? A After this conversation Seidenberg came over and put his hand in his pocket and took out one roll of -- with a rubber band around it --

THE COURT: Let us have the exhibit. Show it to him.

BY THE COURT:

Q Is that what he took out? A That was what he took out, and then from another pocket -- he had two rolls, and there was a rubber band around them.

Q You knew what it was he took out? A He took out two bundles.

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Q You saw him take it out? A I saw on the edge of that, a rolled up bundle.

Q Did you see it was money?

BY THE COURT:

Q What was it he took out? A I think I could tell it was money, but it was rolled up, just the edge.

BY MR. SPIELBERG:

Q It looked like money to you? A No, only had it like that-- I saw the roll in his hand.

BY THE COURT:

Q What did you think it was? A May be it was money. I was figuring --

Q You knew it was money? A Not exactly, because he had it like this.

BY MR. SPIELBERG:

Q You thought it was money? A Yes, I think I did know it was money.

BY THE COURT:

Q He gave it to you? A First to Koppelman.

BY MR. SPIELBERG:

Q What did he say before he gave it to Koppelman? A He said "Here, Koppelman, here is for you, beat it. I expect company here," and then he gave to me, and I did not get a chance to get hold of that roll, it dropped down on the floor, and two detectives came out from the next room and said "You are arrested"

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and we did not say a word and went down.

BY MR. SPIELBERG:

Q Did you take a bottle out of your pocket? A Yes, sir, I forgot to mention that, I took -- before I spoke to Seidenberg about a cap -- I said "Seidenberg, how about investing money in this cap." He said "Well, I think it would be a very good idea" and then Sam started to read the book, and we stopped conversation about the cap, and as soon as the detectives came out, then they had me arrested and I took out the bottle and I said "I am trying to speak to him about the cap." That was the words I said.

BY MR. SPIELBERG:

Q "I was trying to speak to him about a cap"? A About a movable cap. Mr. Cohen opened the door and run in, and he said "I heard the conversation, boys" and we walked out. On the way down Cohen came over to me and he said --

BY THE COURT:

Q Cohen or Seidenberg? A Cohen, and Seidenberg was also with him and he said "Listen, boys, don't think we are looking for you. We don't want you. All we want is Schlossman, we want Schlossman. He put me in bankruptcy. If not for Schlossman I would get about four or five thousand dollars more goods. You know he stopped me a car of iron, and did me a lot of harm, and all I want you -- I take you to the station house 126th street, and he said all I want from you if they ask you who sent you up,

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say Schlossman sent you up"-- and we did not know anything about it -- "that Schlossman told us to come up to you." I said "I will not say Schlossman sent me up. I never saw Schlossman for a long time, and we only came up here that you called me on Saturday; you were in Gruber's store and told me to be up, and that was the only reason made me come up here."

BY MR. SPIELBERG:

Q Were you ever convicted in your life of any crime?

A Never.

Q Never arrested in your life? A No.

Q Did you on Thursday evening or Saturday, use the expression "Chance knocks at each man's door once" -- did you ever use that expression? A Never, I even don't know now what is the meaning of that. I never used it.

CROSS EXAMINATION BY MR. McCORMICK:

Q Didn't you say that night up at the complainant's house, that Saturday night "Now, we come up here to settle this affair"--- didn't you say that? A I did not.

Q "And this thing can be done for \$600.?" A I did not.

Q Did not Seidenberg say to you "What have you got"? A He did not.

Q You had that book with you? A I did not.

Q Koppelman, you say, had it? A Koppelman had the book.

Q Didn't you say "I have a book here with a list of stuff, and have enough stuff in this book to send you to jail? A I did

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not, because I did not have the book.

BY THE COURT:

Q How many people were in that room? A Me and Keppelman and Seidenberg.

Q So anything that was said there must have been said by Seidenberg or by you or by Keppelman? A That was the only people that was there with the exception of the detectives in the back.

Q They came in later, you did not know they were there?
A No, I did not.

Q You were very much surprised when they came in? A That is right, I never expected Seidenberg would play a trick on me like that, to have somebody in the house.

Q Cohen was in another room? A He was not in the room, he was out in the hall.

Q He came in after the policemen? A After the policemen he opened the door and he said "I heard the conversation."

BY MR. McCORMICK:

Q Tell us just how this money was given to you and Keppelman? A Seidenberg came over and said "Boys, now here is" -- he had two rolls, took them out from his pocket and said "Here, Keppelman, beat it, I expect some company here," and before I had a chance to get the money it fell on the floor, and the detectives came out.

Q You took the money from him? A He dropped it on the floor.

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Q Didn't it touch your hand? A I didn't get a chance to get hold of it. It fell on the floor and they picked it up.

BY THE COURT:

Q Show us how it fell on the floor?

BY MR. McCORMICK:

Q How did you take it from him?

BY THE COURT:

Q Show us how you took it? A He came over and said "Here, Sam, beat it" and then came to me.

Q What did you do? A I did not get hold of it, it fell on the floor. I don't think I had it in my hand.

Q The detectives came in too quick? A They came in too quick and may be I would take it if they would not run in so quick. I did not get hold of it, and it fell on the floor.

Q Why didn't you take it when the detectives came in -- it was all right to take it, what difference did it make whether they were there or not? A I didn't know whether he was giving me any money.

Q What difference did it make whether the detectives were there or not? A I did not know they were detectives.

Q What difference did it make whether anybody was there or not and saw you take the money, if it was all right to take it? A I couldn't understand that question.

Q Why did you drop it on the floor as soon as the detectives came in -- you said if the detectives had not come in so

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quick you would have taken the money? A May be I would take it.

Q You said you were about to take it, and had it just in your hand and dropped it? A He did not pass it far enough so I could get hold of it.

Q You saw him give the money to Koppelman? A A roll, I did not know what it was.

Q Didn't you know what it was? A Only looked at it and it was a roll.

Q Did you know what was in it? A I did not know exactly, but I think it was money.

Q You thought it was money? A Yes.

Q You were willing to take it? A I did not know if it was money or not.

Q He did not force you to take it? A No, he gave it to Sam and I did not get a chance to take it, and it fell on the floor.

Q You said a minute ago that you would have taken it if the detectives had not come in, do you want to withdraw that? A He did not pass the money far enough.

Q You were not willing to take it? A May be if nobody had come out, may be I would take the money.

Q What difference did it make whether anybody was there or not, I ask you? A I don't know the difference.

Q You did not care if anybody saw you take it -- did it make any difference to you whether anybody saw you take it or

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not? A I did not get a chance to take it before they picked it up.

RE-DIRECT EXAMINATION:

Q Before the detectives came in everything was quiet between the three of you? A Yes, everything was quiet.

Q Suddenly the portieres were cast aside, and two men jumped out? A Yes, and I got frightened and the money fell on the floor.

Q Two men jumped in? A Yes.

Q Did not walk in and knock at the door first? A No.

Q Tore the portieres aside? A Yes, sir, and then run in and I got frightened and the money fell down.

Q Somebody said "You are under arrest"? A Yes.

Q The money fell on the floor? A Yes.

Q You may have dropped it for all you know? A Yes, I may have dropped it.

Q In the excitement of the moment? A Yes.

Q You were excited? A I was very excited seeing them jump in.

BY THE COURT:

Q Did not Seidenberg say to you "I know you are a poor honest young man, I want to help you along"? A Not a word.

Q Did not hear him say that? A No.

Q Not even to Koppelman? A Not even to Koppelman.

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BY MR. McCORMICK:

Q Didn't you have the money in your hand and try to put it in Koppelman's pocket? A No.

Q After the officer came in? A As soon as the officer came in --

Q You heard the officers swear to that? A I did -- as soon as they came in they picked up the money from the floor and said "Oh, we know your scheme, you were trying to put it in Sam's pocket" and I said "No, sir."

BY THE COURT:

Q They said you were trying to put it in Sam's pocket?

A "You are a smart fellow, you are trying to put it in Sam's pocket."

Q Did they say Sam, did they know Sam's first name? A No, "You were trying to put it in this fellow's pocket", not Sam's.

Q This fellow meant Sam? A There was no other one but me and Sam Koppelman.

BY MR. McCORMICK:

Q When you were going out of there, did you see Koppelman put his hand in his pocket and take out the roll, the roll of bills, and hand it to Officer Deishly? A Yes, sir.

Q Sam had his money in his pocket? A Yes.

BY THE COURT:

Q Where did this conversation with Cohen take place about Schlossman? A The corner of Park Avenue between 121st and 122nd.

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Q Who was present? A Sam Keppelman, J. M. Seidenberg, two detectives and Rubin Greenblatt. That was the only people that was there.

Q What did he want you to tell about Schlossman? A He said "Now listen"--

Q Did he tell you what he wanted you to tell? A Yes.

Q What did he say? A He said "Now listen, boys, we don't want you, all we want is that Schlossman. He made me -- he stopped me a car of iron."

Q You said Cohen told you this? A Both spoke up.

Q Tell us what Cohen said? A Cohen said "Schlossman made me stop a car of galvanized iron, and on account of him I did not get four or five thousand dollars worth of goods."

Q Cohen did not get them? A Seidenberg did not get them.

Q I ask you what did Cohen say? A Cohen spoke up for Seidenberg.

Q What did he want you to say about Schlossman, did he tell you? A Yes, that Schlossman sent us up"-- in case it comes to court we should say Schlossman sent us up.

Q You had not done anything wrong in the room? A No, nothing wrong.

Q Then what harm was it for Schlossman to send you up there? A He said we should go to work and say Schlossman sent us up there.

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Q You did not do any wrong going up there? A No, as I can look into it.

Q Why should he tell you to say Schlossman sent you up there? A That was what he told me. That is what I explained -- that I should say Schlossman sent me up.

Q Sent you up where? A To his house.

Q This was the time when you were arrested? A Yes, and I said "I will never mention the word -- never saw Schlossman for about eight months, and he did not send me. I only came up here because you called us, and that was why I came up."

BY MR. SPIELBERG:

Q Schlossman, as matter of fact, did not send you there?

A No.

Q He did not know you were going up there? A He did not.

THE COURT: He said he did not send him.

THE WITNESS: He did not send me, and I did not see Schlossman.

BY THE 5TH JUROR:

Q Did you speak English the whole night, or Jewish? A I only spoke a few words.

Q In English or Jewish? A English.

Q When you talked with Seidenberg, was it in English or Jewish? A The little talk we had was --

Q On Saturday night?

THE COURT: In the room or on the corner?

THE WITNESS: In the room.

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BY THE 5TH JUROR:

Q In the room, in the house? A The few words we said were said in English.

BENJAMIN GRUBER, called as a witness in behalf of the defense, being duly sworn and examined, testified as follows:

(Residence 33 Beekman Place).

DIRECT EXAMINATION BY MR. SPIELBERG:

Q What is your business? A Tinsmiths' supplies.

Q That is, you supply plumbers with their material, is that right? A Yes.

Q In the month of April, 1913, were you in the same business as your brother-in-law Seidenberg? A Yes.

Q He was a tinsmith supply man also -- he dealt in tinsmiths supplies? A Yes.

Q Both of you were buying from the same people, from the big iron and tin factories? A There is many. I don't know if he bought from the same people, but he bought.

Q Did you ever buy any stuff from him during the years you have been in business? A Yes.

Q But you bought stuff the last two months he was in business?

Objected to as immaterial. Overruled.

THE COURT: I have told counsel that it makes no difference whether Seidenberg was a criminal or not, whether he

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was guilty of a crime or not.

MR. SPIELBERG: But if he was, he might put these people in a predicament in order to save himself.

THE COURT: That may be considered.

MR. SPIELBERG: We see every day men plead guilty and talk about somebody else, in order to get out.

THE COURT: Yes.

BY MR. SPIELBERG:

Q Do you know Sam Keppelman? A I do.

Q How long have you known him? A Well, about four or five years.

Q Do you know other people who know him, business people who know him? A There is many people that know him.

Q Do you know what his reputation is for honesty, do you know his reputation, A I knew he worked for me.

Q He worked for you? A Yes.

THE COURT: Is not this the man he worked for -- he said he worked for him for seven years, didn't he?

MR. SPIELBERG: No.

THE WITNESS: He worked for me once.

BY THE COURT:

Q Where was your place of business? A In the same place where I am now, 665 Second Avenue.

Q Keppelman worked for you? A Yes.

BY MR. SPIELBERG:

Q Did he work for you at the time your brother-in-law went

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knto bankruptcy?

BY THE COURT:

Q How long did he work for you? A He worked for me once I think seven or eight months, and then he came back and worked for me I think about a year and a half or two years.

THE COURT: I think he said himself he worked for seven years.

THE WITNESS: That was Greenblatt.

BY MR. SPIELBERG:

Q Did Greenblatt work for you? A Yes.

Q How long? A In all --

Q About? A About five years or six years, I don't remember exactly.

Q How did you find Greenblatt, honest or dishonest? A As long as he worked he was honest.

Q How did you find Koppelman? A I found him honest.

Q Did you talk to other people about Koppelman, to other employes or other business people? A I heard nothing against him.

BY THE COURT:

Q Did you ever hear anything bad about him? A I did not.

Q You heard good things about him? A I did not hear good or did not hear bad.

BY MR. SPIELBERG:

Q You trusted Koppelman with your business? A Yes.

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Objected to. Overruled.

THE WITNESS: As long as he was in my employ I trusted him.

BY MR. SPIELBERG:

Q You found him all right? A Yes, I found him honest.

Q He was in your employ until the day he was arrested? A Yes.

(No cross-examination).

M A X K R A U S S, called as a witness in behalf of the defense, being duly sworn and examined, testified as follows:

(Residence 819 Trinity Avenue, Bronx).

DIRECT EXAMINATION BY MR. SPIELBERG:

Q What is your business? A Bookkeeper.

Q Who do you work for? A Benjamin Gruber.

Q How long have you been working for Gruber? A Almost two years.

Q You are the only bookkeeper he has? A Yes.

Q Did Gruber buy any merchandise from Seidenberg prior to the 19th day of April?

Objected to.

THE COURT: Excluded as immaterial. Exception.

Q Did you hear any conversation between Seidenberg and Gruber?

Objected to.

Q In reference to these two defendants? A Not between Seidenberg and Gruber, no.

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Q Between Seidenberg and yourself? A Yes.

Q Did Seidenberg talk to you about it? A Yes.

Q What did he say about it? A He said that, after they were arrested that was -- he said if these two boys would say that his brother-in-law Schlossman, the man that sent them up there, that these boys could go free.

BY THE COURT:

Q Did you know what he meant by that, sent them up there?

A Yes, I did.

BY MR. SPIELBERG:

Q Did he tell you what he had against Schlossman?

Objected to as immaterial. Excluded. Exception.

MR. SPIELBERG: It is leading up to the entire thing, why he wanted to get Schlossman.

THE COURT: No.

MR. SPIELBERG: What harm Schlossman has done him, which corroborates the testimony of my clients.

THE COURT: If your clients did not do anything wrong there, it was not wrong for Schlossman to send them up. The question is what they did in that room.

MR. SPIELBERG: That is not the point.

THE COURT: That is the point according to my ruling in this case.

BY MR. SPIELBERG:

Q Did Seidenberg say to you at the time -- give me the entire conversation?

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Objected to as immaterial. Overruled.

Q Give me the entire conversation, just what he told you?

A Seidenberg came into my office and he said now --

Q How long after the arrest was that? A Several days, about three or four days, and he said "Now I have got these boys where I want them. If they say Schlossman is the one that sent them to my house, they can go free and I will send Schlossman up where he belongs."

BY MR. SPIELBERG:

Q What else did he say? A He claimed Schlossman stopped a car of sheet iron from him which he was supposed to get prior to his failure.

Q From whom, did he say? A From a certain mill.

Q Did he mention the name of the mill? A No, he did not -- and, in that way, he can get Schlossman.

Q Louder? A By arresting these boys, if he can get them to say Schlossman sent them up to his house, he can have Schlossman arrested on the charge that they were arrested for.

Q Before these boys were arrested, did you see Seidenberg in your shop? A Yes.

Q How often did he come there? A Several times a day some times, and pretty near every day.

Q And talked to Gruber? A Yes.

Q Did you see any merchandise come to your place billed to Seidenberg and delivered to your place?

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Objected to as immaterial. Excluded. Exception.

Q Did you see Seidenberg there on the Saturday upon which those two men were arrested? A Yes.

Q What time of the day did you see him? A I am not positive about the time, must have been between 12 and 1, if I am not mistaken.

Q Did you hear Seidenberg talk with Koppelman? A Yes.

Q Whereabouts was he, talk up? A Right in front of the office.

Q Where your desk is? A I was inside of the office.

Q What did he say? A He said "Are you coming up to my house to-night."

Q What did Koppelman say? A He said "Yes, I will try to be up."

BY THE COURT:

Q That was all you heard? A Yes.

BY MR. SPIELBERG:

Q Was Greenblatt there at that time? A He was in the rear of the store.

(No cross-examination).

BENJAMIN SAMUELS, called as a witness in behalf of the defense, being duly sworn and examined, testified as follows:

(894 Beck Street, Bronx)

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DIRECT EXAMINATION BY MR. SPIELBERG:

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

Q Where? A I am at 173rd street and Hoe Avenue.

Q Which one of the two defendants do you know? A I know Rubin Greenblatt.

Q How long have you known him? A About four years.

Q Do you know other people who know him -- do you know people who know him? A I know Mr. --

BY THE COURT:

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

BY MR. SPIELBERG:

Q Do you know what his reputation is as to honesty? A I certainly do.

Q What is it? A Very honest, good in character.

Q You know him personally? A Yes.

Q He is an honest man? A An honest man, yes.

(No cross-examination).

M A R C U S S C H L O S S M A N, called as a witness in behalf of the defense, being duly sworn and examined, testified as follows:

(Residence 208 East 34th street)

DIRECT EXAMINATION BY MR. SPIELBERG:

Q What is your business? A Selling plumbers' materials.

Q The same kind of business Gruber is in? A About the same.

Q And the same as Seidenberg? A Yes.

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Q In the month of April, 1913, were you on good terms with Seidenberg? A No.

Q Do you know Mr. Koppelman? A Yes, I know him.

Q How long have you known him? A About five or six years.

Q Do you know other people who know him? A Other people who know him?

Q Yes? A I suppose Gruber knows him, and other people.

BY THE COURT:

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

BY MR. SPIELBERG:

Q Did he ever work for you? A He worked for me lately.

BY THE COURT:

Q Did he work for you or not? A He did.

BY MR. SPIELBERG:

Q How long? A About a couple of months.

Q How did you find him, honest or dishonest? A I found him honest.

Q Do you know what his reputation is among the people who know him? A I don't understand you.

Q Do you know what his reputation is? A His reputation is good.

Q Do you know Greenblatt? A Yes.

Q Did he work for you? A He did not.

Q Do you know what his reputation is? A Yes.

Q What is it? A Honest.

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Q Honest man? A Honest man.

Q Do you know other people who knew him? A Yes.

Q How long do you know Greenblatt? A About eight years.

BY THE COURT:

Q You never told either of them to do anything wrong? A No.

Q They did not go up and get any money for you? A No.

Q You never told them to go up and get any money from Seidenberg? A No.

(No cross-examination).

C H A R L E S L E R N E R, called as a witness in behalf of the defense, being duly sworn and examined, testified as follows:

(2114 Atlantic Avenue, Brooklyn).

DIRECT EXAMINATION BY MR. SPIELBERG:

Q What is your business? A Jeweler.

Q Shoemaker? A Jeweler.

Q Do you know Samuel Koppelman? A Yes.

Q How long have you known him? A About six years.

Q Where do you live? A Atlantic Avenue, Brooklyn.

Q Do you live in the same neighborhood that he lives in?

A It is very near.

Q Do you know other people who know him? A There is lots of people that know him.

Q Do you know what his reputation is for honesty? A Very fine.

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BY THE COURT:

Q His reputation is good? A Pretty good.

BY MR. SPIELBERG:

Q Do you know Seidenberg, the complainant? A No.

Q You don't know him? A I never met him.

THE COURT: Where is Seidenberg.

(The complaining witness Seidenberg stands up in the court room).

BY THE COURT:

Q Do you know him? A No. I know the other fellow.

BY THE COURT:

Q Which other fellow? A Greenblatt.

BY MR. SPIELBERG:

Q You know Greenblatt? A Yes.

Q How long do you know him? A About the same time.

Q Do you know other people who know him? A Yes.

Q Do you know what his reputation is for decency and honesty? A The same as the other, pretty good reputation.

(No cross-examination).

B E R N A R D A P T E R, called as a witness in behalf of the defense, being duly sworn and examined, testified as follows:

(Residence 216 East 67th street, Manhattan).

DIRECT EXAMINATION BY MR. SPIELBERG:

Q What is your business? A Selling plumbing materials.

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Q For whom? A For myself.

Q Do you know Mr. Koppelman? A Yes, I know him.

Q Do you know Mr. Greenblatt? A Yes, I do.

Q How long do you know both of them? A I know them for the last six years.

Q What was Samuel Koppelman doing the last six years? A He was once employed for Mr. Ruby.

Q Do you know other people who knew him?

BY THE COURT:

Q You have known him for six years? A Yes.

BY MR. SPIELBERG:

Q Do you know other people who know these two men? A Business men, yes, I know them.

Q Do you know what the reputation of Koppelman is? A I know him to be honest.

Q Do you know what his reputation is, what other people say of him? A That he is honest.

Q What do they say about Greenblatt -- do you know his reputation? A Yes.

BY THE COURT:

Q Is it good or bad? A To be honest, yes, just the same.

Q They are both men of good repute? A Yes.

(No cross-examination).

MAX FREDENBERG, called as a witness in behalf of

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the defense, being duly sworn and examined, testified as follows:

(Residence 309 East 120th street).

DIRECT EXAMINATION BY MR. SPIELBERG:

- Q What is your business? A Plumbing supplies.
- Q Do you know Mr. Koppelman? A Yes.
- Q Do you know Rubin Greenblatt? A Yes.
- Q Do you know Jacob Seidenberg? A Yes.
- Q Are you related to Seidenberg? A Yes.
- Q Brother-in-law? A Yes.
- Q In the same line of business with him? A Yes.
- Q You are on friendly terms with Seidenberg? A Yes.
- Q You have been talking to him right along? A Yes.

THE COURT: What difference does that make?

MR. SPIELBERG: I want to show he is a friend of Seidenberg's, and comes to help these boys out.

THE COURT: He comes to testify to their good character.

BY MR. SPIELBERG:

- Q Do you know other people who know Sam Koppelman? A Yes.
- Q Did you discuss their reputation with other people? A Yes.
- Q Did you discuss it with your own brother-in-law, Seidenberg? A That I cannot remember, if I discussed that.
- Q But you discussed it with other people in the same line of business -- what is Sam Koppelman's reputation for honesty and decency? A Very good.

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- Q Very good reputation? A Yes.
- Q Do you know people who know Greenblatt? A Yes.
- Q Did you discuss his reputation with other people? A Yes.
- Q What is his reputation for honesty and straightforwardness? A Very good.

(No cross-examination).

HERMAN STERN, called as a witness in behalf of the defense, being duly sworn and examined, testified as follows:

(Residence 546 First Avenue)

DIRECT EXAMINATION BY MR. SPIELBERG:

- Q What is your business? A Harness business.
- Q Harness maker? A Yes.
- Q Do you know Sam Koppelman? A Yes.
- Q Do you know Greenblatt? A Yes.
- Q Do you know Seidenberg, the complaining witness? A Yes.
- Q Do you know other people who know Koppelman? A Yes.
- Q Do you know any people who know Greenblatt? A Yes.
- Q Do you know what their reputation is for honesty? A Yes.
- Q What is their reputation, good or bad? A All right.

Used to come and buy stuff, and were honest.

BY THE COURT:

- Q They had good reputations? A Yes.
- Q You trusted them? A Yes.

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BENJAMIN GLASSER, called as a witness in behalf of the defense, being duly sworn and examined, testified as follows:

(Residence 146 St. Ann's Avenue, Bronx).

DIRECT EXAMINATION BY MR. SPIELBERG:

Q What is your business? A Painters' supplies.

Q Do you know Mr. Koppelman? A Yes.

Q Do you know other people who know him? A Yes.

Q Do you know what his reputation is for truthfulness and honesty? A I know Mr. Koppelman since --

Q Do you know what his reputation is? A First class reputation; I never heard anything about him, and I know him as a good honest character.

BY MR. SPIELBERG:

Q How long do you know him? A Since he landed here -- the night that he landed here I did see him.

Q You have known him all the time he has been here? A Yes, always, at home and always a good character.

Q Do you know Greenblatt? A Yes.

BY THE COURT:

Q Do you know what his reputation is? A Yes, fine.

Q Fine reputation? A Yes.

(No cross-examination).

JULIUS FORSYTH, called as a witness in behalf of the defense, being duly sworn and examined, testified as

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follows:

(Residence 11 Rutgers Place).

DIRECT EXAMINATION BY MR. SPIELBERG:

Q What is your business, A Driver.

Q For whom do you work, A Gruber.

BY THE COURT:

Q You work for Mr. Gruber? A Yes.

BY MR. SPIELBERG:

Q Have you been working there last April? A Yes.

Q And before that time? A Yes.

Q Did you ever take a wagon over to the Wheeling Corrugated Company to get some merchandise to take to your place? A Yes.

THE COURT: I will exclude that as immaterial.

MR. SPIELBERG: It is corroborating the testimony given by my client.

THE COURT: It makes no difference whether that is true or not. It makes no difference whether any charge, if any charge was made by these men against Seidenberg, was true or false.

MR. SPIELBERG: Simply as to the credibility of my witnesses.

THE COURT: Not a particle. You have testified to that and it has not been contradicted.

MR. SPIELBERG: I simply want to corroborate it by independent testimony.

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THE COURT: I will tell this jury that whether it is true or false, it is immaterial. Exception.

BY MR. SPIELBERG:

Q Do you know the defendants? A Yes.

Q How long have you known them? A About three years.

Q Do you know other people who know them? A No, sir.

Q Do you know anybody else that knows them? A No.

Q You know Gruber who knows him? A Yes, Gruber, that is all.

Q You know the other workmen that know him? A Yes, in the place.

Q What is the reputation of these two men? A Good reputation.

(No cross-examination)

LOUIS CAMBER, called as a witness in behalf of the defense, being duly sworn and examined, testified as follows:

DIRECT EXAMINATION BY MR. SPIELBERG:

Q What is your business? A Tinsmith and sheet iron worker

Q Do you know Sam Koppelman? A Very little.

Q Do you know Rubin Greenblatt? A Yes.

Q How long do you know him? A Several years.

Q Do you know other people who know him? A I know a good many people who know him.

Q Do you know his reputation for truthfulness and honesty?

A He is honesty itself.

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Q An honest man? A An honest man.

Q His reputation is good? A Very good.

(No cross-examination.)

BENJAMIN GRUBER recalled:

BY MR. SPIELBERG:

Q I just want to ask you one question, do you remember when Rubin Greenblatt was arrested, that Saturday night? A I do not.

BY THE COURT:

Q Were you present when he was arrested? A I knew the next day when I read it in the paper.

Q You read it in the paper the next day? A Yes.

BY MR. SPIELBERG:

Q What I want to know from you is whether on Friday preceding that Saturday, your brother came to your place of business? A I don't remember whether he did -- whether he came exactly on Friday. I know that he came.

MR. McCORMICK: Which one.

MR. SPIELBERG: I mean Seidenberg, your brother-in-law Seidenberg, you don't remember if he came to you on that Friday?

THE WITNESS: I don't remember.

BY MR. SPIELBERG:

Q Did your brother-in-law tell you that Rubin Greenblatt or Sam Koppelman tried to get some money out of him?

MR. McCORMICK: I object as incompetent, irrelevant and

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immaterial.

THE COURT: I will exclude it as immaterial whether he did or not. I will allow you to show any declaration or any statement made by him which contradicts the statements given here by him but, whether he told about it, does not make any difference. If he told him anything to the contrary -- if he ever told him the charge was false, I will let you prove that.

MR. SPIELBERG: I cannot prove it by this witness.

THE COURT: Or by any other witness.

BY MR. SPIELBERG:

Q Did your brother-in-law talk to you about this case at all?

Objected to. Overruled.

BY THE COURT:

Q Since the arrest -- did he talk to you about these boys?

A Since the arrest yes, many times he spoke about it.

BY MR. SPIELBERG:

Q What did he say to you?

THE COURT: I will exclude that. It is admissible only for one purpose, for the purpose of proving that the witness made different statements than what he has made here. That is all.

BY MR. SPIELBERG:

Q Did he ever say anything to you about his opinion as to

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Koppelman's guilt or innocence?

THE COURT: I will exclude that. It makes no difference what his opinion is.

BY THE COURT:

Q Did he ever tell you that he made a false charge against these men? A No.

BY MR. SPIELBERG:

Q Did he ever tell you anything about them at all, after that?

Objected to. Excluded as immaterial. Exception.

BY THE COURT:

Q Did he ever tell you that they did not demand money from him? A That they did not?

Q Yes? A No, he said that they did.

THE COURT: I will strike that out as immaterial. It is not proper evidence.

BY MR. SPIELBERG:

Q Did he tell you that Friday before the day they were arrested, anything about them?

Objected to.

THE COURT: Mr. Seidenberg has made a statement. If he has made a different statement elsewhere, you can prove it. Anything else is hearsay, that other people have said, or that Seidenberg said in the absence of these defendants.

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LEON LICHTENBERG, called as a witness in behalf of the defense, being duly sworn and examined, testified as follows:

(Residence 189 Irving Avenue, Brooklyn)

DIRECT EXAMINATION BY MR. SPIELBERG:

Q What is your business? A Plumbers supplies.

Q Do you know Sam Koppelman? A Yes.

Q Do you know Rubin Greenblatt? A Yes.

Q How long do you know these two men? A Since the last two years.

Q Are you related to the complainant Seidenberg? A No, sir.

Q No relative of his? A No.

Q Do you know other people who know these men? A Yes.

Q Do you know their reputation for honesty and truthfulness? A Yes.

Q What is it? A They are honest.

BY THE COURT:

Q They have good reputations? A The finest of reputations.

MR. SPIELBERG: THE DEFENDANT RESTS.

THE COURT: If you have any other witnesses after recess, I will let you call them.

The Court admonishes the jury in accordance with Section 415 of the Code of Criminal Procedure, and takes a recess until 2 o'clock.

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AFTER RECESS. TRIAL RESUMED.

MR. SPIELBERG: THE DEFENSE RESTS.

MR. SPIELBERG: I now renew the motion made at the close of the People's case to dismiss the indictment for the reason that the people have failed to make out a cause of action.

Motion denied. Exception.

THE COURT: It is a question of fact to be submitted to the jury.

R E B U T T A L.

J A C O B M. S E I D E N B E R G recalled in rebuttal, testified as follows:

DIRECT EXAMINATION BY MR. McCORMICK:

Q Did you tell either one of these defendants that Schlossman had caused you to fail earlier than you otherwise would have?

A No.

Q Did you tell either of these defendants that you lost \$5,000. worth of goods through Schlossman? A No.

Q Did you ever ask either of them to swear falsely? A No.

Q Did you say to either of them "I do not want you, but I want Schlossman?" A I said to them if any one else had put them up in this matter, they should admit it, and it may do them a lot of good. I did not mention any specific names.

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Q Did you tell either of the defendants that you had trouble with Cohen, and that Cohen demanded \$5,000. from you?

A I never had any trouble, and did not tell them anything of the kind.

Q You had no such trouble, and never told them anything of the kind? A No.

Q About three weeks before, did you say to one of these defendants "I hear you have a patent cap. I will put a thousand dollars in it, and we can sell that"? A Some time before they came to me and showed me some kind of a cap, and told me they would like to get a patent, or something of that kind, if it is practical. I spoke the matter over with them and I said "I cannot tell you. I can try something for you in that respect."

Q Nothing was said about the cap on the day that they were arrested? A No.

Q Not until after they had been arrested? A Yes.

Q Did you tell either of them that you could have made more but for Schlossman? A No, sir.

Q Did you tell either of them "I want you boys to deny all that Schlossman will testify to the effect that goods went to Gruber," A I have not had any such conversation with them.

Q Goods that had been ordered by you were sent to Gruber?

A I had given Mr. Gruber an order to get some goods from the Wheeling Corrugated Company, and it has been charged to him regularly through my books, and also other goods they claim they saw

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delivered there, was delivered by my trucks or trucks hired by me and charged regularly through the books, and I testified to that effect at the hearing when Mr. Blumenthal had been present, the lawyer for the defendant.

Q You know Max Krauss who was bookkeeper for Gruber? A Yes.

Q Did you ever tell him "If these two boys will say Schlessman sent them, they can go free"? A I don't remember the conversation. I may have.

Q Did you tell him that? A No.

Q What did you tell him? A If they do of any one, that he should tell them by producing some one else who put them up to this blackmail, will save them from going to jail probably.

Q Did you ever tell Krauss "Now I have these boys where I want them"? A No.

CROSS EXAMINATION BY MR. SPIELBERG:

Q When was it that you told these two boys if they have anybody else that knows something about it, to tell you? A I can't remember just exactly the time.

Q Was it immediately after the arrest was made? A I had not spoken to them then.

Q Did you go with them to the station house in 126th street in the company of Cohen? A Yes.

Q Did you have a little chat on the corner of Park Avenue?

A I did not have no chat on the corner of Park Avenue.

Q But you told these two defendants if some one put them up

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