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The People vs. Husen.

I N D E X

2168

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Frank S. Beard,
Official Stenographer.

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COURT OF GENERAL SESSIONS OF THE PEACE.

City and County of New York, Part II.

#2168

-----o
The People .

vs.

BERTHOLD HUSEN
-----o

Before :

: HON. T.O.T. CRAIN, J., and
: a Jury.

New York, December 11th, etc., 1913.

Indicted for Grand Larceny in the first degree.

Indictment filed November 7th, 1913.

A p p e a r a n c e s :

ASSISTANT DISTRICT ATTORNEY WILLIAM HEYWOOD,
FOR THE PEOPLE.

SAMUEL FELDMAN, ESQ., FOR THE DEFENSE.

TRANSCRIPT OF STENOGRAPHER'S MINUTES.

Frank S. Beard,
Official Stenographer.

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New York, December 11th, 1913.

(A jury was empaneled and sworn, and the Court admonished the jury in accordance with Section 415 of the Code of Criminal Procedure, and adjourned the further trial of the case to Friday, September 12th, 1913, at 2 o'clock P.M.)

T R I A L R E S U M E D .

New York, December 12th, 1913.

R O S E M A R Y H O L L I S T E R , being duly sworn and examined, testified as follows; as a witness for the People:

DIRECT EXAMINATION BY MR. HEYWOOD:

Q You are the complainant in this case, I believe, Mrs. Hollister? A Yes, sir.

Q And where do you reside, Mrs. Hollister? A 830 Park Avenue.

Q And what is your husband's name, please? A George Trowbridge Hollister.

Q And what is his business? A He is a banker and broker.

Q And how long have you resided at that address on Park Avenue? A About two years.

Q And will you please describe very briefly to the jury here, Mrs. Hollister, the arrangement of your home, your apartment? A Well, this is a new apartment house---it is only about two years and a half old---and it is on the sixth floor, and it is arranged in two floors. The dining room and sitting

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room and kitchen, etc. are on one floor, and then you go up a³ short flight of stairs to the bed rooms and bath rooms.

Q And that is what is called a duplex apartment, is it not? A Yes, sir.

Q And how many windows were there on the bottom story, we will call it---the first story of your apartment? A Well, there are a good many windows, and then, between the parlor and the living room, and the living room and the dining room, there are large French doors, with large panes of glass.

Q And where is your bed room located? A On the second floor, at the head of the stairs.

Q And what is the furniture of that room? A Well, the usual furniture, I suppose, a bed, bureau, chairs, etc.

Q And on October 28th last past, had you arranged for the first floor windows and the French doors that you have spoken of to be cleaned, by a Window-Cleaning Establishment?

A Yes, sir.

Q Just tell the jury what you had done in that respect?

A Two or three days before, I telephoned to this company that I had employed before, to send some men to do that work.

MR. FELDMAN: I object to that.

THE COURT: Sustained.

BY MR. HEYWOOD:

Q Were you at home at any time when any one came to clean the windows of your apartment? A No.

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Q At what time on October 28th did you leave home, if at all, Mrs. Hollister? A About ten.

Q And when you left your bed room, tell the jury whether or not you left any of jewelry in that room? A I left my watch on the bureau, in a little silver tray, where I always had it to refer to, and in the drawer of the bureau were various other articles.

Q Was that drawer locked, Mrs. Hollister? A No.

BY THE COURT:

Q Mrs. Hollister, when you left your apartment, that morning, what persons did you leave in it? A I left the cook and the waitress and the chambermaid, and a woman who was sewing.

Q And do you recall in what part of the apartment those persons were at the time that you left? A Yes, sir.

Q Will you please state? A Well, I think the cook was in the kitchen, the chambermaid was fixing my room, where these things were, and the waitress was down in the pantry. We had just moved in from the country, and I was---she was getting everything in order in the pantry, and the sewing woman was sewing in the room next to where these things were.

Q Are you able to give the names of those people, or do you only know their first names? A No, I know their last names.

Q Will you kindly give their names? A The cook's name

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is Maria Campbell, and the waitress Christina Byrne, and the
chambermaid is Catherine Corrigan, and the woman who was sew-
ing was Mrs. Clark.

MR. HEYWOOD: Now, if your Honor please, I ask to
have these articles marked for identification.

THE COURT: They may be marked.

(They are marked People's Exhibits 1, 2 and 3 for
Identification).

BY MR. HEYWOOD:

Q Mrs. Hollister, I show you a small ladies' enameled
watch, with a circlet of diamonds on the back, marked by the
Reporter, People's Exhibit 1 for Identification, and ask you
to state whether or not that is your watch? A Yes, sir.

Q And where did you leave that watch on the morning of
October 28th? A On my bureau.

Q For the purpose of identification, I hand you People's
Exhibit 2 for Identification, being a platinum chain, with
twenty diamonds in it, and ask you if that is your property?
A Yes.

Q Where did you leave that, if anywhere, on the morning
of October 28th? A That was attached to the watch.

Q I hand you Exhibit 3, being a gold chain, set with
turquoise and pearls, and ask you if that is yours? A Yes,
sir.

Q And where did you leave that, on that morning? A In

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a small top drawer in the bureau. It was in a leather case
of its own.

Q And it was part of this property which was left in
your apartment on that morning? A Yes, sir.

Q And at this address that you have given us, 830 Park
Avenue? A Yes, sir.

Q And that is in the County of New York, is it? A Yes,
sir.

Q In addition to the property that I have shown you, what
other articles of jewelry or adornment did you have there, with
particular reference to this case, Mrs. Hollister? A Why,
there was a gold tablet for memorandum purposes, with a gold
pencil attached to it, and a piece of a belt buckle that was
taken.

Q And how long did you remain away from the house, Mrs.
Hollister? A A little over two hours.

Q That would have brought you back at what hour? A About
a quarter past twelve, as I remember.

Q What did you do when you returned to the house first?

MR. FELDMAN: One moment. That is objected to as im-
material, irrelevant and incompetent.

THE COURT: I will allow her to tell what she did.

MR. FELDMAN: Exception.

A I went right straight to my room.

BY MR. REYWOOD:

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Q And what did you find the condition to be in your room, with reference to this property which you have identified?

MR. FELDMAN: Objected to.

THE COURT: Allowed. She may state whether it was there when she returned or not.

MR. FELDMAN: Exception.

A No, it was not there.

MR. HEYWOOD: You may examine.

CROSS EXAMINATION BY MR. FELDMAN:

Q As I understand, Mrs. Hollister, you left these articles laying around there? A No.

Q There were some on the bureau and some in the drawers, is that right? A Yes.

Q Any one could open the drawer? A Yes, sir.

Q And the maid servants and others had access to the room? A Yes.

Q In other words, in your absence, they could go in, if they wanted to? A Yes, sir.

Q Did you see these men that did the cleaning there? A No, sir.

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

MR. FELDMAN: That is all.

BY THE COURT:

Q Mrs. Hollister, about how long before you went out,

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that morning, was it that you last saw, with your own eyes, these various articles? A Well, I was in the habit of glancing at my watch frequently, to see when the time arrived when I should keep an engagement.

Q And you saw that before you went out, then? A Yes, sir.

Q And when had you seen the chain with pearls in it last? A About two weeks before.

Q So that to the best of your recollection, it was two weeks before that you saw it? A Yes, sir.

Q And now, in regard to the other chain? A That was attached to the watch, at the time I went out.

Q Now, you have mentioned some other articles, besides the watch and the two chains; when did you see the other articles last, before you left the house? A Perhaps the day before.

Q The cook had been in your employ for some time? A Yes, sir.

Q About how long? A Three or four years, I think; I am not sure.

Q And the chambermaid about how long? A About two years.

Q And the sewing woman? A Oh, I have had her, at times, for three or four years.

Q And there was another person? A Yes, a chambermaid.

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Q And how long had you had her? A I have had her a year.

THE COURT: That will be all, Mrs. Hollister.

MR. HEYWOOD: Just a minute, Mrs. Hollister.

RE-DIRECT EXAMINATION BY MR. HEYWOOD:

Q Mrs. Hollister, when did you next see this property that we have shown you here, People's Exhibits 1, 2 and 3? A I saw the diamond chain, two days after I had missed it, in a pawnshop.

Q In what pawnshop, Mrs. Hollister? A Kept by a man named Phillips, on the Bowery.

Q And do you remember the number on the Bowery? A I think it was 167, but I am not ~~ake~~ sure.

Q And the other articles? A The other articles I saw, some days later, in another pawn shop.

Q And what was the name of the other pawn shop? A I can't tell the number, but it is on Third Avenue, next to the corner of 14th Street.

Q These various employees that you have just told us about, are they still in your employ? A Yes, sir.

Q All of them? A Yes, sir.

THE COURT: Unless you desire to recall Mrs. Hollister, she need not remain.

MR. HEYWOOD: If your Honor please, I would like to have her stay a little while, anyway. I may be able to tell her to go, within half an hour.

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C H R I S T I N A B Y R N E , a witness called on behalf
of the People, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. HEYWOOD:

Q " Miss Byrne, you have given the Reporter your name.

Where do you live? A 830 Park Avenue.

Q By whom are you employed? A Mrs. Hollister.

Q The lady who has just been on the witness stand? A
Yes, sir.

Q How long have you been in her employ? A A year
ago, last April.

Q A year ago last April? A Yes, sir.

Q And were you in that same employment on the 28th day
of October of this year? A Yes, sir.

Q Do you recall, Christina, some men coming there to do
some work at that apartment? A Yes, sir.

Q How many of them were there? A There was two men.

Q And where did they say they came from? A From the
Flatiron Window Cleaning Company; they said.

Q Had you had any instructions from Mrs. Hollister in
regard to cleaning certain doors and windows in that apartment?

MR. FELDMAN: Objected to.

THE COURT: Sustained.

BY MR. HEYWOOD:

Q Did you give these two men that came any instructions
or directions as to working there in the apartment? A Yes,

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sir.

Q Now, please tell the jury what instructions you gave them?

THE COURT: Now, pardon me a moment.

BY THE COURT:

Q Do you see either of those men in the Court Room now?

A Yes, the man down there was one of them. (Indicating the defendant).

Q The defendant? A Yes, sir.

Q Now, you may tell us what you told the defendant? A I told the men to clean the windows on the first floor, and the double glass doors, and not to go upstairs to the other floor.

BY MR. HEYWOOD:

Q Now, did they go to work then? A Yes, sir.

Q How long were you where you could observe them? A I remained there for some time; I couldn't tell you just what time; most of the time they were cleaning the windows I was down there.

Q Did you leave the part of the apartment where they were working at any time? A Yes, sir.

Q Where did you go? A To the pantry, the room right off the dining room.

Q Where were they working at that time? A In the dining room.

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Q Now, Christina, as far as you can tell, how long were you in the pantry? A About five minutes. I don't think that time; the longest time would be five minutes.

Q Would it be more than five minutes? A No.

Q And when you returned, were these two men, including the defendant here, still in the dining room? A No, they were upstairs.

Q Now, wait a minute, I'll ask you about that. How far had they progressed with their work, that you had assigned to them? A About half way.

Q And what did you do when you saw that the men were not there?

MR. FELDMAN: I object to that.

THE COURT: I will allow her to state what she did.

MR. FELDMAN: Exception.

A I went upstairs to the next floor, to see were they there, and they were in Mrs. Hollister's bed room.

BY MR. HEYWOOD:

Q What were they doing when you were in there, Christina? A They were over at the window, apparently getting ready to work on the window.

MR. FELDMAN: I object to that, what they were apparently doing.

THE COURT: Well, they were over at the window. That may stand. The rest is stricken out.

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MR. FELDMAN: Yes, sir; that's all right.

BY MR. HEYWOOD:

Q Now, what did you say to them or what did they say to you? A I asked them what brought them up there, and I think that this man---I am not sure.

Q One of the two men, anyway? It was said while both were present, was it? A Yes, sir, and I couldn't understand what he said. He said something, but I couldn't understand it, and they went right downstairs.

Q When they got downstairs, what did they do? A They started at the doors downstairs again, and then they took their pail out with them through the pantry.

Q You mean that they left the apartment entirely? A Yes, they left their work and went out, to go home.

Q Was the work assigned to them completed when they left? A No, sir.

Q How much was there left to be done?

MR. FELDMAN: That is objected to, if your Honor please. How can she tell?

THE COURT: Well, I will allow her to state, if she looked at the various windows, which had been washed and which had not.

A Well, they were about half through their work.

BY MR. HEYWOOD:

Q Well, had they got finished with all the windows that

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they had been told to clean? A Yes, sir.

Q And the doors? A They weren't cleaned at all. And I went into the room where they were putting on their things, and I asked them why they didn't finish, and the man said they wanted a step ladder to do the upper panes, and one man went out, and I asked the other man where that man had gone, and he said he would go out and call him, and he never came back.

Q Did either of them come back? A No, sir.

BY THE COURT:

Q Which one left first, the man on trial now or the other man? A The other man.

BY MR. HEYWOOD:

Q The other man left first? A Yes, sir.

BY THE COURT:

Q And which one said he was going for a step ladder?

A I am not sure. I think it was this man here. (Indicating the defendant).

BY MR. HEYWOOD:

Q Did they present a slip to you regarding their work?

A Yes, sir. And this man and the other man asked me to sign the slip, and I said no, not until the work was finished.

MR. HEYWOOD: That's all.

CROSS EXAMINATION BY ME. FELDMAN:

Q Now, Miss Byrne, what are your duties in the house?

A Waitress.

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Q Waitress? A Yes, sir.

Q You are waiting at the table? A Yes, sir.

Q Anything else besides waiting at the table? A Well, occasionally I go upstairs to help with the other work, chamber work.

Q And on that day, when these two men came in, what time was it you saw them for the first time? A About half past ten; between half past ten and eleven.

Q Besides yourself, who was in the house? A Maria Campbell, the cook, and Kate Corrigan, the chambermaid, and a sewing woman.

Q And where did you first see them? A In the back hall.

Q And when they came in, did they come in ready to work?

A Yes, sir.

Q Did they have anything with them? A They had a pail.

Q Each of them? A One pail.

Q One pail? A Yes, sir.

Q Well, did this man or the other man carry it? A I don't know which man carried it.

Q Anything else he had? A He had the usual cleaning cloths.

Q Well, did you hear what was said by either of them when they came in? A Yes, sir.

Q And to whom did they say it? A To Maria Campbell.

Q In your presence? A Yes, sir; in my presence.

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Q Did you expect window cleaners at that time? A Yes, sir.

Q You expected them? A Yes, sir.

Q And, when they came in, you were there, and Maria Campbell? A Yes, sir.

Q Who was the spokesman of the two; who said something to Maria Campbell? A This man here. (Indicating the defendant).

Q And what did he say to Maria Campbell; what were his first words? A He said that he was from the Flatiron Window Cleaning Company.

Q Yes. What happened after that was said? A Then we let the men go to work.

Q Then they got to work? A Yes, sir.

Q Now, where did they start to work? A They started in the front room.

Q Did you outline the work that they had to do? A Yes, sir.

Q You did that, or Maria? A It was me.

Q You told them what work is to be done in the place? A Yes, I said all the windows had to be washed, the front windows on that floor, and the double doors, and not to go upstairs.

Q And then upstairs? A And not to go upstairs, I said.

Q You told them right there and then? A Yes.

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Q "Clean windows, and also the double doors, but don't go upstairs."? A Yes.

Q Well, what did you mean by that? A Well, the men were in the habit of doing all the windows, up and down.

Q Well, this apartment consists of how many floors? A Two floors.

Q And it is connected with what? A By a short stairs.

Q Leading from one floor to the other? A Yes, sir.

Q And then they began to work; is that right? A Yes, sir.

Q And you saw them cleaning the windows? A Yes, sir.

Q And how long did you observe them working at the windows? A I observed them almost the whole time they were working.

Q Well, how long, about? A Well, they weren't much more than half an hour there.

Q And you were standing there watching them? A I was moving around in the different rooms.

Q And why should you watch them? A Because we always watch the men when they are cleaning the windows.

Q Because they shouldn't do anything? A Yes, sir.

Q And, for half an hour, while they were working, did you lose sight of them? A I don't remember; I don't know.

Q You may have went away, and come back again? A I may have answered the door bell, and come right back.

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Q But most of the time you could see them? A Yes, sir.

Q Now, what was the next thing, after they were there cleaning windows, what did they do? A They started to clean the double doors.

Q And how far were they from the windows that they cleaned? A Between the two rooms, the dining room and library.

Q Then they were in the same room? A Yes.

Q And you watched them there? A Yes, sir.

Q And how long were they cleaning the double doors? A They just started.

Q And what happened when they started to clean? A I came into the pantry for a moment.

Q Where is that? A Right off the dining room.

Q Connected with a door? A Yes, sir.

Q The dining room and pantry are connected by a door?

A Yes, sir.

Q And so you opened the door and walked into the pantry?

A Yes, sir.

Q And left the two men cleaning the door windows? A Yes, sir.

Q And you came right back and found the men cleaning the door windows, did you? A No, I didn't see them at all.

Q Did you see them going away? A No, sir; I saw the pail at the double doors, when I went there.

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Q Where was Miss Campbell? A In the kitchen, right off the pantry.

Q And so you was in the pantry, and they were in the dining room, and you went into the pantry, and came back, and found they were not there? A Yes, sir.

Q And what did you do then? A I went upstairs.

Q Now, a person who goes upstairs, must they pass the pantry? A No.

Q And then you walked upstairs? A Yes, sir. And those two men were in Mrs. Hollister's bed room.

Q Where? A In Mrs. Hollister's bed room.

Q And were they working at the windows? A No, sir; they were standing by the window and they hadn't started to clean it yet.

Q Both of them were by the windows? A Yes.

Q And what did you say to them? A I asked the men why they came upstairs.

Q Yes? A And I couldn't hear the answer he made, I couldn't understand it, I couldn't understand what answer he made.

Q Well, did you understand him before that? A Yes, the man I was talking to before.

Q You had some kind of a talk with him before? A Yes, sir.

Q You understood him? A Yes.

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Q And they said something to you, after you got them in the lady's bed room? A They said something, but I couldn't understand it, and I told them to come right down and finish their work.

Q And did they obey? A Yes, sir; they went right downstairs.

Q And you walked past them? A Yes, sir.

Q Nothing aroused your suspicion at that time? A No, sir.

Q Nothing was upset in the room? A No, nothing was upset.

Q Now then, when you walked down, did they begin to work again? A Yes.

Q What did they do then? A Then they took their pail--- they worked for a few minutes, and then they took their pail out through the pantry, to go home.

Q Well, when they came downstairs, they started to work on the doors? A Yes, sir.

Q Both men? A Yes, sir.

Q And you stayed there? A Yes, I stayed with them there, and they took the pail to go away, and walked into the pantry.

Q How long were you there? A A minute or so.

Q And they were working then? A Yes, they kept on working then.

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Q And why did you go into the pantry? A I went in after them, when they were going home.

Q Did they tell you they were going home? A The man handed me his book to sign.

Q And, as usual, you signed the book? A No, sir; I didn't.

Q You had done it before? A Yes.

Q You had men from a company before? A Yes.

Q And why did you sign the book? A Because they hadn't finished their work.

Q Did you ask them why they didn't finish the work? A Yes.

Q And what did they say? A They said they wanted steps to get up to the top of the partition.

Q Was a step ladder necessary? A Yes.

Q And you can't reach without it? A No, sir.

Q And you saw them walking out? A I brought this man in, back in, to see the work that wasn't done, and he said he would get his steps, and, when he came out, the other man was gone.

Q Now, you brought this man back to show him what work wasn't done? (Indicating the defendant) A Yes, sir.

Q And left the other man where? A In that room.

Q And when you came back with this man to the room, the other man had departed? A Yes, sir.

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And I asked him where the other man was, and he said he was just outside of the door, and they would come back and finish.

Q And that's all you know, is it? A Yes, sir.

MR. FELDMAN: That's all.

BY THE COURT:

Q There are two doors, are there not, to that flat, one for persons who come with marketing, or things of that kind, going into the kitchen, and another door, the front door? A Yes, sir.

Q Now, these two men, that morning, when they arrived, they came through the door that the marketing is brought in; is that so? A Yes, sir.

Q Were you the person who opened the door for them when they arrived? A No.

Q Were you there when they arrived? A Yes.

Q Who opened the door for them? A Maria Campbell. And they ~~again~~ came first into a hall, and through the pantry into the kitchen, and then they went into the dining room, to clean the windows in the library and the drawing room.

Q And did they start to clean the drawing room windows first? A Yes, sir.

Q And how many windows are there? A There is one big double window in front, and eight windows at the side. And I stayed in there, in the library. I was dusting, and you can look right through.

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Q And they were cleaning the front and side windows in the front room? A Yes, sir.

Q And you were still in the library; is that so? A Yes, sir.

Q And where did they then go? A They came into the library.

Q And was there any window there to be cleaned? A Yes, sir; one window.

Q That looks out on the side street? A Yes, sir.

Q Or does it look out on the Avenue? A No, sir; on 75th Street.

Q Did they finish cleaning that window? A Yes, sir.

Q Did you stay in the library while they were cleaning it? A I stayed between the dining room and the library.

Q And did they go into the dining room to clean any windows there? A Yes, sir; there is a big double window in front, and there is a bow window, and they cleaned the front window, but not the other.

Q Did they start to clean the glass in one of the doors?

A No, sir.

Q Did they finish cleaning the one window in the dining room? A Yes, sir.

Q And then where did they go? A They started to clean the glass partitions, and then went upstairs.

Q And it was while they were engaged in the act of clean-

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ing the glass in the door leading from the library into the dining room that they left the work and went upstairs? A Yes, sir.

Q Well, how far from the dining room door are the steps that you use to go upstairs? A About twelve or fifteen feet.

Q When they were in the act of cleaning that glass in the door between the dining room and the library, where were you? A Part of the time I was in there with them, and then I went into the pantry.

Q When you went upstairs, in what room did you find them? A In Mrs. Hollister's bed room.

Q And, when you got to the door of Mrs. Hollister's bed room, was that door open or closed? A Open.

Q Did you see them at once, inside of the room? A Yes, sir.

Q And in what part of the room were they when you saw them? A They were over by the front window.

Q And what were they doing there at that front window? A They were starting to clean.

Q And at that time was there anybody else in that room, Mrs. Hollister's room, besides yourself and these two men? A No, sir.

Q Had that room been made up for the day, the bed and everything? A Yes, sir.

Q That you had done, or the other girl? A The other

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girl.

Q Whose name is what? A Katie Corrigan.

Q She was not up there at the time you went up there and found the two men there; was she? A No, sir.

Q Where had she gone? A She had gone downstairs to the basement, to the laundry.

Q Where was the woman sewing? A In the room next to Mrs. Hollister.

Q Was the door open or closed? A Open.

Q About how far from the window in Mrs. Hollister's room is the bureau in that room? Is it on the other side of the room or by the window? A It's this side of the room. (Illustrating)

Q So that the bureau is near the window? A Yes, sir. You have to pass the bureau to get to the window.

Q I suppose, when you passed the bureau, you didn't look at it to see whether the watch was on it or not? A Yes, when the men was going out of the room, I looked at the bureau, and there was no watch on it. I looked to see if anything on the bureau was disturbed? A At that time you didn't see the watch on top of the bureau? A No, sir; the watch wasn't on top of the bureau then.

Q Were the bureau drawers open or closed? A Closed.

Q Now, with respect to that bureau, about where is the door that leads into the room in which Mrs. Clark was sew-

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ing? A On the same side of the room, and about three feet from the bureau.

Q In other words, that door is in the same wall that the bureau stands against? A Yes, sir.

THE COURT: That is all.

BY MR. FELDMAN:

Q Did you see at any time that day a watch on that bureau? A No, I haven't been---

Q And at no time did you see the drawers open? A No, sir.

Q And you don't know what the contents of the drawers was, what was in there? A No, sir.

Q After they left what did you do? A I went back to Mrs. Hollister's room.

Q Did you go to the bureau? A Not into the bureau drawers, but I looked around the room and everything seemed to be the same; nothing disturbed.

Q And did you go up there to see if everything was in order? A Yes, sir.

Q And why? A Because I thought it strange that the men went away, without finishing their work.

Q Did you go in any other room than Mrs. Hollister's room? A Yes. I looked at the other rooms, too.

Q Were you in that room before you found these men in it? A No, not since Mrs. Hollister left.

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Q And you know everything about that room; don't you?

A Yes.

Q And you found everything in its place after they left? A Yes; it appeared to be.

MR. FELDMAN: That's all.

THE COURT: I will just ask you one question; and I will ask you to pay very careful attention, and see if you can answer it.

BY THE COURT:

Q Now, there came a certain time when you found that the men had stopped working on the glass on the door leading from the dining room to the library? A Yes, sir.

Q In other words, that was the time you missed them, and went upstairs.

Q And, as far as you know, both men left the dining room at the same time? A Yes, sir; as far as I know.

Q And they were together when you went upstairs? A Yes, sir.

BY THE NINTH JUROR:

Q Did the men have a pail when they went upstairs, with them? A No, sir; they had cloths, but no pail.

RE-DIRECT EXAMINATION BY MR. HEYWOOD:

Q When did you next see the defendant, after that morning? A I saw him, the following Monday, down in the 67th Street Police Court.

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Q The following Monday after this affair happened? A
Yes, sir.

RE-CROSS EXAMINATION BY MR. FELDMAN:

Q Did you ever see these men before that day? A No,
sir.

Q And when they came what company did they say they
came from? A The Flatiron Window Cleaning Company.

MR. FELDMAN: That's all.

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PETER CARMODY, of the Detective Division, 31st Precinct, a witness called on behalf of the People, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. HEYWOOD:

Q Did Mr. Hollister or any one in her behalf call at that Station, at the 31st Precinct Station in October of this year?

MR. FELDMAN: I object to that.

THE COURT: I will allow it.

A She telephoned over---

MR. FELDMAN: I move to strike that out, that answer.

THE COURT: Strike it out.

BY THE COURT:

Q Well, some message came over the telephone to the station house? A Yes, sir.

Q And what did you do, Officer, then? A I went up to investigate that larceny in Mrs. Hollister's apartment.

MR. FELDMAN: I object to that.

THE COURT: Objection sustained. Strike it out.

BY THE COURT:

Q What did you do, Officer, at Mrs. Hollister's apartment? A We got a description of the property that was stolen.

MR. FELDMAN: I object to that, and move to strike that out.

THE COURT: Motion granted.

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I think you will have to ask this officer questions, Mr. District Attorney.

MR. HEYWOOD: Very well, sir; I will.

BY MR. HEYWOOD:

Q Pursuant to this report---

THE COURT: Pardon me a moment.

BY THE COURT:

Q You had a certain conversation in the apartment with Mrs. Hollister? A Yes, sir.

Q Now, after that conversation with Mrs. Hollister, you went somewhere, Officer? A Yes, sir.

Q Where did you go? A To the Flatiron Window Cleaning Company.

Q And, having arrived there, you had a talk with some one there? A Yes, sir; I had a conversation with Mr. Schenberg, the proprietor of the concern.

Q And what did you do then? A And I went back to the station house, and sent out a general alarm for two men.

MR. FELDMAN: I object to that.

THE COURT: I will allow it to stand.

MR. FELDMAN: Exception.

BY MR. HEYWOOD:

Q And what did you do then, Officer? A And, on October 30th, I caused the arrest of Berthold Husen, and I met him at the 15th Precinct Station house and asked him what had become

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of the jewelry that was stolen in the apartment at 830 Park Avenue, and he said, "I don't know, but Sanders pawned some in the Bowery," and he brought me to 157 Bowery," and I said, "How much was got for it," and he said "Seventy-five dollars, and he gave me thirty-five dollars and kept forty dollars for himself."

Q And did you ask him who Sanders was? A Yes, sir; he said he was a man employed by the Flatiron Window Cleaning Company.

So I went into the pawnshop and located two necklaces pawned for seventy-five dollars. Then I brought Hasen to the 31st Precinct Station house and telephoned Mrs. Hollister, met her at the pawn shop and she indentified it as her property.

BY MR. HEYWOOD:

Q Is this the necklace, Officer? (Indicating People's Exhibit 2). A The platinum one, yes.

Q Did the defendant tell you whether or not he was with the other man? A He said yes.

Q And did he tell you whether or not he was with him, the day they went to the apartment? A He admitted to me that they both went to the apartment together.

Q And this apartment that you refer to is the premises described by Mrs. Hollister, 830 Park Avenue, New York City?

A Yes, sir.

Q Now, what did you do with reference to any of the rest

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of this property? A I located by number the watch in Lawrence's pawnshop.

Q Where is that? A Third Avenue and 14th Street. And I found that it had been pawned by a woman, at---

MR. FELDMAN: I object to that.

THE COURT: Objection sustained.

BY MR. HEYWOOD:

Q Now, look at People's Exhibit 1 for identification and see whether that is the watch that you found at this other pawnshop. A It is.

Q Was there anything other than the watch at that particular pawnshop? A Yes, sir; that chain, with turquoise stones.

Q This chain, which is marked People's Exhibit 3 for identification? A Yes, sir.

Q In consequence of any information you received at either of these places, Mr. Carmody, did you go to see any one in reference to these articles of jewelry? A I did.

MR. FELDMAN: I object to that, as immaterial, irrelevant and incompetent.

THE COURT: I will allow the answer to stand.

MR. FELDMAN: Exception.

BY MR. HEYWOOD:

Q And whom did you see? A Dora Bonnell, of 437 East 15th Street.

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MR. FELDMAN: I object to that as incompetent, irrelevant and immaterial.

THE COURT: I will allow it.

MR. FELDMAN: Exception.

BY MR. HEYWOOD:

Q Is that her residence? A At present, she is living there.

Q When you showed these articles to Mrs. Hollister was she able to state whether they were her articles or not? A She identified them as her property.

Q All these articles here? (Indicating the Exhibits)

A Yes, sir.

MR. HEYWOOD: You may cross examine.

CROSS EXAMINATION BY MR. FELDMAN:

Q How long have you been in the business, on the Force?

A Eighteen years.

Q Eighteen years? A Yes, sir.

Q And where did find this defendant? A I caused his arrest.. He was found in the 15th Precinct. That's the first place I seen him.

Q Oh, you found him already in the station house? A Yes.

Q He came in there himself? A No, he was arrested by an officer of the 15th Precinct, caused by a general alarm being sent out.

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Q Any more besides this man taken in? A I don't know about that.

Q And so he told you all about this case, didn't he? A He told me part of it.

Q And you told him that you know the other man Sanders; did you tell him that you knew the man Sanders? A Yes.

Q And you told him he was an old offender? A Yes.

Q And the best thing was to tell you the truth? A Yes, sir.

Q And it would help him a good deal? A No, sir; I didn't say that. I asked him to tell me the truth, and he said, "I'll tell you where part of it is pawned."

Q And did he say that he could only show you the place where Sanders went in and came out with some money? A He said that Sanders went in, and pawned the stuff, and got seventy-five dollars, and gave him thirty-five dollars, and kept forty dollars.

Q Now, didn't he say what I have just asked you? A No. I said, "Show me the place, and he did."

Q But he never used the word "Pawned," did he? A He did, to the best of my recollection.

Q Did he tell you what he pawned? A He told me he didn't know.

Q Did he tell you how much money he got for pawning it? A He said, "Sanders got seventy-five dollars, and gave me

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thirty-five and kept forty dollars."

Q And didn't he say that Sanders---that he asked Sanders "Where did you get that money?" And Sanders said, "That's none of your business." A No, sir.

Q And didn't he say, "I don't know anything about it, only that Sanders brought out seventy-five dollars at this place, and I'll show you the place, and that's all I know about it." A No, sir; he told me what I have said.

Q Have you seen Sanders? A No, sir; not since this robbery.

Q If you would see him, would you know him? A Yes, sir.

Q Did you look for him? A Yes.

Q Where? A Lodging houses on the Bowery and Sixth Avenue, places where he formerly haunted.

Q And did you ask anybody about him? A Yes.

Q Who did you ask about him? A Different lodging house keepers, and I showed them Sanders' picture.

Q You showed the picture to the entire lodging house or the owners of it? A The day and night clerks of lodging houses.

Q And what were their names? A I don't know them. I didn't think it was necessary to get the clerks' names.

Q And you showed your shield, I suppose? A No, sir; I said I was a police officer.

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Q And that's all you recovered, what was in that pawn shop? A The two pawnshops.

Q And did he show you any other place? A No, sir. He denied all knowledge of the property.

Q And it was your energy then that found out the other pawnshops? A Part of it, yes.

Q Did you ask him did he steal the watch? A I asked him what become of the rest of the property, and he said he didn't know what become of it. He said, "Sanders must have it."

Q Did you ask him whether he saw Sanders taking it? A I did not, but he said, when he left there, Sanders told him he had some property, and he wanted to dispose of it, and he said the first place he went to was this pawnshop, and I found out it was Phillips' pawn shop, 153 Bowery.

Q Now, how did he say he got in contact with Sanders in the window cleaning business? A I knew that, because Mr. Schoenberg, the Proprietor of the Flatiron Window Cleaning Company told me how it was.

MR. FELDMAN: That's all.

RE-DIRECT EXAMINATION BY MR. MEYWOOD:

Q When you had these conversations with the defendant, you talked the English language, didn't you? A Yes, sir.

Q And tell us whether this man understands and speaks English with ordinary fluency? A In the Police Court he said

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that he didn't understand the English language, and Magistrate House asked him different questions, and the Magistrate was satisfied that he spoke the English language correctly.

MR. FELDMAN: I object to that and move to strike that out.

THE COURT: Yes, and the gentlemen of the jury will disregard it.

BY THE COURT:

Q You said certain things to him in English? A Yes, sir.

Q And you could understand what he said to you? A Yes, sir.

Q When he made answers to your questions? A Yes, sir.

D O R A B O N N E L L , a witness called on behalf of the People, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. HEYWOOD:

Q Where do you live, Mrs. Bonnell? A 437 East 15th Street.

Q Are you single or married? A I am a widow.

Q How long have you been a widow? A Three weeks.

Q Did you ever see the defendant sitting here before?

(Indicating the defendant) A Yes, sir.

Q Did you ever see him before to-day, before you came into the Court Room? A Once.

Q And did you ever see this little watch that I hand you,

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People's Exhibit 1? A Yes, the man give me this to pawn.

Q And when did the man give you this to pawn? A I couldn't tell exactly the date.

Q Well, about how long ago? A It must be about seven or eight weeks ago. I don't remember exactly.

Q But it was this Fall surely? A Yes.

Q And where did he give it to you? A Fourteenth Street, between twelve and one o'clock in the afternoon.

Q In New York City? A Yes, sir. And he asked me to put that in pawn for him.

Q When you speak of "him" you mean this defendant, do you? A Yes, sir.

Q And what did he tell you about the watch when he gave it to you? A He said it belongs to his wife and he needs some money; she is insane.

BY THE COURT:

Q The man that you had the talk with, was it this man who is on trial here? A Yes, sir.

Q The defendant? A Yes, sir.

BY MR. HEYWOOD:

Q Where did the defendant tell you his wife was at the time he gave you the watch? A That she is insane, in the--- I can't pronounce the word.

BY THE COURT:

Q In the insane asylum? A Yes, sir; that's it.

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BY MR. HEYWOOD:

Q And what did you do with this watch? A I pawned it in Third Avenue, between 13th and 14th Streets, Mr. Lawrence. I pawned the watch and lavalier together.

Q Oh, did he give you this lavalier too? (Indicating People's Exhibit 2)? A Yes, sir.

Q What did he tell you about that? The gold chain with the turquoises in it (Indicating)? A He told me to put that in pawn for him, and that it belongs to his wife.

Q And how much money did you get on the two articles?
A Eighteen dollars.

Q And what did you do with that money? A And I gave it to him, and he gave me three dollars.

CROSS EXAMINATION BY MR. FELDMAN:

Q What is your name, Madam? A Dora Bonnell.

Q What do you do for a living? A I don't do anything just now.

Q Just now? A No.

Q When was the last time you did any work? A I'm doing housework.

Q You are doing hustling? A No, I said I am doing housework.

Q Where do you live? A 437 East 15th Street.

Q All alone? A I am a widow. I'm all alone just now, yes.

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Q And what do you do for a living? A Housework..

Q Do you keep house for yourself? A Well, I'm living out and working.

Q What do you mean by living out? A Working.

Q Working at what? A Housework.

BY THE COURT:

Q You mean that you are employed by somebody doing house work? A Yes, sir.

Q Somebody employs you to do housework for them? A Yes, sir.

Q Now, Madam, will you be kind enough to give us the name of the person for whom you worked? A I don't do anything just now.

Q What was the last place that you worked? A Mrs. Joseph, corner of Third Avenue and Tenth Street.

BY MR. FELDMAN:

Q You say you know this man? (Indicating the defendant)

A I have seen him once.

Q You have seen him once? A Yes, sir.

Q When was that once? A The time he asked me to do this for him.

Q That was the first time? A That was the first time.

Q Never spoke to the man before that time? A Never in my life; no, sir.

Q And he asked you to pawn this? A Yes, he asked me to

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do a favor for him.

Q . And where did he meet you? A On Fourteenth Street.

Q What time of day or night was it? A Between twelve and one in the afternoon.

Q Walking the streets, were you? A I wanted to go and see a matinee.

Q On Fourteenth Street? A Yes, sir.

Q And you saw this man coming along? A He says to me, "May I speak to you?"

Q Wait a minute. A And he asks me if he can speak to me.

Q On the street? A On the street.

Q And what did he say to you? A He asks me if I don't mind having a drink with him.

Q Oh, then he wanted a drink with you? A Yes.

THE COURT: Don't repeat her answers. Proceed.

BY MR. FELDMAN:

Q And what happened after that? A And then he asked me to pawn this stuff for him, which he isn't dressed, and he has to go to work, he says, and he don't like to go in the pawnshop himself, because he don't look just so, and, if I will do that favor for him, to pawn it.

Q Did you have a drink with him? A Yes, sir.

Q Where? A Corner of Third Avenue and 14th Street.

Q In a saloon? A In a saloon.

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Q How many drinks did you have there? A One. I had a sarsaparilla.

Q And then he asked you to pawn this? A Yes, sir.

Q Did he tell you how much money he wants for it? A He told me to get about twenty-five dollars for them, if I can get it.

Q Did he tell you where you should go? A No.

Q Did he tell you where you are going to meet him? A He told me to come back with the money. He was waiting for me in the saloon.

Q He told you to go and pawn it, and come back with the money in the saloon? A Yes, which I did.

Q Are you sure that's the man? (Indicating the defendant) A That's the man.

Q You can't be mistaken about it? A No.

Q How long were you away until you came back? A About ten minutes.

Q How many? A About ten minutes.

Q And you did get only eighteen dollars? A Eighteen dollars.

Q How much did you ask for it? A Twenty.

BY THE COURT:

Q How long were you with the man who asked you to pawn these articles, as you say, from the time you met him, that day, until you went to pawn them? A About a quarter of an

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hour.

Q And then when you came back, having, as you say, the money, about how long were you with him then, before you left him? A About five minutes.

Q So that, on that day, you were in the man's presence, about twenty minutes altogether? A Yes, sir.

Q And that was the first time that you had ever seen the man? A Yes, sir.

Q Now, about how long afterwards was it when you next saw that same man? A I haven't seen him since.

Q That is to say, you didn't see that same man from that day until to-day? A Until to-day.

Q Now, that man that you met on the street, that day, and who asked you, as you say, to pawn something, do you see him anywhere around here? A Yes, there he is. (Indicating the defendant).

Q Now, what enables you to say that he is the same man; how do you know that he is the same man? A Because he looks like the same man and I can tell that he is the same man.

Q How was he dressed on the day you met him? A Almost the same as he is to-day.

Q What kind of hat did he wear; do you remember? A No, sir; I couldn't tell you that.

Q Was he alone? A He was all alone.

Q And what language did he speak to you? A A few words

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in German, when he said his wife was insane, he said that to me in German, in the German language.

Q Now, during the day, and before you came into that chair as a witness, did you see, in any part of this building, the man who had asked you to pawn something? A The gentleman sitting there, next to the defendant.

Q Well, when did you see him first before to-day? A When he was brought in here.

Q You mean, at the beginning of the trial? A Yes, sir.

Q You were in the back part of the room? A Yes, sir.

Q And you saw him come out? A Yes, sir.

Q And did you recognize him then? A Yes, I recognized him right away.

Q And you are sure he is the man? A Yes, he is the man.

BY MR. FELDMAN:

Q How do you come here to-day, to be a witness, who brought you here? A Mr.---the officer.

Q Where did you become acquainted with the officer, the first time? Tell us. A Beg pardon?

Q (Question repeated) A Where?

Q Yes? A Through the pawnshop, the gentleman from the pawnshop.

BY THE COURT:

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Q Did you give your name in the pawn shop? A Yes, sir;
my right name and address.

Q You did? A Yes, sir.

Q And who came up to your house? The officer? A No, sir.

Q Well, then, how did you become acquainted with him?

A Mr. Lawrence sent for me.

Q Who is Mr. Lawrence? A The one that owns the pawn-
shop.

Q The pawnbroker? A Yes, sir.

Q He sent for you? A Yes, sir.

Q And you went there? A Yes, sir.

Q And then the officer was there? A Yes, sir.

Q And there the officer became acquainted with you? A
Yes, sir.

Q And you told him the story you are telling us now? A
Yes.

Q And where did the officer take you to? Did you have
a drink with him? A No, sir.

Q Where did he take you? A No place. He said, "You
have to come as a witness, in case I need you. I want you as
a witness."

Q Well, did you go any place with him as a witness? A
No, sir.

Q Well, where was the first place you went with him?

A The first place was right here.

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Q And did you tell him the story? A Yes, sir.

Q And did he tell you anything, too? A No; he told me to tell the truth.

Q Did you see the man that gave you, on Fourteenth Street, these articles to pawn, at any time before to-day? A I seen him the time he asked me to pawn the stuff for him.

Q And from that day until to-day you didn't see him? A No, sir.

Q And the officer didn't tell you about any place to see the man? A No, sir.

Q And you are sure now that this is the man? A This is the man.

Q And when did he say to you that his wife is insane? A I can't tell you. I can't answer that question.

Q But you said just now you know his wife was insane. When did he tell you that? A When he gave me the watch and lavalieres to pawn, he said his wife was insane, and he don't like to go in and pawn it himself.

BY THE COURT:

Q Do you know a man by the name of Sanders? A No, sir.

Q Who worked for the Flatiron Window Cleaning Company?

A No, sir.

Q Never met him? A Never.

BY MR. FELDMAN:

Q Did he give you three dollars for pawning this stuff?

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A Yes, sir; when I came back with the money.

MR. FELDMAN: That's all.

MR. HEYWOOD: We offer in evidence People's Exhibits 1, 2 and 3 for Identification.

THE COURT: They are received in evidence.

(No objection).

(They are marked People's Exhibits 1, 2 and 3 in evidence.)

H Y M A N G R E E N B E R G, a witness called on behalf of the People, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. HEYWOOD:

Q Mr. Greenberg, where is your place of business? A 155 Park Row.

Q What is your business? A Jeweler.

Q How long have you been in that business? A Twelve years.

Q During the course of your business for twelve years, have you bought and sold jewelry? A Yes, sir.

Q To an extensive degree? A Yes, sir.

Q Are you familiar with the actual values, the market values, of jewelry, both new and second hand jewelry, in New York City? A Yes, sir.

Q And are you familiar with what those values were in October of this year? A Yes, sir.

Q I hand you People's Exhibit 1, and ask you to examine

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it, a platinum chain, set with diamonds, and to tell the jury what the fair market value of it is? A \$225.

Q \$225? A Yes, sir.

Q I now hand you People's Exhibit 2, a gold lavaliers, and ask you to state what the fair market value of that is? A Fifty dollars.

Q I now hand you People's Exhibit 3, the enameled watch, and ask you to state what the fair market value of that watch is? A Seventy-five dollars.

MR. HEYWOOD: You may cross examine.

CROSS EXAMINATION BY MR. FELDMAN:

Q You are an expert jeweler? A Yes, sir.

Q Called in by the District Attorney, to-day? A Yes, sir.

MR. FELDMAN: That's all.

MR. HEYWOOD: The People rest, your Honor.

THE COURT: ☒ The defense?

MR. FELDMAN: I ask your Honor to take away from the consideration of the jury the first count in the indictment charging grand larceny in the first degree.

THE COURT: No, I will let it go to the jury as importing grand larceny in the second degree.

MR. FELDMAN: Exception. I ask your Honor to take away from the jury the count of criminally receiving stolen property, knowing the same to have been stolen.

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THE COURT: No, I think not.

MR. FELDMAN: Exception. And I ask your Honor to advise the jury to acquit, on the ground that there is no proof here that the defendant had exclusive opportunity to steal this property at any time, and there is no evidence to connect the defendant with the crime alleged in the indictment.

THE COURT: Denied.

MR. FELDMAN: Exception.

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THE DEFENSE.

BERTHOLD HUSEN, the defendant, being duly sworn and examined, testified as follows:

DIRECT EXAMINATION BY MR. FELDMAN:

Q How old are you? A Forty-seven.

Q Where were you born? A Germany.

Q How long are you in this country? A Ten years and a half.

Q What do you do for a living? A Windowcleaning, since I am in this country.

Q Where did you work last, before you were arrested? A 11th Street and Fourth Avenue.

Q Who did you work for? A A fellow by the name of Wallack.

Q Do you know the man Sanders? A Yes, sir.

Q What is his business? A Window cleaning.

Q Do you remember being in the house of Mrs. Hollister?

A Yes, sir.

Q Do you know the date? A No, sir; I don't remember it.

Q Under what circumstances did you go there? A The man Sanders was unable to finish a day's work, and he asked me to help him out. We lived together and worked together. He wasn't able to finish a day's work and he didn't want to let his boss know that he was kind of weak.

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BY THE COURT:

Q In other words, you were not at that time employed by the Flatiron Window Cleaning Company, but they did employ, at that time, a man by the name of Sanders, and you went to this place because a man named Sanders asked you to go? A Yes, sir.

BY MR. FELDMAN:

Q And you got laid off when? A The night before, because there was no work.

Q And so Sanders asked you to help him out? A So he did.

Q And you went there with Sanders to Mrs. Hollister's house? A Yes, sir.

Q And when was it, what time? A About ten o'clock in the morning.

Q Now, when you went there, did you have anything in your hand? A No, simply he had a pail and a double set of towels and to chamois and two wash rags, enough for two men.

Q And who opened the door when you got there? A I couldn't tell you. It was a woman, but I don't remember her face.

Q And do you remember what occurred? A Sanders had the book, and he was in charge, and he said, "We are the window cleaners." And we went to work, and he knows the place, and he gets the water in the pail.

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Q What do you mean, he knew the place? A He told me he had been there before, cleaning.

Q And where did you start to work, on what floor? A On the floor where the kitchen is.

Q And what was it you cleaned, if you remember? A We done them all.

Q All on the floor next adjoining the kitchen? A Yes, sir.

Q Did you clean the windows in the doors? A No, we always clean the windows first and then the doors or partitions we leave for the last.

Q And did you go upstairs at any time? A We went up stairs when was done with the windows downstairs. There was the Madam's room to be done.

Q How did you go up there? A Well, it is a little stairway that goes up.

Q And what did you do there? A We cleaned the window.

Q And did you clean it or start to clean it? A What's that?

BY THE COURT:

Q When you got upstairs, did you begin to clean the window in the bed room? A We finished up the inside.

Q You cleaned it on the inside, but not on the outside?
A It was done.

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Q And you had finished cleaning the window on the inside? A Yes, sir; the outside was clean. We cleaned the outside too.

Q In other words, when you got upstairs you found the outside of the window was already cleaned? A No, it was to be cleaned.

Q And did you start to clean it? A We cleaned it.

Q On the outside? A Yes, sir.

Q And did you clean it on the inside? A We ~~fix~~ were finishing up the window.

Q But had not finished it? A We had finished cleaning it by putting back the curtains.

Q You had cleaned the window and were in the act of putting the window curtains in order again? A Yes, the girl said to Sanders, "You haven't finished downstairs. The doors have got to be done. Why did you come upstairs before you finished downstairs." And he said; Sanders said, "Ehen we get done up here, we will go downstairs," and we went downstairs, — and we did all we could on the door, as far as we could reach without a ladder.

Q Now, when you went downstairs, did you leave the house?

A No, the girl said, "You didn't finish the work downstairs," and Sanders said, "No, we could only reach half of the doors, without a ladder." And then Sanders went out, and I said, "Where is the other man?" And she said, "He went out for a

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step ladder," and I said, "Well, I don't know what to do. I can't do anything without a step ladder." And then I said to myself, "I'd better go to." And I met Sanders downstairs, and he said, "She won't sign the slip, because the doors isn't finished, she says, and we haven't got no ladder, let's go."

Q Now, where did you meet Sanders again after that? A Then we left the apartment, and he was waiting for me downstairs.

Q And what happened then? A And then we had a couple of drinks and went downtown.

Q And then what happened? Did you have the pail along with you? A No. I don't know what became of the pail. He didn't have no pail. He was in his uniform, without a pail.

Q What do you mean by his uniform? A A blue jumper, with brass buttons on and a cap, with the initials of the company. And we had a couple of drinks and went downtown. And we were talking about my troubles, and he said, "You was always a friend of mine."

BY THE COURT:

Q You say you were speaking of your troubles? What were your troubles? A My wife is over on Ward's Island, and she went insane, and I couldn't pay my rent and I got dispossessed.

BY MR. FELDMAN:

Q And then what happened? After you told him you were down and out, what happened then? A He said, "I know a place

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where to raise some money, and you' haven't got no money and I haven't got none and you haven't got no underwear or nothing, and I know a friend where I can get some money."

And we went down there, and it was a loan office, and we were both drubk, and I said, "What are you going to do in there?" And he said, "It's none of your business."

And so I waited about three-quarters of an hour, and I said to myself, "What is this? Is this a pawnshop?" And then I was ready to go away, and he came out, and he waved the money in his hand, (Illustrating) and he said, "I'm not like you. I've got friends yet. I know where to raise money," and I said, "Yes, and I can get money in a pawnshop too, if I had something to pawn. Where did you get the money?" And he said, "Never mind." And we went drinking on the west side, and he met about a dozen people in there, in the saloon, and he says, to me, "Do you want any money?" And I said, "Yes,"

BY THE COURT:

Q About how long had you and he been room mates? A About two months.

Q In the same room? A No, sir; in the same lodging house.

BY MR. FELDMAN:

Q And what is the name of the lodging house? A Uncle Sam's, Mills' Hotel, and the Salvation Army. He never liked to stay in the same place all the time.

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Q Did you see this lady, (Indicating Mrs. Bonnell) did you ever see that lady before? A No, sir.

Q Well, you heard her testify that you met her on 14th Street? A I am surprised. I never seen that woman.

Q And she says that you had a drink with her? A I never had any drink with no woman.

Q And you told her about your troubles; that your wife was in the insane asylum. A Never.

Q To whom did you ever tell that? A To the officer here, because he---

Q Well, did you tell that to the lady? A No, I haven't seen that lady.

Q And she also testified that you gave her that lavalier and that watch to pawn? A I haven't seen any of these jewels.

Q You haven't? A No, sir.

Q When did you see them for the first time? A I seen this diamond chain when I told the officer I will tell him all about it. I told him, "I know the place where that man got seventy-five dollars."

Q Where did the officer get you first? A In the station house. I was arrested by three men in the house of a friend, where I have a sachel, with my private papers, for my wife and myself.

BY THE COURT:

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Q Where were you arrested? A 99 East 3rd Street,
coming downstairs.

Q Is that the house where you lived? A No, sir. It
was where I left my sachel, with my papers and my little dog,
my wife's little dog. I went there because they are friends
of mine and my wife's.

Q And you went there to get some papers that you had
left there? A No, sir; just to tell them the bad news about
my wife.

Q And it was when you were leaving that house that you
were placed under arrest? A Yes, sir.

Q And then you told the officer about your wife? A Yes,
sir.

Q And you told him the place where this man came out
with the money? A Yes, sir.

Q And did you know that he pawned something there? A
No, sir.

Q Did you use the word "pawn" to the officer? A I did
not.

BY MR. FELDMAN:

Q Now, I ask you, did you know these articles were sto-
len from Mrs. Hollister? A No, sir.

Q You didn't know that? A No, sir.

Q Did you give to Mrs. Bonnell three dollars for pawning
it? A No, sir.

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Q Do you know of any reason or motive why Mrs. Bonnell should say that she a drink with you in Fourteenth Street? A No; it is a mystery to me.

Q Did you ever see her in your life before? A No, sir; not that I remember.

Q Did you ever give to any lady in Fourteenth Street any jewelry to pawn? A No, I didn't. I never took a drink with a lady in Fourteenth Street in my life.

BY THE COURT:

Q Now, you say that, when you came out of Mrs. Hollister's apartment, you met Sanders downstairs? A Yes, sir.

Q And that you had some talk with him as to why he had left the apartment? A Yes, sir.

Q And he said he had left because she had refused to sign the paper showing that the work was done? A Yes, sir.

Q And that you and he went to a place where he pawned something? A Yes, sir.

Q He went into a pawnshop? A Yes, sir.

Q And you say that, after that, you and he had some drinks? A Yes, sir; we was drinking all day.

Q In washing the window in Mrs. Hollister's bed room, which one of you went out on the window sill; you or Sanders? A Each one does a window, your Honor; outside first and inside after.

Q Which of those windows, if you remember, did you take

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to wash? A I don't remember.

Q Now, in washing the window you needed what? A A wash rag, chamois and towel.

Q And you needed some water? A Yes, sir.

Q And you needed a pail; isn't that so? A Yes, sir.

Q Now, how many pails did you and Sanders have in that bed room? A One pail.

Q And then how could you both wash a window at the same time? A We didn't need a change of water, when we clean windows, all day long. Sometimes windows are so clean that we only use a towel or a chamois. The towel was always wet and we carried always on the shoulder (Illustrating) and we left the pail down in the kitchen, because we don't carry it upstairs in a private house at all.

Q And you used the chamois on the outside of one of these windows? A Yes, sir.

Q And then you finished the window on the inside? A Yes, sir.

Q And you thought, you say, during that time, Sanders was doing the other window? A Yes, sir.

Q Well, now, when you were sitting on the outside of the window, using the chamois, you could look into the room, couldn't you? A Well, we don't sit, you know, we stand. The curtains get in our way if we stand.

Q Did you have a strap around you? A No, your Honor,

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we never wear no straps.

Q Did you see the watch on that bureau? A No, sir.

Q Did you go to the bureau? A No, I hadn't got no business to go.

Q Well, did you go? A No, your Honor.

CROSS EXAMINATION BY MR. HEYWOOD:

Q Mr. Hugen, I hand you a gold chain, set with some pearls. Please examine that. Did you ever see that before?

A No, sir.

Q Is it not a fact that the same day you gave this watch and this lavalier to this woman, who has testified on the stand, that you gave that chain, set with two little pearls, at the same time, to her? A I didn't gave no watch and chain to nobody, I hadn't seen it. It's the first time I have had it in my hand.

Q Now, where did you say you had been working prior to the time you went to Mrs. Hollister's apartment? A Fourth Avenue and Eleventh Street.

Q Were you working at any time for this Flatiron Window Cleaning Company? A Yes, before.

Q When was the last time that you ever worked for that company? A Well, it was only a few days ago when I left there. I worked there with Sanders, when Sanders was working there. He brought me in there.

Q How long had you worked for them, when you did work for

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them? A About five weeks.

Q About five weeks? A Yes, sir.

Q And your employment had ended before you went to Mrs. Hollister's? A Yes, sir.

Q Now, how did you usually work for those companies? You went out in pairs; didn't you? A No, sir.

Q Would you go alone? A Yes, sir. But, if it was a big job, we went in pairs, two or three. If you go to a factory, you go in pairs.

Q And two of you would go together? A Yes, sir.

Q And how about a private house? A A big private house takes three or four men to do. John Jacob Aster's house, what I used to do.

Q Were you employed to go out on this job, that afternoon? A No, sir. Sanders said that he would give me that day's work, because he wasn't well.

Q Did he give you that day's work? A He did not, no.

Q And, when you got up to this place, who did the talking, you or Sanders? A Sanders.

Q Didn't you, as a matter of fact, take charge of the cleaning, and tell Miss Byrne why you had been upstairs, and why you were coming down? A No, sir. Sanders said that, because he had the book, and I didn't know what was to be done there.

Q And how long would it take you to clean the windows

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in Mrs. Hollister's room, ~~on~~ that window, because there was only one? A I couldn't tell you how long it takes.

Q You don't remember that window? A No, I don't remember what is to be done. There is a library table in front with things on it, what you have got to push away, and curtains in the way.

Q Do you remember the curtains? A Yes, sir.

Q And you remember that you cleaned the outside and inside of the window? A Yes.

Q And had finished the work? A Yes.

Q And were putting the curtains back ready to go downstairs? A Yes, sir.

Q Now, how long would it take you to clean such a window, ordinarily? A About five or ten minutes.

Q And you heard Miss Byrne ask Sanders why he didn't finish the work downstairs, before coming upstairs? A Yes, I heard her say that.

BY THE COURT:

Q Was Sanders a man about your height? A Yes, sir. Only a little taller.

BY MR. HEYWOOD:

Q And then did you hear him say to her, "Now, we are done here, and ready to go down?" A No, he handed her the book to sign, and started to go downstairs, and then he said to me, "Come down, come along, the work is done."

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Q And you had only cleaned one window on that floor?

A Yes. I didn't know that there was any other window on that floor.

Q And you went downstairs and went to work on the glass partition doors, didn't you? A Yes, sir.

Q Now, how high was that door, about? A We could reach about three quarters of the door, standing up.

Q It was just a plain door that you found in the apartment, with glass in it? A Yes, sir.

Q It was about the ordinary kind of a door? A Yes, sir.

Q And there wasn't any part of that door that you couldn't have reached with a kitchen chair, was there? A Well, I don't know.

Q You didn't need a step ladder to clean it, did you?

A Well, I don't know. I don't know if we could reach it or not.

Q Do you lug a step ladder around unless you have to?

A No, sir; and we generally just wash off the fingermarks in private houses, because it is just a favor to do that, you know.

Q And when you got downstairs Sanders said, "We will have to let the job go, because we haven't got a step ladder?" A No, he said, "The lady won't sign the slip, because she ain't satisfied with the doors, and we haven't got no step ladder,

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so let's go."

Q And she told you that she would not sign the receipt?

A She didn't tell me anything at all.

THE COURT: No, when he got outside, he says, the other man said that the reason why he had left the apartment was because she would not sign the slip.

BY MR. HEYWOOD:

Q And that's the time when he told you that he would let the job go, is it? A Yes, sir.

Q And, as a matter of fact, you two men had finished all but a little of that job? A Yes.

Q And you hadn't complained about anything? A No, sir.

Q And you knew that, if you didn't get a slip signed, you wouldn't get anything? A Yes, sir.

Q And you had gone clear up to that place, and had nearly finished your job, and, because you had no step ladder, you let the work go? A Yes.

Q And the work could have been finished with a kitchen chair; couldn't it? A Well, I am not positive about that.

Q Now, didn't you tell this police officer that you would take him to the place where this chain was pawned? A The officer told me, "Tell me all you know about it, because I don't know if anything was stolen."

Q Didn't you use the word "Pawn" to this officer? A No, sir.

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Q And you went and stood in front of this pawnshop with your partner, didn't you? A Yes.

Q For how long? A For about three-quarters of an hour.

Q And you knew it was a pawnshop, didn't you? A Yes, sir.

Q And when you were standing there in front of it you got suspicious in your own mind, didn't you? A No, sir.

Q Didn't you say here on the witnessstand that that occurred to you, "What is this? Isn't this a pawn shop?"

A Yes, that's what I thought.

Q Then your suspicions were aroused? A Yes; that's correct.

Q And yet you didn't mention the word "pawn" to this officer, when you said you would take him there? A No, sir.

Q Although your suspicions had been aroused, because it was a pawnshop that he took you to? A Yes, that's right. When he came out I asked him where he got the seventy-five dollars, and he says, "It's none of your business." "I have known this man for some years, and I got the money from him." When I was standing before that place for three quarters of an hour, I said to myself, "What is this place? Is it a pawnshop."

BY THE COURT:

Q Well, what were you asked about that, a minute or so ago? A Well, I don't understand English so well. The gen-

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tleman asks me if it rises my suspicions.

Q Well, what did you understand by that? A Well, I don't understand it very well. Be so kind as to repeat it.

BY THE COURT:

Q Well, you say it aroused your suspicions. Now, what do you mean? A (No answer).

Q You went there, you say, with another man, named Sanders, and he went into a pawnshop, and you stood outside, about three quarters of an hour while he was inside. Now, you have said that something aroused your suspicions. What do you mean by that? A Well, I don't know what that means, "suspicions."

BY MR. HEYWOOD:

Q Now, you told us on your direct examination, when Mr. Feldman was asking you questions, that it entered your mind that it was a queer thing that he was going into a pawnshop to get money; that occurred to your mind while he was in there.

A Yes, it struck me funny what business he had in there, but he wouldn't tell me. I didn't think about pawning. He wouldn't go in a pawnshop in the full uniform, with the name on the cap, if he had stole something. I didn't know what he means to do.

Q Well, it was a queer, peculiar thing that he should go in there, you thought? A Yes, and I asked him how he got the money, and he said, "It's none of your business."

Q Now, did you or did you not mention to this officer

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the word "pawn" or pawnshop? A No, sir. It was three officers I went down with, before I know it is a pawnshop. I went down to show the place, and I didn't know it was a pawnshop.

BY THE COURT:

Q And you say you didn't know it was a pawnshop until you went there with the officers? A Exactly.

Q Now, wait a moment. When did you first know this place that Sanders had gone into was a pawnshop; when did you first know that? A When I found the place, when I went down with these three officers.

Q You didn't know it before that? A No, I didn't know it was a pawnshop.

BY THE SEVENTH JUROR:

Q Did Sanders give you any money? A (No answer).

BY THE COURT:

Q When Sanders came out of the pawnshop did he give you any money? A He gave it to me in the evening.

Q How much did he give you? A Thirty dollars, and he asked me five dollars back, during the night.

Q And did you tell the officer he gave you thirty-five dollars? A I told him he gave me thirty dollars, and he took five dollars back in the evening, and I said, "That's twenty-five dollars only I owe you now," and he said, "Oh, never mind that." And in the morning I missed him; he went out of the

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room and didn't come back.

RE-DIRECT EXAMINATION BY MR. FELDMAN:

Q Do you know what kind of a place it was that he went in? You were asked by his Honor and also by the District Attorney whether you knew at the time when you were waiting for your friend to come out, whether you knew the character of the place, what kind of a place was it? Was it a saloon?

A Can I ask the question? Is there any difference between a pawnshop and a place where they buy tickets and stuff, and so on? I don't know if it was a pawn shop or one of the other kind of shops.

Q Did you see balls hanging out there? A No, sir; I seen jewelry in the window. I remember the place. I was drunk then.

Q And you took the officers to the same place back? A Yes, sir.

Q And then you found the place? A Yes.

Q At the time when you left the place, you had nothing to do with the signing of the book; did you? A No, sir.

Q That was Sanders' business? A Yes, sir.

MR. FELDMAN: That is the defense.

THE FOURTH JUROR: Your Honor, do you think that it is necessary to have the pawnbroker here which this Mrs. Bonnel said sent for her to come to his pawnbroking office, to corroborate her story? She says the officer was in there at

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the time, and this here pawnbroker sent for her, according to her testimony.

MR. HEYWOOD: I will be very glad to do that, if your Honor thinks it's necessary.

THE FOURTH JUROR: I think that will be very important.

MR. FELDMAN: It seems to me that it is a late hour to have the pawnbroker here. The pawnbroker ought to be here before the case closes. It is upon the District Attorney to produce the pawnbroker, the one that could identify the woman, if she brought in the jewelry.

THE COURT: I will admonish the jury now, and we will conclude this case on Monday.

(The Court then admonished the jury in accordance with Section 415 of the Code of Criminal Procedure, and took an adjournment of this case until Monday Morning, December 15th, 1913, at 10:30 o'clock.)

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Trial Resumed.

New York, December 15th, 1913.

MR. HEYWARD: Pursuant to the request made by the Juror, if your Honor please, I ask leave to withdraw the State's rest, and place on the witness stand Mr. Lawrence, the pawnbroker.

THE COURT: I will allow it.

C H E S T E R L A W R E N C E , a witness called on behalf of the People, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. HEYWARD:

Q Where do you live, sir? A 309 West Ninety-ninth Street.

Q What is your business? A Pawnbroker.

Q With what concern? A With A. Lawrence.

Q What relation is A. Lawrence to you? A He is my father.

Q How long have you been working there in your father's business? A A little over three years.

Q It is a pawnbroker's shop? A Yes, sir.

Q And where is it? A 118 Third Avenue.

MR. HEYWARD: Dora Bonnell, stand up.

BY MR. HEYWARD:

Q Did you ever see this woman before? (Indicating) A Yes, on several occasions she has been a customer of ours.

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MR. FELDMAN: I object to that and move to strike that out.

THE COURT: Objection overruled and motion denied.

MR. FELDMAN: Exception.

BY MR. HEYWARD:

Q How long have you known this woman? A As long as I have been in the store.

MR. FELDMAN: Objected to, as not responsive to the question.

THE COURT: Overruled.

MR. FELDMAN: Exception.

BY THE COURT:

Q How long have you known her, about? A About three years.

Q About how long? A About three years.

BY MR. HEYWARD:

Q Do you remember, in October last, this woman coming in and pawning an enameled watch, with diamonds on the back of it? A Yes, sir.

Q And how much did she get on it? A It was a watch and neck chain, for eighteen dollars, I believe.

Q And how long has she been a customer of yours there?

A Oh, ever since we have been in business there, I should judge.

Q Did you ever have any other business transaction with

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her? A Yes, sir; she bought a diamond ring once, a cluster, and she afterwards pawned it.

Q And did she pawn a neck chain there before, also?

A Yes, sir, she was a regular customer.

CROSS EXAMINATION BY MR. FELDMAN:

Q You say she was a regular customer? A Yes, sir.

Q And how often did you see her? A I can't quite remember.

Q But you saw her quite often? A Yes, sir.

Q How often did you see her in the week? A I really don't remember.

Q Do you know her maiden name? A I knew her under the name of Gardner.

Q Gardner? A Yes, sir.

Q Any other name that you can remember that she went by? A No, not that I can remember. We knew her only as Gardner.

Q And she might have given other names than Gardner?

A We always put down Gardner, because we understood that to be her name.

Q Well, did you ever hear her called Bonnell? A No, sir.

Q You never heard that name before? A No, sir.

Q And you have known her for three years? A Yes, sir.

Q And do you know where she lives? A No, sir; I can't

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remember the address she gave now, but she gave an address.

Q When was the last time you saw her? A Saturday.

Q Last Saturday? A Yes, sir.

Q Where was she? A In the store.

Q In your store? A Yes, sir.

Q Did she pawn something? A No, took something out.

Q She took something out? A Yes, sir.

Q And did she speak to you in reference to this case?

A No, not to me.

Q To whom did she speak? A I don't know. I just took out the ring and gave it to her.

Q And did you know that she was a witness in this case?

A Yes, sir.

Q And she didn't say anything to you at all? A No, sir.

Q And you knew that you would be called as a witness, to-day? A I didn't know, at that time.

Q Did you hear her say anything with reference to this case? A Not at all. I was too busy to talk about it or think on it.

Q You were too busy? A Yes, sir.

Q And the last time you saw her before Saturday was when? A I don't remember.

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

Q You say you remember her coming into your place on

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the 18th day of what month? A October.

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

Q What makes you so sure of it? A Because I looked it up before I left, this morning.

Q You looked up the book? A Yes, sir.

Q And that is the reason? A Yes, sir.

Q And you looked at everything that was in the book? Now, tell us what you found in your book in reference to this case, in reference to the articles pawned by this woman on the 18th of October? Give us all that you found in that book? A "G. O. Watch and neck chain, \$18.00." Name of Gardner. The address I don't remember. And there is some reference made to damage to the watch; I don't remember the exact wording of it.

Q You saw it, this morning? A Yes.

Q And you don't remember what it said? A Enamel chipped, I think it says; I am not sure.

Q And all that you are guided by is by what you found, to-day, in your books? A No, sir; I was there that day and took it from her.

Q But you don't mean to say that you can remember her from that day? A Certainly I can, and I do.

Q And you didn't see her then---yes, she pawned a lot of things between that time and last Saturday, didn't she?

A I don't remember that she did.

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Q And don't you remember that she was there from the 18th of October until last Saturday? A I don't remember her being in. She came in and somebody else waited on her.
BY THE COURT:

Q When she came in on the 18th of October, you waited on her? A Yes, sir.

Q And was that a clear or rainy day? A I think it was a clear day; I don't remember very well.

Q Did she come in with any one else, or alone? A Alone.

Q And at what hour did she come in? A About noon.

Q And who else was in the pawnshop besides yourself, at the time? A Our manager.

Q And what is his name? A Dan Camera.

Q You received at that time what articles? A A watch and neck chain.

Q And, having received those articles, what did you do? Where did you put them? A I took them in as a pledge and gave her eighteen dollars on them.

Q Did you make any entry in any book at that time? A Yes.

Q In what book? A In our Pledge Book, when I wrote the ticket.

BY MR. FELDMAN:

Q How much money did she ask when she came in? A If I am not mistaken, it was twenty-five dollars.

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Q You are sure of it? A I don't remember that particularly, but I remember giving her eighteen. I remember that clearly.

Q Well, don't you remember what she asked? A No, I don't remember distinctly.

Q Well, what was this watch and chain worth? Take it and examine it. A No doubt a fabulous price was paid for that, being a customer of a high grade house.

Q No, never mind that. Answer my question. A I estimate it to be worth about one hundred dollars.

Q And you gave her eighteen dollars for it? A Yes, on account of the condition it was in.

Q And you don't know how much she asked? A I don't remember.

Q But you do remember the time she came? A Yes, sir.

Q It was noon time? A Yes.

Q What impressed it on you that she was there at noon time? A Because I think I went to lunch just after she came in and went out.

Q But you are not sure of it? A I am sure of it.

Q Did you see anybody else besides her at noon time on the 18th of October? A Customers, no doubt, but I can't just remember who it was.

Q And, notwithstanding all this remembrance, you say that from that time until Saturday, and even on Saturday,

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not a word was said to you about this case? A On Saturday she didn't say a word.

Q Well, who said anything to you about the case? Who refreshed your memory as to the 18th of October?

MR. HEYWARD: Objected to.

THE COURT: Sustained.

MR. FELDMAN: Exception.

BY MR. FELDMAN:

Q What is your business in that shop? A To keep myself busy with whatever happens to come up.

Q To keep yourself busy? A Yes, sir.

Q Sweeping the floor? A If I feel like doing it, yes.

Q Taking care of the books? A Yes.

Q And handing out money? A At times.

Q And writing down the articles? A Yes, sir.

Q And you have a good many customers during the day?

A Yes, sir.

Q How many? A Perhaps fifty or sixty, or perhaps more.

Q And from October until to-day you had as many as that; didn't you? A I don't know; I never counted them.

BY THE COURT:

Q This woman was well known to you by sight? A Yes, sir.

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Q And she had been in your pawnshop on a number of occasions before? A Yes, sir.

BY MR. FELDMAN:

Q Under what name did she pawn these articles? A Gardner.

Q Are you sure of that? A Yes, I never asked her name; I only put the name of Gardner down.

Q But you didn't ask any name at that time? A No, not any more, because we have always had that name from her.

BY THE COURT:

Q Do you know a man named Sanders? A Sanders?

Q Yes? A What Sanders is that?

THE COURT: What is his first name, Mr. District Attorney?

MR. HEYWARD: I don't think that it appears in the record, your Honor. We know him by another name, not by that name.

BY THE COURT:

Q Did you ever see this defendant before to-day, to your knowledge? A No, sir; not to my recollection, I never saw him before.

Q I suppose that you know Officer Peter Carmody, of the 31st Precinct? A Yes, sir.

Q And I suppose you had a conversation with him some days ago? A Yes, sir.

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Q And I suppose that, as a result of that conversation, you examined your books, looked up your books? A Yes, sir.

BY MR. FELDMAN:

Q Did he say anything to you in reference to this case?

A When was that?

Q Any talk from Saturday until to-day? A He handed me a subpoena, Saturday night. Naturally he did.

Q Well, what was the natural part of it? What did he say? A He said he wanted me down at the trial, to-day, and that was a subpoena for that.

Q That the subpoena called for that? A Yes.

Q Anything else he said? A I wanted to know if anybody else could go down in my place; this being the busy time of the year; I wanted to know if I could send one of my boys down, instead of myself, in person.

BY THE COURT:

Q Did Officer Carmody, and the woman Bonnell, that you knew as Garner come into your place at any time together?

A Yes.

Q When was that? A That was after Carmody had come in, and I had made an examination of my books.

BY MR. FELDMAN:

Q Do you know what took place in your shop at the time the Officer came in with the woman? A No, sir; I don't remember at all.

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

Q Did he speak to you? A No, sir.

Q Did he ask you any questions in her presence? A
When he came in with the woman, no, sir.

Q You knew the officer? A Yes, sir.

Q And the woman? A Yes, but somebody else attended
to them.

Q And you were not curious to know what happened? A
I was not.

BY THE SEVENTH JUROR:

Q Did you send a letter to the woman to come down to
your office and meet the officer there? A No, I did not.

RE-DIRECT EXAMINATION BY MR. HEYWARD:

Q Somebody in your office sent one of the employees
of the office, that knew this woman, out with the officer to
the address that the woman had given? A Yes, sir.

Q That was the case, was it? A Yes, sir.

MR. FELDMAN: I object to that.

THE COURT: I will allow it.

MR. FELDMAN: Exception.

D O R A B O N N E L L , being recalled by the District At-
torney, testified as follows:

DIRECT EXAMINATION BY MR. HEYWARD:

Q Dora, what is your maiden name? A Gardner.

MR. HEYWARD: That is all.

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CROSS EXAMINATION BY MR. FELDMAN:

Q You go by your maiden name? A I did.

Q When? A Not since fifteen years. Since I married, I go by my husband's name.

Q And I understand that your husband is dead; is that right?

THE COURT: Now, you have got all that, counselor.

THE WITNESS: Because Mr. Lawrence knows me---

BY MR. FELDMAN:

Q Did you go by your maiden name during the lifetime of your husband? A No, not by my maiden name.

MR. HEYWARD: The People rest.

MR. FELDMAN: And I renew my motion, at this time, in your Honor please, to advise the jury to acquit.

THE COURT: Motion denied.

MR. FELDMAN: Exception.

(Mr. Feldman summed up for the defense and Mr. Heyward closed the case for the People).

THE COURT: Gentlemen of the jury, I am compelled to adjourn, to-day, at an hour which would not give you, conceivably, sufficient time for deliberation.

I, therefore, admonish you not to converse among yourselves upon any subject connected with this trial, or form or express any opinion thereon, until the same is submitted to you.

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And you are excused until tomorow morning, at half
past ten o'clock.

(The further trial of this case was then adjourned
until Tuesday Morning, December 16th, 1913, at 10:30 o'clock)

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