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The People vs. Fishbein and Jackson.

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CASE #1807

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

-----x
THE PEOPLE OF THE STATE OF
NEW YORK;

against

ISIDORE FISHBEIN and HAZEL
JACKSON.
-----x

2239

Before:

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

and a Jury.

New York, January 5, 1914, etc.

Indicted for violation of Section 2460 of the Penal Law.

Indictment filed December 10, 1913.

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

For the People, ASSISTANT DISTRICT ATTORNEY MILLARD H. ELLISON.

For the Defence, MESSRS. MEYER S. SCHLOSS and M. E. DUFFY.

A jury was duly impaneled and sworn.

James E. Lynch,
Official Stenographer.

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MR. DUFFY: If the Court please, I appear for the girl defendant alone.

THE COURT: Now, proceed, gentlemen.

Mr. Ellison opened the case on behalf of the People.

A N N A R A G O V I N, called and duly sworn as a witness on behalf of the People, testified as follows:

(Residence, 296 Grand Street, Manhattan.)

DIRECT EXAMINATION BY MR. ELLISON:

Q Will you kindly take off your hat? Now, Anna, in answering questions will you keep up your voice as all these gentlemen have to hear you? A Yes, sir.

Q How old are you, Anna? A Sixteen and ten months.

Q And prior to the 27th day of July, 1913, with whom were you living? A July 27th?

Q Yes, before that day with whom were you living? A With my parents.

Q What does your family consist of? A My father and mother, four sisters and two brothers.

Q Where were you living? A 296 Grand street.

Q Now, do you remember the 27th day of July, 1913?

A Yes, sir.

Q And were you living at home on that day? A Yes, sir.

Q Did you go to Coney Island on that day? A Yes, sir.

Q At about what time did you leave your home to go to

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Coney Island? A It was about one o'clock in the afternoon.

Q And with whom did you go? A Mr. Burns.

Q A man that you knew? A Yes, sir.

Q About what time did you reach Coney Island? A About two o'clock or after.

Q At any time while you were down there with Mr. Burns did you meet this defendant Isidore Fishbein? A In the evening.

Q At about what time? A Between six and seven, or seven and eight, around that time.

Q And were you introduced to him? A Yes, sir.

Q By whom? A By Mr. Burns.

Q Now, how long did Mr. Burns remain in your company with Mr. Fishbein before he left, if he did leave? A A short while.

Q Well, about how long? A About ten or fifteen minutes.

Q At the time he left what, if anything, did he say to you and Mr. Fishbein about leaving? A He told me that Mr. Fishbein would keep me company while he was away.

Q Would keep you company while he was away? A Yes.

Q Did he say where he was going? A He told me that he was going down to get a bondsman for one of the fellows that was arrested in Coney Island.

Q What did Fishbein do or say when Mr. Burns asked him to keep you company? A He says he would keep me company until

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he would come back.

Q Now, about what time was it when Burns left you, and you and the defendant Fishbein remained alone? A Well, I don't know the exact time. It was between half past six and eight, somewhere around that time.

Q Well, some time in the evening? You remember it was around dinner time in the evening? A Yes, sir.

Q Had you ever seen or met Fishbein before in your life? A No, sir.

Q Had you ever heard of him before? A No, sir.

Q After Burns left I want you to tell these gentlemen what Fishbein said to you? A Mr. Fishbein told me, asked me to have a drink with him. First we took a walk, then he asked me to have a drink with him and I told him I would go with him and I had a drink. I didn't have a drink downstairs but he asked me to go upstairs to the private dining room.

Q Now, just a moment. Now, we have not got that far. I am asking you what he said to you before you went in the place; he asked you whether you would have a drink, is that right? A Yes, sir.

Q What did you say? A I told him I didn't drink no liquors.

Q Then what did he say? A He said "That's all right, we will have a drink, anyhow."

Q Were you out around the streets walking with him when

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he had this conversation with you? A Yes, sir.

Q Then what did he say, what did he say about going any place? A He didn't say nothing about going any place.

Q Well, you kept on walking? A Yes.

Q Where did he take you while you kept on walking? A He took me on Surf avenue.

Q To what kind of place? A A hotel and cafe.

Q When you got to the hotel and cafe did you go into the cafe with him? A Yes, sir.

Q Where, did you go downstairs or upstairs? A Straight into the store.

Q You went straight into the place? A Yes, sir.

Q Did you sit down there? A Yes, sir.

Q Then what did you do when you got in there, did you have something to drink? A Yes, sir.

Q Tell the gentlemen of the jury what you had to drink?
A Sarsaparilla.

Q What did he take? A I don't remember.

Q He did not drink anything? A We did.

Q What did he drink? A But I don't remember what he drank.

Q Was this downstairs that you had the first drink as you walked in? A Yes, sir.

Q What did he say to you while you were having the drink?

A That we would go up to the private dining room.

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Q For what purpose? A To have something to eat up there.

Q At this time, which we will say was between half past six and eight o'clock, you had not had anything to eat yet, had you? A No, sir.

Q After he suggested that you go upstairs to the private dining room to have something to eat, what did you do? A I says I would go with him and I went upstairs.

Q Just tell where he took you? A I don't know if it was two or three flights up, but it was between two and three flights up and when we landed in some room I looked in and saw it was a bed room, and I turned right back and the door was shut on me.

Q Who shut the door on you? A The man that went upstairs with Fishbein.

Q Did you see Fishbein talking to this man? A No, sir.

Q You did not see that? All right. After you got in the room what happened? A He told me to sit down. I sat down and he asked me to take off my hat, and I did. I sat down there and after awhile he asked me to have -- to stay with him. I says "No, I didn't come up here to sleep, I come here to enjoy myself." So he says, "No, you are going to stay here with me." After awhile he forced me to lie down on the bed and tore my undershirts open and had sexual intercourse with me.

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Q Now, up to that time had you ever had intercourse with anybody in your life? A No, sir.

Q What did you say after that, after he had intercourse with you, what did you say to him? A Nothing. I told him I was going home.

Q What did he say? A He says "Come on up to one of my friends, Mrs. Hazel Jackson, and you stay there and we will get married tomorrow."

Q Did he tell you anything more about Hazel Jackson? A No, sir.

Q About what time was this, what time of the night was this? A That was around eight o'clock.

Q Eight o'clock at night? A Somewhere around that time.

Q And did you then leave with him? A Yes, sir.

Q Where did he take you? A He took me to Mrs. Hazel Jackson's apartment in 18th street west.

Q What number? A 320.

Q 320 West 18th street? A Yes, sir.

Q In the County of New York? A Yes, sir.

Q Now, can you tell the gentlemen of the jury about what time you got up to this apartment? A It was a little after nine, between nine and ten.

Q Nine and ten at night, what floor? A Second floor.

Q Do you mean one flight up or two flights up? A Two flights up.

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Q Is there only one apartment on the floor there? A No, sir.

Q Was it the east or west apartment, was it facing the Hudson River or the East river? A It is as you walk upstairs at the second landing, there is a hallway and that leads right into her apartment.

BY THE COURT:

Q Front or back? A Back.

BY MR. ELLISON:

Q Did he go up to the doorway with you, of the apartment? A Yes, sir.

Q What happened, did he ring or knock at the door? A He rang.

Q He rang the bell? Now, when he rang the bell who came to the door? A Mrs. Hazel Jackson.

Q The defendant Hazel Jackson? A Yes, sir.

Q Had you ever seen her in your life before that time?

A No, sir.

Q Had you ever heard of her? A No, sir.
if anything

Q When she opened the door what did the defendant Fishbein say to her, do you remember? A He asked -- he says "I brought my lady friend up to see you."

Q "Brought my lady friend up to see you"? A Yes.

Q What did she say? A Nothing.

Q Did you then walk in the place with her? A Yes, sir.

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Q Now, did the defendant Fishbein go in with you, too, did he go into the place with you? A Yes, sir.

Q When you got into the apartment whom did you see there, if anybody? A Three fellows.

Q Three fellows there? A Yes.

Q Had you ever seen any of those men before? A No, sir.

Q How was this woman dressed when you got in there?

A In her skirt and kimono.

Q Now, tell the gentlemen of the jury how many rooms there are in that apartment? A Three rooms and a bath room.

Q And how many bed rooms are there? A One.

Q One bed room, and what are the other rooms? A Sitting room and kitchen.

Q Where were these three men? A Sitting in the sitting room.

Q When you went in, where did they take you? A Into the sitting room.

Q Where these three men were? A Yes, sir.

Q Where did the other two defendants go, that brought you there? A They come right into the sitting room. They went into the bed room.

Q Well, did they leave you alone with the three men then? A No, sir.

Q Where did they go, did they go into the sitting room too, with you? A They went into the sitting room first.

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Q After they went into the sitting room with you did the two defendants leave the room? A Yes.

Q Where did they go? A To the bed room.

Q When these two defendants went in the bed room leaving you in the sitting room with the three strange men, how long did they remain in there? A About ten or fifteen minutes.

Q Of course, you don't know what they said to each other there? A No, sir.

Q Did they then return to the sitting room? A Yes.

Q Now, I want you to tell the gentlemen of the jury in your own way just what happened from the time the two defendants came back from the bed room into the sitting room where you were with the strange men; tell them the whole thing? A Between the time --

Q From the time that the two defendants, Jackson and Fishbein came back into the sitting room where you were with the three strange men, tell everything that took place?

A After Mrs. Jackson and Mr. Fishbein left the room, they come back to the sitting room and Mrs. Hazel Jackson called me into the bed room and started to talk to me. She showed me all her clothes and everything she had and she says "If you stay here you are going to have just as much as I have." Well, I told her anything I want my parents would give to me, and Mr. Fishbein come in and talked to me.

Q What did he say? A He told me that I would get

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everything that I wanted up there, anything.

Q Well, what did he mention in particular? A Clothes, everything, money, and I would be my own boss and everything. He wanted me to do -- and another fellow come into the room from one of the three that was sitting in the sitting room and Mr. Fishbein held me. Mrs. Hazel Jackson undressed me and gave me one of her skirts and kimono and after that I come back to the sitting room. I started to cry, so the three fellows told me not to cry, it would be all right if I stay up there. After that Mr. Fishbein called me into the bed room, and another fellow came in, and they laid me down on the bed and they put the other fellow on top of me, and he tried to have sexual intercourse, but I wouldn't, until I had to give under.

Q Who was holding you down at that time? A Mr. Fishbein.

Q And was the Jackson woman in the room, too? A She left the room when Mr. Fishbein and the other fellow come in.

Q Now, I want to just take you back a second, when you were in the bed room alone with the defendant Jackson, the woman, you said she showed you a lot of things and said you could have them if you stayed there; what did she show to you? A Dresses and all kinds of underwear, and diamonds.

Q And diamonds, and then she said if you stayed there you could get the same kind of things? A Yes, sir.

Q By the way, what were you going for a living while

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you were home with your parents? A I did nothing.

Q Your parents were supporting you? A Yes, sir.

Q What does your father do for a living? He is an operator on plush and caracule, for Weinstein & Klipstein.

BY THE COURT:

Q I do not quite understand, what does your father do for a living? A He is an operator.

Q On what? A Plushes and caracule.

Q Caracule, that is some kind of fur? A Yes, sir.

BY MR. ELLISON:

Q He is an operator on some kind of furs? A Yes, sir.

Q He runs a machine in some fur establishment, is that it? A Yes, sir.

BY THE COURT:

Q He is a workman in a factory? A Yes, sir.

BY MR. ELLISON:

Q Well, all right. Now, after this strange man had intercourse with you, under the circumstances you have described to the jury, did he give you anything? A Yes, he gave me a dollar.

BY THE COURT:

Q Do you know the name of that man? A No, sir.

Q Did you hear what he was called by anybody? A No, sir.

Q Would you know him again if you saw him? A I might

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recognize him if I could.

BY MR. ELLISON:

Q You say he gave you a dollar, what did you do with that dollar? A I gave it to Mrs. Hazel Jackson.

Q Did you see what she did with it? A She gave it to Mr. Fishbein.

Q You gave the dollar to the woman and she gave it to this other man? A Yes, sir.

Q Did you have intercourse with any other man there that night? A Two, that night.

Q And how much did you get for the other ones? A The same, a dollar.

Q What did you do with that dollar? A Gave it to Mrs. Hazel Jackson.

Q How long did you then remain in that apartment, if you did remain there? A Ten days.

Q Now, I want you to tell the gentlemen of the jury how many men you had intercourse with up there during that time?

A I can't recollect how many.

Q Well, about how many a day? A Four or five.

Q How much did you receive from those men? A A dollar every time.

Q What would you do with the money? A Give it to Mrs. Hazel Jackson.

Q How often did the defendant Fishbein come up there

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during the ten days you were up there? A Every other night.

Q How long would he stay there? A Sometimes he stayed over night, and other times he would go home.

Q Did he also have intercourse with you during those times? A Yes, sir.

Q Now, do you remember a man coming up there that they called Little Abie? A He come up the night that I was taken home.

Q Well, I say, do you remember such a man coming up there? A Yes, sir.

Q And you had a talk with him, did you not? A Yes, sir.

THE COURT: What did you call him?

MR. ELLISON: Little Abie.

Q Now, did you have a talk with him in the presence of these two defendants? A No, sir.

Q They were not around at the time, so you cannot tell us what that conversation was, but you did have a talk with him? A Yes, sir.

Q Do you remember what night that was? A It was the last night, the night I was taken home, that was August 6th.

Q Do you remember what day of the week that was? A On Wednesday night.

Q Wednesday night, in 1913? A Yes, sir.

Q Now, about what time was it that you had that talk with someone that we will call Little Abie? A About nine

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o'clock in the evening.

Q Now, did you see your brother that night? A Yes, sir.

Q How long after Little Abie left the apartment did you see your brother that night, about ^{how} hour long, an hour or two?

A About half an hour.

Q Where did you see him? A Coming into the apartment.

Q And did you see anybody else coming into the apartment with him? A Yes, sir.

Q Who? A Mr. Abramowitz, and some of his friends, Little Abie and many other friends of his.

Q Now, I want you to tell the gentlemen of the jury just what happened immediately prior to their coming in, and after their leaving the apartment, just what took place in the apartment? A When my brother knocked at the door Mrs. Hazel Jackson would not leave him in, but he got in anyway, and she grabbed a gun and says "If you dare to move I will shoot." So my brother knocks the gun out of her hand and told her to give me my clothes to dress, but she did not give me my own, but she gave me her clothes ^{and} I got dressed and my brother took me home.

Q When you got downstairs out of the flat with your brother and Abramowitz, how many other men did your brother have with him, about? A I can't remember.

Q Were there a lot of them? A There was about twelve or fifteen.

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Q Who else was waiting downstairs for you? A My sister and two of her lady friends and my father.

Q They were all waiting downstairs and then took you home? A Yes, sir.

BY THE COURT:

Q From the time that you entered that apartment as you say with the defendant, until the time when you left, did you go out of the apartment at all? A Yes, sir.

Q How many times? A Twice.

Q When was the first time? A The first time was one day, I think it was Monday, when I went to the doctor.

Q Did you go alone? A No, sir.

Q Who was with you? A Some man that was in this apartment.

Q Do you know his name? A No, sir.

Q When you went out the second time did you go alone?

A With the same fellow, he went with me.

Q When was that? A On the day I went home.

Q And where was the doctor's that you went to? A On Henry street.

Q Do you know the number? A No, sir.

Q Do you know the name of the doctor? A Dr. Friedman.

Q You saw him on both occasions? A No, one occasion.

Q On the occasion when you saw the doctor were you alone in the room with the doctor? A Yes, sir.

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Q And while you were alone in the room with the doctor did you have any talk with the doctor? A No, sir.

Q About how long were you in the room alone with the doctor? A About a quarter of an hour.

Q And when you came out of the doctor's room where was the man who had brought you to the doctor? A Right in the next room, the sitting room.

THE COURT: Proceed, Mr. Ellison.

BY MR. ELLISON:

Q Then you continued to live at home, didn't you?

A Yes, sir.

Q Until you were placed in the House of Detention by the District Attorney as a witness? A I was up at the Hebrew Infant Asylum before my trial was brought up.

BY THE COURT:

Q How did you go from this house on 18th street to the doctor's office on Henry street? A By car, 14th street car.

THE COURT: You may examine, Mr. Schloss.

CROSS EXAMINATION BY M. SCHLOSS:

Q You say you are over sixteen years of age? A Yes, sir.

Q And where were you born? A New York City.

Q Did you ever work at any place? A Just went to training.

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Q Where? A To training.

Q Training for what? A Nurse.

Q Where was that? A The Hebrew Infant Asylum.

Q Up to what time did you go there to learn to train?

A I was up there until November 2nd.

Q Of what year? A 1913.

Q 1913? A Yes, sir.

Q You formed the acquaintance of the defendant Fishbein on the 27th day of July? A Yes, sir.

Q Was that a Sunday? A Yes, sir.

Q The man, you call him by the name of Mr. Burns, introduced you to Mr. Fishbein? A Yes, sir.

Q And how do you know his name is Mr. Burns? A Well, he was an acquaintance of mine for a year and a half.

Q Who introduced you to Mr. Burns? A I don't remember if it was a girl or a fellow, but it was a year and a half that I knew this fellow, but I can't recollect who introduced me.

BY THE COURT:

Q What was his first name? A I don't know his first name.

Q Do you know how he spelled his last name? A (Spelling)
B-u-r-n-s.

BY MR. SCHLOSS:

Q Did you ever hear any person call him Mr. Bernstein?

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A No, sir.

Q Were you ever in the company of Mr. Burns and meet other people besides Mr. Fishbein? A Yes, sir.

Q And they always called him Mr. Burns? A yes, sir.

Q Prior to that day, the 27th day of July, you had been out with Mr. Burns on several occasions? A Yes, sir.

Q Now, do you remember where it was that Mr. Burns introduced you to Mr. Fishbein? A On the board walk, Coney Island.

Q Was there any hotels near there? A No, just a bathing place.

Q What time of day did you meet Mr. Burns? A Mr. Burns took me.

Q On the 27th day of July? A Mr. Burns took me out of my house about half past one, or one o'clock.

Q Was that over in Coney Island? A No, at my home.

Q Your own home? A Yes.

Q What time did you get over to Coney Island? A A little after two, or two o'clock.

Q When did you meet Mr. Burns? A I met Mr. Burns at my house at one o'clock.

Q Now, you were over in Coney Island with Mr. Burns? A Yes, sir.

Q What time was that? A A little after two.

Q What time did you meet Mr. Fishbein? A In the evening between six and seven, somewhere around that time.

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Q And were you in company with Mr. Burns all that time?

A Yes, sir.

Q Were you in any hotel with Mr. Burns? A No, sir.

Q Is it not a fact you stood in front of a hotel, coming out of a hotel with Mr. Burns when he introduced you to Mr. Fishbein? A No, sir.

Q You remember the exact words, or as near as you recollect of the language, what Mr. Burns said when he introduced you to Mr. Fishbein? A He told me that, he said, "Meet my lady friend" and he introduced me to Mr. Fishbein.

Q Did he say what time -- in other words, can you refresh your memory, whether he said any definite time, or whether he says "Take care of my lady friend for a little while"? A He just says "Take care of her until I come back."

Q But he did not say anything about a fortnight or anything about a week? A No, it was supposed to be that night, to take me home.

Q He did say "Take care of her for a little while"?

A Yes, sir.

Q After an hour you had been in the company of Mr. Fishbein, did Mr. Fishbein say anything to you about Mr. Burns, why he remains away an awful long time? A No, he didn't say that. I had no conversation about Mr. Burns when I was with Mr. Fishbein.

Q But you did have a glass of soda with Mr. Fishbein?

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A Yes, sir.

Q Do you know what kind of business Mr. Burns is in?

A I believe he is in some kind of collector business, some kind of place, I don't remember what firm, but I know he was a collector.

Q You don't know what kind of business it is, whether it is insurance? A No, I don't know what business, I know he was a collector.

Q Did Mr. Burns ever make you a present, or presents?

A No, sir.

Q Did he ever give you a ring? A No, sir.

Q Did Mr. Burns ever have a ring that was your property?

A Yes, sir.

Q How long did he have that ring? A He has got it still. He was supposed to bring it to a jeweler to have it fixed. It was broken and I never met Mr. Burns after this time.

Q On this first occasion when you met Mr. Fishbein on the 27th day of July, did you ask Mr. Fishbein for his address or where you could see him, meaning Mr. Fishbein?

A No, sir.

Q Where did Mr. Fishbein live? Do you know whether he lived in New York or in Brooklyn? A I was told he lived in Brooklyn.

Q Who told you he lived in Brooklyn? A Mr. Fishbein himself.

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Q Mr. Fishbein gave you his address? A That was no address, but he just told me the place, he didn't tell me no address.

Q Did you meet Mr. Fishbein on several occasions in Brooklyn? A Not until after all this happened, I met him twice in Brooklyn.

Q You mean by this, you mean this Jackson-Fishbein matter, is that what you mean? A It was in November, I met him last after this trial, before this trial was coming.

Q You met him in November? A Yes.

Q But you went to Mrs. Jackson's apartment in July?

A In July, yes.

Q And what was your object or purpose in going to see Mr. Fishbein in Brooklyn? A I didn't go to see him. I just passed and I met him.

Q Now, is it not a fact that you went over there and asked Mr. Fishbein where you could find Mr. Burns, that Mr. Burns has your ring? A No, sir.

Q You never spoke to Mr. Fishbein about Mr. Burns having your ring? A No, sir.

Q Your family consists, you say, of your parents and your brother? A Two brothers and four sisters.

Q You were up in the upper part of the city, that is not the first time you were up in 18th street, was it, where Mrs. Jackson's home was? A Well, I never was around that

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neighborhood. I went all the ways up in the Bronx.

Q But you are acquainted in the City of New York? A Yes, sir.

Q When Mr. Fishbein took you up to Mrs. Jackson's, did you say anything to Mr. Fishbein? A No, sir.

Q I have not finished the question.

BY THE COURT:

Q Wait until he has asked you the question.

BY MR. SCHLOSS:

Q (Continuing) -- that your parents had not treated you right, that you wanted some place to lay down your head, some place to sleep? A No, sir.

Q Well, did your parents ever abuse you? A No, sir.

Q Your parents always gave you a good home? A Yes, sir.

Q While you were in the Jackson apartment -- you say you were there ten days? A Yes, sir.

Q His Honor has asked you the question, how often you left the house and you said twice? A Yes, sir.

Q Is that the best of your recollection? A Yes, sir.

Q Now, we will see. Do you remember that you left the house every day? A No, sir.

Q Do you remember that Mrs. Jackson asked you to go out and purchase groceries for her on several occasions? A No, sir.

Q Did Mrs. Jackson ever send you to purchase groceries?

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A No, sir.

Q Did you make any purchases of your own accord while you were there with Mrs. Jackson? A Yes, sir.

Q What did you purchase? A A hat.

Q Where did you buy the hat? A On 6th avenue.

BY THE COURT:

Q Now, was that on one of the occasions when you went to go to the doctor's? A Yes, sir.

Q The first or second time? A The second time.

Q Was it before you got to the doctor's or after you had been at the doctor's? A The second time I didn't go to the doctor's. That was the morning I left there, when my brother took me home, that morning I went to buy a hat. I didn't go to see the doctor that morning.

Q The first time that you went out from that flat of the defendant Jackson was when you went to the doctor's? A Yes, sir.

Q And the second time you did not go to the doctors but you went to buy a hat? A Yes, sir.

Q When you went to buy the hat were you alone or with anyone? A With this same man that went with me to the doctors.

BY MR. SCHLOSS:

Q You were in this house for about ten days? A Yes, sir.

Q You were out on several occasions? A No, sir, only

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the two occasions that I went to the doctor.

Q Only two? That's the best of your recollection, twice?

A Yes, sir.

Q You knew where you lived, in Grand street? A Yes, sir.

Q Did you make any attempt to go out and tell your folks that your liberty was in jeopardy, that you were restrained?

A I told the young man that came up there to tell my parents where I was held.

Q But prior to telling the young man, were you ever out in the street, while you were in this house of Mrs. Jackson in 18th street? A The only two times I was out was to the doctors and to buy a hat.

Q You say there was one bed room? A Yes.

Q Where did you sleep? A With Mrs. Hazel Jackson.

Q Every night? A Yes, sir.

Q Was there any possibility -- you said you were out in the street twice? A Yes.

Q And you never informed your own folks either by communication, by letter or by word? A No, sir.

Q Never went to see them? A No, sir.

Q Never went to see them? A No, sir.

BY THE COURT:

Q What persons besides the defendant Jackson, if anyone, lived in that flat? Now, I am not talking about men who came in and went out, but what person if any besides the defendant Jackson lived there while you were there? A Mr. Barney Harowitz.

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BY MR. SCHLOSS:

Q Prior to having Mr. Fishbein and Mrs. Jackson arrested, did you speak to any person or persons about this case?

A Yes, sir.

Q To whom? A Before I had them arrested I was speaking to one of the detectives in Clinton street house.

Q How long was that after you had left Mrs. Jackson's house? A That was, I left there, it was about Friday morning that I notified the police in the Clinton street house.

BY THE COURT:

Q You left there on Wednesday and you notified the police on Friday? A Yes.

BY MR. SCHLOSS:

Q You notified the police on a Friday? A It was a detective that I was speaking to at the time about this case.

Q Now, to the best of your knowledge when were Jackson and Fishbein arrested? A In November.

Q And you notified the police in the month of July? A Well, they told me to wait. Mr. Fishbein was not there when --

THE COURT: No, it would be the month of August.

MR. SCHLOSS: August, yes, thank you, Judge.

THE WITNESS (Continuing): When I notified one of the detectives of the Clinton street house and told him that I think Fishbein left the city, he told me to try

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and trace where he went, and I should keep it all on the quiet until Mr. Fishbein came back to Brooklyn, and to keep tracing Mrs. Hazel Jackson. I was tracing them all the while until I met Fishbein in November, and Mrs. Jackson moved meanwhile to the 17th street house. When I met Fishbein I think it was November 8th, I went to the Stagg street station house, and they told me, it was on Thursday night I met Fishbein, and I seen Detective Ferris of the Stagg Street Station House --

THE COURT: Well, you need not give us any conversation.

BY MR. SCHLOSS:

Q Do you remember your brother visiting the home of Mrs. Jackson? A Yes, sir.

Q Who, if any persons were present? A Mrs. Hazel Jackson and three young men were in the room, and myself.

Q When your brother called up there? A Yes, sir.

Q What time of day or night was that? A Nine o'clock in the evening.

Q How often was Mr. Fishbein in these premises while you were there? A Every other night.

MR. SCHLOSS: You may inquire, Mr. Duffy.

BY THE COURT:

Q What time of day was it you went to buy the hat? A In the morning.

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Q About what time? A I can't remember the time.

Q On that occasion how long were you out? A About an hour.

Q And where was the hat store? A On Sixth avenue, 14th and 15th streets.

Q How long were you out on the occasion when you went to the doctor's? A About an hour and a half.

Q About what time was it when you left the Jackson flat on that occasion? A I don't remember.

Q Morning or afternoon? A It was in the afternoon.

Q Did you go at any time on the first day that you were there to the door of the flat for the purpose of opening it and going out? A I couldn't go near the door.

Q Well, did you go near the door? A I couldn't.

THE COURT: You may examine, counsellor.

CROSS-EXAMINATION BY MR. DUFFY:

Q When you went to this house at 320 West 18th street with Fishbein, do you know if anything was said by the defendant Jackson? A To who?

Q As you were entering the house? A Well, she talked to Mr. Fishbein. I didn't hear the conversation.

Q Did Fishbein resort to any threats to gain admission to the premises, do you understand that? A No, sir.

BY THE COURT:

Q Did Fishbein say anything to the Jackson woman that was

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like a threat, "You must let me in?" A No, sir.

Q "You must let this girl in?" A No, sir.

BY MR. DUFFY:

Q Did Fishbein have a gun with him? A I don't know.

Q Did you see any one enter the house? A Not when I entered the house.

Q Did you ever enter, or who were all the occupants of this apartment? A Mrs. Hazel Jackson, Barney Harawitz and myself, at the time.

Q Who was Barney Harawitz? A Mrs. Hazel Jackson's fellow.

Q What kind of looking man is he? A Tall, dark fellow, a strapping looking fellow.

Q He was not your friend, was he? A No, sir.

Q What room did you occupy in this three-room apartment?

A The same room with Mrs. Hazel Jackson, that was a bed-room.

Q Did all these people occupy the same bed-room? A Yes, sir.

BY THE COURT:

Q While you were there were you at any time alone in that flat with Hazel Jackson? A With Hazel Jackson, yes, sir.

Q You and she alone? A Yes, sir.

Q Now, did you at any time when you were alone in the flat with her try to open the door? A I was afraid to go near the

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door.

BY MR. DUFFY:

Q Did you sleep at this house every night for the ten days? A Yes, sir.

Q Did you remain in the whole day too? A Yes, sir.

Q Now, when this woman, this Jackson, woman, would she leave the apartment at any time? A Not while I was with myself.

Q What? A She never left the apartment and left me alone.

Q For the ten days she never left the apartment? A Just to go to make an order, to have anything.

Q She never went out, did she? A During the ten days?

Q For the ten days she never left the apartment? A She did leave the apartment, but not while I was alone.

Q But you only left the apartment on two or three occasions to go down to the doctor's? A Yes, sir.

Q Will you kindly tell the jury how many days had you remained in this house without going out, how many consecutive days had you remained in the apartment without going out?

A It was on a Monday I went to see the doctor, and the following week, on Wednesday, I went to get my hat.

Q And during all that time Mrs. Jackson had never left the apartment? A She did, on several occasions.

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Q Where would she go to? A I don't know.

Q Did you ever hear of her going to Brooklyn? A No, sir.

Q Did you ever hear her say that she worked in a picture show in Brooklyn? A Yes, sir.

Q What did she say? A She told me she was an actress on the stage.

Q That she worked in this theatre? A What did you say?

Q Didn't she tell you she worked in a moving picture place in Graham avenue, Brooklyn? A No, sir.

Q But she said Brooklyn, didn't she? A Yes, sir.

Q Didn't you see her go out every day? A No, sir.

Q Well, some days would she go out? A Yes, sir.

Q Would you stay up all day and all night, or when would you sleep? A At the time I was there I went to sleep at three o'clock in the morning.

Q What bed did Mrs. Jackson occupy? A The same bed.

Q Did Fishbein occupy the same bed? A The time he came up.

Q And the other man occupied the same bed? A Yes, sir.

Q There was no other bed except the one? A No, sir.

BY THE COURT:

Q Were you ever left alone in that apartment? A No, sir.

BY MR. DUFFY:

Q How many times did you go to see the doctor? A Once.

Q And did Fishbein send you to that doctor? A No, sir.

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Q Didn't Fishbein give you the money to go and see that doctor? A Fishbein didn't give me no money to go see the doctor.

Q Didn't you pay the doctor two dollars? A Yes, sir.

Q Dr. Friedman? A Yes, sir.

Q And how many visits did you make? A One.

Q Did you make more than one? A No, sir.

Q You knew you were restrained of your liberty at the time you visited the doctor, didn't you? A Yes, sir.

Q Why didn't you tell the doctor you were restrained?

A I was afraid. I was threatened, that's why.

Q But you were not afraid of the doctor, were you?

A Well, I was threatened by the people.

Q What people, did Fishbein threaten you? A Some friends of Fishbein's threatened me.

Q What threat was made? A That if I would tell anybody I would be shot.

Q Some friend of Fishbein's told you that? A Yes, sir.

Q Who was he? A I don't know who he was, but he was a friend of Mr. Fishbein's.

Q You know Fishbein's business or vocation, didn't you?

A What did you say?

Q Did you know what Fishbein worked at? A No, sir.

Q You never heard what he did? A He never worked at the time during the ten days.

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Q He never worked? A Not that I know of.
what

Q And you knew Bernstein's vocation was, didn't you?

A Yes.

Q What was it? A He was a collector.

Q Of what? A I don't know what it was.

Q Bernstein, you knew his business, didn't you? A Burns?

Q Yes? A He was a collector at the time.

Q You knew his business before your first went to Coney Island with him? A Yes, sir.

Q And you knew him to be a pickpocket too, didn't you?

A No, sir.

Q Sure of that? A Yes, sir.

Q Where was, or what firm did he collect for? A I don't know.

Q That's what he told you he was? A Yes, sir.

Q When you went in this, when you lived at this house in 18th street, did you have much clothes? A Just the clothes I was wearing.

Q What did that consist of? A My dress and a petticoat and a combination.

Q And during the ten days that you remained did you buy new clothes? A No, sir.

Q Well, during the ten days did you wear any clothes belonging to Mrs. Jackson? A Yes, sir.

Q And do you recollect when you left, don't you? A Yes,

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Q Your brother was with you? A Yes, sir.

Q And he had a gun? A My brother had a gun?

Q Yes? A My brother never held a gun. My brother is an honest man, if you want to know it.

BY THE COURT:

Q Now, just answer questions.

BY MR. DUFFY:

Q And the clothes you had on at the time you left that house were the clothes of this Mrs. Jackson? A Mrs. Hazel Jackson.

Q Is that right? A Yes.

Q The clothes you brought these were pretty well worn?

A No, sir.

Q Was not Mrs. Jackson kind enough to let you use her clothes? A No, it was not kind enough. It would be kind enough to leave me go.

Q You used her clothes and wore her clothes? A Yes.

Q And you took away her clothes? A She gave me the clothes to go home in.

Q When you gave her the dollar, what did you tell her to do with the dollar? A I didn't tell her to do nothing.

Q Who did you think you were working for in this house?

A Mr. Fishbein brought me up, but I don't know for who I was working.

Q And you were working for Fishbein? A I don't know if

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I was working for him, but he brought me up to the house.

Q Did he tell you whose house it was? A Told me it was Mrs. Hazel Jackson's house.

Q Did you ever hear Mrs. Jackson talk about Mrs. Goodman? A No, sir.

Q Did you ever hear of Mrs. Goodman before? A No, sir.

Q On a Saturday did you see a tall woman at the house, that Mrs. Jackson introduced to you as Mrs. Goodman? A There was no woman up at the time.

Q Do you recollect on a Saturday that you were at this house seeing a tall woman with a child there, from the country?

A No, sir, no woman was there.

Q And there was no such conversation with any such person by the name of Mrs. Goodman? A There was no woman up at the time I was there, in the ten days.

Q Did you ever see anybody pay rent for the apartment? A No, sir.

Q You paid nothing? A No, sir, I don't know if I paid, because she had all my money.

Q Did you know Mrs. Jackson when she lived at 319 West 17th street? A Did I know her?

Q Did you know her when she lived at 319 West 17th street? A I knew her the first time before she lived at 319 West 17th, she lived in 320 West 18th street, that's the time that I knew her.

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Q Did you see her after you left 18th street? A Yes, sir.

Q And you saw her in 17th street? A She was up to my house before I went to see her in 17th street.

Q You did not live in 17th street? A No, sir.

Q But you went there? A I went there to see where she lived.

BY THE COURT:

Q I understand the first time you ever saw the defendant Jackson was when you were taken, as you say, to her flat in the month of July? A Yes, sir.

BY MR. DUFFY:

Q Who did Mrs. Jackson live with in 17th street? A I don't know.

Q You were in the house? A No, sir, she was afraid to leave me go in the house.

Q What is that? A No, sir, she was afraid to leave me go in the house.

Q How far, or how near, to the house did you get? A I was at the doorway.

Q You don't know who lived there? A No.

Q How long before you met her in the 18th street house had you known her? A Never before.

Q How long had you known William Burna? A Year and a half.

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Q And for that year and a half you knew him to be a collector? A Yes, sir.

Q And you never worked? A My people supported me.

Q Now, at the time you met the defendant Mrs. Jackson in 17th street, what was the talk about? A I never was in her house in 17th street. I was in 18th street.

Q Well, you were outside and had a talk with her, didn't you? A Yes.

Q Where were you living then? A At the Hebrew Infant Asylum.

Q At the time you were talking to her? A Yes, sir.

Q Did you tell her so? A No.

Q Where did you tell her you lived? A I told her I was living at Fordham, New York.

Q Did you tell her what you came there to see her about? A No, sir.

Q What was the conversation about? A I just asked her to leave me go in the house. She was afraid, and she grabbed a knife, and when I seen her take the knife I walked downstairs.

Q But she was downstairs in the hallway and she had a knife with her? A No, it was not downstairs, that was a door leading into her house.

Q It was upstairs? A Yes.

Q What kind of building is this 319 West 17th street?

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A A tenement house, a big apartment house.

Q Four families on a floor? A Yes.

Q What floor were you on? A The first.

Q Then you were more than inside the hallway? A I was near her door, the hallway leading into her apartment.

Q But you were inside off the street? A Yes.

Q A little different from what you said before?

MR. ELLISON: I object.

THE COURT: No comment of that kind.

Q How long did you talk? A About five minutes. It wasn't five minutes before I left the place.

Q How did you get out of the asylum down to that place?

A What did you say?

Q How did they let you out of the asylum to go down to 17th street, how did they come to let you out? A The door was open.

Q And you walked out, that was your privilege? A I walked in and I walked out the same way.

A Did you ask Mrs. Jackson to permit you to live there with her in 17th street? A Not at all.

Q On that Saturday night? A It was not Saturday night I was up there.

Q Well, Sunday night? A It was not Sunday night, either.

Q What day was it? A It was Sunday morning, when my day

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off was in the Hebrew Infant Asylum, I come to New York, when I found out where she was living, so I went up there to find out where she lived.

Q And she told you she would not let you live in the house? A I never had no such conversation.

Q Did she say that? A No.

Q And did she tell you not to come around to see her?

A No.

Q Did you make any threat to her what you would do if she would not allow you in her house? A No, sir.

Q Did she order you away? A Yes.

Q And then did you make a threat to her of any kind?

A No, sir.

Q Did you tell her at that time that unless she permitted you in her house you would expose everything to the police? A No, sir.

Q Wasn't that about two weeks before these defendants were arrested that you had this conversation with the defendant?

A No, sir.

Q Well, how long before these defendants were arrested?

A A week.

Q And it was after you talked to her in 17th street that you went to the police and told them about 18th street? A Yes.

Q That is right, too? A Yes, and I told the police before about that, that was in the Clinton street house, right

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after I left that apartment on 18th street.

Q That is all.

RE-DIRECT EXAMINATION BY MR. ELLISON:

Q Now, Anna, counsel has asked you whether you did not know that Mr. Burns was a pickpocket; you heard that question, didn't you? A Yes, sir.

Q Why, Burns was the man that introduced you to Fishbein, wasn't he? A Yes, sir.

MR. ELLISON: Will Irving Rothenberg stand up, please? Your Honor, this is just on the question of identification.

Q Have you ever seen this man before standing at the bar? A Yes, sir.

Q Where and when was the first time you ever saw him?

A Mrs. Hazel Jackson's apartment.

Q While you were there? A Yes, sir.

Q You have never seen or heard of him before in your life?

A No, sir.

MR. ELLISON: That is all, thank you. That is all of this witness.

RE-CROSS EXAMINATION BY MR. SCHLOSS:

Q Do you remember I asked you whether you spoke to any person or persons about this case? A Yes.

Q Did you write any letters to the defendant Fishbein while he was in the Tombs? A Yes, sir.

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Q Where did you write the letters from? A From the House of Detention.

Q I show you a letter and envelope; did you write this letter? A Yes.

THE COURT: Do you want it marked for Identification?

MR. SCHLOSS: Yes, sir.

THE COURT: Mark it Defendant's Exhibit A for Identification.

(The letter and envelope are marked Defendant's Exhibit A for Identification, and Mr. Schloss starts to read to the jury.)

MR. ELLISON: I object. It is only marked for Identification.

THE COURT: That is all.

Q Did you write this letter? A Yes, sir.

Q Do you know the contents of this letter? A Yes, sir.

Q You read it?

MR. ELLISON: Well, does counsel intend to offer it in evidence?

THE COURT: If you intend to offer it in evidence you must show it to the District Attorney.

MR. ELLISON: I may not object at all.

(Mr. Schloss hands letter to Mr. Ellison).

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MR. ELLISON: Certainly, I consent to having it go in.

THE COURT: It is received and marked Defendant's Exhibit A, and you may read it, counsel, to the jury.

(Marked Defendant's Exhibit A in evidence, and Mr. Schloss reads the exhibit to the jury).

THE COURT: We will suspend now.

The Court then admonished the jury in accordance with Section 415 of the Code of Criminal Procedure, and took a recess until two o'clock p.m.

(After recess).

TRIAL RESUMED.

A N N A R A G O V I N, a witness for the People, resumes the witness-stand.

RE-CROSS EXAMINATION CONTINUED BY MR. SCHLOSS:

Q I show you an envelope containing a letter. Can you look at it? Do you recognize that letter? A Yes, sir.

Q Is that your handwriting? A Yes, sir.

MR. SCHLOSS: I offer it in evidence.

MR. ELLISON: Consented to.

THE COURT: Received and marked Defendant's Exhibit B.

(Letter and envelope are so marked).

THE COURT: Do you want to read it, counsel?

MR. SCHLOSS: Yes, sir.

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THE COURT: Suppose you give the date, counsellor, of the first letter.

THE WITNESS (Interposing): That was not the first letter.

THE COURT: You might give me the date of the letter that you read this morning.

MR. SCHLOSS: That is what I thought your Honor meant.

MR. ELLISON: It is dated December 30, 1913, and post marked December 31, 1913, that is Defendant's Exhibit A.

(Mr. Schloss reads Defendant's Exhibit B to the jury).

Q. I show you an envelope containing a paper, will you kindly look at that? Did you ever see that letter and envelope before? A Yes.

Q Is that your handwriting? A Yes, sir.

MR. SCHLOSS: I offer it in evidence.

MR. ELLISON: Consented to.

(Letter and envelope are both marked Defendant's Exhibit C, and Mr. Schloss reads the letter to the jury).

MR. ELLISON: Now, I do not want to interrupt counsel, but in reading he said "District Attorney." May I see that? I think Mr. Schloss's eyesight may be poor.

MR. SCHLOSS (Handing): Not at all.

MR. ELLISON: It says, "I will only get into trouble for writing you if my father and mother or the District Attorney finds out."

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MR. SCHLOSS: Thank you. I see I did make a mistake. The letter reads "Dis. Attorney." Do you want that correction made?

MR. ELLISON: No.

(Mr. Schloss continues reading the exhibit to the jury)

Q I show you envelope containing a letter, will you kindly look at that and see if you recognize it? A Yes, sir.

Q Is that your handwriting, that letter? A Yes, sir.

MR. SCHLOSS: I offer it in evidence.

MR. ELLISON: Consented to.

THE COURT: Received in evidence.

(Letter and envelope marked Defendant's Exhibit D).

MR. SCHLOSS: This letter has no date. The envelope is dated December 1st.

MR. ELLISON: It is dated December 31st.

MR. SCHLOSS: Oh, yes, December 31st. (Reads to the jury).

Q I show you another envelope containing letter. Kindly look at that? A Yes, sir.

MR. SCHLOSS: I offer that in evidence.

MR. ELLISON: Consented to.

(Letter and envelope marked Defendant's Exhibit E).

MR. ELLISON: Now, if the Court please, it is evidently through mistake, but Mr. Schloss forgot to read the entire letter, People's Exhibit D, the last exhibit.

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MR. SCHLOSS: Yes, pardon me. I asked my client if that was connected with it. (Continues reading Defendant's Exhibit D).

(Mr. Schloss now reads Defendant's Exhibit E to the jury).

MR. ELLISON: Now, if the Court please, I have not interrupted counsel, but I notice they hand a letter up to the witness and then the defendant hands different papers to counsel.

MR. SCHLOSS: Well, show me which is 1, 2, 3 and 4. It is marked that way. I am trying to connect the letters, that is all. Now, you can guide me, Mr. District Attorney.

MR. ELLISON: Well, the first is there, the second is there, and so on (Indicating).

(Mr. Schloss continues reading the exhibit).

Q Now, I show you another letter and envelope. Kindly look at that, do you recognize that? A Yes, sir.

Q In your handwriting? A Yes, sir.

MR. SCHLOSS: I offer it in evidence.

MR. ELLISON: Consented to.

THE COURT: Received in evidence.

(Letter and envelope are marked Defendant's Exhibit F in evidence).

MR. ELLISON: The letter is dated December 26, 1913,

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and the envelope is postmarked December 27, 1913, and therefore prior to the other letters that counsel read.

(Mr. Schloss reads to the jury).

MR. SCHLOSS: No further questions to ask the witness.

MR. ELLISON: Mr. Clerk, will you kindly give me Exhibit B?

MR. DUFFY: Pardon me, I have a few questions.

RE-CROSS EXAMINATION BY MR. DUFFY:

Q How many other houses had you been to besides this house in 18th street? A No other house.

Q How often had you been to Coney Island with Burns?
A Well, that was the beginning of the summer, I was about five times.

Q Where would you eat while you were in this house in 18th street? A With Mrs. Hazel Jackson.

Q Would you ever eat outside? A No, sir.

Q Would you go out and bring in the eating? A No, sir, I told you that before.

Q Who brought in the eating? A The grocery man.

Q Did you ever go out and eat? A No, sir.

Q Where did you get all this money referred to in these letters? A What did you say?

Q Where did you get all this money referred to in the letters? A I was given it by a woman.

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Q The letters which were read to you? A By Mrs. Menken.

Q Made you a present of all that money? A Yes, sir.

Q From August 6th up to the time that you were arrested, where did you live? A I lived at my home, then I worked at the Hebrew Infant Asylum.

Q Where did you live? A 296 Grand street, and at the Hebrew Infant Asylum?

Q And previous to going to this house in 18th street, you say you always lived with your father and mother? A Yes, sir.

Q And your father worked hard at an operating machine? A Yes, sir.

Q And he took care of your brothers and sisters? A Yes, sir.

Q Your brothers and sisters worked? A I got a married brother and married sister, and I got one sister that is working.

Q Only one working? A Yes, sir.

Q How many rooms did your father and mother have? A Five.

Q How many children? A At home?

Q Yes? A Five.

Q How many working? A One.

Q How old is the youngest? A Six years.

Q And your father supported all these children? A Yes, sir.

Q Out of his wages? A Yes, sir.

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Q Have you any idea how much he earned a week?

MR. ELLISON: I have the father here. I do not know that it is material. It is hearsay. I will call the father to the stand.

THE COURT: Objection sustained.

Q I asked you a while ago did you not pay Dr. Friedman two dollars? A I told you that I did pay him two dollars.

Q Didn't you take that two dollars and buy a hat with it?

A What did you say?

Q Didn't you take that two dollars and buy a hat? A No, sir.

Q Who gave you that two dollars? A For the doctor, Mrs. Hazel Jackson.

Q You did not receive it from Fishbein, did you? A No, sir.

Q Did you ever receive any money from him? A Fishbein, no, sir.

BY MR. ELLISON:

Q You did not receive any but you gave him money, is that it? A Yes, sir.

Q Now, I call your attention to a statement of yours in the letter marked Defendant's Exhibit B, "I have changed my statement this week." What do you mean by that, you changed your statement this week? A I didn't change nothing, but I wrote to him.

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Q Well, what did you mean by that, that you changed your statement? Statement about what, about the weather, or about what, about the case? A It was supposed to be about the case, but --

Q Yes, it was supposed to be about the case? Well, had anybody requested you to change that statement? A No, sir.

Q Sure about that? A Yes, sir.

Q Well, now, see if I can refresh your recollection. I first call your attention to People's Exhibit 1 for Identification and ask you whether you received this letter from the defendant? A Yes, sir.

MR. ELLISON: I offer this letter in evidence.

Q. (Continuing) That is, from the defendant Fishbein, the man? A Fishbein, yes.

MR. SCHLOSS: I object to it unless the witness can prove she knows his handwriting and saw him writing. The defendant denies that he wrote the letter. It is not his handwriting.

MR. ELLISON: Does counsel state that the defendant denies that, is that what I understand?

MR. SCHLOSS: Yes, sir.

THE COURT: You may have it marked for Identification.

(Letter and envelope are marked People's Exhibit 1 for Identification).

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THE WITNESS (Interposing): I have seen his handwriting.

BY THE COURT:

Q Now, one moment.

THE COURT: I will not receive it in evidence, naturally, in this state of the case.

BY MR. ELLISON:

Q I show you People's Exhibit 2 for Identification?

A Yes, that is his writing.

Q Did you receive that letter from the defendant?

A Yes, sir.

THE COURT: Well, I will not allow "from the defendant", but that she received it in the mail.

Q Well, did you receive that letter? A Yes, sir.

BY THE COURT:

Q Were you ever present when the defendant Fishbein wrote something, did you ever see him in the act of writing?

A Yes, sir.

BY MR. ELLISON:

Q Do you know his handwriting? A Yes, sir.

Q You have seen him write before? A Yes, sir.

Q I ask you whether this is in the handwriting of that defendant, this letter? A Yes, sir.

MR. ELLISON: I now offer People's Exhibit 2 for Identification in evidence. I will go back to the other.

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MR. SCHLOSS: We object to it on the same grounds.

THE COURT: I will receive it. The witness has stated that she had seen him write and knows his handwriting and that it was written by him.

(Letter and envelope marked People's Exhibit 2 in evidence).

MR. ELLISON: Now, do I understand that counsel states the defendant did not write this letter?

THE COURT: He objects to it on the ground that it is not shown it was in the handwriting of the defendant. In the light of the testimony of this witness regarding it I have received it.

MR. ELLISON: I will read it. (Reads).

Q What is 203 Mulberry street? A The House of Detention.

Q That is where you were detained by the District Attorney? A Yes, sir.

(Mr. Ellison continues reading).

THE COURT: I think, Mr. District Attorney, I will receive this letter at this time as against the defendant Fishbein alone.

MR. ELLISON: Yes, sir, I am only offering it as against the defendant Fishbein, and not binding on the defendant Hazel Jackson.

Now, I will take up People's Exhibit 1 for Identific-

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ation again.

Q I show you People's Exhibit 1 for Identification and ask you whether that is in the handwriting of the defendant or not? A That is the same handwriting.

Q The handwriting of the defendant Fishbein? A Yes, sir.

MR. ELLISON: I offer it in evidence. That is the letter that counsel said the defendant stated he did not write. I offer that in evidence as against the defendant Fishbein and not against the defendant Jackson.

THE COURT: Received as against the defendant Fishbein.

(Letter and envelope marked People's Exhibit 1 in evidence and read to the jury by Mr. Ellison).

MR. ELLISON: Your Honor understands this is the first letter I showed to counsel.

Q Now, I show you People's Exhibit 3 for Identification and ask you whether you received that letter in the mail?

A Yes, sir.

Q I ask you to look at it and state whether or not it is in the handwriting of that defendant? A Yes, sir.

BY THE COURT:

Q Is it? A Yes, sir.

MR. ELLISON: I offer it in evidence.

MR. SCHLOSS: Same objection, or one minute, Yes,

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the same objection, that she does not know his handwriting or had seen him write it.

THE COURT: She says she has seen him write and knows his handwriting, and that it is in his handwriting and I will receive it.

(Letter and envelope marked People's Exhibit 3 in evidence and read to the jury by Mr. Ellison).

BY MR. ELLISON:

Q I show you People's Exhibit 4 for Identification and ask you whether or not that is in the handwriting of that defendant? A This is in the handwriting of the defendant but I never received it.

Q I just ask you whether that is in his handwriting?

A Yes, sir.

Q I call your attention to the writing on the back of the envelope and ask you if that is in the defendant's handwriting? A Yes.

MR. ELLISON: I offer it in evidence.

MR. SCHLOSS: The same objection unless he can prove the handwriting of the defendant.

THE COURT: The same ruling.

(Letter and envelope are marked People's Exhibit 4 in evidence.)

MR. ELLISON: The envelope is addressed to Mrs. Ragovin, 296 Grand street, and on the back of the envelope is written

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"If not delivered in three days return to Isidore Fishbein, cell 604, City Prison, Tambs, Centre street."

(MR. Ellison also reads the letter to the jury).

Q Now, Anna, you stated in answer to counsel's question that you got some money while you were in the House of Detention from Mrs. Menken? A Yes.

Q Now, tell the jury who Mrs. Menken is? A Mrs. Menken is the woman probation officer of the Jewish girls.

Q And she goes around visiting the Jewish girls in the different institutions? A Yes, sir.

Q That's all.

MR. SCHLOSS: Mr. Ellison, I did not ask her where she got the money from.

THE COURT: No, but the other counsel did.

BY MR. SCHLOSS:

Q I ask you now, Anna, if you stated in letters that you wrote to the defendant Fishbein about money sent him?

A Yes, sir.

Q Now, to the best of your recollection, how much money did you send him? A A dollar.

Q Is that all the money that you sent him? A Yes, sir.

Q Thank you, that is all.

IRVING ROTHENBERG, called and duly sworn as a witness on behalf of the People, testified as follows:

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(Residence, 79 Ridge street).

DIRECT EXAMINATION BY MR. ELLISON:

Q Do you know this defendant, Hazel Jackson? A Yes, sir.

BY THE COURT:

Q Now, talk up so that all the jurors hear you. Do you know her? A Yes, sir.

BY MR. ELLISON:

Q Do you know the complaining witness in this case, Anna Ragovin? A Yes, sir.

Q Where was she the first time you ever saw her in your life? A At the 18th street place with Mrs. Jackson?

Q Now, when you say the 18th street place, do you mean at the apartment, 320 West 18th street? A Yes, sir.

Q That is in the County of New York? A Yes, sir.

Q Do you recall when it was that you saw her there, what month? A It was some day last summer, I don't know what month, it was during the summer.

Q Well, was it the latter part of July? A It was the latter part of the summer. I don't know. It was in the summer time.

Q When you were there did you go alone or with anybody else? A I went with some friends of mine.

Q How many of you went up there? A Three of us.

Q Did you see the defendant Hazel Jackson there? A Yes,

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she was there.

Q And you saw Anna Ragovin? A Yes.

Q Did you have intercourse with her that night? A Yes, sir.

Q How much did you pay -- with Anna Ragovin, I mean?

A Yes, Anna Ragovin.

Q How much did you pay her? A One dollar.

Q You never knew her before you went up to that place?

A Never saw her before that.

Q Now, from your visits to that apartment, what was the character of that place? A It was a disorderly house.

MR. DUFFY: I object to that, if your Honor please.

THE COURT: Yes, I will strike that out.

BY THE COURT:

Q What hour of the day was it when you went there on this occasion that you refer to? A It was the latter part of the evening, it was late in the evening.

Q Well, about what time? A About twelve o'clock.

Q What day in the week? A It was on Saturday night.

Q When you entered the apartment, what room did you go in? A I went into the sitting room.

Q Who opened the door for you? A Mrs. Jackson came to the door.

Q The defendant here? A Yes, sir.

Q You and your companions entered? A Yes, sir.

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Q Did you have any talk with the defendant Jackson?

A No. We went right into the sitting room and the boys started joking around and then went and had intercourse with Miss Ragovin and we went home.

MR. ELLISON: That is all.

Q Were there any other women in there besides the defendant Jackson and this girl? A No, sir.

CROSS-EXAMINATION BY MR. DUFFY:

Q Who were the other two men with you? A They were two friends of mine.

Q One was your brother? A No, sir.

Q And you went there to see Anna? A Well, I went there not to see either one of them.

Q You knew Anna? A No, never knew her before. That was the first time I seen her at this flat.

Q That's all.

MR. ELLISON: That is all.

S A M U E L R A G O V I N, called and duly sworn as a witness on behalf of the People, testified through Official Interpreter Rosenthal, as follows:

(Residence, 296 Grand street).

DIRECT EXAMINATION BY MR. ELLISON:

Q You are the father of the complaining witness, Anna Ragovin? A Yes.

Q How old is she? A On Purim she will be seventeen

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years old.

Q And at the present time she is sixteen? A Nine weeks more and she will be seventeen.

Q How many children have you? A Seven, two married and five, married.

Q Was Anna living with you, with the other children?
A Yes.

Q What do you do for a living, Mr. Ragovin? A Cloaks, operator.

Q Do you work for any firm or do you work on your own account? A Yes, I work for an employer.

Q For whom, what are their names? A Weinstein & Klipstein.

Q How long have you been working for them? A For the last mentioned firm I have been working a year, but for about eight years before I worked for another firm.

Q What was their name? Adelson & Shapiro.

Q Now, do you ever remember going up to 320 West 18th street? A I never went up there.

Q Well, do you remember your daughter was missing from home last summer? A Yes, last summer.

Q Do you remember the day that you found her? A Yes, it was Wednesday night.

Q Where did you see her? A I was there, I was going there, my son and my other daughter and another couple of

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strangers. I was informed that she was there.

Q Well, what I want to get at, did you all go uptown,
did you all go to some street uptown? A Yes.

Q Now, where were you waiting, at what street or where?
A In the street.

Q Now, can't you tell the gentlemen of the jury what
street that was? A I was so much mixed up at that time that
I didn't know where I was going.

Q Well, who was waiting on the street with you? A My
daughter.

Q What is her name? A Etta Ragovin.

Q When you went up there, did you go up there with your
son, did he accompany you? A Yes, sir, the son went with
me.

BY THE COURT:

Q What is your son's name? A I call him Ike. Others
call him Issy.

BY MR. ELLISON:

Q And did Max Abramowitz go up there with you? A Yes.

Q And when you got up to a certain street did they leave
you, did they go away from you for a while?
BY THE COURT:

Q Yes or no? A Yes.

BY MR. ELLISON:

Q How long did they remain away from you, about, five
minutes, ten minutes? A Half an hour.

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Q And when they came back again did they have your daughter with them? A Yes.

BY THE COURT:

Q And when you say your daughter, do you mean your daughter Anna? A Yes, Anna.

BY MR. ELLISON:

Q Then where did you and your daughter Anna and your son and the rest go? A Home.

CROSS-EXAMINATION BY MR. DUFFY:

Q Is your daughter over eighteen years old? A No.

Q When was your daughter born? A As I said before, on Purim which will be in about nine weeks she will be seventeen years old.

Q Do you know when she was born? A Why, she was born here, it is very easy to be found out when she was born. She will tell you exactly when she was born. There is the date of it. I have the working papers also, showing where she was born.

Q Now, did your daughter Anna ever work? A For a short time, yes, she did. She only left school lately.

BY THE COURT:

Q Did your daughter Anna ever work in any place? A Yes.

Q When and where? A When she left school she went to work.

Q Where did she go to work? If you do not know, say so?

A I don't know the place.

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Q. What was the name of the employer? A. She was working together with the older girl.

Q. Do you know the name of the employer, the person who employed your daughter? A. No, I don't.

Q. How long did she work in that place? A. She finished school on Purim of last year, and she was at home until after Passover, which is about a month. Then she went to work with the older girl together.

Q. Well, how long did she work in that place? A. All the time. When the accident happened I kept her at home for a couple of weeks. Then I brought her to the Hebrew Institute.

Q. What was the name of the older girl that you have spoken of as working with your daughter? A. Etta Ragovin?

Q. That is to say, Anna and her elder sister worked together in the same place, after Anna had left school? A. Yes.

Q. For how many weeks or months? A. About two months.

Q. What kind of work did she do? A. Artificial flowers.

Q. So that your daughter Anna worked for about two months after she came out of school in a place where her elder sister was employed in making artificial flowers, is that so? A. Yes.

Q. And was she working in that place in the latter part of July of last year? A. I think she was laid off before the 1st of July.

Q. So that your best recollection is that she was not at work anywhere in the latter part of July of 1913? A. No,

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she did not work.

THE COURT: Now, proceed, counsellor.

BY MR. DUFFY:

Q Did you hear your daughter testify that she never worked?

MR. ELLISON: I object to that statement. That is not so. I think the record will show that she distinctly stated on the record that she did work.

(The stenographer repeats part of the cross-examination of the complaining witness).

Q Did your daughter ever bring you in any money?

BY THE COURT:

Q Now, we are talking about your daughter Anna? A While she was working she brought me all the money she earned.

BY MR. DUFFY:

Q How much money did she bring home to you? A She was working piecework. Sometimes she brought five dollars, sometimes six, and sometimes even seven dollars.

Q And for how many weeks would she bring in five, six or seven dollars a week? A At the beginning she brought five dollars a week and then six dollars, and afterwards she started to bring home seven dollars a week.

Q For how many weeks was that? A She worked altogether ten or eleven weeks.

Q Did you ever ask her where she was working?

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MR. ELLISON: If the Court please, the witness has testified that she was working with her eldest sister. I have the eldest sister in court. I object on the ground that it is repetition and immaterial.

THE COURT: Very well.

Q Have you been supporting your daughter Anna for the past two years? A I am her father. I have supported her all the time, as the father generally supports his children, and so do I support my children.

Q Do your other children work? A The oldest is working and the youngest go to school, and two are married.

Q Did you in the past two years buy any clothes for your daughter Anna?

MR. ELLISON: Now, if your Honor please, he has just said he supported his children as any other man would.

THE COURT: Well, I will allow the question.

A After she was taken home I even bought her a suit, two suits I bought her.

Q Did you buy any clothes for Anna? A I tell you that I bought clothes for her.

Q How often in the last two years? A During the year perhaps I may have bought her five suits, because she was growing and the suits did not fit her for a very long time.

Q Was your daughter working in July, 1914?

MR. ELLISON: I object on the ground that we have

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already been over that and this is not July, 1914. Your Honor asked that question.

THE COURT: Yes, we have been over that. He has already answered that.

Q Did you quarrel with your daughter Anna about not working? A No.

Q At any time did you order your daughter Anna out of the house for not working?

BY THE COURT:

Q Now, yes or no to that? A No, sir. There is another daughter of mine that has been stopping for ten weeks. No father will drive a daughter out of the house because she does not work for a time.

BY MR. DUFFY:

Q Had your daughter been home at 296 Grand street up to July 27, 1913? A Every night she was at home.

Q Was she at home from July 27, 1913, to August 6, 1913? A Well, during the ten days that she was not at home, why, she was not at home, and I was looking for her.

BY THE COURT:

Q Well, now, you answer the question? A When she was not at home, how could she be at home?

THE COURT: Mr. Interpreter, you tell him to answer questions without comment.

THE INTERPRETER: The answer is, "She was not at home."

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BY MR. DUFFY:

Q At what hour of the morning would your daughter leave home?

MR. ELLISON: I object on the ground that the question is indefinite.

THE COURT: Yes, objection sustained.

MR. DUFFY: I withdraw the question.

Q In the month of July, 1913, what time of the day would your daughter leave home? A Well I can't tell that, because I leave the house and go to work at seven o'clock in the morning and I come home at six o'clock in the evening.

Q Was your daughter Anna working in the month of July, 1913?

MR. ELLISON: I object on the ground that we have been over that three times and your Honor asked that question and he said "No, she did not."

THE COURT: Objection sustained.

Q Did you know a man by the name of Bernstein? A I don't know.

BY THE COURT:

Q Do you know a man by the name of Burns, yes or no?

A No.

BY MR. DUFFY:

Q Do you know a young man that kept company with your daughter Anna for a year and a half previous to July, 1913?

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A - I never knew anything about it. It never occurred to me that she kept company, because she was at home.

Q Did you know that your daughter went to Coney Island on five or six different occasions with Burns or Bernstein?

MR. ELLISON: I object to that as immaterial to this issue.

THE COURT: Objection sustained. You may ask whether he knew that she went with Burns. There is no evidence that she went with any Bernstein.

Q (Continuing): With Burns, then; did you know that your daughter Anna went to Coney Island on five different occasions with Burns? A I don't know.

Q Did your daughter Anna ever speak to you about Burns, or Bernstein?

MR. ELLISON: I object to that on the ground of repetition. He says he never heard of the man.

THE COURT: Objection sustained.

MR. DUFFY: That is all.

E T T A R A G O V I N, called and duly sworn as a witness on behalf of the People, testified as follows:

(Residence, 296 Grand street).

DIRECT EXAMINATION BY MR. ELLISON:

Q You are the daughter of the last witness? A Yes, sir.

Q Also a sister of Anna Ragovin? A Yes, sir.

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Q And living with your family where, on the 27th day of
July, 1913? A 296 Grand street.

BY THE COURT:

Q How old are you, Etta? A I will be nineteen September
13th.

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BY MR. ELLISON:

Q You work for a living? A Yes, sir. I am not working now, though.

Q Were you working in July? A Well, we were just laid off about in July.

Q When were you laid off? A Well, about the beginning of July we were laid off.

Q What business were you working in? A Artificial flowers and feathers.

Q Was your sister Anna working with you? A Yes, sir, for quite a little while.

Q For about how long was Anna working with you? A About two months, not quite, though.

BY THE COURT:

Q For what concern? A Sugar, 203 Greene street.

BY MR. ELLISON:

Q Do you remember the day your sister disappeared?

A It was in the latter part of July.

Q About how long was she away from home? A About ten days.

Q As a result of information received did you on or about August 6, 1913, go up to West 18th street? A Yes, sir.

Q With whom? A I went up there with two of my lady friends.

Q Did your father go, too? A Well, they went before me

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and I was telephoned that I should come down.

Q Well, you went up to 18th street, did you? A Yes, sir.

Q Whereabouts? A I know I went up on a Spring street car, but it was in the evening and I don't know.

Q Was it east or west 18th street? A West.

Q When you got up there whom did you see? A I met some of the boys, I met my brother and my father downstairs at the corner.

BY THE COURT:

Q Corner of what street? A On 18th street, right at the corner.

Q What avenue? A Well, it was uptown, I think it was either between Eighth or Ninth, or Sixth avenue, it was late and I didn't see.

BY MR. ELLISON:

Q Was there an elevated running up there on that avenue?

A I could tell you.

Q Was there at the next corner the elevated track? A I couldn't tell you. I know there was car tracks there, but I don't know.

Q When you got up there did you wait around? A Yes, sir, I waited quite some time.

Q For how long? A About half an hour.

Q Then did you see your sister? A Yes, she come down with Hazel Jackson, they all come down, the boys and my

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brother and my father, and Hazel Jackson and my sister come down.

Q And was your brother with your sister? A Yes, sir. Hazel Jackson even says "I didn't know nothing about it." She says "I didn't know it was your sister, if I would I would never keep her here."

Q To whom did she say that? A She said that to my brother.

Q Is that your broke Ike? A Yes.

Q And was Mr. Max Abramowitz there, too? A Yes, sir, he was one of the boys.

Q Then where did you go after your sister come down?

A I took my sister on the 14th street crosstown car.

Q Where did you go, home? A Yes, sir, went right home.

CROSS EXAMINATION BY MR. DUFFY:

Q Did you go upstairs in the apartment? A What apartment?

Q At 218, or 320 West 18th street? A No, sir.

Q Where was this conversation you refer to? A Right on the corner of 18th street.

Q And what avenue? A I don't know the avenue. It was near a saloon.

Q When was the first time you saw this defendant Jackson?

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A When my sister come down.

Q What? A When she came down with my sister.

Q That was on the corner? A That was after they all come out of the house.

Q Your sister and the others came out of the house?

A Yes.

Q And went down to the corner? A Yes.

Q Did you talk to the defendant? A I didn't speak to her because I didn't care to.

Q You had no conversation with her? A No, sir. I wouldn't care to anyway.

Q But you heard her make some remarks? A I certainly did.

Q Did you tell anybody that you came from Newark, that you had no sister? A What's that?

Q Did you tell anybody, did you talk to anybody that you came from Newark? A I, from Newark?

Q Yes. A Who did I speak?

Q Did you talk to anybody about coming from Newark?

A Not that I know of.

Q How long did you stop on the corner? A As soon as my sister come down we walked off.

Q Who were the others in the party? A My brother, my father, Max Abramowitz and some boys. I can't mention their names.

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Q Do you recognize the defendant? A Why, certainly, I saw her up in my house, too.

Q Saw her coming down, you mean? A No, I saw her up in my house and then I saw her downstairs, too.

BY THE COURT:

Q Now, Miss Ragevin, when for the first time did you see Hazel Jackson? A When they brought my sister down from her place.

Q That is, on this evening that you speak of? A Yes, sir.

Q Did you see Hazel Jackson coming out of the building or did you only see her when she was on the street? A I saw them all coming out of the building and she was one of them, with them.

Q You saw a number of people come out of the house on 18th street? A Yes, sir.

Q How close were you to the house that those people were coming out of? A It was half a block off. I was on the corner and that was in the center of the block.

Q And then these people that came out of the house walked along the street towards where you were, is that so? A Yes, sir, and then they stopped.

Q And then it was that you heard this defendant Hazel Jackson say something to -- A My brother.

Q To your brother, and his name is what? A Ike Ragevin.

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Q How old is he, about? A About 25, or 27.

Q A grown up man? A Yes, sir, he is a married man, with three children.

BY MR. DUFFY:

Q And then you took your sister home? A Yes, sir.

Q Now, you say your sister worked in July, 1913? A Not in July. We were laid off in July.

Q Well, did she do any work in July, 1913? A No, she did not. I didn't neither for if I was home she was home.

Q And you and she worked about two months with you?

A Yes, sir.

Q Where? A Down in 203 Greene street, by Sugar.

Q What did she do? A The same thing I was doing, we were working there.

BY THE COURT:

Q I do not quite understand the name of the firm?

A Sugar.

Q How do you write that? A (Spelling) S-u-g-a-r, I think it is.

BY MR. DUFFY:

Q Where is that place? A 203 Greene street.

Q What kind of work did she do? A Artificial flowers and feathers. We were working at feathers at that time.

Q And that was the same kind of work that you did?

A Yes, sir.

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Q How long have you worked in that line of business?

A I am working in that line about five years.

Q At the same house? A Not in the same house, no, in a number of houses.

Q Well, how long did you work in that same house? A For the last two years in that place.

Q How long did you work for Mr. Sugar? A About two years.

Q And your sister worked two months? A Yes, sir.

Q What did she earn a week? A Well, she was right under me, she made her five or six at the beginning and then she made seven and sometimes change in it.

Q What months would you say she worked? A Well, I think it was March, no, it wasn't March. It was April and May or June, or I don't remember. One of those months. It was the spring, I know.

Q Previous to that time did she work? A What did you say?

BY THE COURT:

Q Before that did she work? A No, sir, she went to school and she was home quite some while after she left school.

BY MR. DUFFY:

Q What school? A Public school.

Q Where? A She left Public School 62.

Q Where is that? A On hester and, I don't know what

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street it is. I think it is Essex and Hester. I know it is on Hester street.

BY THE COURT:

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

BY MR. DUFFY:

Q Did you ever go to Coney Island with your sister?

A Certainly.

Q Do you know a young man by the name of Bernstein?

A No, sir.

Q Did you know that your sister Anna was keeping company with a man by the name of Burns or Bernstein? A No, sir.

Q Did your sister Anna ever speak to you about this man Burns? A No, sir.

Q Did you ever know that she had gone to Coney Island on five different occasions with Burns? A I know she went down to the Island, and I go down to the Island, too. My mother knows that.

Q Did your sister ever speak to you about a ring?

A About a ring, never.

Q Did she tell you about her ring? A No, sir.

Q Never spoke about her ring concerning Burns? A No, sir.

Q Now, do you know if your sister was ever engaged to be married to Burns? A No, sir, she never was. If she was

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I would have known it.

Q Did you ever see a ring on your sister's finger?

A Never did. She did have one, that was her birthday ring that my father gave her, a signet ring she had on that my father gave her but it broke and she gave it away to be fixed.

Q Did she have that ring in July, 1913? A Of course, she had it all the while.

Q Has she got it yet? A No, she gave it away to be fixed and she never got it back because this trial came up.

Q Did she tell you she ever gave it to anybody? A I know she gave it to be fixed.

Q Did she tell you she gave it to anybody? A I don't know to who she gave it, but I know she gave it to fix.

Q That is all.

MAX ABRAMOWITZ, called and duly sworn as a witness on behalf of the People, testified through Official Interpreter Rosenthal, as follows:

(Residence 76 Eldridge street.)

DIRECT EXAMINATION BY MR. ELLISON:

Q Where do you live? A 76 Eldridge street.

Q Are you a married man? A Yes.

Q Are you related to these Ragovins? A Yes, a cousin.

Q Do you remember in the month of August, 1913, going up to some premises in West 18th street? A No.

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Q Do you understand the question?

(Question repeated by the Interpreter)

A Yes, sir, corner of Fifth avenue.

Q Corner of what avenue? A Corner of Fifth avenue.

Q Well, don't you know the number of the house was 320 West 18th street? A Yes, the number was 320.

Q Well, you don't mean that that was the corner of Fifth avenue, do you? I don't remember, I think so.

Q Well, all right.

THE COURT: Now, you tell him in his own language that he has to talk in a louder tone of voice.

BY MR. ELLISON:

Q Do you remember, or who did you go up there with?

A I went there with another boy.

BY THE COURT:

Q What is his name? A Joe.

Q What is his last name? A I don't know his last name.

Q Where does he live? A I don't know where he lives.

Q Where does he work? A He works for Weinstein & Klipstein.

BY MR. ELLISON:

Q Can you talk English?

THE COURT: He may talk in his own language but he has to talk loud enough so that everybody hears him. Mr. Interpreter, tell him that in his own language. I do

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not want to lock him up.

Q Did you see Ike Ragovin up there? A No, sir.

MR. ELLISON: Your Honor, I am afraid I cannot examine this witness. I don't know whether he is purposely misunderstanding or whether he does not understand me.

THE COURT: I will find out about it.

BY THE COURT:

Q How old are you? A (In English) 23 years.

Q How long have you lived in New York? A Six years.

Q Say that over again? A Six years.

Q How long have you lived in New York, say that over again? A Six years.

Q Where do you work? A Weinstein & Klipstein.

Q Say it over again? A Weinstein & Klipstein.

MR. SCHLOSS: The jurors cannot hear, if your Honor please.

Q What kind of work do you do? A (Through the interpreter) On cloaks.

Q Now, you went to some place in 18th street in August last? (In English) Yes, I didn't remember when it was, though. (Continuing through interpreter) I was in that place but I don't remember when it was.

Q Well, who did you see in the place that you went to? A (Through the interpreter) I went upstairs and the door opened and they wouldn't let me in, and I went back again.

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Q When you went back whom did you see? A Nobody.

Q When you went there the first time who did you see?

A I saw the woman who opened the door.

Q What woman opened the door? A This I don't remember.

Q Look around the room. Do you see anybody in the court room that you saw then? A No.

MR. ELLISON: I will just ask him a few more questions.

BY MR. ELLISON:

Q Now, after you went to this door and you saw the woman wouldn't let you in, where did you go? A I was told that Anna Ragovin was upstairs.

Q I didn't ask that.

MR. ELLISON: I consent to have that stricken out.

Q Where did you go, down in the street or up in a balcony or where did you go? A I went home.

Q Before you went home did you see any of the Ragovins there? A Ike Ragovin I saw.

Q Where did you see him? A In the shop of Weinstein & Klipstein.

Q And did you go back again later then with Ike Ragovin?

A Yes.

Q Now, what time was it that you went back the second time with Ike Ragovin? A About eight o'clock.

Q At night? A Yes, at night.

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Q Now, I want you to tell just what happened when you went back there with Ike Ragozin? Tell everything that took place and talk out loud? A I don't know what there.

MR. ELLISON: Well, I have no further questions of him.

A (Continuing) I was not there. How can I tell?

BY THE COURT:

Q How many times in one day, if more than once, did you go to this place on 18th street?

THE COURT: Mr. Interpreter, do not make any special effort with him. You just put the questions and if he does not answer me clearly I will lock him up.

A Once.

Q Once? A Once.

Q At what hour in the day? A When I went from work at six o'clock at night.

Q What time did you get to the house in 18th street?

A Half past six.

Q Did you go to that house alone or with anyone? A With another one.

Q Who was that person? A I don't remember the family name, but the first name was Issy.

Q Where does he live? A I don't know.

Q How long had you known him? A About half a year.

Q Where had you met him? A In the shop of Weinstein &

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Klipstein.

Q Was he a young fellow who worked there? A Yes.

Q So that you and this person whom you now call Issy went a little after six o'clock in the evening to the house on 18th street, is that so? A Yes, sir.

Q Now, when you got to that house did you walk upstairs?

A Yes.

Q And how many flights of stairs did you walk up? A I don't remember.

Q When you got up to the place in that house where you stopped did you go to the door? A Yes.

Q Was that door open or closed? A Closed.

Q Did you knock on the door or did you ring the bell?

A Rang the bell.

Q After you had rung the bell did anybody open the door?

A Yes, a woman.

Q Was it opened by a woman? A Yes.

Q How was she dressed? A She opened the door just a little bit. (Witness indicates about an inch) And she was dressed in a black dress.

Q Well, after she had opened the door about an inch did you speak to the woman? A Yes.

Q And did she answer you? A Yes.

Q And in what language did you talk to the woman?

A Yiddish.

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Q And did she answer you in Yiddish? A Yes, sir.
said

Q After you had something to her and she answered you,
what did she do with the door? A Closed it.

Q After she had closed the door what did you do? A I
went home.

Q Look at the woman who is sitting at the table with
the hat on. Do you see her, right there (Indicating)? A I
see her.

Q Have you ever seen that woman before today? Now, you
look at her? A No.

Q Did you at any time on the night of the 6th of August,
1913, go inside of a room in the building 320 West 18th street,
this county? A No, sir.

THE COURT: This is the witness, is it not, Mr.
District Attorney, that you said in your opening address
had a pistol presented?

MR. ELLISON: No, that is the brother Ike Ragovin,
the brother of the complaining witness.

THE COURT: What was it you said you intended to
show by this witness?

MR. ELLISON: That he accompanied, that he was up
there, that he accompanied the party, the brother. The
brother of the girl is a witness here.

THE COURT: Well then, this witness can be withdrawn.

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I think we will adjourn now, Mr. Ellison.

The Court then admonished the jury in accordance with Section 415 of the Code of Criminal Procedure, and adjourned the further trial of the case until Tuesday, January 6th, 1914, at 10:30 o'clock A. M.

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THE PEOPLE, &c. v. FISHBEIN and JACKSON.

New York, January 6th, 1914.

-TRIAL RESUMED-

I S A A C R A G O V I N, called and duly sworn as a witness
on behalf of the People, testified as follows:

(Residence, 740 Trinity avenue, Bronx.)

DIRECT EXAMINATION BY MR. ELLISON:

Q Now, in answering questions keep your voice up, will
you? A Yes, sir.

Q Are you a married man? A Yes, sir.

Q Have you any family? A Yes, sir.

Q How much of a family? A Three children.

Q You live with your wife and children, and where? A 740
Trinity avenue, Bronx.

Q Are you the brother of Annie Ragovin, the complaining
witness? A Yes, sir.

Q Do you recall the 6th day of August, 1913, do you re-
member that day? A Yes, sir.

Q On that night did you visit the premises 320 West 18th
street, in the County of New York? A Yes, sir.

Q What is that, a tenement or a flat house? A An
apartment building.

Q Did you go into the building? A Yes, sir.

Q I want you to tell the gentlemen of the jury in your own
way just what happened, from the moment you entered that build-

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ing; talk out loud and distinctly? A I come over to that building, I went and I sent up one of the fellows, so that they should not recognize me from my sister because I look the same way as my sister, to go up in that house. So he come up there and he knocked at the door and he come down and he says, "They won't leave me" --

BY THE COURT:

Q No, he came down and said something to you? A Yes, sir.

Q And after he had spoken to you what did you do? A I at went up myself and knocked at the door and as soon as they opened the door I shoved myself in.

BY MR. ELLISON:

Q You shoved yourself in the door? A Yes, sir, shoved myself into the room.

BY THE COURT:

Q How many flights did you go up? A Two flights. This is the third story in the building.

Q Who opened the door? A Miss Hazel Jackson.

Q This defendant? A Yes, sir.

Q When she opened the door, what did you do, talk up?

A I went in. She opened the door and she won't leave me in. She ask me for a pass word and I carried my way in.

BY MR. ELLISON:

Q Tell everything that was said and done? A When I

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crashed in she ran to the room next, there was three rooms in that apartment, so no more than I crashed in, I come into the first room, there is a little hallway going in, when I crashed into that room she ran in the front and got hold of a gun and held it up against me. She held it up against me, but I was not scared, I said, "If my sister should be ruined I am going to kill her." I went over and hit her a smash in the face and threw the gun out of her hand. When I did that she says, "Now, here, fellow, my life is at stake, I want you to understand this girl was brought to me by a fellow by the name of Issy Red Shirt, I want you to understand you have to get permission off him to take her out of here." I says to her, "I want you to understand you won't get away with this, I want you to let me see my sister." She won't let me in. I walked into the last room where I seen my sister naked there, without her clothes, I says, "Where is her clothes?" And she says, "I haven't got her clothes."

Q To whom did you say, "Where are her clothes?" / Miss Hazel Jackson, I says, "Where are her clothes?" And she says, "I haven't got her clothes." I says, "I want you to give her her clothes." She says, "I ain't got nothing to do with her." I says to her, "I will break open the closet and take her clothes out." So she went over to a closet and unlocked the closet and got some clothes for my sister to dress, and I took her downstairs and my sister and a few other people there and they took her home. I had a few of my friends there in case they put up a

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right that I should be able to protect myself. That's all.

Q Was anything else said when you were up in the flat itself between you and this woman? A That is what I am telling you.

Q Had you ever seen that woman before in your life? A No, sir.

Q How long were you in that flat? A About, between, about twenty and twenty-five minutes. I can't tell you how long it was.

Q You stayed there while your sister dressed and then took her out with you? A Yes.

Q Up to that time had you seen the man here, Fishbein? A No, sir, I don't know him.

Q When was the first time you ever saw him in your life, do you remember? A I seen him down in Jefferson Market Court.

Q How old a man are you? A Twenty-eight, going on twenty-nine.

CROSS-EXAMINATION BY MR. SULLOSS:

Q How long have you resided at 740 Trinity avenue? A How long, eight months.

Q How long have you been married? A Eight years, going on nine.

Q What is your business? A Tailor.

Q What kind of tailor? A On ladies' cloaks.

Q Are you employed at the present time? A Yes, sir.

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Q What is the man's name? A Weinstein & Klipstein.

Q How long have you been employed there? A Previous, I gave up my own business, it is two and a half years.

Q Answer the question, how long have you been employed there? A Two and a half years there.

Q Previous to that what did you do, if anything? A At the same trade.

Q Your own business? A No, sir, at the same trade, I am working at cloaks, I had a business before I went to my business, I was at the same trade.

Q Two and a half years you are with the present firm?

A Yes.

Q What did you do before that? A I was in business for over ten months.

Q How old a man are you? A Twenty-eight, going on twenty-nine.

Q What did you do prior to that, that is the two and a half years and these ten months? A I was working for one concern for eight years.

Q What is that firm's name? A Adelson & Shapiro.

Q In the City of New York? A Yes, sir. They had a place before in Brooklyn. It is about ten years they are here in New York. They were in Brooklyn before that.

Q In other words, you have been employed for the past thirteen or fourteen years? A Yes, sir.

Q Were you ever convicted of a crime? A No, sir.

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Q On the 6th day of August, you visited the premises of Miss Jackson in West 18th street? A Yes, sir.

Q When did you receive your first information that your sister was in the premises of Miss Jackson? A A boy bringing me over a note in my sister's handwriting that I should come up there and take her out.

Q Was that by mail? A No, sir, it was given by a boy to me.

Q What is the boy's name? A The boy's name is "Little Abie." They call him "Little Abie." I don't know him, I got no idea of him.

Q What is the man's name, when you visited these premises on the day in question, the 6th day of August, when he came down and had a conversation with you in reference to your sister? A There was a few of them.

Q How many were there? A There were about eight or ten fellows:

Q Now, you had some information that your sister's liberty was detained, that she was in the home of Miss Jackson, is that right? A I didn't quite understand what you just said.

Q Your sister, you had information that your sister was with Miss Jackson? A Yes, sir.

Q What was your motive of going up there? A What was my motive going up there?

Q Yes? A Would you be better than me, not to go up

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there to take out your sister?

Q Do not argue with me.

BY THE COURT:

Q Just answer the question, why did you go? A To take out my sister.

BY MR. SCHLOSS:

Q Did you speak to any officer, did you inform the Police Department? A I did have a talk before, to find her.

Q Where? A Where my father's home is at Clinton Street Station House.

Q In the City of New York? A Yes, sir.

Q When did you speak to any officer about this Miss Jackson and your sister? A Not about them, I was speaking about my sister to try to find out where she was.

Q Did you complain in the station house or to any officer about your sister? A Yes, sir.

Q Where, what station house? A Clinton street, in the district where we live in.

Q Did you tell the officer where your sister was? A I didn't know at that time.

BY THE COURT:

Q In other words, you went to the station house in order to notify the police that your sister was away from home, and that you didn't know where she was, and in order that they might make efforts to find her, is that so? A Yes, sir.

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Q That was before you ascertained where your sister was?

A Yes, sir.

BY MR. SCHLOSS:

Q How many accompanied you from your house to the home of Miss Jackson? A Quite a number.

Q Were there more than two? A There were more than eight or nine.

Q Do you know all these men? A A few I knew and a few knew the other people, and they all came along to help me out.

Q Do you know a man by the name of Anie Meyerson? A Yes, sir.

Q How long do you know him? A That is the fellow that brought me over the note, little fat Abie.

Q Is he a young man, or a boy? A He is a short young fellow.

Q How long, about? A I can't tell you. I don't know how old he is.

Q That is no boy, is he a young boy? A He is a young, fat fellow, they call him Abie, "Little Abie." That's what they call him. He hangs out on Broome and Ludlow streets, right near the County Jail.

Q Why do you say he hangs out there? A Because they all come around there, they are a bunch of guerillas there.

Q And were the other men a bunch of guerillas there, three, four, eight or nine? A No, sir, they were working with me in this factory.

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Q Did you offer to pay Mr. Meyerson anything to accompany you? A Why, certainly I did.

Q You did? A Yes, sir.

Q You paid him money? A Yes, sir.

Q Is that the only man you paid money? A That's all.

Q Have you any objection to saying how much you paid him?

A That's my business.

Q You couldn't tell?

BY MR. KILGUSON:

Q Well, tell him how much? A I gave him ten dollars.

BY MR. SCHLOSS:

Q Ten dollars you gave him to go up there? A Yes.

Q Did you pay any other person ten dollars? A No, sir.

Q Why did you pay him ten dollars? A Because he was the one that brought me over the notes.

Q And you know him to be one of the guerrillas? A Yes, sir.

Q In visiting or entering the premises of Miss Jackson you looked around, how many beds if any did you see there?

A I can't tell you that because I was mixed up.

Q Did you see any bed? A Yes, sir, I seen the room where my sister was, there was a bed there.

Q Well, that's the only bed you saw, one bed? A I can't tell you how many beds were there.

Q Well, you saw one bed, that's all you saw? A That's

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all I saw.

Q Did you have any talk with your sister in the presence of Miss Jackson? A No, sir, I took her right home. What for can I talk with her? Home, I was talking with her.

Q You had no talk with your sister? A No, sir.

Q You took her right home? A Yes, sir.

Q Is it not a fact that you slapped your sister in the face? A No, sir.

Q You cannot refresh your memory on that? A No, sir.

Q Can you refresh your memory that you said to your sister, "Come, you come home; you come with me?" A Well, that's what I told her.

Q Then you had some conversation with her? A I told her to come home, that's all I told her.

Q You said she held up a gun? A Yes, sir.

BY THE COURT:

Q Referring to the defendant Hazel Jackson? A Yes, sir.

MR. SCHLOSS: Well, thank you, Your Honor.

BY MR. SCHLOSS:

Q Miss Jackson held up a gun? A Yes, sir.

Q What kind of gun was it? A A little, ordinary gun, I guess about as big as this (Indication).

Q Do you call that an ordinary gun, as big as that? A Yes, sir.

Q Is that right? A Yes, sir.

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Q Were you ever the owner of a gun? A No, sir.

Q You never carried a gun? A No, sir.

Q Had no gun with you that day in question? A No, sir,
I wish I did.

Q You call that an ordinary gun?

THE COURT: Now, he has answered you. Another question.

Q Who is the man you refer to as "Issy Red Shirt"?-- I
can't get onto the name? A "Issy Red Shirt," I don't know
who the fellow is.

Q Where did you get that name from? A Miss Hazel
Jackson told me, that's how I came to get the name.

MR. SCHLOSS: You may inquire, counsel.

CROSS-EXAMINATION BY MR. DUFFY:

Q You say for the last thirteen years you worked as a
tailor? A Yes, sir.

Q Do you use a needle? A No, sir. I operate at a
machine.

Q You had no occasion to use a needle in your business?
Sometimes.

Q And from the use of a needle and thread, it has
given you the color of those bands you have there, hold up
your hands?

THE COURT:

Q Show your hands to the jury. (The witness indicates).

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BY MR. DUFFY:

Q That is what gives you the color of those hands? A Yes, sir.

Q Let me ask you again, were you ever convicted of a crime? A No, sir.

Q In this state or any other state? A No, sir.

Q Sure of that? A Yes, sir.

Q Either under the name of Isaac Hagovin or any other name? A No, sir, no other name.

Q You did not serve a term of five years in State Prison? A No, sir.

Q Do you know Issy Bernstein, or Kid Bernstein? A I don't know him.

Q Or Burns, Kid Burns? A No, if I seen him I may know him. If I don't see him, I don't know him. I know so many names.

Q You never heard of Kid Burns? A No, sir.

Q Did you ever hear your sister Anna speak about him? A I don't know, I can't tell you. I ain't home, I got my own home.

BY THE COURT:

Q Now, you just answer in as few words as you know how to?

A I am telling him.

BY MR. DUFFY:

Q Did you previously to July 1935, 1936 live at 298 Grand Street?

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BY THE COURT:

Q Before July?

THE COURT: Put it plainly.

BY MR. DUFFY:

Q Did you before July 27th, 1913, live at 496 Grand street? A Yes, sir.

Q Did you live there with your father? A For two weeks when I come back from Bridgeport.

Q Did you ever see Kid Burns there? A No, sir.

BY THE COURT:

Q Did you ever see a man there by the name of Burns? We do not know anything about "Kid"? A I didn't see nobody there. We see few friends.

THE COURT: Now, another question.

BY MR. DUFFY:

Q Did you know that your sister Anna was accustomed to go to Coney Island with this man Burns? A I don't know.

Q Did you ever see Burns or any other young man in her company previous to July 27, 1913? A Now, here, I seen many people come there to talk to me, they come there to talk to her. I can't know just what or what.

THE COURT: Now, just answer.

BY MR. DUFFY:

Q Did you ever know your sister Anna to work? A Yes, sir.

Q Where? A Working with my oldest sister.

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Q Where? A I don't know.

Q Now, do you know this crowd at Broome and Ludlow streets that you call the Guerillas, don't you? A I don't know very many of them. I know one or two that come over to me and ask me for money.

Q How many of the one or two of the guerillas went to this house in 320 West 18th street on August 6th, 1913? A This Little Abie went with me.

Q Did you only have one? A I don't know if they went along with him, but I only hired one, the one that come to me, and I gave him the ten dollars.

Q Where did you obtain your information from that your sister was in 18th street? A Where did I obtain it?

Q Where did you get the information? A I was over to my father's house when she was not home, when she was away for the ten days, I was over at my father's house, and when we all went out looking, I went all over looking for her and this fellow come along and says, "If you will give me ten dollars I will tell you where your sister is, I got a note from her." He gave me the note and I gave him the ten dollars. That's how I come to know.

Q Who was the crowd of guerillas in the hallway the day you took your sister off?

A I don't know, that appears something not in evi-

dence. If the jury is not satisfied with it, the officer

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tion will be sustained.

MR. ELLISON: / I do object, your Honor. I was about to object.

THE COURT: Very well.

Q Wasn't there ten or fifteen men with you the day you went there? A No, sir.

Q When you rapped at the door and the door was opened, you say you forced your way in? A The door was not opened.

Q Well, one door was opened? A When she opened the door I crashed my way in.

Q Did you have a gun in your hand? A No, sir.

Q You swear positively you did not? A Yes, sir.

Q As positively as anything --

MR. ELLISON: If the Court please, he said before he did not have any, he said he wished he had one.

THE COURT: Yes, he said he did not have it. That ends that.

Q Had you known this defendant, the Jackson woman, previous to this time? A No, sir.

Q I understand you to say you did not slap your sister Anna in the face at the time? A No, sir.

J. T. A. L. E., (Detective Bureau, 18th Precinct),
called and duly sworn as a witness on behalf of the People;

testified as follows:

THE EXAMINATION OF J. T. A. L. E.:

He was called to the Court by the City

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of New York? A Yes, sir.

Q To what precinct were you attached in July and August, 1913? A The 18th, Detective Division.

Q Where is that place located? A 17th street, between Seventh and Eighth avenues.

Q. Did you arrest the defendant Jackson? A I did.

Q Where did you arrest her? A At the premises, 319 West 17th street.

Q Is that an apartment, flat house? A Yes, sir, flat house.

Q Did you arrest her in the apartment? A Yes, sir.

Q Who was present at the time you arrested her? A The brother of Anna Ragovin, Detective Bauerschmidt, myself and two other young girls. ~~and~~

Q Well, did you take the young girls with you or were they in her apartment when you arrested her? A They were in the apartment. I didn't take them.

Q Did you have any conversation with her when you arrested her?

A I had a conversation with the defendant in the patrol wagon, going from the 18th Precinct to the 23rd Precinct, all female prisoners being sent to the 23rd because we have no room there. I asked the defendant Jackson how Anna Ragovin came to her apartment. She said she was brought there by Miss Fishbein. I said, "By Miss Fishbein?" or "you mean Fishbein?" She said "Yes." I said "Then can I get this fellow Fish-

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bein?" She said, "In the neighborhood of Gerry street, Brooklyn, but," she said, "you want to be very careful of him, he is a known gunman, and don't say I told you where to get him because he would shoot me."

Q Anything else said between you and her? A That's all.

CROSS-EXAMINATION BY MR. DUFFY:

Q When you went to this house in 17th street who did you find this defendant Jackson living with? A She was in the apartment with two other young girls.

Q And what name was on the bell there in the hallway?

A Well, that I can't say, what name was on the bell.

Q Now, what time of day was it? A About ten minutes to four.

Q Did this girl Jackson tell you about where she worked?

A She said she was employed some place, I don't just remember where.

Q Did she say anything about being employed in Brooklyn, in a picture show? A No, I understood her to say she was employed in a cigarette factory at the time.

Q At the time you made the arrest? A At the time I entered the apartment.

Q That's all.

MR. SCHLESER: That's all.

WILLIAM B. A. [illegible] (1st Precinct, De-

fective Division, called as a witness on behalf of the People, testified as follows:

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DIRECT EXAMINATION BY MR. ELLISON:

Q You are a member of the Police Department of the City of New York? A Yes, sir.

Q To what precinct were you attached in July and August, 1913? A 18th Precinct, Detective Division.

Q Did you arrest the defendant Fishbein? A I did.

Q Where? A Gerry and Harrison streets, Brooklyn.

Q Well, did you arrest him in the street or in a house, or where? A I arrested him on the street.

Q About what time of the day? A About 9:30 a.m.

Q And did you arrest him there after having a conversation, after being present at a conversation had between the defendant Jackson and Officer Talt? A I did, yes.

Q Did you have any conversation with Fishbein when you arrested him on the way over to the station house? A I questioned him as to Anna Ragovin and he says he didn't know who Anna Ragovin was.

Q He said he didn't know who she was? A He said he didn't know who she was.

Q Did you have any further conversation about Anna Ragovin with the defendant Fishbein? A Well, I related the case to him. He said, "I know nothing of that." He says, "I don't know anything about that," he says, "I don't know the girl."

That's all.

RE-EXAMINATION BY MR. ELLISON:

Q What precinct were you attached to, Officer? A 18th.

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Precinct, Detective Division.

Q Where is that? A 223 West 17th street.

Q What time, or what day was that on that you arrested Mr. Fishbein? A November 12th, at 9:30 in the morning.

Q What time did you report for duty in the morning? A I reported the day before about eight o'clock.

Q Morning or evening? A In the morning.

Q In the morning, and you were not to the station house from the day before until when? A Until about 11 a.m. on November 12th.

Q 11 a.m.? How do you fix the time as 11 a.m.? A Well I went to Brooklyn, I think it was November 12th that I went to Brooklyn.

Q One moment, if you please, you say you think, have you for any book with you? A I have not my book with me, no, sir.

Q You have it with you? A No, sir.

Q You knew you were coming to court? A Yes, sir.

Q You made a memorandum in your book with reference to the arrest of Mr. Fishbein? A Yes, sir.

Q And you have not the book with you. A Yes, sir.

Q It is not with you? A I have not the book with me, but my memory is fresh in regard to this case.

Q You have been a witness in court before? A Yes, sir.

MR. ELLISON: Now, I object to this as immaterial.

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THE COURT: Yes; now, another question.

Q When did you last look at this book?

MR. ELLISON: I object to that as immaterial.

THE COURT: It is immaterial for the reason that the witness himself says that his recollection is clear as to the circumstance.

THE COURT:

Q I understand that you do not require the book for the purpose of refreshing your recollection, but that apart from any entry which you made in the book you now recollect when and where and under what circumstances you arrested the defendant Fishbein, is that so? A I do, yes, sir.

BY MR. SCHLOSS:

Q Now, Officer, you said to the best of your recollection that you reported in the station house 11 a.m. on November 12th?

A Yes, sir.

Q How do you fix the time? A Well, I went over to Brooklyn at about 7 a.m., in the neighborhood of Gerry and Harrison streets, and I stayed there until the defendant Fishbein came out of No. 66 Gerry street, and then as he reached Harrison and Gerry streets I placed him under arrest, and at that time it was about 9:30 in the morning. Then we came to the West 17th street station house with Fishbein, and when we reached there it was in the neighborhood of 11 a.m.

Q Do you know whether a sister of Mr. Fishbein, the de-

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defendant, lived at 66 Gerry? A I don't know, no.

Q You don't know that of your own knowledge? A Not of my own knowledge, I understand that she does.

Q Did the defendant Fishbein tell you that his sister lived there? A He did.

Q Did he tell you he had lunch there? A He did not.

Q And you are positive that the hour was not twelve o'clock, the time you arrested him? A I am positive.

Q You had a conversation with Mr. Fishbein after the arrest? A I did.

Q What conversation did you have with him? A I mentioned the case to him about Anna Ragovin and he says, "You must have me wrong, because I know no Anna Ragovin." I says, "I guess we got you right, all right." I says "We will find that out later." He says, "I never met any girl by the name of Anna Ragovin." Then I related about the Coney Island, about meeting this girl in Coney Island and the case in general, and he says he knew nothing of it.

Q Did you guard him in any form, shape or manner after placing him under arrest?

MR. ELLISON: I object to that question as indefinite. I do not know what counsel means, did he guard him.

MR. SCHLOSS: I withdraw the question.

Q Did you state to him at any time that anything he might say to you would be used against him? A I did not.

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Q That is all, Officer.

CROSS-EXAMINATION BY MR. DUFFY:

Q Did you know this girl, Anna Ragovin, to go under the name of Grace Turner? A I did not.

BY MR. SCHLOSS:

Q After you arrived in the City and County of New York, what did you do with Mr. Fishbein, the defendant? A The defendant Fishbein was taken to the West 17th street station house.

Q Yes, sir? A And there he was entered in the blotter.

Q Yes? A And taken then to the Second District Court.

Q Yes? A And there he was held until the next day for examination.

Q To the best of your recollection, what time did you arrive at the Magistrate's Court? A About 2 p.m.

Q How long was Mr. Fishbein locked up in the station house?

MR. ELLISON: I object. Well, go on.

A He was not locked up in the station house. He was taken to the station house -- we have no cells in the 17th street station house.

Q Yes, what did you do with him? A We kept him in our office upstairs until court, until time for the court.

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Q Is it not a fact when you arrived at the Magistrate's Court the court was closed? A No, sir.

Q Was the magistrate presiding at the time you arrived there? A There is no magistrate presiding during the adjournment for lunch.

Q Between 1 and 2? A Yes, there is no magistrate presiding, but the Magistrate presides at two o'clock. The court was adjourned at that time; we took our prisoners there before.

Q That is all, Officer.

RE-DIRECT EXAMINATION BY MR. ELLISON:

Q Just one question. You say that you saw this defendant Fishbein come out of 66 Gerry Street at about 9:30 in the morning? A Yes, sir.

Q And what day of the week was this, do you remember that? Well, was it a Sunday? A No, sir.

Q Was it a Saturday? A No, sir.

Q That's all.

MR. ELLISON: The People rest.

MR. DUFFY: One minute,, if your Honor please, I would like to call that witness that testified, Mr. Irving Rothenberg.

THE COURT: If he is in court, he may be called.

MR. ELLISON: I do not think he is here.

THE COURT: He is not here. You let him go. Now, the case is with the defense.

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MR. DUFFY; If your Honor please, I move to dismiss the indictment in this case, on the ground that the People have failed to make out a case, and that the evidence is insufficient. I further move that your Honor direct a verdict here acquitting this defendant Jackson on the ground, on the same grounds, that the People have failed to make out a case, and that the evidence is insufficient.

THE COURT: I am inclined to think that, as the evidence now stands, the case is one for the jury.

THE DEFENSE.

RACHAEL SALOW, called and duly sworn as a witness on behalf of the defense, testified as follows:

(Residence, 66 Gerry street, Brooklyn).

DIRECT EXAMINATION BY MR. SCHLOSS:

Q Your name is Rachael Salow? A Yes, sir.

Q Are you married or a single woman? A Married.

Q Where do you reside, where do you live? A 66 Gerry street.

BY THE COURT:

Q Will you have the kindness, ma'am, to speak a little louder, because the jurors want to hear you? A Yes, sir.

Q Just sit back and talk so that everybody hears you?

A Yes, sir.

BY MR. SCHLOSS:

Q You are related to the defendant? A A sister of his.

Q He is your brother? A Yes, sir.

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Q How old is your brother? A My brother is past eighteen.

Q Can you recall the 12th day of November, the day your brother was arrested? A I can't make out what day it was.

BY THE COURT:

Q Without fixing the date at all, do you remember learning that your brother had been arrested? A Yes, sir.

Q Did you see your brother at the time when he was placed under arrest, at the moment when the officer arrested him, were you looking at him? A No, sir.

Q Well, do you remember when it was that you first heard that your brother had been arrested? A About eight o'clock or so, something around that time.

Q And what day of the week? A That was, I can't make out what day it was, I can't remember.

Q What day of the month? A I really don't remember that.

Q What month of the year? A It was November, something like that.

BY MR. SCHLOSS:

Q Did your brother ever have lunch with you during the month of November? A Yes, sir.

Q How often? A He always had his meals up in my house.

BY THE COURT:

Q You will have to talk a little bit louder. A He always had his meals up in my house.

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BY MR. SCHLOSS:

Q What time did he have his meals? A He had the meal about seven o'clock in the morning.

BY THE COURT:

Q Now, at seven o'clock in the morning he takes what you call his breakfast, is that so? A His breakfast, yes, your Honor.

Q Whenabout does he have the next meal, about what hour? A Well, he doesn't come home for dinner, as he works, but he comes home six o'clock.

Q Dinner is the meal in the middle of the day, is it? A Yes, sir, your Honor.

Q And supper or tea is the meal about six o'clock? A Six o'clock.

Q And does he have that at your house? A Yes, your Honor.

Q Did he have that at your house during the month of November? A Yes, your Honor.

THE COURT: Proceed, counsel.

BY MR. SCHLOSS:

Q Do you remember any time during November that you spoke to your brother in the street after you came out of a drug store? A Yes, I spoke to my brother, they called me down, some party come up to my brother and said, "Your brother is--"

MR. ALLISON: I object to that as irrelevant,

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some party came up and she went down and had a talk.

THE COURT: Well, on a certain occasion she talked to somebody and went down.

THE WITNESS (Continuing): And I went down and I come over to the place and my brother told me, "I was locked up while going to work." So I asked him what for, and he says, "I don't know really what for they locked me up." Then I didn't have no chance to talk to him, because --

BY MR. SCHLOSS:

Q Now, do not volunteer anything, just answer questions.

THE COURT: Yes, that evidence is not competent.

Q Do you know Anna, the complaining witness in this case?

A I never saw her only yesterday I had a talk with her in the witness-room.

Q Where, what did she say to you? A Why, her brother took me in and says, "Go in."

Q Took you in where? A Took me into the witness-room.

Q Yes? A And he says, "Well, you say that I am your wife and go and see what the matter, she is always talking something different, I can't make her out," he says, "I hope to God a trolley car hits her, I am disgusted with her, go in and talk the matter over with her, there's something the matter with her." So I went in and he gave me as his wife. Then the District Attorney asked me, "Is she your wife?" And I said "Yes." I was in the witness-room and I was asked, "Well, the matter, are you blaming your fellow

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for nothing, didn't you write me a letter and you said, 'That is not the fellow, and I like him,' and all that, 'if he wants to marry me I won't get him in trouble.'" Then I says, "You know you got the wrong fellow, I don't see why you want to put a fellow in trouble." So she says, "Well, I tell you the truth, I would like to marry your brother, I have nothing against him, but the probation officer told me that if I will send him away I will get \$350, and go to Chicago; and they will dress me and treat me real nice." I said, "Do you want to sell a fellow for \$350, is money to you to ruin the fellow's life?" "Well," she says, "I am young and \$350, I will see life, I will go to Chicago." I says, "Well, that fellow won't see life when he goes away, or nothing." And I absolutely cried to her and she said, "Well, I will see how I will talk inside." She says, "Well, the District Attorney told me how to talk, and I can't go and make myself a liar now, as I am afraid I will get myself in trouble."

BY THE COURT:

Q Now, your honor, just pay attention to me, and if you do not understand what I say, let me know, but if you do understand, answer questions and don't let me know so that every gentleman in the jury-box can hear you. A Yes, your honor.

Q I am going to ask you that the brother of Anna Barbo-vin spoke to you last night, is that so? A Yes, your honor.

Q I am going to ask you that the brother of Anna Barbo-vin spoke to you last night, is that so? A Yes, your honor.

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and he was in the hall of this building? A Yes, your Honor.

Q I understand that you say he spoke to you after his sister Anna had been a witness in this case? A Yes, your Honor.

Q I understand that you say that the brother of Anna, after saying something to you, asked you to go in and speak to his sister Anna? A Yes, your Honor.

Q And that the brother of Anna represented to somebody connected with the District Attorney's office that you were his wife? A Yes, your Honor.

Q And that having made that representation you were allowed to go into the room where Anna was? A Yes, your Honor.

Q And that being in the witness room where Anna was, you had the talk with Anna, that you have given to the jury to-day, is that so? A Yes, your Honor.

Q And when you spoke to the brother of Anna, you mean the young man who was a witness in that chair just before you were a witness, is that so? A Yes, your Honor.

THE COURT: Now, go on, counsellor, if you want to ask her anything further.

MR. BENTLEY: I am through.

MR. DUFFY: That is all.

THE COURT: DUFFY:

Q Did Anna say anything to you about her brother

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Isaac, further than what you have testified? A Yes, she says like this, that the brother -- she told me yesterday that the brother came down to see her in the House of Detention, and she told me that the brother gave my brother a box of cigars, and he is willing, he told her, to get married. "You got the wrong fellow," he says, "but if you like him, be married." So she says, "All right." And she promised him she would be married. Now, I said, "What's the matter, your brother told me you are always talking something different." "Well," she says, "the probationer promised me \$350, why shouldn't I?" So I says, "Why do you want to put a fellow away for nothing, \$350, that is not money enough." "Well," she says, "I will see life in Chicago and they will send me there, they will get me nice dresses and \$350 is money to me." I says, "You send a fellow away for nothing?" "Well," she says, "they spoke to me how to talk, and I am afraid if I go on the stand I will get in trouble for swearing false." I says, "If you tell the truth, the judge will sympathize with you, he will know that it is not from your head that you are putting away a fellow for nothing." She says, "I will say, because", she says, "your lawyer will puzzle me up that I should come and say the truth."

BY THE COURT:

Q About the day was it you say you had your talk with Anna? A Yes, well, I come to, I was sitting all day, all the day.

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Q About what hour of the day was it yesterday that you began to talk with Anna? A The minute they brought her.

Q About what hour of the day was it yesterday that you began to talk with Anna? A About eleven o'clock, I really can't make out a minute, because I didn't look at the time, but the brother showed me, "Here is my sister coming, go and half a good talk with her, what is the matter, she is so crazy every time, I hope a trolley car hits her."

Q What time did you reach the court house yesterday?

A I tried to come down early to make sure.

Q About what time did you reach this court house yesterday? A Nine o'clock.

Q At the time you talked with Anna, had she already been a witness in this case? A No, your Honor.

—Q Did you talk with her before the one o'clock recess of the court? A Yes, sir; yes, sir, I spoke to her before.

Q Do you see in this room or could you recognize the representative of the District Attorney's office to whom you said, as you say, that you were the wife of Anna's brother? A The District Attorney says, "Is that your wife?" Well, he says, "Well, I don't know wife," that's what he said to the brother. Did he say anything else?

Q Who was it that talked with Anna's brother?

A The District Attorney.

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Q Well, whom do you mean by the District Attorney?

A This gentleman (Indicating).

Q Do you mean Mr. Ellison? A I really don't know his name.

Q But the gentleman who represents the District Attorney's office in the trial of this case? A Yes, your Honor.

THE COURT: Now, you may cross-examine.

CROSS-EXAMINATION BY MR. ELLISON:

Q Now, madam, you recognize me, don't you? A Yes, your Honor; yes.

Q Do you remember my coming out into the hall yesterday and you were standing there with the members of your family in the hall? A The members?

Q Yes? A Why, yes, I was with my members.

Q Do you remember me calling my witnesses into a side room and going in there with them, do you remember that? A Yes, I remember that.

Q Do you remember that you came up to the door and some other members of your family, and I told them to step out?

A Why, you asked me, because he says --

Q I ask you, do you remember that? A Why, that is not the truth.

Q Do you remember me stating to me then that you were the wife of the brother and you wanted to come in? I did not say that at first. He says I am his wife.

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CROSS-EXAMINATION BY MR. ELLISON:

Q Now, madam, you recognize me, don't you? A Yes, your Honor; yes.

Q Do you remember my coming out into the hall yesterday and you were standing there with the members of your family in the hall? A The members?

Q Yes? A Why, yes, I was with my members.

Q Do you remember me calling my witnesses into a side room and going in there with them, do you remember that? A Yes, I remember that.

Q Do you remember that you came up to the door and some other members of your family, and I told them to step out?

A Why, you never did, because he says --

Q I ask you, do you remember that? A Why, that is not the truth.

Q Do you remember me stating to me then that you were the wife of the gentleman who wanted to come in? A I did not say that at first. He says I am his wife.

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Q I am asking you whether you did not state to me that you were the wife of the brother? A You asked me, so I said "Yes."

Q I am asking you? A You asked me, yes, because he told me. Why shouldn't I protect my brother when I know it is a lie, so I took a chance, and I said "Yes."

Q Now, your folks have been very anxious, haven't they, to effect a marriage between the defendant Fishbein and Anna Ragovin, haven't they? A Well, they came down to my people.

Q I say, they have been very anxious to do that, haven't they? A They says if my people won't give consent they will send him away. " So my father don't want to see the young fellow go away for nothing, so he says, as long as they live nice, he will be satisfied, only she says they will send him away if they don't get married; so my father was satisfied they get married, so he won't go away.

Q So, as far as the two families are concerned, they are perfectly willing to have them married, wasn't that what the idea was? A They were willing, yes.

Q And they have been going back and forth among each other to effect a marriage, haven't they? A Why, yes.

Q Now, how long have you been living, or your brother been living with you? A He was living since my father -- he was always staying at my father's home, but my father went away to the hospital and my mother could not afford to keep him, be-

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cause my mother could not afford to give him his right meals.

BY THE COURT:

Q About how long, that means how many months or weeks or years, has your brother taken meals at your house? A About a year.

BY MR. ELLISON:

Q About a year? Now, you cannot be mistaken about that, can you? A Well, I can't make out really how many months.

Q What was he doing for a living during that year? A He was working as a carver.

Q Where? A At Adelman & Ryan.

Q Whereabouts? A 600 Kent avenue, Brooklyn.

Q And you state that he was working there during July and August, do you? A He was working there at the time when he was locked up, he was there.

Q N, before this November, I mean July and August, was he working there? A He was working, yes.

Q That is the summer time? A The summer time.

Q Now, I want to be fair with you, I do not want to take advantage of you in any way, and if you do not understand me, I want you to say so? A Yes.

Q You tell the jury under oath now that he was working during the months of July and August of last year, and you cannot be mistaken about it? A Yes, he was working there.

Q Now, you are positive? A Positive.

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Q All right. I show you a letter and ask you whether you can tell us in whose handwriting that is? Now, I want you to look at the letter. Just look at the handwriting and at the signature, just look at the signature at the back.

BY THE COURT:

Q Do you know who wrote that? A No, Your Honor, I can't make out.

THE COURT: Now, for the purposes of the trial --

MR. WILSON: Refer to People's Exhibit 4.

BY MR. WILSON:

Q I call your attention to the signature, "Isidore Fishbein", and ask you if you can tell in whose handwriting that is? A I really can't tell.

Q I call your attention to the handwriting on the envelope, marked People's Exhibit 4, "If not delivered in three days, return to Isidore Fishbein, cell 604, City Prison, Tombs, Centre street," and I ask you if you can tell whether that is in your brother's handwriting? A That is not.

Q That is not your brother's handwriting? A I can't make out. I know that it is something like it.

Q I show you the signature, "Isidore Fishbein" and ask you in whose handwriting that is? A I can't tell.

Q Why, don't you know your brother's signature? A I don't really know, I never even watched his signature.

Q But he is your own brother? A He is my brother but I

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really don't know it.

THE COURT: Now, she says she does not know. Now, you have answered, madam.

MR. ELLISON: All right, that is all. May I have that Police Court paper marked for Identification?

THE COURT: Yes.

MR. ELLISON: May that witness come back?

THE COURT: Yes.

(Last witness is recalled).

BY MR. ELLISON:

Q Now, I show you People's Exhibit 5 for Identification. I understand you to say you cannot recognize the handwriting of Isidore Fishbein. A I cannot make out if it is his handwriting.

MR. ELLISON: All right, that is just for the purpose of the record.

ISIDORE FISHBEIN, the defendant, called and duly sworn as a witness on behalf of the defense, testified as follows:

(Residence, 81 Bartlett street).

BY THE COURT:

Q Now, Fishbein, when you answer questions, try and speak so that all the jury hear you. A Yes, sir.

Q Make sure that you understand the question, and if you do ~~not~~ understand it, ask me, and tell me so the jury hear

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you? A Yes, sir.

DIRECT EXAMINATION BY MR. SCHLOSS:

Q Now, Mr. Fishbein, how old are you? A Eighteen, going on nineteen.

Q Where do you reside, where was your last residence?

A My last residence was 81 Barlett street.

Q Where is that? A Brooklyn.

Q With whom do you reside there? A With my father and mother.

Q What do you work at? A Umbrella handles and canes.

Q How long have you been working at umbrella handles and canes? A Two and a half years.

Q Where were you employed? A 600 Kent avenue, Adelman & Ryan.

Q What do you do there? A First I was learning, doing general work, then I was learning for a carver, finish work.

Q Up to what time did you work there? A I worked until the last day, when I was arrested, twelve o'clock, when the officer came over, and I was coming out of my sister's house and I was walking, and the officer came over and locked me up. He says "You are under arrest by this and this girl."

Q Do you know Miss Anna Jackson? A Yes, sir.

Q How long do you know her?

THE COURT: You mean Hazel Jackson?

MR. SCHLOSS: Yes, sir.

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MR. ELLISON: Yes, I think we better have her call the defendant.

Q Yes, how long do you know Miss Hazel Jackson? A I know her about three years.

Q Did you ever visit her at the premises in West 18th street? A Well, I was never over there until I met this girl.

Q When you say "this girl," whom do you refer to? A This Anna Ragovin.

BY THE COURT:

Q In other words, you say that the first time you went to 320 West 18th street, in the County of New York, the flat of the defendant Hazel Jackson, you met the complaining witness Anna Ragovin there? A Yes, sir.

BY MR. SCHLOSS:

Q Where did you meet, where is the first time you saw Anna, the complaining witness? A On a Sunday afternoon, I went down to Coney Island.

Q One moment, there are a good many Sunday afternoons in a year? A Well, I think it was in July.

Q You cannot fix the date? A I cannot recollect the date. It was on a Sunday.

Q Don't you know what month?

THE COURT: He says July.

Q The 27th day of July? A Yes, sir.

THE COURT: No, he did not say the 27th. He says on a Sunday afternoon in July. Now, proceed.

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Q In July, what time of day was it? A When I met this girl?

Q Meaning Anna, yes? A Well, that was about seven o'clock at night..

Q Under what circumstances did you meet her? A I went to Coney Island on Sunday afternoon bathing, with a friend of mine. I lost him in the water, and I was looking for him about two hours, and finally I met a fellow I knew, his name was Mr. Bernstein, walking with this Anna Ragovin, and he stopped me off and he says, "Hello, Issy." I says, "Hello, Bernstein." He says, "Will you mind my friend for about five minutes until I come back?"

Q Where was that, what particular spot? A That was on Surf avenue I met him, coming right out of the hotel, and I know that place in the hotel, and downstairs --
BY THE COURT:

Q No, no, you met him coming out of a hotel? Now, go on?
A I know the hotel, it is right over a United Cigar Store. I met them coming out, and as I met them coming out he says, "Will you please, Issy, hold this girl for five minutes until I come back?" I says, "Why, certainly, where must you go?" He says, "I got to see a friend of mine." He didn't tell me where he was going.

Q Now, describe --

THE COURT: Let him tell it? A I waited about

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five or ten minutes and Mr. Bernstein didn't come back. I says to her, "What was you doing up in that hotel there?" She says, Well, she laughed, and she says, "You know, you know!" I says, "What do you mean, I know?" I says, "Where do you come in with a married man, anyhow?" I says. I says "That man has got a child," I says. She says, "Well, I like him." I says, "You do?" I says. "That's all right." Well, I waited about an hour and this Mr. Bernstein didn't come back. I waited another half hour and he didn't come back. Finally she started crying to me, she says, "I see you are a pretty good fellow," she says, "I can tell you, I tell you the truth, I was ruined by a fellow, and my mother and father chased me out of the house, and I am going around Coney Island already six weeks." And so help me, God, Gentlemen of the Jury, if you would see the way that girl was dressed --

BY THE COURT:

Q Now you just answer questions. A That girl was dressed dirty, it's a shame to speak how that girl was dressed, and she started up asking, she ain't got no place to sleep. I says, "That's all right, your father chased you out of the house?" She says, "Well, a fellow ruined me, I didn't want to tell the folks, and my people chased me out." I says, "What is your name?" A I was at a different name, I don't remember the name, but I was at a different name and told me her name, and I was at a different name.

I was at a different name, and I was at a different name.

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crying that she has no place to sleep. I says, "Listen, I tell you what to do," I says, "I will take you to a friend of mine, I know a girl that has got three rooms, she is living all alone there," I says, I will pay the lady some money for you to sleep and eat. I ain't forcing you to go, I ain't pulling you, it is up to your own will, if you want to go or not." She says, "Why shouldn't I go if you speak that way to me?"

I took her up to 18th street, I rang the bell, Miss Jackson opened the door and I came in and I says, "Miss Jackson, here is a girl has no home, her people chased her out of the house." I says, "I will pay you a few dollars to keep her and give her eating, and wherever she wants to go she can go." I gave the lady five dollars for her, she should keep her to eat and sleep for a while, and I went away, and next day I come up there and she tells me she is sick, so I took out two dollars and I gave to her she should go to a doctor. So she went to the doctor. Well, I didn't go up there about for three days around, I couldn't go, because I was working, I couldn't go up there every day, so the second time I went up, so she says, "Issy, will you please buy me a hat?" I says, "A hat?" And I took out two dollars and I gave the lady she should buy her a hat. She went down and she bought the hat herself, and the tenth day when I came up to the house, she had gone down to Coney Island, and the girl was alone in the house. This lady

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Coney Island on Sunday afternoon.

BY THE COURT:

Q In other words, you say that while she was living in Hazel Jackson's flat, and on the Sunday following the one on which she went there, with you, you took her unaccompanied by any one else down to Coney Island, is that so? A All alone.

Q Is that so? A Yes, sir, I took her to Coney Island and I was bathing with her. I took her back to the house. I came Monday night up, this lady tells me, "Issy, her brother was up here and took her home." I said, "Well, he took her home, he took her home." So I went away, and about a month later this girl came to Brooklyn, I told her where I was living and she came to me and she says, "Issy, you know my brother came up to the house and gave me a slap in the face and chased me home and he says I got a home." I says, "Where do you live now?" She says, "Well, I will tell you the right address when I live," she says, "296 Grand street." I says, "All right," and she went away. The second time she come around the apartment to take her to a show and I took her to a show, and I got her on a Broadway car and she went home to New York.

BY THE COURT:

Q About that time that, A That was around ten o'clock at night.

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Q What month of the year? A It was about a month after her brother took her home, and I took her to a show, I put her on a Broadway car and sent her home. Then the fifth day she came around and she says, "Do you know, Issy, where can I meet Mr. Bernstein, he has got one of my rings, I would like to get it off him."

Q When she came around, where do you mean she came? A In a moving picture place.

Q Where is that? A Graham avenue and McKibben, Brooklyn. I used to go there every night to a picture show, and go to bed, and she came around and she says, "I would like to see Mr. Bernstein." I says, "What do you want to have to do with a married man?" She says, "Well, he has one of my rings, he took it off me in Coney Island, he says he is going to fix it." I says, "I don't know where to find him, don't ask me." She says, "All right," and she goes home, and about two weeks after she comes around and she says, "Now, Issy, I want you to marry me." I says, "What, marry you? For what, did I ruin you, did I take you away from your home, did I take you out of town, did I take you anywhere, did you make any money for me? What do you mean I should marry you?" She says, "Well, you will feel sorry." I says, "All right."

She goes away and I goes to work, and about three months later, I never saw her again, never had no more to do with that girl, and she was the first one that I ever had a word out of and looks

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up this lady here. So then afterwards I had dinner by my sister, I come out of the house, this detective was standing on the corner, and as soon as I come out of the house he come over to me and searched my pockets just like I was a murderer, he says, "Is your name Isidore Fishbein?" I says, "Yes, sir." He says, "Do you know a girl named Anna Ragovin?" I says, "I don't know. I know plenty of girls, but I don't know Anna Ragovin," I says, "I know a lot of friends of mine, I don't know her name, Anna Ragovin." So he says, "Do you remember that girl down at Coney Island?" So I started to remind myself, I says, "Yes, I was out with a girl at Coney Island bathing, but it was about five or six months ago." So he says, "Well, that girl made a charge against you for putting her in a disorderly house and making money for you." I says, "Well, you can lock me up if you think that's the case." So he brought me down. So we hit New York, it was about half past twelve, he took me down 17th street by the station house, and he says it was no. I was there about five minutes, he took me over to Jefferson Market Court, and as I got in Jefferson Market Court the Judge was in the private room. I think it was lunch hour that time. He made my bail \$2,500 bail, and they put me in a cell. That's all I know.

BY MR. GONZALES:

Q You visited Miss Jackson's room as I said? A I was up there about two days.

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BY THE COURT:

Q When did you first meet Hazel Jackson? A When I first met her?

Q When did you first see Hazel Jackson? A When I first brought her up?

Q When did you first see the defendant Hazel Jackson? Now, you give me the date? A That was in the month of July.

Q When were you for the first time in the rooms of Hazel Jackson at 320 West 18th street, this county? A Well, I was up there about a month before, before I have ever met that girl.

Q Will you give me the date, as nearly as you can, when you first were in the rooms of Hazel Jackson at 320 West 18th street? A That was about --

Q Talk up, now? A That was about a month before July, I think it was in August.

Q August comes after July? A No, June, I think.

Q So that your best recollection is that you were for the first time in the rooms of Hazel Jackson in the month of June, 1913? A Yes, sir.

Q About what time in June? A That was on Saturday night, I think, after work.

Q And at that time did you see in those rooms Hazel Jackson? A I only seen Hazel Jackson.

Q Did you see Mr. [redacted] Hazel Jackson, in those

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rooms on a Saturday night in the month of June, 1913? A Did I see her there? Yes, sir, I seen her all alone.

Q At that time, Hazel Jackson was in those rooms with you alone? A Yes, sir.

Q And that was the first time that you had ever seen Hazel Jackson, is that so? A No, sir. I know her for three years.

Q When did you first meet Hazel Jackson? A It was about three years ago.

Q About what month, what year? A Well, I can't make that out, your Honor.

Q Where did you first meet her? A I met her in a restaurant.

Q Whereabouts? A On Moore and Leonard, Brooklyn.

Q Kept by whom? A Kept by Carneo.

Q During three years, that is to say, from the time you first met Hazel Jackson, until the month of June, 1913, how many times did you see Hazel Jackson? A Why, I see her quite often, three or four times a week through the three years.

Q You saw her on an average of three or four times a week during the entire three years? A Yes, sir, your Honor.

Q Now, whereabouts would you see her? A I would see her in a restaurant at nights.

Q What else, if anywhere? A No, I don't know. I met her eating there.

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Q. Q At this restaurant that you speak of in Brooklyn?

A Yes, sir.

Q But the first time that you ever went to her room in 18th street was in the month of June, 1913? A Yes, sir.

Q And at that time you and she were alone in those rooms?

A Yes, sir.

Q Now, when was the second time that you went to the rooms of Hazel Jackson, at 320 West 18th street? A That was near a month later, when I met this Anna Ragovin.

Q And took her there? A Yes, sir.

THE COURT: Do you want to ask him anything further, counsel?

BY MR. SCHLOSS:

Q How much money, if any, did you ever receive from Anna, the complaining witness? A Why, I never received any money. Why, I spent half my wages on her.

Q Do you remember that I read some letters yesterday?

A Yes, sir.

Q From Anna Miller? A Yes, sir.

Q Money was mentioned in that, that she sent you money?

A Yes, sir, she sent me a dollar.

Q How much, if any, did you receive? A She sent me a dollar.

Q What is all the money you ever received from her? A Ever received.

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Q You have seen Anna Miller on several occasions in the premises of Mrs. Jackson? A Certainly.

Q Did you on any occasion use force or compel Anna to have sexual intercourse with any man? A No, sir.

Q Did you have at any time any sexual intercourse with Anna Miller while she was in the premises of Miss Jackson?

A No, sir, there was no men up there.

Q I did not ask you that. You? A No, sir.

MR. SCHLOSS: You may inquire, Mr. District Attorney.

One minute.

BY THE COURT:

Q One moment. Were you present at any time in the month of July, or the early part of August, 1913, when Anna gave a dollar to Hazel Jackson and Hazel Jackson handed the dollar to you? A No, sir, your Honor, I brought her up there --

Q Now, you simply answer questions? A No, sir.

Q Were you ever married to Anna Ragovin? A No, sir.

THE COURT: Mr. Duffy, do you want to ask him any questions?

MR. SCHLOSS: One more question.

BY MR. SCHLOSS:

Q While you were in the Tombs, a prisoner, did you write any letter or letters to Anna Miller?

THE COURT: You mean Anna Ragovin?

MR. SCHLOSS: Or Ragovin.

A To Anna Ragovin?

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Q Yes? A Yes, sir.

Q You did write some letters? A Yes, sir.

Q Any of those letters that were offered in evidence yesterday? A It ain't my handwriting.

Q It is not your handwriting. A No, sir.

Q Well, I ask you, did you write any letters? A Yes, I had a fellow write them for me.

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BY MR. DUFFY:

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Q Don't you know that the first time you were ever in the rooms of the defendant was on July 26th, 1913, when you brought this girl Anna Ragovin there?

MR. ELLISON: It was July 26th.

Q July 27th, 1913? A Do I remember?

Q (Repeated) A Was I in the rooms?

BY THE COURT:

Q You are asked whether that was the first time you were in those rooms? A No, sir, I was there one time before I brought that girl there.

BY MR. DUFFY:

Q Previous to that time you brought the same girl?

A What is it?

Q Previous to that time you say you were at these rooms? A Yes, sir.

THE COURT: He says that once before he brought

Anna Ragovin to those rooms, he, the witness, was in those rooms alone with the defendant Jackson.

BY MR. DUFFY:

Q Don't you know that you were introduced by the defendant Jackson by a girl by the name of Rose, in Lorimer Street, Brooklyn, and Broadway? A A girl by the name of Rosa?

Q Yes. A I don't remember that.

Q Don't you know that you never saw the defendant

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Jackson in any restaurant in Brooklyn? A Yes, sir.

BY THE COURT:

Q What do you mean by "yes, sir"? A I saw her in a restaurant.

BY MR. DUFFY:

Q Where was the restaurant? A On Moore, corner of Leonard, Brooklyn.

Q What was she doing there? A She was eating there, too.

Q Did you see her there three and four times every week for three years? A Who is that?

Q This defendant Jackson? A Yes, sir.

Q Did you have a regular appointment with her to meet her three or four times a week? A No, sir.

Q Well, you were working in Brooklyn? A Yes, sir.

Q You called at this restaurant to eat? A Yes, sir.

Q She casually was in the same restaurant, is that right? A Yes, sir.

Q Just by chance three or four times every week you met her? A Yes, sir.

Q You want the Court and jury to believe that, do you? ASpeak a little louder.

Q You want this Court and jury to believe that, do you? A Yes, sir.

Q Where did she live then? A Well, I don't remember where she lived that time.

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Q You knew she lived alone in 18th Street, didn't you?

A Yes, I knew that certainly.

Q And you knew from when she obtained this apartment?

A I don't remember when she got that apartment.

Q Didn't she tell you how she came in possession of that apartment? A She told me that she is-- that she don't want to live by her people, and she is going to live more by herself, she is got a will, five hundred dollars, and she can lend money on that will and she can live all by herself.

Q Who did she tell you she got this apartment from?

A She told me she got that from some woman, I don't remember the name of her.

Q Would you recall the name if you heard it? A Well, then things don't lay on my head. I know it was a woman that gave her the apartment over.

Q Turned the apartment over to her for the summer-time, is that true? A Yes.

Q Didn't she tell you that Mrs. Goodman was the owner of the apartment and let her stay in there? A I don't remember the name. She told me there was a woman that owned this apartment.

Q And that she was simply taking care of it for the summer, a caretaker and that woman was coming back in the fall? A Yes, sir.

Q And you recollect that the night you brought this 18th Street apartment that the defendant

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4M Jackson told you she was alone there, and she would not take the girl in? A Well, I told her I would pay her for her sleeping.

Q Didn't she say that the apartment was not hers, and that she could not take the girl in? A Yes, sir.

Q And afterwards you persuaded her to take the girl in, didn't you? A What is it?

Q You persuaded her to take the girl in after that? A Well, I asked her if she would do me a favor, I says.

Q You never slept at this apartment? A No, sir, never. I have got a home.

Q How many times in that ten days had you been at this apartment? A Three times.

Q Did you know the defendant Jackson worked every day? A Yes, sir.

Q Where did you know that she worked? A On Graham Avenue.

Q And what was she doing? A She was a cashier there, I think.

Q A moving picture show, was n't it? A Yes, sir.

Q You and she have not been friendly about this matter since it occurred, have you? A What is it?

Q You and the defendant Jackson have not been very friendly since this occurrence? A No, sir.

Q You have not been very friendly ever since you brought this girl to that house? A No, sir.

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Q And the two or three times that you had been at her house in the ten days that girl was there, you had some words with the defendant Jackson about your actions, didn't you? A That I had words about?

Q Didn't she find fault with you all the time you came there? A About this girl?

Q Yes. A Yes, she told me, she said, "Issy, try your best to find out where that girl lives;" I says, "In case she tells me alone where she lives, I would be with the greatest pleasure to take her home".

Q She was always desirous of taking her away? A Yes, sir.

Q When you brought this girl to this defendant Jackson's house she was quite dilapidated in dress and appearance, wasn't she? A Certainly.

Q And the Jackson girl was kind enough to give her clothes? A Certainly.

Q You have heard the testimony of this Anna Ragovin on the stand, that when she arrived at this apartment of the defendant Jackson that she saw a lot of diamonds. Did you ever see any diamonds about this defendant Jackson? A No, sir.

Q She never had any diamonds that you knew? A No, sir.

Q And you never saw her with any fancy clothes there?

A No, sir. She had two suits and she was kind enough to lend her one, that is all I know. The girl went out in the street

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every day for groceries.

Q She was kind enough to share her few little rooms with this Anna Ragovin? A Yes, sir.

Q And before she was taken away, the last time, one of the last times that you had called, did the Jackson girl ask you and entreat you to find out where she lived, so that she could take her home? A Certainly.

Q You did not see anything wrong going on in this house? A No, sir.

Q It was not an elaborate place, was it? A No, sir.

Q You did not see any decorative furniture? A No, sir.

Q Or oil paintings or any carpets or things about the floor? A Just plain three rooms.

Q What was on the floor? A It was a plain floor.

Q There was nothing on the floor, just boards? A Boards.

Q Just boards, that was all? A That was all.

Q And you did not find any visitors there at that house? A No, sir, no men, nobody.

Q And you did not know of any pass words to go in and out the door or anything like that? A No, sir. I rang the bell and went right in the house, like I was a friend to her.

Q What name was on the bell? A "Jackson".

Q And there was a table, was there? A Certainly there was a table.

Q Just the table and a few chairs? A There was a kitchen there and a bedroom and a living room.

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Q You did not occupy this bed that was in this apartment, did you? A No, sir.

Q There was just one bed in one of the rooms? A Just one bed, then two was sleeping in.

Q Then a kitchen? A Yes.

Q Now, this Anna talks about a sitting room, how many chairs were in that sitting room? A Two chairs.

Q What kind of chairs were they? A Plain, ordinary chairs.

Q They were not separated chairs? A No, sir.

Q Plain wooden chairs? A They ain't no mahogany.

Q The chairs were not worth fifty cents, were they?

MR. FILLISON: Your Honor, I have not objected up to this point.

THE COURT: That is immaterial.

MR. DUFFY: That is all.

MR. FILLISON: Have you finished? Mr. Schloss? I do not like to be interrupted.

MR. SCHLOSS: Yes, sir.

CROSS EXAMINATION BY MR. FILLISON:

Q Fishbein, how long have you been living in this country? A I was born here.

Q How old are you? A Eighteen going on nineteen.

Q Did you ever go to public school? A Yes, sir.

Q How long? A Well, I went to school about five or seven years.

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Q So you have had some elementary training, haven't you? A I didn't have exactly much.

Q Have you a mother? A Yes, sir, a step mother.

Q And have you any sisters? A Yes, sir.

Q How many? A About three, or six.

Q Were you brought up in the home with your sisters?

A Yes, sir.

Q You had your sisters around you? A Yes, sir.

Q You have a father? A Yes, sir.

Q You live home with your father and your sisters? A All the time.

Q So you know in a way what feeling ought to exist between a brother and sister, don't you? A Yes, sir.

Q Now, as I understand it, you were down to Coney Island, weren't you? A Yes, sir.

Q And you met a young girl down there, didn't you? A Yes sir.

Q You had never met her before in your life, had you? A Never.

Q And in the course of the conversation with you she broke down in tears and told you that her mother and father would not let her come in their own home, didn't she? A Yes, sir.

Q Then you thought you would play the part of a good friend, to protect this young girl who was turned adrift, didn't you? A What do you mean, play a good part?

Q Well, you felt sorry for this young girl that was

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turned out, didn't you? A Yes, sir, I felt sorry, yes, sir, I was not the cause of it.

Q I did not ask you that. Of course we know that you were not the cause of anything.

BY THE COURT:

Q Now, just simply answer questions that are put to you and use as few words as you know how. A Yes, sir, your Honor.

BY MR. ELLISON:

Q I say, you felt sorry for her, didn't you? A Yes, sir.

Q Your heart was touched? A Certainly, I have got sisters, too.

Q Yes, you have sisters, too? A Yes, sir.

Q So you thought what you could do with this girl, didn't you? A What do you mean, I thought?

Q Well, you thought, "What can I do for her to help her out of her plight?" A I asked her, "Where do your people live?" She wouldn't tell me.

Q She would not give her name, would she? A No, sir.

Q So, I say you wanted to help her, didn't you? A Yes, sir.

Q Your heart was touched? A Yes, sir.

Q And you had in mind your own sisters, didn't you? A Yes, sir.

Q You thought to yourself, "What would I have somebody do for my sister if she was turned out in that way", didn't

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you? A Yes, sir.

Q So you thought about it seriously, what you could do for her, didn't you? A Why, certainly, I seen she was a nice girl and I felt sorry for her.

Q And you had been living in this country eighteen years, hadn't you? A Yes, sir.

Q And you had made a lot of friends, hadn't you? A Yes, sir.

Q And so you lit upon Hazel Jackson's as the place to take her, didn't you? A Yes, sir.

Q This poor-unfortunate girl, as you thought, was turned out of a home? A Yes, sir.

Q You knew Hazel Jackson well, didn't you? A I knew her for three years. I didn't see nothing out of the way.

Q Well, you knew her so well that you could take a strange girl up there without asking her, didn't you?

A What do you mean? I know the girl was living all alone, she had three rooms, so I figured out, I says, "I will pay her a few dollars and take her up and let her sleep there before she should walk around the streets."

Q Well, I know, but how did you know that Hazel Jackson would take in a strange girl from the street, if you had not talked it over with her? A How can I talk it over with her before I met the girl? I only met the girl once.

Q How did you know that Hazel Jackson would take a strange woman from the streets into her home, and that you

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yourself say came out of a hotel with a man? A Yes, sir, yet she took her in.

Q Well, I ask you, how did you know that Hazel Jackson would take a girl off the streets into her home if you did not know her well? A Because--

THE COURT: Now, wait a moment.

A (Continuing) Because I went up and I asked her, I says, "Jackson," or "Hazel", I says, "Will you do me a favor, if you want to hold this girl, give her to eat and sleep, I will pay you for it."

BY THE COURT:

Q In other words you mean that before you got to the house of Hazel Jackson you did not know that Hazel Jackson would take her? A Yes, sir.

Q But when you got to that house you talked with Hazel Jackson to urge her to take her? A Right in front of the girl, the girl was standing here, Hazel Jackson standing here. I was standing here (indicating). I asked, Hazel to do me a favor. The girl was standing there and she cannot deny it. I says, "I will pay you for her eating and sleeping".

Q Now, you have answered.

BY MR. ELLISON:

Q Now, you say you saw this girl come out of a hotel at Coney Island with a man? A Yes, sir.

Q A man called Bernstein? A Yes.

Q And then you had a talk with her in the course of

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which talk she told you she had been up there for immoral purposes, is that right? A She did not exactly tell me, but she laughed in a way that I was suspicious on something.

Q You mean that you were suspicious that she had been in there for immoral purposes, is that right? A Well, I can't exactly think what she was up there with him for.

Q Well, you told the jury that you saw her come out of the hotel with this man Bernstein? A Yes, sir.

Q Bernstein was your friend, wasn't he? A No, he was not my friend. I knew him just like "Good morning" and "Good night".

Q Well, he knew you well enough to come up and ask you to take charge of his girl, didn't he? He knew you well enough for that? A How do I know. He says to me, "Do me a favor, mind her for a minute, I will be back". I minded her for an hour and a half.

Q Yes, for an hour and a half? A Yes.

Q And you had seen her coming out of a hotel, that is what I want to get at? A Yes, sir.

Q Well, what was the talk you had with her about coming out of a hotel? A I says to her, "What are you doing here?" I says, "Where do you come with a married man?" She says, "Well I like him, I know him". I said, "What was you doing up to the hotel with him?" So she smiled, she laughed. Then she started in and I waited for a while, and then she started

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crying and tells me the way this Mr. Bernstein took her ring away from her, and he has not showed up yet, and she started crying the way she was ruined a few weeks ago and her people turned her out of the house and she hasn't got no place to sleep.

Q Yes. A And she is out of the house already six or seven weeks, so she started crying, she says, "Will you kindly do me a favor, get me some place to sleep?" So I figured if I can do a girl a favor, can't harm nothing. I says, "I have got a friend uptown, she has got three rooms." I says, "Are you willing to go up there?" I says, "I ain't forcins you nothing, go in your own way, if you want to go I ain't pulling you, I ain't threatening you or nothing," I says, "If you are willing to go up there and sleep with this woman, I will pay board for you". She says, "Why, I thank you with all my heart," she says.

Q Now, why did you take this great interest in a girl you did not know, a girl whose address you did not know, that you should be willing to take her to friend's house of yours and pay her board? A I took a liking to her.

Q Because you took a liking to her? A Yes.

Q Did you try to persuade her to go home? A What is it? I was begging her over and over to tell me where she lived.

Q Did you say, "Well, I will tell you what I will do, I will go over and see if I can find some place for her to live,

and I will tell you what I will do, I will go over and see if I can find some place for her to live,

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that? A What was that again?

Q Did you suggest going over and trying to find out some home for girls that she could go to? A I don't know nothing about that.

Q But you happened to pick out Hazel Jackson? A Yes.

THE COURT: Now, you have that. Something else now.

Q Now, you say that you have not written these letters, or you got some one to write them for you over at the Prison, is that right? A Yes, sir.

THE COURT: Referring now to what?

MR. ELLISON: People's Exhibits 1, 2, 3 and 4.

A Yes, sir. She said that was my handwriting.

Q Yes, I know, but you dictated the contents of these letters, didn't you? A Why, certainly.

Q You want this jury to understand, don't you, that what you did was perfectly proper, not alone perfectly proper, but you ought to be commended for it? A Gentle. I done it in a gentle way, no harm in it.

Q Do you remember writing a letter or dictating a letter to be sent to the mother and father of this girl? A Yes, sir.

THE COURT: Just show him the letter and ask him if that is the letter he dictated.

Q Yes. (Handing) A Yes, sir.

THE COURT: Referring to what?

MR. ELLISON: People's Exhibit 4.

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Q Do you remember stating in that latter as follows:

"If you can fix it up to get me out of here I am willing to go to work". You remember saying that, don't you? A Yes, sir.

Q Well, you were working, weren't you? A Well, I don't have to tell a girl everything of my business. Must I tell the girl I am working?

Q Well. A She knew I was working. Where would I get the money if I was not working?

BY THE COURT:

Q Now, just answer questions. A I say as far as statement was concerned, that was unnecessary.

Q But you were working, weren't you? A Yes, sir, I was working.

Q Well, what did you mean by that "If you can fix it to get me out of here I am willing to go to work". A What do you mean, going to work?

Q You are willing to go to work if they could fix it up to get you out of there? You have a position, haven't you? A Yes, sir, I had a position.

Q All right. A "And I will fix up a nice little home for your daughter and myself in reparation for what I have done." Now, in reparation for what you have done? A Well, I was telling you, I took a liking to that girl the first day I met her, and I was willing to do anything for that girl.

Q No, but you say you are willing to marry her in reparation for what you have done. Do you consider that you have

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done anything wrong that you should make reparation for it?

A I did not consider at the minute what I am writing, but I told her people in the letter that I am willing to marry the girl because I liked her, and she is willing to marry me.

BY THE COURT:

Q Then why did you use the word "reparation"? Why did you say "in reparation for what I have done"? Why did you use that phrase, why did you use those words? A Because her people were blaming me because I took her away from home.

Q In other words you intended her people to understand-- (Interrupting) A That I took her up, that I met her in County Jail and I took her up to this house.

BY MR. ELLISON:

Q Now, I call your attention to People's Exhibit 1 and ask you whether that is also one of the letters that you dictated and sent to the complaining witness? A Yes, sir.

BY THE COURT:

Q What was the name of the person that ^{you} dictated these letters to? A The person that wrote these letters for me?

Q Yes. A Harry Verschberg.

Q Was he a friend of yours? A Well, he was in the same room with me.

Q In the City Prison? A Yes, sir.

Q He was a prisoner there, the City Prison, in the same room with you? A Yes, sir.

BY MR. ELLISON:

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Q Did you in that letter, People's Exhibit 1 state as follows: "Dear Anna: Try your best for me at the trial, so I can get out, and I will stick to you forever". Did you write that? A Yes, sir.

Q Now, what did you mean, that she should try her best for you at the trial so you could get out? A Because she was perjuring herself, what she was telling on the case, and I wrote her the letter, "I am willing to marry you, I like you, I am willing to marry you".

Q So what you meant by that is this, that she should try her best at your trial so you could get out, she should not perjure herself? A She should tell the truth.

Q All right. I now call your attention to People's Exhibit 2, and ask you whether that is also one of the letters that you dictated and sent to the complaining witness? A Yes, sir.

Q I call your attention to these words, "I received your money and was very glad, as it will come in handy here." Is that right? A Yes.

Q Why, you were working for a living and had saved up money, hadn't you? A Well, I was not exactly saving, I had a father with five small children home, and I was giving him almost every cent, just enough to go out to Coney Island and have a good time, and go to work again.

Q But you had enough left over to take this girl to Miss Jackson's and volunteer to pay her board up there?

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A well, I had my pay that day. I did not give it home.

Q So that even with this girl you were so good that instead of giving money home you were going to take her to Jackson's and pay her board? A What did I pay at Jackson's?

Q I say you were willing to do that? A Yes.

Q So you did admit that you received money from this girl? A Yes, she sent me a letter and she said, "I am sending you a dollar." I didn't write her that I wanted money.

Q Of course you kept it? A What am I going to do, send it back?

Q You did not think there was anything dishonorable in taking money from a sixteen year old girl, did you? A No, sir, that was not anything dishonorable.

Q I just want to get at your state of mind? A I did not ask her for it.

THE COURT: You have answered it.

Q I now show you People's Exhibit 3, and ask you whether that is one of the letters you dictated and sent to the complainant witness Anna Ragovin? A Yes, sir.

Q I ask you whether you stated as follows in that letter: "My father spoke to your father about the birth of us, so, dear Anna, when I received your special delivery letter I thought I received my dear Pearl's present of about \$10,000".

In other words, you wanted her to think that you were so happy to hear from her, that her letter was worth \$10,000, is that right? A Yes, sir.

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Q Now, right after that, didn't you state as follows:
 "When I opened it up I seen it was your handwriting, so it
 was worth more than that to me"? A Why, certainly, why shouldn't
 it be worth it if I liked her?

THE COURT: You have answered.

Q Then did you follow with this: "Dear Anna, I have
 just run out of money, so if you could spare some, I would like
 you to send me some, send it as soon as you can, as soon as
 you receive this letter, answer so I will know when you re-
 ceive it." A You read her letters and you will see what it
 was.

Q Now, I am just asking you whether after expressing
 the great joy at receiving a letter from her, you did not
 follow it up and say, "Send me some money, send it as soon
 as possible"? A Because she wrote to me.

BY THE COURT:

Q Now, answer the question yes or no. A Well, certainly,
 it is there, ain't it?

BY MR. ELLISON:

Q Surely. So that is one case where you asked this
 sixteen year old girl to send you money, didn't you? A Is
 there any harm in that?

BY THE COURT:

Q Now just yes or no, did you? A Yes, sir.

BY MR. ELLISON:

Q You do not think there is anything dishonorable in that

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do you, sir? A No, sir, the girl gets er money--

Q Now, you have answered me? A The girl was not stealing it.

BY THE COURT:

Q Now, you have answered it.

BY MR. ELLISON:

Q Now, just a couple of more questions: You admit, do you not, that you are the man who took Anna Ragovin up to Hazel Jackson? A Yes, I admit that.

Q You admit that you introduced her to Hazel Jackson, don't you? A Yes, sir.

Q And admit that you have known Hazel Jackson for over three years? A Yes, sir.

Q That is all.

MR. SCHLOSS: Your Honor, as we have arrived at one o'clock, will your Honor adjourn now so that we can sum up after recess?

THE COURT: Do you mean to say that the defence rests now?

MR. SCHLOSS: Yes, sir, we rest.

MR. DUFFY: I am going to put my defendant on the stand. I want to make a statement.

THE COURT: I will let you make your opening statement after recess.

(The Court then admonished the jury in accordance with Section 415 of the Code of Criminal Procedure, and took a recess until 2 P. M.)

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After recess. Trial resumed.

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Mr. Duffy opened the case on behalf of defendant
Hazel Jackson.

H A Z E L J A C K S O N, one of the defendants, called
and duly sworn as a witness on behalf of the defence,
testified as follows:

(Residence 319 West 17th street.)

DIRECT EXAMINATION BY MR. DUFFY:

Q Where were you born? A I was born in Montreal,
Canada.

Q When? A 1889.

Q Where are your parents? A My parents are dead.

Q When was the last time you saw your parents? A In
fact, I didn't see my parents, because I was too small to
see them.

Q Well, how old were you when your parents died? A One
year old.

Q And whom did you live with in Montreal, Canada? A My
aunt.

Q When did you come to the United States? A Sixteen
years ago.

Q Where did you arrive? A I arrived at Brooklyn.

Q When was that? A Sixteen years ago.

Q And where did you live when you first came here?

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A Lynch street, Brooklyn.

Q Now, how long have you known this defendant, Fishbein?

A Three years.

Q Where did you meet him? A I met him on Broadway and Lorimer street.

Q In Brooklyn? A Yes, sir.

Q How did you come to meet him? A I was introduced by a girl named Rose.

Q How did you come to know this girl Rose? A I used to go to school with her.

Q Where? A I went to 147, Bushwick avenue.

Q Who did you live with in Brooklyn? A With my aunt.

BY THE COURT:

Q Whereabouts? A At 99 McKibbin street.

Q And your aunt's name is what? A Trivitsky.

BY MR. DUFFY:

Q What you working at at the time you met this defendant?

A Three years ago I was working at cigarettes.

Q Packing cigarettes? A Yes, sir.

Q Did you meet this defendant in a restaurant in Brooklyn?

A No, sir.

Q Did you ever meet him in any restaurant? A No, sir.

Q How often did you meet him in Brooklyn about three years ago? A Well, I might have met him about once a week or twice in two weeks, once in two weeks.

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Q Where would you meet him? A I would meet him around the streets.

Q He lived over there? A Yes, sir, I only lived a couple of blocks.

Q When did you take your apartments at 320 West 18th street? A June 3rd.

Q How did you come to obtain possession of those three rooms? A Sir?

Q How did you come to get possession of those three rooms? A A woman friend of mine --

BY THE COURT:

Q When you say June 3rd, you mean June 3rd of last year? A Yes, sir, 1913.

BY MR. DUFFY:

Q Who is this woman? A She is a friend of mine.

Q What is her name? A Mrs. Goodman.

Q Did she occupy those three rooms previous to that time?

A Yes, sir.

Q And whom did she live there with? A She lived there with three children.

Q Her three children? A Yes, sir.

Q Did she have a husband? A Yes, sir.

Q What did the husband do? A Her husband has got some kind of clothing factory in Chicago.

Q How did you come to know her? A I knew her for the

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last eight years. She lived with my aunt, neighbors.

Q And what talk did you have with her in June about taking these three rooms? A Well, the time I had to speak with her, I was living, because I used to go to her house, and one day she says to me, "Will you take my apartment and mind my apartment because I don't want to put my stuff in storage? So she says "That will save you from paying your board". She says "I will pay my three months rent, I only want you to take care of my rooms, because I don't want to put my stuff in storage."

Q And then you took possession? A Yes, sir.

Q What became of Mrs. Goodman? A Well, she went back to Chicago to her husband.

Q And you took those rooms then? A Yes, sir.

Q Did anybody live there with you? A No, sir.

Q What did the furniture consist of? A Sir?

Q What did the furniture consist of in those three rooms?

A I beg your pardon, do you mean what kind of furniture it was?

Q Yes, was there furniture there? A Yes, sir.

Q And what furniture was in the flat? A In the bed room there was a bed and a table and a little chair, and she had a little dresser, and in the parlor, in the front room what we call it, front room, there was a table we used to eat our dinner and supper, and there was about two or three

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chairs, and there was a little sideboard in the corner.

Q Did you ever pay any rent for those rooms? A No, sir.

Q What time did you go to work in the morning? A I used to go to work in the morning, well, the place would open around, on week days it will open around two o'clock. Well, I left my house around half past twelve or twelve o'clock, and if it was too early I used to go up to see my aunt.

Q Where were you working? A On McKibben and Graham avenue, in a moving picture show.

Q Who was the boss of the picture show? A Julius Dressler, and Louis Solkin.

Q What salary did you receive per week? A Eight and a half dollars.

Q After you finished your work where would you go? A I would go right home, even, it was too late for me to go up to my aunt's.

Q Had anybody lived there with you previous to this girl coming? A Sir?

Q Had anybody lived in those rooms with you previous to July 27, 1913? A No, sir.

Q On July 27, 1913, do you recollect this girl, Anna, the complaining witness coming to your apartment with the defendant Fishbein? A Yes, sir.

Q Just state to the Court and jury what time of day they came? A What time it was in the day?

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Q What time of the day they came to your apartment?

A Well, it was around a quarter after eleven at night.

Q Had you known they were coming? A No, sir.

Q Well, just state what took place when they came? A Sir?

Q Did they ring the bell? A No, sir, they did not ring no bell.

Q Well, what did take place?

BY THE COURT:

Q What happened when they came, what took place? A A knock, I was just undressed, your Honor, to go to bed, and a knock came at my door and I answered the door and I opened the door, and Mr. Fishbein came in and he says to me, "I want you to take this girl in, to give her a place where to eat and sleep." So I says "Why, I can't take this girl in, because the apartments doesn't belong to me." So he says to me, "What do you mean, you ain't going to leave her in?" So I says "Because I can't take her in, because the apartment does not belong to me." So he simply used such profane language that I really didn't know what it meant, but the way he used some language, I knew that it was not nice language, so I says "No, I ain't going to take her in, I ain't supposed to have anybody in my apartment but myself." So he simply took out a revolver and pointed it to me and he says "If you don't take her in I will shoot you." So I was afraid to take her in. I had to take her in because if I would not

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take her in he would have done it, and I was afraid to have him arrested because if I had had him arrested I knew for a fact that he belongs to some gang, that he would put this gang up to shoot me. So I had to take her in, and he often come up and she said to him -- I often said to me, please take her out, I don't want to get myself in trouble," because this girl explained to me, she says to me "My mother put me out, I lived in Newark, because I did not have my board to pay, I was out of work for two days and she did not want to have me in the house." So I says, "It is the best thing for you to go home." I says "I will tell you what I will do, I will take you home myself and I will beg your parents to take you." So she simply got on her knees and she cried to me, "Please don't take me home, for if you go, my parents will put me out."

And Fishbein, the defendant, came and I says "Please, Mr. Fishbein, take this girl out because I will only get myself in trouble, she does not belong to me." I says "This girl has a home to live in, you take her home out of here." He says "If you don't leave her in I will shoot you and you will feel sorry", he says "If I don't get you now I will get you ten years from now."

BY MR. DUFFY:

Q How often was he in your apartment? A He was in my apartment twice in the day and one night came home, it

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was about a quarter after twelve and I found them both in bed.

Q Did Fishbein ever sleep at your house? A No, not that I know of, anything about it.

Q Who occupied that bed in the room? A I beg your pardon?

Q Who occupied the bed for the ten days that this girl was there, who slept in that bed of yours? A Who slept in the bed? Nobody but myself and the girl.

Q Did any men come to your apartment at any time while the girl was there, or previous thereto? A No, sir, nobody but Fishbein.

Q And how often did you say he came there? A He was there twice in the day and once at night when I came home from work.

BY THE COURT:

Q Now, you have seen during the progress of this trial a young man, a witness who gave his name as Irving Rothenberg? A Yes, sir.

Q And who said that some time during the summer of last year -- A Yes, sir.

Q (Continuing) He had gone to your apartments? A No, sir, your Honor, I never seen this man in my life.

BY MR. DUFFY:

Q Rothenberg testified that he never spoke to you; you

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say you never saw him? A No, sir, I never saw that man in my life.

Q What time was it every night that you arrived home?

A Well, sometimes I would arrive at home a quarter after eleven, and sometimes at eleven o'clock.

Q Did you see that man, this Rothenberg, in the magistrate's court? A Sir?

Q Did that witness Rothenberg testify in the magistrate's court? A In here you mean?

Q The man who testified, Irving Rothenberg, testified he had intercourse with this girl Anna at your house? A No, sir, I never saw him.

Q Never saw him until you saw him here? A I never seen that man before until I seen him yesterday on this seat.

Q Did you ever see this Anna with men at your apartment?

A Did I ever see that? No, sir, I never did.

Q Did you ever have any knowledge that she had any intercourse with any men at your house? A No, sir.

BY THE COURT:

Q During those ten days were you in your rooms all day long or did you go out at times? A Well, I would be in some times, some times I would go out for my groceries. I must go out to the druggist, I would go out doing a little shopping before I had to go to work.

Q Well, what I mean to say is, were you working as a

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cashier in this moving picture place between July 27, 1913, and August 6, 1913? A Yes, your Honor.

Q Every day? A Yes, your Honor.

Q And your hours at the moving picture place were from what time to what time? A My hours were, Saturdays they were from one o'clock until half past ten, and in the middle of the week they were from two to half past ten.

Q And when you say from two, you mean from two o'clock in the afternoon? A In the afternoon, your Honor.

Q Until half past ten in the evening? A Yes, sir.

Q And this moving picture place was located where? A On Graham avenue and McKibbin street.

Q About how long did it take you to go from 320 West 18th street to the moving picture place? A Well, it took me, sometimes it would take me about forty-five minutes, sometimes it would take me three quarters of an hour.

Q How much time did you usually allow yourself in going?

A I beg your pardon, your Honor?

Q About how much time would you give yourself to go from your house to that place? A One hour.

Q So that when you had to work there beginning at two o'clock in the afternoon, you would leave your house on 18th street about what time? A I would leave my house about half past eleven.

Q In the morning? A Yes, sir.

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Q And you would return to your house at what time? A I would return to my house sometimes eleven o'clock, and a quarter past.

Q In the evening? A Yes, sir.

Q Between eleven o'clock in the morning and eleven or a quarter past eleven in the evening, you would not be in the rooms at 18th street? A No, sir.

Q And was that so during the days that Anna Ragovin, the complaining witness, was in your rooms? Were you away during those days at the moving picture place? A Was I away, your Honor?

Q Yes. A Yes, sir.

Q In other words, you worked from July 27 to August 6, 1913, during the hours that you have now mentioned, daily at the moving picture place? A Yes, sir.

Q Now, on the occasions when you left that house during these days did you ever leave Anna alone in your rooms?

A No, your Honor, not on week days.

Q When you say "No", what do you mean, that she would be out of the rooms? A Yes, your Honor.

Q Did she have a key to the rooms? A Yes, your Honor.

Q When did she get the key, how soon after she got there?

A She got the key three days later.

Q Now, she arrived in your rooms on a Sunday night, is that so? A Yes, sir.

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Q On Monday morning at eleven o'clock, which was the 28th of July, did you go to the moving picture place? A Yes, your Honor.

Q Leaving your apartment at what time? A In the morning?

Q Yes. A I left it about around half past eleven.

Q Now, when you left your apartment in the morning about half past eleven, on Monday, July 28, 1913, did you leave any person inside of anyone of your three rooms? A No, your Honor.

Q At what time did Anna Ragovin leave those rooms on that morning? A On Monday?

Q Yes. A She left them at seven o'clock in the morning.

Q When you got back to those rooms at about eleven or quarter past eleven that Monday night, did you find anyone in those rooms? A No, your Honor.

Q How long had you been in before Anna came in? A I would be in about an hour and a half sometimes, sometimes an hour.

Q You mean to say that on every occasion you got back to the rooms before Anna? A Not every time, your Honor.

Q Sometimes you would find her in the rooms, when you got back? A Yes, sir, when she had the key.

Q During the time she had the key, you would sometimes find her in the rooms when you got back? A Yes, your Honor.

Q But on the three days on which you say she did not have

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a key, she would leave before you left and would get back after you had returned, is that so? A Yes, your Honor.

THE COURT: Go on.

BY MR. DUFFY:

Q Now, on one occasion, Anna testified that a strange man had intercourse with her at your apartment, and that she received a dollar and gave it to you, is that true? A No, sir.

BY THE COURT:

Q When Anna arrived at your rooms with the defendant, in the evening of Sunday, July 27th, were there at that time three young men in your apartment? A No, your Honor.

BY MR. DUFFY:

Q Now, when the defendant brought -- during the time that Anna was at your apartment did she go to see a doctor? A Yes, sir.

Q About when was that? How long after she had come to your apartment did she go to see the doctor? A About, around Wednesday.

Q What did she say about going to see the doctor? A She told me that her throat hurts her.

Q And who recommended Dr. Friedlander? A I knew this doctor.

Q And who gave the money to her to go to see the doctor?

A I beg your pardon?

Q Who gave the money to Anna to go see the doctor?

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A Mr. Fishbein.

Q How much did he give her? A Two dollars.

Q How many visits did she make to the doctor? A She made about two or three visits.

Q She went to see the doctor about her throat, you say?

A Yes, sir.

Q What is that doctor's full name, what is the name of that doctor? A I don't know, your Honor.

Q I thought you said you knew him? A Yes, sir, I only know him by Dr. Friedlander.

Q Where is his office? A His office is on Henry street.

Q Do you know the number? A Well, your Honor, I am not sure whether it is 127 Henry or it is 117 Henry street.

Q But your best recollection is that it is either 117 or 127 Henry street? A Yes, your Honor.

Q One or the other? A Yes, sir.

BY MR. DUFFY:

Q Did you ever know a man by the name of Burns? A No, sir.

Q Or Bernstein? A No, sir.

Q On August 6th, 1913, did you see Isaac Ragovin?

A Yes, sir.

Q The brother of the complaining witness, did you see him come to your apartment on that day? A Yes, sir.

Q What time did he come there? A It was around, well,

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it was around half past twelve.

Q Did Anna ever speak about her family, her father or her brother? A Yes, sir.

Q What did she tell you? A She told me that her brother is doing five years in State Prison.

Q Where did she tell you that? A She told me when she was in my house two days.

Q That was one of the reasons she gave why she didn't want to go home? Is that one of the reasons she told you why she didn't want to go home? A Yes, sir.

Q Did she say she lived any place else but Newark? A Yes, she told me she lived somewhere on Orange street, in Newark.

BY THE COURT:

Q Let me ask you this: What kind of work did you do over in the moving picture place? A Cashier, your Honor.

Q And when you would arrive there at about two o'clock what was the name of the person, if any one, to whom you reported? A To one of the bosses.

BY MR. DUFFY:

Q The name, the Court wants to know? A Julius Dressler.

BY THE COURT:

Q And having reported to him, what would be the first thing you would do there? A I would count my checks over.

Q You had an office there? A Yes, sir, a little office for myself.

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Q Anybody else in that office except you? A No, sir, nobody but myself, and sometimes one of the bosses used to come in.

Q Do you know whether any books were kept over there showing the time when you arrived and the time that you left each day? A No, sir, your Honor.

BY MR. DUFFY:

Q How large a place was this moving picture show? A How large?

Q How large, give a description of the theatre to the Court and jury, describe the building? A Well, it was -- well, it was about as long as this room here, but it was not as wide as this room.

Q And did they have music? A Sir?

Q What kind of music was there? A They would have a violin in the winter and they would have a cornet and they would have a drum and a piano, but not in the summer time.

Q Where was this box that you were in located? A Outside, just in the front of the building.

Q What was the admission fee? A Five cents.

Q Now, did this girl Anna have access in and out of your house during the ten days that she lived with you? A Did she go out?

Q Did she go in and out? A Yes, sir.

Q Did you restrain her in any way from going in and out?

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A No, sir.

BY THE COURT:

Q Did you ever tell her that she could not leave? A No, your Honor.

Q Did you ever take hold of her and keep her from leaving?

A No, your Honor.

Q Or keep her from going to the door? A No, your Honor.

Q Did you and she ever have a struggle in the rooms?

A No, your Honor.

BY MR DUFFY:

Q Did you ever tell her that she would have to stay with men, to have intercourse with men? A No, sir.

Q You never knew of her having intercourse with any men, did you? A No, sir.

Q Now, she says that you wore her clothes, or that she wore your clothes, that you loaned her clothes? A Yes.

Q State to the Court and jury how you came to permit her to use your clothes? A I beg your pardon?

Q State to the Court and jury how Anna come to your clothes? A Well, the time she came into my house her clothes were all torn and she was filthy and dirty that really it's a sham to tell youse, and the time she wanted to go out she didn't have any clothes, because her clothes were all torn and dirty, so she asked me to lend her one of my suits. I only had two suits, and I had a summer dress, so I says,

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"I will tell you what I will do, I will lend you one of my suits", I lent her one of my checked suits.

Q And she stated that you had a lot of diamonds, did you ever own diamonds? A Never owned a diamond in my life yet.

Q Have you got any rings, diamonds on you? A I have one, but this ain't no diamond, anybody can see this.

Q You never had any diamonds? A Not in my life.

Q She testified that you showed her diamonds and that she would have an easy life of it, is that true? A No, sir.

Q Was there any carpet on this floor in the apartment?

A No, sir.

Q Any pictures on the wall? A There was a couple of little pictures.

Q Was there a table in the place? A Yes, sir.

Q What did you eat in the morning? A What would we eat?

MR. ELLISON: I object as immaterial, to save time.

Q Well, would Anna eat with you in the morning? A Would she eat with me in the morning?

Q Yes. A Yes, sir.

Q What would you generally eat?

MR. ELLISON: I object as immaterial to this issue.

THE COURT: Objection sustained.

MR. DUFFY: I think I can show how they lived, from what this girl said.

BY THE COURT:

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Q Well, who did the marketing, who went out to buy the food? A Anna did, your Honor.

BY MR. DUFFY:

Q Anna stated that all the eating that came in the house came up through the dumbwaiter, was brought in; did you have any place that you received credit from? A Sir?

Q Did you do a credit business? A No, sir.

Q You only had yourself and the girl to feed, is that it?

A Yes, sir.

Q And what would be ordered in the morning? A In the morning we would order some rolls and butter and some milk, and sometimes we would have some eggs.

Q You didn't have much meat around there, did you?

A No, sir.

Q And then you would leave? A Yes, sir.

Q Would not return until night? Do you know how Anna lived during the rest of the day? A Well, before I left I left something for her to have to eat.

Q Now, you recollect --

BY THE COURT:

Q (Interposing) Now, before, on the days before she had the key, when you left you would lock the door, wouldn't you? A Yes, your Honor.

Q And on those days you got back before she did? A Yes, sir.

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Q And on those days when you got back you found the door locked and you unlocked it, didn't you? A Yes, sir.

Q And then she would come in afterwards? A Yes, sir.

Q Now, on those days, during the day, were you with Anna?

A Was I with Anna?

Q Yes. A No, your Honor.

Q Now, you recollect the day that her brother Isaac Ragovin came there, do you? A I beg your pardon?

Q You recollect the day that her brother Isaac came there? Now, just state the circumstances, how Isaac and the other men came there to take Anna away? A Well, when it was around half past twelve and she was undressed, she wore her night gown, and she was about to go to bed, she was in fact, she was in bed, and I had my skirt on, because I was doing a little washing, and while I was doing the washing a knock came at my door and when I asked who was there and they says "Open the door" and I says "Who is it?" And when I opened the door, I opened the door wide open, and the brother came in and he pointed a gun to me, and I had nine dollars with me and he just hit me with the back of the gun, he hit me in the head and he took the nine dollars on me. So when he took the nine dollars and when he hit his sister --

BY MR. DUFFY:

Q Hold on, go easy, take plenty of time.

MR. ELLISON: I object. I ask him to allow the witness to go on and tell the story about the brother

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stealing the money.

Q All right, go on. A He took the money on me and he hit me, and after he went in and his sister was in bed and he punched her, he punched her, and her face got all swollen up, and he says "Dress yourself." The closet was wide open, but she didn't have no clothes, because her clothes was thrown out. She wore my clothes all the time. She promised to go to look for a position so she can get herself some clothes, she went out every morning at seven o'clock to try to get a position and she came, and every time I came home I asked her did she get a position and she cried to me, she says "No, I didn't get a position." I says "Don't worry, may be you will get a position next day." So, afterwards when he brother went down, so I ran after them and I pleased, I begged them, I said "Please give me at least, give me a dollar, for I would not have any money to go to work tomorrow." So he simply turned around and he started in to curse me, and he says, "Why, you" he says "I won't give you a cent, and they walked ahead.

Q How many people were with them? A At least, I didn't count them, there was around fifteen or twenty people, boys.

Q In the hallway and in your apartment? A Yes, sir, in the hallway.

Q How many were in your apartment with Isaac? A Well, there were so many people that I didn't really count them.

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Q Well, about how many entered your apartment? A Around fourteen or sixteen, around there.

Q ~~Where did you have this money?~~ A Where did I have my money?

Q Yes, where did you have the nine dollars? A I had it in my bust, and when he hit me I fell, and he picked the pocketbook up.

Q And that is how he came to take your nine dollars?

A Yes, sir.

Q Did he take the pocketbook with him? A Yes, sir.

Q And in that pocketbook was the nine dollars? A Yes, sir.

Q How long was he there altogether? A Well, he was there about twenty or twenty-five minutes.

Q And did you go outside of the house after he had taken your pocketbook and taken the girl away? A Yes, sir, and I begged him for the money.

Q Where were you when you asked him for the money?

A Waling down towards the corner.

Q And he swore at you, you said? A Yes, sir.

Q Now, how long did you continue to live at this house, 320 West 18th street? A For three months.

Q When did you leave there? A I left the first part of September.

Q And where did you go to live? A I looked for a room

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and I got a room for myself.

Q What did you do with the furniture? A What furniture?

Q The furniture you had in this house in 18th street?

A Well, this here woman took it.

Q She took it? A Yes, she came back and took it.

Q And you have not been there since, have you? A No, sir.

Q When you moved to 17th street and had some rooms there, what persons, if any, lived with you in the 17th street rooms?

A Well, I lived with some woman by the name of Mrs. Brown. I had my room there, your Honor.

Q You just had a room? A Yes, your Honor, because the furniture in 18th street didn't belong to me. It belonged to Mrs. Goodman, and when she came back from the country she took them.

BY MR. DUFFY:

Q How much were you paying for the use of the room in 17th street? A Three dollars.

Q And what did that include? A For my room.

Q Anything else? A Breakfast in the morning.

Q And that's all? A Yes, sir.

BY THE COURT:

Q How old are you? A Twenty-five, your Honor.

BY MR. DUFFY:

Q Now, you recollect the day you were arrested? A Yes,

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sir.

Q And you heard the officer testify here? A Yes, sir.

Q As to what conversation you had with him on the way to the station house? A Yes, sir.

Q Is that right? A Yes, sir.

MR. DUFFY: Your witness.

BY MR. SCHLOSS:

Q You resided, lived with your aunt in Brooklyn? A Yes, sir.

Q How long did you live with your aunt? A Every since I came from Montreal to Brooklyn.

Q Did your aunt ever visit you in the premises 320 West 18th street? A No, sir.

Q Did you tell your aunt that you were living in the rooms, 320 West 18th street? A Yes, sir.

Q Your aunt knew you were in the moving picture business as cashier? A Yes, sir.

Q Well, while you were over in Brooklyn living with your aunt did you pay your aunt's board? A I certainly did.

Q Every week? A Yes, sir.

Q How much did you pay her? A I paid her three and a half, four dollars a week.

Q What did she give you in return for the three or four dollars a week? A She would give me a room and to eat my breakfast, dinner and supper, and do my washing.

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Q While you were living with your aunt did you ever visit any restaurant in Brooklyn? A No, sir.

Q Were you ever in a restaurant, known as, the nearest I can get to the name, Cormital, at Moore and Leonard street?

A No, sir.

Q You don't know of any such streets in Brooklyn? A I do, but I was never around in the restaurant.

Q You do not know any restaurant in that locality?

A No, sir.

Q You say in your direct examination that a girl named Rosie, a school friend of yours, introduced you to the defendant Fishbein? A Yes, sir.

Q Where did that introduction take place? A On Broadway and Lorimer street.

BY THE COURT:

Q What is her family name, Rosie? A Rose Goldstein, your Honor.

Q Where does she live? A I don't know where she lives now, your Honor.

BY MR. SCHLOSS:

Q You know the number of the school? A Yes, sir.

Q 147, what? A Bushwick avenue.

Q She went to school with you? A Yes, sir.

Q How old a girl is Rosie? A Well, she is around, she must be around twenty-six, twenty-seven years now. She was

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much older than me.

Q And from the time she went to school with you until a short time ago, you have seen her on different occasions?

A Yes, sir.

Q Did she ever visit you in 18th street? A No, sir.

Q Did she know you were in the moving picture business?

A Did she know it?

Q Yes. A No, sir.

Q Did you ever tell her? A No, sir.

Q Do you remember the brother of Anna being on the witness stand yesterday? A Yes, sir.

Q You heard his testimony? You remember his saying that you pointed a pistol at him? A Yes, sir.

Q Is that true? A No, sir.

Q You never had a pistol? A No, sir.

Q You did not point any pistol at him? A No, sir.

Q You say that the defendant pointed a pistol at you?

A Yes, sir.

Q When? A When he brought the girl up to my house.

Q The first night? A Yes, sir.

Q And he called there afterwards? A I beg your pardon?

Q Did he call after the first night? A Yes, sir.

Q Did he ever show you a pistol, Mr. Fishbein? A The first day he was up to my house.

Q What do you mean on the first day? I understood you

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to say the first time was in the night time. A Yes, sir,
the first time he was up to my house.

Q The first time, in the night time? A Yes, sir.

BY THE COURT:

Q Was Fishbein at your house, that is, this defendant,
at your house some time in the month of June? A No, sir,
your Honor.

MR. SCHLOSS: No further questions.

CROSS EXAMINATION BY MR. ELLISON:

Q Now, what are you, Miss or Mrs. Jackson, I did not get
it? A Miss.

Q Miss Hazel Jackson? A Yes, sir.

Q Have you ever been known under the name of Sadie
Kuperman? A Yes, sir.

Q Why do you find it necessary, a respectable young lady,
to have two different names? A Because I was known by the
name of Hazel Jackson.

Q But I say, why do you, a respectable young woman, find
it necessary to have two names, Sadie Kuperman and Hazel Jack-
son? A Because my own people told me that my name was
Hazel Jackson, and sometimes they would tell me my name was
Sadie Kuperman.

Q Well, do you remember when you came into the United
states from Canada? A Yes, sir.

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Q What name did you give to the Immigration authorities?

A Hazel Jackson.

MR. ELLISON: May I have the police court papers?

Q Are you positive about that? A (No answer.)

Q Are you positive about that? A About what?

Q Giving the name of Hazel Jackson when you came in the United States? A Not to the United States, no, sir.

Q Well, I asked you that, I said, what name did you give to the immigration authorities when you came into the United States from Canada? A When I came from Canada to New York I gave my name as Sadie Kuperman.

Q Yes, that's what I want to get at. So when you came into this country you were known under the name of Sadie Kuperman? A Yes, sir.

Q That was the time you had left your home? A Yes, sir.

Q Well, why did you change it to Hazel Jackson after you got to this country? A Because my aunt often told me my name was Hazel Jackson. I often asked her which one is my name and she says, she knew me more as Hazel Jackson, and she knew me as Sadie Kuperman.

Q That is your explanation? A Yes, sir.

BY THE COURT:

Q In other words, your parents, as I understand you, died when you were about a year old? A Yes, sir.

Q And after their death, which was in Canada, you con-

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continued to live in Canada? A Yes, your Honor.

Q With an aunt? A Yes, your Honor.

Q Whose name you have given us? A Yes, your Honor.

Q Who afterwards came to the United States with you?

A Yes, your Honor.

Q When you were about nine years of age? A Yes, your Honor.

Q And having come with your aunt when you were about nine years of age to the United States, your aunt has told you at times that your name was Sadie Kuperman, and other times she has told you that your name was Hazel Jackson? A Yes, your Honor.

BY MR. ELLISON:

Q Now, have you ever been in Philadelphia? A No, your Honor, no, sir.

Q Do you know where Philadelphia is? - A No, sir.

Q You do not know what state it is in? A Well, I heard of it, but I was never in there.

Q How long were you working in this moving picture place over in Brooklyn? A About a year and a month.

Q So that at the time of your arrest you had been working there a year and a month? A Yes, sir.

Q As a cashier in a moving picture place? A Yes, sir.

Q Do you remember when you were arrested and you were in the police court, you were asked what your business was, do

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you remember being asked that? A Yes, sir.

Q Did you then state that you were a cashier in a moving picture place? A No, sir.

Q What did you say your business was? A I told them I was working at cigarettes, because they didn't ask me at the present time.

Q No, I ask you what answer you said, you said you were in the cigarette business, didn't you? A Yes, sir.

Q Well, why didn't you tell them you were cashier in a moving picture place? A Because they didn't ask me whether I was working at the present time in a moving picture place.

Q Let me read you the questions and answers, and see what they did ask you. Do you remember them asking you "What is your name," and your giving the answer "Hazel Jackson."

A Yes, sir.

Q Do you remember them asking you "How old are you?" and your answer "Twenty-five years old." A Yes, sir.

Q Do you remember them asking you "Where were you born?" A Canada." A Yes, sir.

Q "Q Where do you live and how long have you lived there?" and what answer did you give? A I told them I lived in 319 West 17th street.

Q How long? A I don't remember.

Q Don't you remember how long you said you lived there?

A No, sir.

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Q Well, how long did you live there at that time?

A Well, I was living -- let me see, around two months and a couple of days.

Q You said three months, so that is right. Then you remember them asking you "Q What is your business? A Cigarette packer" Now, see whether you did not sign your name under it afterwards? (Handing) A Yes.

Q That is right, isn't it? A Yes, sir.

Q So that there you did not say anything about being a cashier in a moving picture place, or that you had been working for a year and a month as cashier in a moving picture place? A Yes, sir.

THE COURT: Now, you have that, Mr. Ellison.

MR. DUFFY: That is her business.

THE COURT: What is that, counsellor?

MR. DUFFY: I am telling the District Attorney that is her business.

Q On the night that Fishbein brought this girl up to your place, were you under any obligations to the defendant Fishbein? A Well, I don't understand what that means.

Q Did you owe him any money? A Did I owe him any money?

Q Owe him any money? A No, sir.

Q Did you owe him anything else besides money? A No, sir.

Q Why did you find it necessary to take this girl in for

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Fishbein? A Because he put the gun up to me.

Q Had you ever had any trouble with Mr. Fishbein? A No, sir.

Q How long had you known him? A Three years.

Q When he brought the girl up did you ask him what the girl's name was? A Yes, sir.

Q What did he say? A He didn't answer the question.

Q Did you ask him where he met the girl? A Yes, sir.

Q What did he say? A Coney Island.

Q Did you ask him how long he had known her? A Yes, sir.

Q What did he say? A He didn't answer.

Q Why, he was asking you to take into your own home and into your own bed a woman that you had never seen before, wasn't he? A Yes, sir.

Q Were you perfectly satisfied, because as you say, he pointed a gun at your head, to take a strange woman into your own home and let her sleep with you? A No, sir.

Q But you did it, didn't you? A Yes, sir.

Q And she occupied the same bed with you? A Yes, sir.

Q You did not know her name? A No, sir.

Q You did not know where she lived? A No, sir.

Q You did not know how long he knew her? A No, sir.

Q You did not know where he had met her or how long he had known her? A I did.

Q You did not know how long he had known her, did you?

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A No, sir.

Q Well, were you very much excited over his pointing the gun at you that night? A Yes, sir.

Q You felt that he had threatened your life? A Yes, sir.

Q And you knew what a policeman is, didn't you? A Yes, sir.

Q And you know where a police station is, don't you?

A Yes, sir.

Q Did you go around and say to any police officer that a man came up to your house and at the point of a revolver made you take a strange woman into your home? A No, sir.

Q Did you think that everything was perfectly proper about Fishbein bringing this girl to your home? A No, sir.

Q Were you suspicious about it? A Yes, sir.

Q Did you take any steps to let anybody in the world know what was taking place? A I beg your pardon?

Q Did you notify anybody in the world as to what had taken place in your house that night? A No, sir.

Q And you kept them there ten days, did you? A Yes, sir.

Q And how much money did you get from Fishbein for doing that? A Not a cent.

Q Why, didn't you hear Fishbein testified when he was on the stand that he took her up to your house to have her board with you and he took his wages that he made to pay you for the board? A Yes, sir.

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33 Q Well, why were you supporting this girl then, if you¹⁸⁴
didn't get any money? A Because I was afraid of the gun.

Q Now, you had rather an unfortunate experience in this
affair, didn't you? A I don't know why you mean by that.

Q Well, I mean, Fishbein threatened you with a gun,
didn't he? A Yes, sir.

Q And then afterwards the girl's brother threatened you
with a gun? A Yes, sir.

Q There are two men that threatened you with a gun in
this case? A Yes, sir.

Q And you charge, as I understand, this girl's brother
with robbery, don't you? A Yes, sir.

Q Now, when this charge was made against you, why didn't
you go to the police and say "I want to have this man arrest-
ed charged with robbery, he held a gun at my head and stole
my money"? A Because I didn't know where to find him. I
was looking for him and I didn't know where to find him.

Q Well, I know, but he was up there that very night,
wasn't he? A Yes, sir.

Q Now, after this occurrence how often did you see Fish-
bein, after this occurrence? A After the girl was taken
out?

Q After the girl was taken away, how often did you see
Fishbein? A I didn't see Fishbein any more.

Q Is that the last time? A Yes, sir.

Q Did you know where he lived? A I did I know where he

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lived?

Q Yes. A No, sir.

Q Didn't you ever talk the matter over with him about the brother coming up and taking her away? A No, sir.

Q Now, when the brother came up therethat night, what was the first thing he said to you before he robbed you? A Before he robbed me?

Q Yes. A He said "My sister is in here". So I says, "Well," I says, "I didn't know that was your sister," I says, "because if I knew it was your sister I would have returned her long ago, and in fact I told her to go home with me."

Q Did you then tell the brother how she happened to be brought up there? A Yes, sir.

Q Did you then give the brother the name of Fishbein?

A No, sir.

Q Well then, if you thought there was anything wrong and suspicious, and you had been taken advantage of, why didn't you tell him the whole story, how the girl had been brought up there by Fishbein? A Yes, sir, but that was not his name.

Q Well, what is his name? A Izzy Redshirt, that's what I knew his name.

Q You had known him for three years? A By Izzy Redshirt.

Q You had known him for three years? A Yes, sir.

Q And you did not know his name was Isidore Fishbein?

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A No, sir, that's the only name I knew, was Izzy Redshirt.

REDIRECT EXAMINATION BY MR. DUFFY:

Q Now, a week before you were arrested, did you see the complaining witness Anna Ragovin at your house at 319 West 17th street? A Yes, sir.

Q Can you fix the time? When were you arrested? A I was arrested around half past three in the afternoon.

Q What month? A November 11.

Q How long previous to that time had you seen her, Anna? A I didn't see her before. I didn't see her until after she was taken out of my house, until November -- let me see, it was on a Sunday in November.

Q Where did you see her? A She came up to the house where I was stopping.

Q In 17th street? A Yes, sir.

Q And did you see her inside the house or outside? A I beg your pardon?

Q Where did she talk to you, inside the house or outside?

A Inside the house.

Q What conversation did you have with her? A She knocked at the door and she says, she asks, the woman went to the door, because I was getting ready to go out, so she says, "I want to see Hazel". So the woman called me and when I went to the door she says "I want to get in." So I says,

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"Why, no, you can't get in". I says "Keep away". I says "I don't want to have nothing to do with you, why don't you go home to your brother?" Well, she says "I don't want to go home." She says "I want you to let me in and live with you." I says "Why, no", I says, "you go home". Well, she says, "If you don't let me in to live with you I will fix you." I says "What are you going to do?" She says "I am going to get the police after you."

Q And you were arrested the week after that? A Yes, sir.

Q Were you ever convicted of crime? A No, sir.

Q Were you ever arrested or ever in trouble? A I was arrested for having a fight.

BY THE COURT:

Q Do you mean with some other girl? A Yes, sir.

BY MR. ELLISON:

Q Why, don't you know that on November 11th, the day that Anna was there, the police were outside and then they came in and arrested you? A She was in my house on Sunday, District Attorney, and on the 11th that was on Tuesday afternoon, I was arrested.

MR. DUFFY: That is all. The defendant rests.

REBUTTAL.

MRS. ALICE M. MENKEN, called and duly sworn
as a witness on behalf of the People in rebuttal, testi-

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fied as follows:

(Residence 791 West End Avenue.

DIRECT EXAMINATION BY MR. ELLISON:

Q Now, Mrs. Menken, are you interested in charitable work?

A Yes, sir.

Q In what way? A I am president of the Sisterhood of the Spanish and Portuguese Synagogue, doing work with the girls who are unfortunate.

Q And in that capacity did you learn to know Anna Rago-
vin while she was in custody? A I did.

Q While she was in custody, I ask you, whether you gave her any money? A I did, through, may I say how?

Q Well, did you give her money? A I did.

Q That is all.

BY THE COURT:

Q And about when was that, Mrs. Menken? A I gave her one payment in November, the latter part, and one on the 22nd or 21st of December, five dollars each time..

(No cross examination)

MR. ELLISON: The People rest.

MR. SCHLOSS: May it please the Court, Mr. Duffy desires to sum up for this woman and I desire to say a few words. Does your Honor limit us as to time, owing to the lateness of the hour?

THE COURT: How much time would you like to have?

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MR. SCLOSS: I think fifteen minutes.

THE COURT: How much time would you like, Mr. Duffy?

MR. DUFFY: Fifteen minutes. I would like to renew my motion to direct a verdict as to the defendant Jackson on the ground that the evidence is wholly insufficient, in regard to this defendant, and there is no evidence that she forcibly detained this girl in this house for purposes of prostitution. The evidence of the complaining witness alone is insufficient, and is not corroborated.

THE COURT: Mr. District Attorney, if I may be permitted to make a suggestion to you, I think you ought to recall to the stand certain of the witnesses, in order that you may interrogate them categorically regarding certain statements made respecting them. You may renew your motion at the close of the entire case.

ISAAC RAGOVIN, a witness for the People, recalled, testified as follows:

BY THE COURT:

Q. When you went to the house of the defendant Hazel Jackson on the night of August 6th, 1913, did you point a pistol towards her? A. No, sir.

Q. Did you strike her? A. Yes, sir.

Q. Did you take from her person a pocketbook containing nine dollars? A. No, sir.

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Q Did you leave the house with any money belonging to Hazel Jackson? A No, sir.

Q Did her pocketbook fall out of the bosom or the breast of Hazel Jackson and did you pick it up and go off with it?

A No, sir. I just got my pay that day, too.

Q Now, just answer my question.

THE COURT: I think that is all I wanted to ask him.

MR. ELLISON: That is all.

ANNA RAGOVIN, a witness for the People, recalled, testified as follows:

BY THE COURT:

Q Now, Hazel Jackson, the defendant, has said in substance, that you were in her rooms for ten days? A Yes, sir.

Q And she has said that during the first three days you did not have any key to the door leading into her rooms, but she says that at the end of the third day or during the balance of the time that you were there, you did have a key to that door, is that so? A No, sir.

Q She says that during the first three days that you were there, that is to say, beginning Monday July 28th, you left the house in the morning before she left, referring to her rooms on 18th street, and that you came back to those rooms in the evening after she had returned to them herself, is that so? A No, sir.

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Q She says that during all the days that you were at her house she would leave her room at about eleven o'clock in the morning, and would return to her rooms at about eleven or a quarter past eleven in the evening? A No, sir, she never left the house.

Q She says that during the latter part of the time she would find you in the house upon returning to it in the evening? A She never left the house.

Q She says that when you were brought to the house by Fishbein, or came to the house with Fishbein on the evening of July 27th, Fishbein had a pistol and pointed it at her?

A I never seen no pistol pointed to her when Fishbein came up with me.

Q The sister of the defendant Fishbein has been a witness and has said that yesterday, in the witness room she had a talk with you, is that so? A Yes, sir.

Q She says that during the progress of that talk you said in substance that you were going to receive from a probation officer, I think it was, \$250?

MR. ELLISON \$350.

Q (Continuing) \$350, and that with that you would go to Chicago, or something to that effect? A I never got any money from a probation officer, that did not refer to any probation officer, the \$350.

Q Did you make any statement to the effect that that was

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a large amount of money to you and that --

THE COURT: Mr. Ellison, I do not quite recollect what that evidence was. Mr. Stenographer, suppose you repeat that part?

The stenographer repeats the testimony of the witness Rachael Salow as follows:

"BY MR. SCHLOSS:

"Q Now, do not volunteer anything, just answer questions.

"THE COURT: Now, that evidence is not competent.

"Q Do you know Anna, the complaining witness in this case?

A I never saw her, only yesterday I had a talk with her.

"Q Where? A In the witness room.

"Q What did she say to you? A Why, her brother took me in and says, 'Go in.'

"Q Took you in where? A Took me into the witness room.

"Q Yes. A And he says 'Well, you say that I am your wife and go and ask what's the matter, she is always talking something different, I can't make her out.' And he says, 'I hope to God a trolley car hits her, I am disgusted with her. Go in and talk the matter with her, there is something the matter with her.' So I walked in and he gave me as his wife. Then the District Attorney asked the man, 'Is she your wife?' So he says 'Yes.' So I was in there and she spoke to me, and I asked her 'What is the matter, what are you always blaming a fellow for nothing, didn't you write me

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a letter and you said that is not the fellow, but I like him and all that, if he wants to marry me I won't get him in trouble?' Then I says, 'Well, you know you got the wrong fellow, I don't see why you want to put a fellow in trouble.' So she says, 'Well, I tell you the truth, I would like to marry your brother, I have nothing against him, but the probation officer told me if I will send him away I will get \$350 and go to Chicago, and they will dress me and treat me real nice.' I says, 'Do you want to sell a fellow for \$350, is money to you, to ruin the fellow's life?' Well, she says, 'I am young, and \$350, I will see life, I will go to Chicago'. I says 'Well, that fellow won't see life when he goes away for nothing', and I absolutely cried to her and she said, 'Well, I will see how I will talk inside.' She says, 'Well, the District Attorney told me how to talk and I can't go and make myself a liar now, as I am afraid I will get myself in trouble'".

BY THE COURT:

Q Now, did any such talk take place between you and the sister of the defendant Fishbein? A No, sir.

Q And you say that during the entire time that you were in these rooms you were never in these rooms alone? A No, sir.

Q How many doors were there in these rooms leading from the rooms into the hall of the building? A One.

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Q When you went out to go to the doctor's, who opened that door? A Miss Hazel Jackson.

Q How did she open it? A She had a patent lock on it.

Q You mean a padlock? A Yes, a patent lock that goes with a key into the door.

Q Where was the key? A I don't know.

Q Did you see the key put into the lock? A No, I didn't see her put the key in but I seen her open the door.

Q Well, on the occasion when you went to the hatters shop to get a hat, the milliners? A Yes, sir.

Q Who opened the door? A Miss Hazel Jackson.

Q How did she open it that time? A I didn't notice it, but when I would go over to the door, the door was open, she was standing near the door.

Q Did you ever open that door yourself? A No, sir, I couldn't get near that door.

Q What do you mean by saying you could not get near it? A I never went through that hallway.

Q What hallway? A That led to the door.

Q What hallway? A There was a hallway between the sitting room and the door, and I never went through that hallway. There was another door leading into the sitting room and I always sat in the sitting room.

Q You mean that after, do you mean that there was an inside hallway in the flat of Hazel Jackson? A Yes, sir.

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Q That is to say, there was a door leading from that flat into the general hall of the building? A Yes, sir.

Q And when that door was opened you stepped into a private hall inside of her flat? A Yes, sir.

Q And it was from that flat that you went into what you call the sitting room? A Yes, sir.

Q And then was there a door from the bedroom also into that hall? A No, sir.

Q And the bedroom opened into the sitting room? A Into the sitting room.

Q And was there a door from the kitchen into the hall? A Yes, sir.

Q Now, was there any door from the kitchen into the hall of the building? A No, sir.

Q So that the only way to get out of the flat of Hazel Jackson was out of that one door? A Yes, sir.

Q There were windows in the sitting room? A Yes, sir.

Q How many? A One.

Q And that looked out on 18th street? A No, sir.

Q On what? A The side of the house.

Q You mean on a yard? A Yes, sir.

Q Or an air-shaft? A It was an air-shaft.

Q And there were windows in the bedroom? A Yes, sir.

Q They looked out how? A To the shaft.

Q Also on the air-shaft? A Yes, sir.

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Q And there were windows in the kitchen? A Yes, sir.

Q And they looked out? A To the air-shaft.

Q What do you mean by the air-shaft? A The place that the air comes in from the side of the house, and this air-shaft led into the next building, in the yard. No building was near that air shaft.

Q No building on the other side of it? A No, sir.

Q No windows on the other side of it? A Of the air-shaft?

Q Yes. A No, sir.

THE COURT: Now, gentlemen, I have examined this witness, and the witness is subject to examination by each of you. Do you want to ask her any questions?

MR. SCHLOSS: Yes, your Honor.

BY MR. SCHLOSS:

Q Do you remember the night of the 27th day of July, 1913, when Fishbein brought you up to the apartment of Miss Jackson? A Yes, sir.

Q Do you remember of the conversation which took place between Miss Jackson and Fishbein, and Jackson? A I didn't hear no conversation between them, because they were in a different room, the only conversation that was said, when Mr. Fishbein told me to go in to see his lady friend, Miss Hazel Jackson.

Q Well, was Miss Jackson or Fishbein within your view,

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could you see them? A When they had the conversation?

Q Yes. A No, sir.

Q Where were they? A They were in the bedroom.

Q Where were you? A In the sitting room.

Q The door open or closed? A To the sitting room?

Q The room you were in, was that door open or closed?

A There was portieres on, there was no door.

Q Well then, the portieres that hid your view, you could not see either one of these two? A No, sir.

Q Could you hear any of the conversation? A No, sir.

BY THE COURT:

Q Was the bedroom the middle room or what? A The end room.

Q So that there came the sitting room, then the kitchen, then the bedroom? A The kitchen come in from the hall, one hallway ran this way (indicating) and the kitchen, you walk right from the hall there into her private hall, and this private door led into the kitchen and then the sitting room, and after the sitting room came the bedroom.

BY MR. SCHLOSS:

Q Did you at any time see a pistol in the possession of Mr. Fishbein? A Not when he was with me.

Q Did Miss Jackson ever tell you that Fishbein had a pistol? A No, sir.

Q Did she ever tell you that he pointed a pistol at her?

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THE COURT: You may ask her any question bearing upon anything that I have asked, just as though she had been interrogated by the District Attorney, but that is the limit.

MR. ELLISON: Yes, I just do that to save time because we will have to open the whole case again.

BY MR. SCHLOSS:

Q Did you see the Jackson woman point a pistol at your brother? A Yes, sir.

MR. ELLISON: I object. We have been all over that.

THE COURT: Yes, objection sustained.

MR. SCHLOSS: That is all.

BY MR. DUFFY:

Q This building, 320 West 18th street, is a five story building, isn't it? A I don't know how many stories.

Q You were up on the third floor? A Second floor.

Q Two flights up? A Yes.

Q That is the third floor? How many floors above? A I don't know, because I was never up there.

Q There is building on both sides of 320 West 18th street?

A Well, there is.

Q Are there building alongside? A Yes.

Q There is no vacant lots in that street? A No, sir.

Q When the Court asked you wasn't there a shaft next door-- or tenants next door -- A Well, that was a private house

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and rooms away back to that yard --

Q Well, you could go out into that shaft and see the apartments in the adjoining house? A No, sir.

Q Well, wasn't the house built up high? A Yes, but there was no windows leading from the other house to this apartment.

Q There were no windows in the house, leading out to the shaft at all? A There was all the windows leading to the shaft.

Q You were in a rear apartment? A On the side of the apartment.

Q You were in the rear of the house?

THE COURT: She says no.

Q You were not in the rear? A No.

Q There were four families on a floor? A Five.

Q And you were one of the five on this third floor?

A Yes.

Q And you occupied the rear west apartment? A We occupied the side apartment.

MR. ELLISON: Your Honor, counsel puts his questions in a form as though they were the fact.

THE COURT: Yes, you are assuming something not in evidence. This witness says they occupied, I understand, the middle apartment, neither front nor rear.

Q And you could see out on the shaft in the apartments of the adjoining house? A No, sir.

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THE COURT: She says she looked against the wall in which there were no windows.

Q How many windows in the kitchen? A One.

Q How many in the bedroom? A One.

Q How many in the dining room? A One.

Q Just one altogether? A Yes, sir.

Q That's all.

MR. ELLISON: Just one question.

THE COURT: You have the same right in examining.

BY MR. ELLISON:

Q Now, the defendant Hazel Jackson has stated that you two were the only ones that lived in that apartment. Now is that a fact or is it not the fact? A It is not the fact.

Q Who else lived there? A Her fellow, Mr. Barney Harawitz.

Q What is his name? A Barney Harawitz.

Q Did he live there during the ten days you were there?

A Yes, sir.

Q That's all.

BY MR. DUFFY:

Q One minute. When did you see this Barney Harawitz?

A Every night at two o'clock he would come home.

Q How long would he stay? A He would sleep there all night.

Q And would you be in the same bed with him? A Yes, sir.

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Q You all three slept in the same bed? A Yes, sir.

Q You did not mention that on your direct examination?

A Yes, sir, I did.

MR. ELLISON: Pardon me, she did.

Q Didn't you testify on cross examination that you and this defendant Jackson occupied that bed alone? A No, sir.

Q And didn't you testify that this defendant Fishbein never stayed there during the night? A I did testify that he did stay there some nights.

Q And he testified he did not? A He did.

Q That he did stay there? A He did stay there.

Q He so testified?

MR. ELLISON: Now, she was not in the room.

THE COURT: No, no, counsel, now, is that the case on both sides?

MR. DUFFY: No, sir, I am going to put the girl back.

HAZEL JACKSON, the defendant, recalled, testified further as follows:

BY MR. DUFFY:

Q Do you know a man by the name of Barney Harawitz?

A No, sir.

Q Did you ever hear of any such man? A No, sir.

Q You heard the testimony of the complaining witness that you and Barney Harawitz and herself slept in this bed, is

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that true? A No, sir.

Q Who was the only ones ever occupied that bed? A No body but myself and the girl.

Q What apartment did you occupy in this building, 320 West 18th street? A On the west side in the rear.

Q Which was the rear room? A I don't know what you mean.

Q Which was the rear room, what was it, the bedroom, kitchen or dining room? A No, sir, it was the dining room.

Q How many families on a floor in that building? A Five.

Q And how many windows were in the rear room? A Two.

Q And where was that looking out to? A Right next to a different building.

Q And were there tenants in this next building? A Yes, sir.

Q Could you see them? A I was speaking to them.

Q How many windows in the other room? A In the bedroom one window, the sitting room two windows, in the kitchen one window.

Q And you could see these tenants at those windows?

A Yes, sir.

BY THE COURT:

Q Now, you had there three rooms? A Yes, your Honor.

Q And when you went up two flights of stairs you were still in the hall of the building? A Yes, your Honor.

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Q And then by opening the door leading into your apartment you came into a little hall that was inside of the apartment, is that so? A Yes, sir, your Honor.

Q And having passed into that little hall there was a door leading into what has been called the sitting room? A Yes, sir.

Q And the room that was next to the sitting room was the kitchen? A Yes, your Honor.

Q And there was a door between the kitchen and the sitting room? A Yes, your Honor.

Q Now, on the other side of the kitchen there was the bedroom and there were portieres between the bedroom and the kitchen? A Yes, sir.

Q And the kitchen also had a door leading out to the hall? A Yes, your Honor.

Q That is to say, the private hall inside of your apartment? A Yes, your Honor.

Q But there was only one door in that flat that led out to the general hall of the building? A Yes, your Honor.

Q And on that flat there was a padlock? A No, your Honor.

Q You know what a padlock is? A No, your Honor, there was no adlock.

Q What kind of lock? A There was a plain, ordinary lock, with a plain key. No padlock at all, your Honor.

Q The windows of these rooms opened on to an air-shaft,

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is that so? A No, your Honor.

Q What did they open on to? A They opened, there was a little yard like, but we can speak to the tenants.

Q You mean that there were windows on the wall of the house on the other side of the yard? A Yes, your Honor.

Q And you say that was a narrow yard? A Yes, your Honor.

Q That's all.

MR. ELLISON: If your Honor please, may I call the attention of the Court to the testimony as it appears in the record on page 29, in which the witness Anna Ragovin gave the very same testimony in regard to Benny Harawitz that she gave today and which counsel seems surprised at, in which she said that the three of them occupied the same room, and described him, in fact, as a tall dark fellow?

THE COURT: Yes, very well, now, that is the testimony on both sides?

MR. ELLISON: Yes, sir.

THE COURT: Now, I will entertain your motions.

MR. DUFFY: If your Honor please, I move that your Honor direct a verdict of not guilty as to the defendant Hazel Jackson, on the ground that the People have failed to make out a case; on the further ground that the evidence is wholly insufficient, and on the third ground that, taking all the evidence into consideration both on behalf of the prosecution and the defence, it does not

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constitute the crime set forth in this indictment.

THE COURT: I will have to let the case go to the jury. You had better take an exception to preserve your rights.

MR. DUFFY: Yes, I take an exception to your Honor's ruling.

MR. SCHLOSS: Does your Honor still confine us to the same time?

Mr. Schloss proceeded to close the case on behalf of the defendant Fishbein. Mr. Duffy then closed the case on behalf of the defendant Hazel Jackson.

Mr. Allison closed the case on behalf of the People.

THE COURT: Gentlemen, I will charge you in the morning.

The Court then admonished the jury in accordance with Section 415 of the Code of Criminal Procedure, and adjourned the further trial of the case until Wednesday, January 7, 1914, at 10:30 o'clock A. M.

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