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I N D E X.

March 28th, 1916.

Witness	Direct	Cross.	ReDirect.
ARTHUR BLUMENKROHN,	2	9	28
HARRY FINE,	34	40	
RALPH WILDER,	55	57	
MARGUERITE DEVON,	58	64	
SIMEON TIERNEY,	83	85	
EDWARD M. WILLI,	91	93	

CASE #2183

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

2657

THE PEOPLE OF THE STATE OF NEW YORK,

-against-

HARRY LEITMAN.

Before:

HON. THOMAS C. T. CRAIN, J.

And a Jury.

New York, March 28th, 1916.

Defendant indicted for burglary in the third degree,
Grand Larceny in the first degree, and
Receiving.

Indictment filed February 3rd, 1916.

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

For the People: ALEXANDER H. KAMINSKY, ESQ., Assistant
District Attorney.

For the Defendant: J. WARD FOLLETTE, ESQ.

-----o-----
A jury is duly impaneled and sworn.

-----o-----
MR. FOLLETTE: Before the opening of the case, I ask
your Honor to instruct the witnesses to leave the court
room.

THE COURT: The witnesses in this case on both sides,
will kindly step outside, and remain outside until called.

(Mr. Kaminsky opens to the jury.)

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ARTHUR BLUMENKROHN, (790 Riverside Drive) a witness called on behalf of the People, being first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. KAMINSKY:

Q What is your business? A Waists, manufacturer of waists.

Q Where do you conduct your establishment? A 147 West 22nd street.

Q Do you recall the 15th day of January, 1916? A Yes, sir.

Q That was on a Saturday, was it? A I believe so.

Q Do you remember leaving your place of business on that afternoon? A Yes, sir.

Q Will you describe to his Honor and the gentlemen of the jury as to what measures you took, if any, to lock up your premises?

A As generally done, we locked the doors and windows--

MR. FOLLETTE: I object to the word "generally",
not responsive to the question.

BY THE COURT:

Q What did you do that particular night? A We locked the windows.

Q What, if anything, did you do to close your premises? A Why, locked the windows. After we were through with that we inspected them.

Q In the first place, what loft do you have there? A We have the sixth loft.

BY MR. KAMINSKY:

Q When you say "We inspected them", who do you mean? A Mr.

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Fine, the cutter, and myself.

Q Did you inspect the fastening of the windows? A Yes, sir.

Q Did you inspect the door? A Yes, sir.

Q In what condition were they when you left the premises?

A Locked.

Q On the 17th day of January, what time, or about what time did you enter your premises? A Between a quarter of nine and nine o'clock.

Q Did you have a conversation with one of the assistant engineers in the building at that time? A No, sir.

Q Did you notice anything in your premises that was unusual?

A When I came in I noticed things scattered around, and the cutter called my attention to the hangers on the floor. He told me we had been robbed.

MR. FOLLETTE: I object to what he was told.

THE COURT: Strike out what he was told.

Q As a result of the conversation with the cutters did you inspect your premises? A Yes, sir.

Q Did you inspect the windows? A Yes, sir.

Q What did you find? A I found a hole in a rear window, in the rear of the loft.

Q In the glass or in the wood? A In the glass.

Q A hole near the latch, or far away from the latch? A Near the latch.

Q Was the hole large enough to permit the entrance of the

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human hand into it?

MR. FOLLETTE: That is objected to.

THE COURT: Objection sustained.

Q What is the size of the hole? A I judge about two inches or so.

Q When you left the premises did you have any goods on the tables in your establishment? A Yes, sir.

Q What goods? A Waists and few pieces of silk.

Q When you entered the premises did you find any goods on those tables? A Yes, sir.

Q Did you inspect your premises for the purpose of seeing whether any of the goods were missing? A Yes, sir.

Q Did you find any goods missing? A Yes, sir.

Q Will you tell the Court what goods were missing at that time? A The silks that were put in the closet, in the silk closet, the samples that were hanging in the rack, in the sample room or show room.

Q On the afternoon of that day, Monday, did you receive a communication from the Police Department? A Yes, sir.

Q Did you do anything in pursuance of that communication? A Went down and looked over our goods.

Q You went where? A 125th street, up there, I believe, or 124th street.

Q Is that the Fourth Branch Detective Bureau? A I believe so.

Q Were you shown certain goods there? A Yes, sir.

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Q Was that one of the pieces that you saw there (indicating piece of goods handed to the witness) A It looks like it. Silk is hard to identify.

Q Does the label refresh your recollection any? A Yes, sir, it looks like my goods.

Q Will the label tell you whether it is your goods or not? A I recovered similar goods to those.

Q Does that label refresh your recollection sufficiently to tell whether this is a label of your establishment? A No, sir.

MR. KAMINSKY: I offer this for identification.

(Piece of goods marked People's Exhibit 1 for identification.)

Q Did you see this waist there? A Yes, sir.

Q Did you see the tag attached to the waist? A Yes, sir.

Q Is that one of the sample waists of your establishment? A Yes, sir.

MR. KAMINSKY: I offer this for identification.

(Waist marked People's Exhibit 2 for identification.)

Q How long have you been in business? A Since last July.

Q Have you been in that line of business prior to that? A Yes.

Q Can you as the result of your experience in the business tell us approximately the value of the goods missing from your establishment? A Approximately \$2500.

Q You subsequently visited police Headquarters? A Yes, sir.

Q With an order? A Yes, sir.

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Q And you have removed some of the goods which you identified as your own, to your premises? A Yes, sir.

MR. FOLLETTE: I object to that, your Honor, as immaterial and incompetent.

THE COURT: Objection sustained.

MR. FOLLETTE: I move that the answer be stricken out.

THE COURT: I will strike it out.

MR. KAMINSKY: That is all, you may examine.

BY THE COURT:

Q Mr. Witness, at what hour on January 15th, 1916, did you leave your loft at 147 West 22nd street? A I don't recollect the exact hour.

Q About what hour? A About half past four or five o'clock.

Q In the afternoon? A Yes, sir.

Q At the time when you left, did you leave any person inside of that loft? A No, sir.

Q Were you the last person to leave it? A Yes, sir.

Q On that day? A Yes, sir.

Q How many doors or entrances has that loft? A Three.

Q How many windows are in that loft? A I don't know.

Q There are windows looking in that loft, looking out on to west 22nd street? A Yes, sir.

Q There are windows in that loft looking to the rear of the premises, on the downtown side of 23rd street? A Yes, sir.

Q You have windows in the rear? A Yes.

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Q And you have removed some of the goods which you identified as your own, to your premises? A Yes, sir.

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BY THE COURT:

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Q There are windows in that loft looking to the rear of the premises, on the downtown side of 23rd street? A Yes, sir.

Q You have windows in the rear? A Yes.

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Q Does that loft run from front to rear? A Yes, sir.

Q With fire-escape balconies? A Yes, sir.

Q On the front and rear, or rear only? A Rear only.

Q Covering how many windows? A I believe it covers only a door.

Q As you reach the floor on which your loft is, is there a public hall in the building, or do you step right out from an elevator to the loft? A You step into a hall and then into our loft, from the passenger elevator.

Q Will you have the kindness to say that over and speak louder?

A We step from the hall into the loft from the passenger elevator.

Q The passenger elevator is in the front of the building?

A Yes, sir.

Q And there is a freight elevator, is there? A Yes, sir.

Q The doors of the freight elevator open right out into the loft, is that so? A Yes, sir.

Q Now, suppose you tell us what you did on the afternoon of January 15th, 1916, for the purpose of seeing that the windows were fastened and the doors closed of your loft? A I locked several of the windows myself and helped inspect the loft to see that the windows were closed.

Q That is to say, you went to some of the windows? A Yes, sir.

Q And those windows that you went to, you fastened? A Yes, sir.

Q There were some windows that you did not go to, is that what you say? A Yes, sir.

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Q Did you go to any of the doors? A Yes, sir.

Q Which doors? A The rear, and I locked the front.

Q One of those rear doors is a door opening on to the freight elevator, is it? A The rear door is the one leading from the fire escape.

Q Did you lock that? A Yes, sir.

Q Did you lock the freight elevator door? A I saw that it was locked. I don't know whether I locked it or not.

Q Now, how about the door going out into the front hall?

A I locked that myself.

Q When you arrived on Monday morning you found some people inside of your loft, is that so? A Yes, sir.

Q They were persons in the employ of your firm? A Yes, sir.

Q Who had reached that loft before you reached it? A Yes, sir.

Q How many of those people did you find inside? A One, I believe.

Q And his name? A Ralph.

Q That is his first name? A Yes, sir.

Q And his last name is what? A I believe it is Wilder.

Q He is the man that you spoke of as a cutter? A Yes, sir.

Q So that so far as you know, you were the second person to arrive at that loft on that Monday morning? A Yes, sir.

Q Ralph Wilder being there already? A Yes, sir.

Q You passed into that loft, having gone up on the passenger elevator, into the public hall of the building, and through the front door? A Yes, sir.

THE COURT: You may examine, Mr. Follette.

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CROSS EXAMINATION BY MR. FOLLETTE:

Q Mr. Blumenkrohn, what is Ralph's connection with your firm?

A Cutter.

Q What is the usual time of arriving there? A Between 8 and 8:15.

Q Now, on which side of the loft, on the afternoon of the 15th of January, did you inspect the windows just before you left? A I can't say.

Q How many windows did you inspect or lock? A I can't say.

Q Did you inspect or lock, or do you remember whether or not this particular window which was broken was locked at the time that you left the premises? A I can't say.

Q When you arrived on the morning of the 17th, was that window which was broken, open? A Yes, sir.

Q From the top or bottom? A Top.

Q The top sash had been lowered? A The window pivots.

Q Will you describe this more in detail, the way in which that particular window works, the number of parts to it and the way each part works? A Why, there is a catch on the centre and a catch on the top, and there is a chain that connects from the bottom to the top of the catch. The top portion of the window swings on a pivot.

Q In the centre? A In the centre.

Q Does it swing on a pivot in the centre? A In the centre.

Q How high is the lower part of that window, the lower sash?

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BY THE COURT:

Q Standing on the floor, how far up from the floor would be the top of that lower sash? A A little over six feet.

BY JUROR No. 12:

Q What time did you get to your loft? A About 9 o'clock, or a quarter of 9.

Q Did you say you were the second person in that loft?

A Yes, sir.

Q Did you have anybody working for you at that time besides this cutter who was the first person in the loft? A Yes, sir.

Q What time did your employee start to work? A He started work about a quarter of 9; half past 8 or a quarter to 9.

Q Then they started before you arrived? A No, sir.

BY MR. FOLLETTE:

Q Now, from the window sill, how high is that lower part of the window? A About six feet, a little over six feet.

Q From the window sill to the top of the lower part of the window? A Yes, sir.

Q That is, if you take this window, for instance, over here (indicating court room window), speaking of the window sill, to the top of the first half of that window; I have reference to the part of the window in your place of business which was broken; you say that is about six feet from the window sill to the top of the lower part of the window in your premises to which you have testified? A No, sir, from the floor.

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Q How high from the window sill; do you know what I mean by the window sill? A Yes.

Q To the top of the lower part of that window in your place of business, the one that was broken? A I should judge about three feet.

Q How high is the upper part, the top part? A The top of the window from the window sill?

Q No, how high is the top part of the window, that is, from the top of the lower part to the top of the window? A About three feet.

Q So that the window in all is about six feet high?
A Yes, sir.

Q Does the lower part of that window raise, or is that on a pivot also? A No, that does not raise.

Q That is stationary? A Yes.

Q And cannot be moved? A No, sir.

Q The other one swings? A Yes, sir.

BY THE COURT:

Q Is there one pane of glass in the lower part or more than one? A Two panes.

Q And in the part that is on the pivot there are how many panes? A Two panes.

Q As I understand, one of the panes in that part of the window that was on the pivot was broken? A Yes.

Q And you described the break as being about how large?

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A About two square inches.

Q That is to say, about two inches by two inches? A About that.

Q And in what part of the pivoting pane was the broken part?

A Right in the corner, a very short space away from the catch.

BY MR. FOLLETTE:

Q Is that fact known to your employees, that the lower sash of that window is stationary? A Yes, sir.

Q There were two catches on that pivoting part of the window?

A Yes, sir.

Q One at the top and one at the bottom? A Yes.

Q The top catch on that window was released by pulling a chain? A Yes, sir.

Q Did that chain hang in the centre of the window or at one side? A In the centre.

Q What was the position of that break in the window with reference to that chain? A Very close to it.

Q Almost back of it? A Yes, as near as they could come to it.

Q When you arrived there that morning and your attention was called to the break in that window, did you look around and inspect to see the condition of the window and the floor around, under that window? A Yes, sir.

Q What did you see? A The chain was drawn through this hole.

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Q What else did you see? A The window was open.

Q What else did you see? A Some bits of glass.

Q Some pieces of glass? A Yes, sir, small bits.

Q Where did you see those? A On the outside, and a few pieces on the inside.

Q Where were the greater number of pieces, the greater quantity of glass, on the outside of the window or inside? A On the outside.

BY THE COURT:

Q What is there immediately outside of that window? A A ledge.

Q That ledge is about how wide? A About four inches.

Q And that ledge runs along the entire rear of the building?

A Yes, sir.

Q And about what width is the pier between the window that you say was broken, and the next window to it? A About two or three feet.

Q And about how many windows intervened, if any, between the window that was broken and the door where the fire escape is?

A One window.

Q In other words, there is the door with the fire-escape, there is a window, and then there comes the window that you have described as being partly broken? A Yes, sir.

Q And along underneath those windows and extending to the fire escape there is a ledge? A Yes.

Q And that ledge, you say, is about four inches wide? A Yes.

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Q And that loft is what loft of the building? A The sixth.

Q The fire escape has balconies running on different floors?

A Yes, sir.

Q And the lowest balcony is on what loft? A I believe the first.

Q The first loft is one flight up? A Yes, sir.

Q In the rear of your building, is there a yard? What separates your building from the building on 23rd street? A I believe there is a yard. Right directly under our window is an extension that has a glass skylight, from the ground floor.

Q In other words, the ground floor is extended out deeper than the upper part of the building? A Yes, sir.

Q And the ceiling of the ground floor consists of a glass skylight? A Yes, sir.

Q So that when you look out of your windows in the rear you look down on the top of that glass skylight? A Yes, sir.

BY JUROR NO. 12:

Q Is this the top loft? A No, sir.

Q Is there a ladder reaching from the roof down on the fire-escapes? A Yes, sir.

BY MR. FOLIETTE:

Q Did you notice these pieces of glass, Mr. Blumenkrohn, was there quite a bit more outside on the window than there was inside on the floor? A I believe there was.

Q And were the pieces inside large or small compared to the

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hole that was made? A Small.

Q And those that were on the outside, were they larger or smaller than those pieces on the inside? A I should judge about the same.

Q You are sure they were not larger? A I could not really say; they looked about the same to me when I glanced at them.

Q Is there any connection between the floor of your loft and the floor of the loft of the building back of you on 23rd street?
A No, sir.

Q What is the open space between the window that was broken and the building directly back of yours? A I could not say; it is quite some distance.

Q About eight or ten feet? A Probably ten or twelve feet, I guess; probably more.

Q Did you see on that morning any board or plank extending from that window that was broken to the building back of yours?
A No, sir.

Q Did you see any rope hanging from the roof? A No, sir.
BY THE COURT:

Q How many stories high is your loft building? A I believe ten.

Q So that you are about four floors from the top? A Yes, sir.
BY MR. FOLLETTE:

Q Did you look out of the window that morning? A Yes, sir.

Q The window that was broken? A No, sir.

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Q Which window did you look out of? A I looked out from the fire-escape in the back.

Q What is the distance between the fire-escape and that window?

A I can't say exactly.

Q Is it 35 or 40 feet? A Not as much as that.

Q About how much? Is it twenty feet? A No, sir.

Q Or eighteen or fifteen feet? A I judge about twelve feet.

BY THE COURT:

Q About how wide are those rear windows? A About four feet wide, approximately.

BY MR. FOLLETTE:

Q That is between the windows? A No, the width of the window.

BY THE COURT:

Q So that a person walking along the ledge from the fire-escape would walk along a distance of about two feet, or thereabouts, which would constitute the pier, and then you come to a window about four feet wide, and then you come to another pier of about two feet in width and then you come to the broken window? A Yes, sir.

BY MR. FOLLETTE:

Q What is the distance between the last two--between the window and the one before it as you are coming from the fire-escape?

A About two feet.

Q Between the windows? A Between the two windows.

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Q I want to know the length of that ledge between the windows?

BY THE COURT:

Q I understand that there is the door opening onto the fire-escape balcony, and then there is a pier of two feet, or thereabouts, in width, and then a window about four feet wide, and then another pier about two feet wide, and then the window that is said to have been broken, and that along from the fire-escape balcony to and under that broken window there was a ledge, I take it a stone ledge, of about 4 feet in width? A Yes, sir.

BY MR. FOLLETTE:

Q Did you understand what his Honor meant by piers between the windows? A I believe the space.

Q That is the distance between the windows? A Yes, sir.

Q And it is only about two feet between the windows? A Yes, sir.

Q And that ledge is about two feet between the windows?

A Yes, sir.

Q When you looked those premises over on that morning, did you see any foot prints on the window ledge, of the window that was broken? A No, sir.

Q Was there dust or dirt on that window ledge? A There was dust and dirt on, I believe.

Q But you saw no foot prints? A No, except a few pieces of glass, that was all.

Q That is all you noticed outside besides the dust and dirt,

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those pieces of glass? A Yes.

Q And they were on the window ledge, right under where the hole was? A Yes, sir.

Q Did you notice any footprints on the ledge between the windows, on the pier, that four inch ledge--

THE COURT: The ledge was four inches wide for its entire length.

MR. FOLLETTE: Yes.

Q Did you notice any footprints on that? A No, sir.

Q Did any one call your attention to any footprints on any of the window sills, or on any of the ledges, or on the fire-escape? A No, sir.

Q Were there detectives up there? A Yes, sir.

Q They looked it over? A Yes, sir.

Q You were there when they were there? A Yes, sir.

Q You went and looked with them, did you? A Yes, sir.

Q Did any one at that time remark anything about any footprints on any of the outside parts, that is, the window sills, the ledge, or fire-escape? A No, sir.

Q There is no doubt in your mind but what there was more glass outside than there was inside? A I could not exactly tell; probably a little more; there might have been a little bit more.

Q You testified in the Magistrate's Court, didn't you? A Yes.

Q And on that occasion do you remember this question being

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put to you, and you making the following answer-- "Q' When you say outside, you mean outside the room? A Right outside the window on the little ledge". Do you remember that? A Yes.

Q Do you remember this question: "Q On the outside ledge?

A Yes, some splinters lying there". Do you remember that?

A Yes, sir.

Q And this: "Q How large were those few pieces of glass lying there? A Very small particles". Do you remember that?

A Yes, sir.

Q (Reading) "Q Was there any on the inside? A Yes, a few particles, I didn't take particular notice. Do you remember that? A Yes, sir.

Q (Reading) "Q More inside or outside? A Outside". Do you remember that? A Yes, sir.

Q So that at that time your memory was quite fresh on it?

THE COURT: well, he has testified to substantially the same thing here.

Q Mr. Blumenkrohn, you examined all the pieces of silk waists that were in the Fourth Branch Detective Bureau, did you? A Most of them.

Q How many of those at the time that you saw them, pick out as belonging to you? A What?

Q How many waists, at the time you saw the waists in the Fourth Branch Detective Bureau, did you pick out as belonging to you? A I don't remember the exact quantity.

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THE COURT: We will take a recess now. Gentlemen of the jury you are admonished not to converse among yourselves on any subject connected with this trial, or form or express any opinion thereon until the same is submitted to you. We will take a recess until 2 o'clock.

(Bail continued.)

TRIAL CONTINUED, 2 p. m.

A R T H U R B L U M E N K R O H N, recalled for further cross examination:

CROSS EXAMINATION BY MR. FOLLETTE CONTINUED:

Q Do you remember whether or not you picked out 76 pieces of silk in the Fourth Branch Detective Bureau? A I don't know.

Q Do you remember whether or not you picked out fifty-one waists in the Fourth Branch Detective Bureau? A No, sir.

Q How many pieces of silk did you have in your place of business on the afternoon of the 15th of January? A I can't say off-hand.

Q How many waists did you have in your place of business on that afternoon? A I can't say off-hand.

Q Now, on those pieces of silk, and on those waists, whatever the number may have been that you picked out in the Fourth Branch Detective Bureau, were there any marks on the pieces of silk, or on the waists, by which you could state positively that they were your waists or your pieces of silk? A The waists I

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could tell by both the style and pattern numbers on the tags, the silks matching the numbers on the tickets and on our bills.

Q Do you remember being asked that same question in the Magistrate's Court? A I believe so.

Q Do you remember what you answered? A No, sir.

Q Let us take up the pieces of silk first: Were there any marks on the pieces of silk by which you could positively say that they were yours? A The lot numbers on the tags.

Q On the pieces of silk? A Yes, sir.

Q When did you first learn that there were lot numbers on those pieces of silk by which you could state that they were yours? A I thought of it after; I knew by matching up the numbers on the tags and on our bills that we had received, that they matched.

Q When did you take those lot numbers? A I personally took them when the insurance people came up.

Q You carry burglary insurance, do you? A Yes, sir.

Q When did the insurance people take those lot numbers?

A I believe it was the day after we had discovered the robbery.

Q The day after the robbery? A Yes, sir.

Q Did you know those lot numbers the day after the burglary?

A Well, from calling them off from the bills.

Q You assisted in taking the lot numbers, did you? A Yes, sir.

Q And that was the day after you discovered the burglary, which would make it the 18th of January? A I think so.

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Q And that fact was known to you when you testified in the City Magistrate's court? A Yes, sir.

Q In the City Magistrate's Court did you say anything about the lot numbers on the pieces of silk? A I don't think I mentioned it; I am not sure.

Q Do you remember being asked this question in the City Magistrate's Court, and making this answer: "Q Was there any mark on any piece of silk, any firm mark? A Why, there was a star there, which indicates a certain dyer, I believe, on some of the goods". Do you remember that? A Yes, sir.

Q (Reading) "That is the factory mark? A Yes". Do you remember that? A No, sir.

Q (Reading) "Q Was there any firm mark that your firm put on? A Nothing but what was on the wrappers, but nothing on the silks themselves". Do you remember making that answer? A Yes, sir.

Q (Reading) "Q Nothing on the silk itself? A No, sir." Was that question asked you and that answer made? A I believe so.

Q At that time you knew if there were any lot numbers on the silk that they would identify the silk didn't you? A Yes.

Q And you had the lot numbers in mind before you testified in the City Magistrate's court, didn't you?

MR. FOLIETTE: I object to that, what he had in mind.

THE COURT: Objection sustained.

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Q You knew the lot numbers before you testified over in the Magistrate's court, didn't you? A That is from the bills.

Q But you said nothing about it? A No, sir, I didn't think of it at the time.

Q Is there any lot number on that piece of silk that was shown you this morning? A Yes.

Q What is it? A The number which I believe would correspond with the bill.

Q Do you know whether it has or not? A No, sir.

Q Now, in regard to the waists, you don't know how many waists you picked up? A I don't know the exact number; about 50 or 55, something like that.

Q Was there anything on the waists by which you could positively identify them as yours? A The style number, the material, and the style of the garment.

Q On what was the number, on the waist? A On the tag.

Q What kind of a tag? A A plain tag, a cardboard tag.

Q Did it have your name on, the firm of BlumenKrohn & Erlanger?
A No, sir.

Q Didn't they have your initials on? A No, sir.

Q It was originally a blank tag on both sides before a number was put on? A Yes, sir.

Q How was that number put on? A In pencil.

Q Did you recognize any of those numbers as having been written by you? A After I received them back I believe there were a few recognized by myself.

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BY JUROR NO. 12:

Q The robbery was committed on Saturday night? A Yes.

Q Was Monday morning the first time you were to your office since Saturday night? A Yes.

Q Did I understand you to say before that you gave out these tag numbers the next day after the robbery? A No.

THE COURT: You will make it very much easier, Mr. Witness if the next time you answer a question you talk a great deal louder than you are talking, because a good many of the jurors sit quite far from you, and they would like to hear everything that you say. You speak in a very low tone, and sometimes the stenographer cannot hear you distinctly.

BY MR. FOLIETTE:

Q Did all the waists have tag numbers on them? A They did originally, yes, sir.

Q Those that you picked out in the Fourth Branch Detective Bureau, did all of them have tag numbers on them? A I don't know.

Q Those numbers were put on those blank tags in lead pencil, were they not? A Yes.

Q Was there any firm mark, that is of your firm, on any of those waists? A Merely our pattern number.

Q Where was the pattern number? A On this tag.

Q That is a lead pencil number on that blank tag? A Yes.

Q Was there any label sewed on the waist with your name on?

A No, sir.

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Q Was there any stamp on the waist with your name on? With the firm's mark on? A No, sir.

Q Were there any initials on some of the tags outside of the lead pencil marks, with your firm name? A No, sir.

Q Do you remember being asked this question in the City Magistrate's Court, and making this answer: "Q How many of those waists that you saw at the detective Bureau had tags on? A I don't know". Do you remember that? A Yes, sir.

Q If that was the only mark on the waists why did you pick out waists without marks on them? A The ones I picked out had our little number on them.

Q Every one of them? A That I saw.

Q Every waist that you picked out had a little number on it? A That I saw.

Q On the tag, in lead pencil, as you have described? A Yes.

Q Well, in the Magistrate's court when you were asked that question: "How many of those waists that you saw in the Detective Bureau had tags on them", did you answer, "I don't know"? A Because I saw the waists in a lot and glanced through them, and the ones I picked out personally had the tickets on.

BY THE COURT;

Q In other words, you saw some in a lot that had no tickets on them, but you picked out of that lot some waists that did have tags with pencil marks on, of the pattern numbers, is that so? A Yes, sir.

Q But you do not know how many you picked out? A No.

BY MR. FOLLETTE:

Q Will you say now that all those waists that you did pick out had tags on, with lead pencil lot numbers on? A That I personally picked out, yes, sir.

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Q You identified whatever property belonged to you, didn't you? A Not altogether, no, sir. Mr. Fine was with me and helped identify them.

Q Do you keep a stock account of the stock in your place of business? A We have now.

Q Did you before the 15th of January? A We didn't have a stock sheet.

Q Do you know whether, or did you know on the 17th day of January how many pieces of silk had been removed? A We could tell from our bills and what we had cut up.

Q Did you verify from your bills on the 17th of January the number of pieces of goods that were missing from your place?

A Yes, sir.

Q How many did you ascertain were missing? A I don't remember.

Q Did you do that with your waists? A. We counted the hangers; that is, that belonged to the samples at the time, these hangers that were lying around, we counted and we figured it that way.

Q But you had no definite way of ascertaining how many pieces of silk or how many waists were gone? A Not waists at the time.

Q Have you seen other pieces of goods similar to that that was shown to you this morning, outside of your place of business?

A Yes, sir.

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Q That is quite a common brand or kind of silk? A Yes, sir.

Q Have you seen pieces of goods similar to the material in that waist which was shown to you this morning, outside of your place of business? A I can't say as I have.

Q From whom did you buy that silk of which that waist is made? A I think it was Schwartzback & Uber.

Q They deal in that kind of silk? A Yes.

Q You cannot say positively whether or not you had one piece of silk of that kind in your place of business, can you? A No, sir.

Q How many of those little lot number tags were written by you that you picked out? A I don't know.

BY JUROR No. 4:

Q Did I understand you to say you took no stock prior to the robbery? A We did not have a stock taking before.

Q I understood you to say you had no stock? A No stock taking, a list of what we had.

BY MR. FOLLETTE:

Q Can you give an approximate number of pieces of silk that you picked out in the Fourth Branch Detective Bureau? A No, sir.

Q Mr. Blumenkrohn, under your policy of burglary insurance did you agree with the insurance company in case a burglary is committed in your premises to use every available means to ascertain the person who may have committed it, and you prosecute that individual?

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MR. KAMINSKY: Objected to.

THE COURT: Objection sustained.

Q Mr. Blumenkrohn, as a condition precedent to your re-covering burglary insurance, if your place is entered, is there anything that you have to do?

MR. KAMINSKY: I object to that, your Honor.

THE COURT: Well, it may have a bearing upon the motive for the giving of the testimony and therefore the weight to be attached to it.

A None that I know of.

Q Do you have to ascertain the person who may have entered those premises as a condition precedent to obtaining the benefits under the policy? A Not that I know of.

Q Have you your insurance policy with you? A No, sir.

Q Have you ever read it over?

MR. KAMINSKY: I object to this line.

THE COURT: Objection sustained.

MR. FOLLETTE: That is all.

RE-DIRECT EXAMINATION BY MR. KAMINSKY:

Q Mr. Blumenkrohn, you testified that there is a space of two feet between the two windows in your premises? A Yes, sir.

Q Did you refresh your recollection as to that particular?

A I don't think I stated that it was exactly two feet. About. The distance I really could not positively state, that is, exactly, the exact distance.

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Q Are the two windows close together? A Yes.

Q Let me ask you this question. There is a door leading to the fire-escape, is that correct? A Yes, sir.

Q Following that there is a window that you speak of that was untouched? A Yes.

Q And following that there was that window that was broken? or alleged to have been broken into? A Yes.

Q In respect to the first window following the door to the fire-escape, is there any protection on that window; are there any bars barring that window? A Yes, sir.

Q Are there any bars barring the window which is alleged to have been broken into? A No, sir.

Q When you said that you missed articles in your premises, you testified that you missed some silk, is that correct?

A Yes.

Q And some waists? A Yes, sir.

Q Are there any other articles that you missed in your premises? A No, sir.

Q Did you miss any ropes?

MR. FOLLETTE: Objected to as leading.

THE COURT: Allowed.

Q Did you miss any ropes with which your articles were tied, or something of that kind? A It appears that some particular cord was used in wrapping, or something to that effect.

MR. FOLLETTE: I move to strike it out as not responsive.

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THE COURT: Strike it out.

Q Did you inspect the premises soon after your discovery of the burglary in question? A Yes, sir.

Q Did you look into the areaway? A Yes.

Q Did you look at the roof on top? A Yes.

Q Will you state whether or not you found anything on the roof at that time or in the areaway? A I found twine on the roof and twine down on the skylight, on the ground floor.

Q What kind of glass were the windows made of in your premises? A Wire.

Q Wired glass? A Yes.

Q The translucent kind? A Yes.

Q Or with wires running through them? A Yes, sir.

Q Now, you said on your direct testimony that the opening was about two inches square, is that correct? A Yes, sir.

Q Will you describe the condition of that upper half of the window with regard to the condition of the glass that was left in the window frame? A The particles of glass still remained on the wire, and were sort of pulled outside of the pane, that is on the outside of the room.

Q In other words, some of the wires, as I understand you, and the attached particles of glass were projected through the window pane towards the outside, is that correct? A Yes, sir.

Q Will you describe the condition of the chain in regard to that opening in the window? A The chain was left hanging

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through that hole in the glass.

Q The chain was on the outside of the window? A Yes, sir.

BY JUROR No. 7:

Q Was the chain through that hole, was it inside or outside of the loft? A Outside.

Q It was originally inside? A Yes, sir.

Q But it was outside afterwards? A Yes.

BY THE COURT:

Q In other words, the chain came down, and as you saw it, it went through the hole and out on the outside of the window?

A Yes, sir.

BY MR. KAMINSKY:

Q Were you all alone when you identified the goods in the Fourth Branch Detective Bureau? A No, sir.

Q Who was with you? A Mr. Fine.

Q What position does Mr. Fine occupy in your establishment?

A Salesman.

Q Does he help you on the inside as well? A Yes.

Q Was Mr. Fine with you at the time you closed the windows and the doors as you testified? A Yes, sir.

Q On Saturday afternoon? A Yes, sir.

Q Who picked out the waists other than those you stated that you have picked out in accordance with the lot numbers?

A Mr. Fine.

Q And who picked out the pieces of silk, if you know at

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the time that you called to identify the goods? A Both Mr. Fine and myself.

Q And did you compare, subsequent to the discovery of these goods, the lot numbers found on the goods and on the waists with your tags and bills? A We did that originally through the wrappers. that were left. Later on by measuring up the articles and so forth and looking at some of the tags that were still on, we matched them up.

BY MR. FOLLETTE: Q I understand the lot numbers on the silk or on the wrappings of the silk? A A few pieces.

Q And those wrappings were still left in your place?

A Yes, sir, taken off the silk.

Q And left in your place? A Yes.

Q So that the silk did not have those lot numbers on?

A A few pieces.

Q A few pieces did and a few pieces did not? A Yes.

Q So that all those pieces of silk that were picked out in the Fourth Branch Detective Bureau did not have the lot numbers on? A Mr. Fine identified a few pieces, in recognizing the style and so forth.

Q He picked out a few pieces? A Yes, that did not have those on, but the balance that I saw had the labels on.

MR. FOLLETTE: There is one point, your Honor, I am a little late, and it is this; I move to strike out that testimony of this witness with reference to finding the string on the roof and in the areaway, unless it is connected, as having been removed from those premises.

THE COURT: I will leave it in for the present; you may renew your motion later on.

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H A R R Y F I N E, (600 west 144th street) a witness called on behalf of the People, being first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. KAMINSKY:

Q Mr. Fine, what is your business? A Salesman.

Q For whom? A Blumenkrohn and Erlanger.

Q Do you recollect the 15th day of January, 1916? A I do.

Q That was Saturday? A Yes, sir.

Q Do you remember the time that you were leaving the premises with Mr. Blumenkrohn? A Yes, sir.

Q What did you do, if anything, in respect to the closing of that particular establishment? A Well, just before we left the place, I went into the factory, looked around to see if all the windows were closed, and I tried the door leading to the fire-escape and also the freight door and then we went out. I saw that everything was all right.

Q Did you personally inspect the windows? A Well, I just glanced around. You could tell by glancing around if they were closed or not; they were swinging windows.

Q And Mr. Blumenkrohn was with you at that time? A Yes, sir.

Q When did you come into the establishment on the 17th of January? A I should judge around nine, or nine fifteen in the morning.

Q Who was there at that time? A I guess everybody was there; everybody employed in the place.

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Q Did you have any conversation with any one employed there at that time? A No, just the bookkeeper told me--

Q No, never mind that. I am asking you whether you had a conversation with some one in that place? A No, I didn't have any conversation with anybody.

Q Was there anything unusual in the premises? A Yes; everybody seemed to be excited.

Q Did you make inquiry? A Yes, sir.

Q Was that inquiry answered? A Yes, sir.

Q And as a result of that answer to that inquiry did you do anything? A Well, no, not exactly.

Q Did you go to any place in the premises? A Yes, I walked inside, into the factory.

Q Did you notice anything there that was unusual? A Yes, sir.

Q What was it? A I saw all the wrappers of the silk were all piled up on the table, the empty wrappers.

Q Did you enter into another room? A Then I came into the factory.

Q What did you notice there, if anything, that was unusual?
A Well, the boys in the place showed me--

Q Never mind that. A I saw the window was broke, the back window was broke.

Q Will you describe the condition of that window as you saw it? A Well, there was a hole in the window about the size of your fist, that is about all.

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Q What window was it? A The second window from the fire-escape.

Q Was the window open or closed at that time? A No, the window was closed.

Q Was the window that you saw barred with iron bars? A No.

Q Was the window just before that one between the fire-escape door and the broken window barred? A Yes, sir.

Q Did you inspect the premises? A Yes, sir.

Q In pursuance of that inspection did you leave the premises and go anywhere else about the building? A Yes, sir.

Q Where did you go? A All through the building; the cellar, the roof, all through the building with the detective.

Q Did you see anything on the roof? A Yes.

Q That attracted your attention? A Yes, sir.

Q What was it? A Some heavy twine from our place.

MR. FOLLETTE: I make the same motion at this time with reference to that answer about the twine.

THE COURT: I will strike out the words "From our place. He may be interrogated further about that."

Q Did you recognize the heavy twine as having seen it before anywhere? A Yes, sir.

Q Where did you see that before? A In our place. It was twine we used, on a sort of a ring that we had. The twine is twisted around there and we pull it off for packing purposes.

Q Did you examine the area-way beneath the windows? A Yes,

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we went down the fire-escape, the detective, Blumenkrohn, and I.

Q What was the detective's name? A I don't know; he was from the police station.

Q Did you discover anything in the area-way? A Yes, sir.

Q What was there? A There was twine down there; I would not know what to call it, a sort of lattice work down at the bottom of the building.

Q Did you ever see that kind of twine before? A Yes, it was the same twine.

Q In the afternoon of that day did you accompany Mr. Blumenkrohn anywhere? A On Saturday afternoon?

Q No, on the 17th, on Monday? A Yes.

Q Where did you go? A A No, I did not accompany Mr. Blumenkrohn.

Q Did you receive a call? A Yes, sir.

Q In pursuance of that call you went somewhere? A Yes, sir.

Q Where did you go? A Fourth Branch Detective Bureau?

Q Did you see any goods there? A Yes, sir.

Q Did you examine the goods? A Yes, sir.

Q Did you pick out any of the goods? A Yes, I did.

Q And you identified them as what? A As being our merchandise.

Q By what means did you identify those goods as your merchandise? A Well, the only real thing I saw there that afternoon, all out made up samples in our telescopes that were lying

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in our place. In fact, one of the telescopes was mine personally.

Q What do you mean by telescope? A Sample cases that we carry the samples in, the made-up shirtwaists.

Q You mean of those square bags, made of fibres? A Yes.

Q And extending out? A Yes.

Q You found your own telescope there? A Yes.

Q Were there any goods in the telescopes? A Yes, sir, all the samples were in there.

Q I show you a waist marked People's Exhibit 2 for identification, and I ask you whether you saw that waist in the Fourth Bank Detective Bureau? A Yes, sir.

Q Did you examine the lot number on that waist? A Yes, sir.

In fact, the detective up there asked me.

Q No, not what he asked you. Did you see that waist before?
A Yes.

Q Where did you see it, at the time prior to seeing it in the Fourth Detective Bureau? A I seen it in the sample room.

Q That was the beginning of your season, was it not? A Yes, sir.

Q You sell waists, don't you? A Yes, sir.

Q As a salesman you inspect samples so as to be able to sell to the trade? A Yes, sir.

MR. FOLLETTE: I think that is pretty near leading.

Q Is that one of the waists that form the sample lines in your establishment? A Yes.

Q Did you inspect any silks in the Fourth Branch Detective

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Bureau? A Yes, sir.

Q I show you this piece of silk, People's Exhibit 1 for identification, and ask you whether that is one of the pieces of goods that you saw in the station house? A Not upon that afternoon; I didn't see this.

Q When did you see it? A About two days later. The detectives told us to come up to the Fourth Branch again, that they had a trunk up there full of goods and they wanted us to identify them, and this is some of the stuff that was in the trunk.

Q On January 17th you picked out in the Fourth Branch Detective Bureau certain waists? A Yes, sir.

Q And two days subsequent to that you received another call?
A Yes.

Q And you were shown a trunk? A Yes.

Q And this piece of goods People's Exhibit 1 for identification was in the trunk? A Yes.

Q Did you notice the lot number on it? A No, I did not.

Q How did you identify this particular piece of goods as being one of yours? A I didn't identify that particular piece of goods.

Q Did you identify your goods? A Yes.

Q How many pieces? A I could not say exactly. The detectives took down just how many pieces.

Q You have been how long in this particular line of business?

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A Ever since Blumenkrohn & Erlanger started.

Q Prior to that you worked in another shop? A Yes.

Q What kind? A Leather goods.

Q As the result of your experience can you state approximately the value of articles such as waists and silks? A No, I cannot.

MR. KAMINSKY: That is all.

CROSS EXAMINATION BY MR. FOLLETTE:

Q Mr. Fine, did you count the number of pieces of silk that were picked out there by you and Blumenkrohn in the Fourth Branch Detective Bureau? A No, I did not. The detectives were counting them.

Q Were they counted in your presence? A Yes.

Q Do you know whether or not there were seventy-six of them?
A No, I do not.

Q Were the waists counted in your presence? A Yes.

Q Do you remember how many there were? A No; fifty odd waists; I could not say exactly.

Q You didn't make any notes of the number of pieces of silk and the number of waists that were counted? A When the detectives were writing that down.

Q Did you look at all the waists that were picked out in the Fourth Branch Bureau? A Yes, sir.

Q And you picked them out as belonging to Blumenkrohn & Erlanger? A Yes, sir.

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Q Was there anything about the material that was different from the material used by other manufacturers of waists? A Yes, sir.

Q A difference in materials? A Yes, sir.

Q What was the difference in materials? A Well, there were certain designs on some crepe de chines and some taffetas that nobody else had outside of us.

Q How do you know that? A Because when they were bought we were supposed to have that exclusive design.

Q But you have not verified that to find out positively? A No, I could not say positive, but I have seen that nobody else had the stuff around the city.

Q You have not seen anything like that? A No, sir.

Q Did you look at the lot number of these pieces of goods to see whether or not they corresponded with the lot numbers on the bills in your place of business? A No, sir.

Q Was there anything different about the pieces of silk from the pieces used by other manufacturers? A No, just a few patterns that I told you about before.

Q And that was your opinion, that you had exclusive use of those? A Yes.

Q Or the exclusive right to them? A Yes.

Q That is for the City of New York? A No, they told us when they sold us that stuff we were the only ones going to have that particular design.

Q You don't know whether that word was kept or not? A No, sir.

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Q How many pieces of silk did you see in the Fourth Branch that afternoon, that you had seen on the afternoon, January 15th, just before closing up? A I don't know. They did not unwrap the silk at all. It was in bundles. All I seen was shirt-waists and two or three pieces of silk that were sticking out of the broken bundle.

Q So you just picked out pieces of silk promiscuously? A No, I picked out shirtwaists and identified them that afternoon.

Q You did not pick up any pieces of silk at all? A Just that one piece.

Q Mr. Blumenkrohn did all the picking out of the pieces of silk? A I don't know. Blumenkrohn did not come up with me that afternoon.

Q Do you know any one else connected with the firm who went to the Fourth Branch Detective Bureau to pick out the pieces of silk and shirtwaists other than you and Mr. Blumenkrohn? A What afternoon?

Q Any time? A Yes, sir.

Q Who? A Mr. Kantrowitz came up with me that Monday afternoon.

Q Is that the only time he was there? A Yes, sir.

Q Did he pick out any pieces of the silk? A No, he just lifted up a couple of shirtwaists and said, "Are those ours, Harry?" I said, "Yes, those are our waists."

Q So that any pieces of silk that were picked out, were

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picked out by somebody else besides you and Mr. Kantrowitz?

A Yes.

Q Because neither of you picked out pieces of silk? A Not that afternoon.

Q Did you pick out any pieces of silk anytime? A Yes, sir, the following afternoon, or two days after, up in the Fourth Branch Detective Bureau.

Q How many pieces? A We went through the whole trunk; I don't know how many pieces.

Q Did you count them? A No, we did not.

Q Weren't they counted in your presence? A Yes.

Q Is that the only time that any silk was picked out by any one connected with the firm of Blumenkrohn & Erlanger?

MR. KAMINSKY: Objected to.

BY THE COURT:

Q When you were present? A Yes, the pieces of silk, that was about the only time I seen anybody handling the silks.

Q How about the waists? A That afternoon, Monday afternoon, we picked out the waists, but we did not touch the silks at all because they said "We will let you know about the silks, and you can come down the following day, or two days after, because we have got another trunk full."

BY MR. FOLLETTE:

Q Then you went down and picked out pieces of silk? A Yes.

Q On that occasion, have you any idea how many silks you

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picked out? A No, sir.

Q When you went to the Fourth Branch Detective Bureau, you say you saw samples in sample cases? A Yes, sir.

Q You mean sample waists? A Yes, the sample waists.

Q Packed in the sample cases? A They were ball thrown right into the case.

Q How many sample cases were there? A I think there were about two or three of them.

Q You testified in the City Magistrate's Court? A Yes, sir.

Q Did you say anything about your sample case or any sample cases being found in the Fourth Branch Detective Bureau? A No, I didn't think of it.

Q You knew at that time that they were there? A Yes, sir.

Q Do you remember testifying in the City Magistrate's Court as to how many pieces of silk you remembered having seen in the place of business of Blumenkrohn & Erlanger on the afternoon of the 15th of January? A No, I don't remember exactly how many; exactly I don't know.

Q Mr. Fine, will you look at the signature to this affidavit and tell me whether or not that is your signature (handing paper to witness)? A Yes, sir.

MR. FOLLETTE: I ask to have it marked for identification.

(Signature marked defendant's Exhibit A for identification.)

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Q Do you remember stating in the affidavit that you made, as part of the complaint in the City Magistrate's court that there was 76 pieces of silk and 51 silk waists? A About that.

Q Did you make that affidavit that there were 76 pieces of silk and 51 silk waists? A Yes, I must have, if I signed it.

Q You have not counted the pieces of silk? A No, I don't think I did.

Q You had not counted the waists? A No, I don't think I did.

Q And yet you were willing to make an affidavit to the effect that there were seventy-six pieces of silk and 51 waists?

A Yes, sir, I took it for granted because the detectives told me that was the amount.

Q Do you remember fixing the value of these 76 pieces of silk at \$2,000? A Yes, sir.

Q Do you remember fixing the value of the waists at \$500? A Yes, sir.

Q Do you remember what you testified the value of those waists to be in the City Magistrate's court? A Yes, sir.

Q What was it? A On an average of about \$10 apiece.

Q Do you remember being asked this question in the City Magistrate's Court and you making this answer: "Q How much do these waists sell for? A \$3.75". Do you remember that? A Yes, sir.

Q (Reading) "Q You counted over fifty waists? A Fifty

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odd waists. "

"Q Less than sixty? A Yes, less than sixty." Do you remember that? A Yes.

Q Mr. Fine, why this hilarity, and winking at the Assistant District Attorney? A I am not winking or hilarious.

Q You did not wink at the Assistant District Attorney? A No, sir, what for?

Q Do you remember this: (Reading) "Q They sell at \$3.75 a waist? A Yes, sir." Did you so testify? A Yes, sir.

Q Was it true? A Yes, sir.

Q Now, in regard to the number of pieces of silk that were picked out, can you say now how many pieces of silk that were picked out, that you actually saw in the place of Blumenkrohn and Erlanger on the afternoon of the 15th of January? A Well, as many pieces as I have seen in the Detective Bureau I know for a positive fact they were in our place Saturday afternoon.
BY THE COURT:

Q Did the firm of Blumenkrohn & Erlanger sell these goods, or did they only sell manufactured waists? A Manufactured waists.
BY MR. FOLLETTE:

Q By pieces of silk I mean the rolls; they were in rolls of silk, weren't they? A Yes, sir, in rolls.

Q There is no doubt that all the pieces of silk that you saw in the Detective Bureau that were picked out, you have seen in the place of business of Blumenkrohn & Erlanger on the

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afternoon of the 15th of January? A Yes, sir.

Q Do you remember being asked this question in the City Magistrate's Court and making this answer: (Reading) "Q Tell me then, how many you know of your own knowledge, positively, you saw there on saturday; not how many ought to be there, but how many you actually saw? A I could not tell you. Q Can you tell me of one that you actually saw? A Yes. Q Which one? A The striped taffeta. Is that all? A No, several more. Q Did you have occasion to look at them on saturday? A Yes, I did. Q Which piece? A The striped taffeta. Q That piece alone? A Exactly." Did you so testify in the City Magistrate's Court? A Yes, sir.

Q Why didn't you designate at that time the pieces you had seen in the Fourth Branch Detective Bureau outside of that one piece of taffeta? A Because when I closed the closet that afternoon, all the silk that I seen there was there, and in the Monday morning the wrappers were there, so that all the stuff that I seen there must have been there when I looked at it.

Q They were in wrappers, these pieces of silk? A Yes.

Q And the pieces of silk you saw in the Detective Bureau was not in wrappers? A No.

Q Then how can you tell whether or not the pieces of silk that you saw in the Detective Bureau which were not in wrappers were the same pieces of silk that were in wrappers on the afternoon of the 15th of January in the place of business of Blumenkrohn & Erlanger? A Because I told you I know some of the patterns.

Q But they were wrapped on the afternoon of the 15th when you saw them in the closet? A Yes.

Q And when you saw them in the Detective Bureau they were not wrapped? A Yes.

Q And yet you are willing to testify that the wrapped pieces of silk that were enclosed in wrappers, and which were unwrapped in the Fourth Branch Detective Bureau are the same ones? A Yes, sir.

Q And were all those pieces of silk, those particular patterns over which you had exclusive control and use in this City? A What is that?

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Q Were all the pieces of silk that were in the Fourth Branch Detective Bureau, pieces of silk over which the firm of Blumenkrohn & Erlanger had sole use and control of? A No, sir.

Q So that some of them were just the same as patterns of silk that were used by other manufacturers? A Yes, sir.

BY THE COURT:

Q Mr. Fine, you say you went to a closet in the loft, as I understand, on the afternoon of January 15th, and you saw some goods in that closet contained in wrappers, is that so?

A Yes, sir.

Q As you looked at that, because of the wrappers, you could not see the goods themselves, could you? A Yes, sir, I could.

Q You could see the goods? A Yes.

Q The material? A Yes, sir.

Q Extending out beyond the wrapper? A No, not extending out beyond the wrapper. The goods were not in paper. The wrapper was just outside of the goods.

Q What do you mean by wrapper? A Just a piece of cardboard around the goods; they were not tied at all.

Q In other words, you could see the ends of the silk?

A Yes.

Q Could you see the patterns of the silk? A Yes, sir.

BY MR. FOLLETTE: Q Mr. Fine, continuing with your testimony in the Magistrate's Court, do you remember being asked these questions and making these answers: "Q What was your occasion

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for looking at that? A I took it out and tried to make a model for it." Do you remember that? A Yes.

Q (Reading) "Q What time of the day was that? A Around noon hour." Do you remember that? A Yes, sir.

Q "Q Did you see it from that time until closing? A No." Do you remember that? A Yes.

Q (Reading) "Q That is the only piece you specifically remember having seen that day? A Yes." Do you remember that? A Yes.

Q Wasn't your memory just as fresh at the time in the Magistrate's Court that you had seen more than one piece in the place of business of Blumenkrohn & Erlanger as it is now?

A Yes, sir.

Q Was it true what you testified to in the City Magistrate's Court? A Yes, sir.

Q Now, with reference to the locking up of that place on the afternoon of the 15th of January; did you look at all the windows and doors to see whether or not they were locked and closed? A Closed?

Q Closed means locked. A Yes.

Q You looked at all of them? A Just glanced around the windows.

Q Did you make an examination of every one of them; did you look at every one of them? A Yes, sir, I looked at every one of them, walking around the loft.

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Q Did you take a walk around the loft? A Yes, sir.

Q Weren't you on one side and Blumenkrohn on the other?

A Well, it is not as wide as all that, that you could call it on one side.

Q You looked on one side and Blumenkrohn on the other, is that right? A No, I would not say exactly so.

Q Did you go around and look at all the doors and windows in that loft? A Yes.

Q Did you examine particularly the one that was broken?

A No. Well, no, I would not say I examined it particularly,

Q Did you look to see whether or not it was locked; did you try it? A No, I don't think I tried it.

Q You did not look at it? A As long as the window is closed it is locked.

Q Didn't those windows swing up to where the catch is and they catch at all times? A No, they always catch when they are down, it has to be caught.

Q Those are a particular make of window so that when they swing they always catch?

MR. KAMINSKY: That is objected to.

THE COURT: Sustained.

Q In reference to the examination of those premises on the afternoon in question, you testified in the City Magistrate's Court on that point, didn't you? A Yes, sir.

Q And your memory at that time was rather fresh; it was

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only a few days after the occurrence? A Yes.

Q Do you remember being asked these questions and making these answers: "Q Did you look at every window and exit yourself on the afternoon of the 15th? A I positively did, yes, sir" Do you remember that? A Yes.

Q "Q You and Mr. Blumenkrohn side by side? A Exactly, we walked through the loft together." Do you remember that? A Yes.

Q (Reading) "Q Mr. Fine, you are sure that every window and door was locked? A Yes, sir."

Q "Q You called it to Mr. Blumenkrohn's attention, or did he look for it himself while he was with you? A No, sir, 'Everything is all right here, Arthur', and he was on the other side." Remember that? A What I call the other side is just a little bit of a table about a foot wide in between us.

BY THE COURT:

Q How wide is that loft? A About fifty feet.

Q About how deep? A About a hundred.

Q About a hundred by fifty feet? A Yes, sir, about that.

BY MR. FOLLETTE:

Q (Reading) "Q He looked on one side and you looked on the other? A Exactly." Do you remember that? A Yes.

Q (Reading) "Q So you yourself did not look at every exit and entrance? A No, not every one; I just looked around this way to see if they were closed." Now, which is right; did

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you make an examination of every door and window in this place, or did you make a partial examination with Mr. Blumenkrohn?

A There are not so many doors to be examined; there is only two doors in the place to be examined.

Q Only two? A Yes, the fire-escape door and the elevator door and the freight door.

Q How about the door out into the hall? A That we locked with the key when we go out. We were both standing there when we locked it.

Q How many windows are there there? A About fifteen, perhaps twenty.

Q So there are quite a number of windows to examine?

A Yes.

BY THE COURT:

Q Is it a corner building? A No, sir, but it is on the side, there is no building alongside of us at all.

BY MR. FOLLETTE:

Q So that there are windows on the side and windows around the end? A The windows are on both sides and in the back.

BY THE COURT:

Q On the side, where are the windows. The building is a higher building than the adjoining building? A Yes, sir.

Q How much below the sixth floor loft is the roof of the adjoining building? A Well, the roof of the adjoining building is right on our window.

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Q Right on the level with the window? A Yes. But there is an areaway in between.

Q There is an areaway of about what width? A Perhaps ten feet, I don't know it exactly. You could not walk across.

BY MR. FOLLETTE:

Q Continuing on that same line, do you remember being asked this question: "Q Did you pull the string that raises them?

A No, I did not. Q You did not try the string? A No.

Q Just took a casual glance at the windows to see that they were closed? A Exactly.". Is that right? A Yes, sir.

Q (Reading) "Q Did you see whether or not they were locked? A No, I did not.". Did you so testify in the City Magistrate's Court? A Yes, sir, I must have.

Q And that window that was broken is one of those which you did not look at to see that it was locked, is that right? A I didn't examine it as close as that, to see that it was locked, no.

BY MR. KAMINSKY:

Q But the window was broken, wasn't it? A Yes, sir.

Q And from your knowledge of that loft, whenever that window was closed, and whenever the windows are closed, it locks with the catch? A Yes.

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

THE COURT: Objection sustained.

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MR. FOLLETTE: I move to strike out the answer.

THE COURT: Strike it out.

Q You testified that when you called at the police station two days after your first visit there were some silks found in a trunk, is that correct? A Yes, sir.

Q You also testified that the police officers counted the number of pieces of silk? A Yes, sir.

Q Did they give you the information as to the number of pieces that they found, that you identified? A No, sir.

Q In answer to the question asked by counsel you stated the selling price of those silk waists is \$3.75? A Yes, sir.

Q And the cost of them is \$10? A Yes, sir.

Q Was that a sample lot of waists? A Exactly, that was our sample line.

Q Do the sample lines require special tailors to make them up? A Yes.

Q And are they made up one individual sample at a time?
A Yes.

Q And does that explain why a sample may cost three times the amount of the retail price of a waist? A Surely.

MR. KAMINSKY: That is all.

MR. FOLLETTE: If the Court please, I call upon the District Attorney to produce the other silks and waists in this case that were taken from the loft so that we can have them here for further cross examination.

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THE COURT: You mean for further cross examination of the witness?

MR. FOLLETTE: Yes, so that I may use them for that purpose, for further cross examination of the witnesses.

MR. KAMINSKY: Mr. Follette has been in the District Attorney's office and knows that the usual routine is, after identifying the goods, to return a substantial part to the owners so that they may use them in their business. We have no other goods.

THE COURT: Well, that answers it. He has produced all he has got.

R A L P H W I L D E R, (76 East 101st street) called as a witness on behalf of the People, being first duly sworn, testifies as follows:

DIRECT EXAMINATION BY MR. KAMINSKY:

Q What is your name? A Ralph Wilder.

Q What is your business? A Cutter.

Q Were you employed by Plumenkrohn & Erlanger on January 15th, 1916? A Yes, sir, I was.

Q You had charge of the cutting room? A Yes, sir, I was working in the cutting room.

Q In the course of your duties, did you open the place?

A Yes.

Q Did you have a key to the place? A Yes, sir.

Q Do you remember the 15th day of January, 1916, Saturday

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afternoon? A Yes, sir.

Q Will you state to the Court and jury at what time did you come in on the 17th of January? A That Monday morning?

Q Yes. A About 8 o'clock.

Q You were the first man to come in? A Yes, sir, the first man to come in.

Q And you unlocked the door, is that correct? A Yes, sir.

Q Will you state to the Court and jury what you found as you unlocked the door, stating first where you entered, what you found and what you did? A I opened up the place about 8 o'clock and I walked in, and walked into the showroom first. I saw then there were not samples hanging up in the showroom, that all the hangers from the samples were thrown around the floor. I did not take notice of that because I left Mr. Blumenkrohn there Saturday, so I thought I would go inside and see, so I walked inside towards the both silk closets which were open and the wrappers from the silk were all piled up in one corner. I saw then that the place was robbed, so I walked into the factory and I walked back and saw that fire-escape door was open and one of the windows, and a hole had been made in near the latch and the chain from the latch was hanging outside. I walked into the office and was going to notify Mr. Blumenkrohn when Mr. Blumenkrohn walked in and I told him about it.

Q You had a conversation with Mr. Blumenkrohn? A Yes.

BY THE COURT: Q You say the fire-escape door was open? A Yes.

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BY MR. KAMINSKY:

Q What kind of glass are the windows made of in your loft?

A Wired glass.

Q The window that was broken into was the second window counting from the fire-escape door. A Yes, sir, the second window.

Q Did you notice whether there were any pieces of wired glass projecting from the hole? A No, sir, I did not.

Q Were there any pieces of glass still attached to the wires in the window? A No, sir, I don't think so.

Q Where was the chain? A The chain was hanging outside.

MR. KAMINSKY: That is all, your witness.

BY THE COURT:

Q You say the fire-escape door was open? A Yes, sir.

BY MR. KAMINSKY:

Q Do you know who locked the fire-escape door? A I did myself.

Q When was that? A Saturday afternoon about 3 o'clock, Blumenkrohn and myself went around and saw that everything was locked in the factory.

Q Was Mr. Fine there also at that time? A I don't remember.

CROSS EXAMINATION BY MR. FOLLETTE:

Q Did you tell Mr. Blumenkrohn and Fine about finding that fire-escape door open? A Yes, sir, I did.

Q That very morning? A After they came in, yes.

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Q Did you show them how far you had found it open? A Well, the door did not stand open, but it was unlocked.

Q Then it was not open, was it? A No, sir, but it was unlocked.

Q The only opening that you saw in those premises was that hole in the window, when you went into the premises? A Yes, sir, that was the only opening.

MR. FOLIETTE: That is all.

MARGUERITE DEVON, (125 West 137th street) called as a witness on behalf of the People, being first duly sworn, testifies as follows:

DIRECT EXAMINATION BY MR. KAMINSKY:

Q Marguerite, what is your business? A Housekeeping.

Q You are keeping house for whom? A William Morse.

Q On the 15th day of January, 1916, were you keeping house for him? A Yes, sir.

Q Where was his house or flat? A 214 West 133rd street.

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

Q By what name do you know him? A Robert Lally.

Q How long have you known him? A About eight months, seven or eight months.

Q Has he been a boarder at your house for eight months?

A About that, yes, sir.

Q How long were you in the premises in 133rd street flat when the arrest took place in that apartment? A Not quite

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two weeks.

Q Before that where did you keep the flat for Mr. Morse?

A We moved from No. 6 132nd street.

Q He had been in that flat at 132nd street about how long before you moved? A Why, we lived there about four months, I guess.

Q And then when you moved he moved with you, is that correct? A Yes, sir.

Q Was he a lodger in your flat? A Yes, sir.

Q Did he occupy a room? A Yes, sir.

Q He paid for it? A Yes, sir.

Q Did he pay any rent to you while he was occupying the room at 133rd street? A Well, when Mr. Morse did not get in he paid me.

Q Do you know whether the boy whom you knew as Robert Lally paid any rent to you or to Mr. Morse? A Yes, sir.

Q While he was living with you in the 133rd street flat?

A Well, he did not pay, not while we lived in 133rd street flat.

Q Did he tell you why he did not pay the rent to you?

A He was not working just then.

Q Because he was not working, is that your answer? A Yes, sir.

Q Let us come down to the 15th day of January, 1916 when the arrest took place. A The 17th day of January.

Q Yes, the 17th day of January; what room in the 133rd

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street flat was occupied by this man Lally, or Leitman? A The front room of the house, it is on the front to the street.

Q Did he occupy it alone or with some one else? A Alone.

Q Did he have a key to that room? A Yes, sir.

Q Where was the entrance to that room from the main hall?

A Yes, sir.

Q Do you remember hearing voices on the morning of the 17th of January, 1916, in the front room of the apartment?

A Yes, sir, when Jackson came in.

Q Did you hear anyone opening the door? A Yes, sir.

Q And then you heard some voices, is that right? A Yes, sir.

Q Did you recognize whose voices they were? A Yes, sir.

Q Whose voices did you recognize? A Leitman and Jackson.

Q You know Jackson, don't you? A Yes, sir.

Q How did you come to know him? A I met him by going to Selm's Church.

Q Is Jackson a colored boy? A Yes, sir.

Q Did the defendant ever tell you he was a colored boy?

A He lived with colored people all the time.

Q I am asking you this now; did the defendant ever tell you that he was a colored boy? A He did, yes, sir.

Q Did he ever tell you that his mother was colored and down South? A His stepmother, yes, sir.

Q Did he ever tell you he had a colored brother in the South? A Yes, sir.

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Q Now, on the morning of the 17th of January, you heard the door open? A Yes, sir.

Q And you heard voices? A Yes, sir.

Q And you recognized one of the voices as Leitman's voice and the other as Jackson's voice? A Yes.

Q For how long a period did you hear those voices inside until something happened? A About a couple of hours, I guess. Something like that.

Q Did you hear the door slam? A Yes, I heard the door shut.

Q What happened next? A About two hours after that these two boys came back.

Q Did you see them come back? A No, sir. Leitman has his key. He came in.

Q Did you personally see Leitman come back? A Not until after he was in the house.

Q Did you see him in the house? A Yes.

Q Was he carrying anything when you saw him? A I didn't see him when he brought it in, because I was in the back room, but you can hear the door shut.

Q Did you hear voices again? A Yes.

Q Whose voices could you recognize; could you recognize them? A Leitman and Jackson's.

Q Did anybody come in after that? A Yes, sir.

Q Who? A I don't know their names, two Jewish gentlemen, I don't know their names.

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Q The two Jewish gentlemen that were arrested together with Leitman and Jackson and yourself? A Yes, sir.

Q Those two, you mean? A Yes, sir.

Q Do you know whether their names were Feinberg and Lindenblatt? A That is what I heard afterwards.

Q Then what happened? A Well, these two Jewish gentlemen had been in the house for about fifteen minutes when the officers came and Leitman and Jackson and these other two gentlemen were in the front together and we were in the rear. It is a good distance in the hall, sitting in the diningroom. The officer came in. Leitman let the officers in when the officers rang. The officer said, "Stay where you are, and everybody in the rear room come to the front.". When we came to the front these four men were in the front; Leitman, Jackson and the two other men.

Q Did you see any goods there? A Yes, sir.

Q Did you see the goods about to be wrapped up or being wrapped up? A Yes, sir.

Q In what position was one of the stout gentlemen, as you have called him to me, when you saw him in the front room?

A He was on one of the packages, kneeling on one of the packages.

Q What happened next? A Well, they locked us up, the officers took us away.

Q You all went down to the Fourth Branch Detective Bureau?

A Yes, sir.

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Q Did you see Leitman in the Fourth Branch? A Yes, sir.

Q Did you see Leitman in conversation with Captain Cooper?
of the Fourth Branch? A Yes, sir.

Q Did you see Captain Cooper read something from a paper
to Leitman? A Yes, sir.

MR. FOLLETTE: I object to that as rather leading and
also indefinite.

THE COURT: I will allow that answer to stand, but do
not lead the witness.

Q Did you hear any questions put by Captain Cooper to
Leitman? A I heard him, but I didn't pay any attention to the
questions.

Q Did you see Leitman sign a paper?

MR. FOLLETTE: I object to this line as leading. I
have been rather lenient so far.

(Question withdrawn.)

Q Did you see Captain Cooper hand anything to Leitman?

MR. FOLLETTE: I object to that as leading. Let her
testify what she saw.

Q Well, what did you see Leitman do in the Fourth Branch
Detective Bureau, if anything? A I didn't see him do anything
but talk to the captain. I didn't hear his conversation, I
didn't pay any attention to it.

Q Did you see him write something? A I didn't notice.

MR. FOLLETTE: Objected to as leading.

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THE COURT: She has said she did not notice. I will let the answer stand.

Q You were taken to Police Headquarters? A Yes, sir.

Q From the Fourth Branch Detective Bureau? A Yes.

Q All in the one patrol wagon? A Yes, sir, I think so.

Q Were the two stout Jewish gentlemen in the patrol wagon?

A Yes.

Q Did you notice Leitman holding a conversation with anyone in that patrol wagon? A No, I did not.

Q Did you ever see those two Jewish gentlemen before that day when they were arrested in your flat? A I saw one of them before, yes, sir.

Q When was that, how long before the arrest? A This was on a Monday and they were there two or three days before; this stout gentleman was there two or three days before; I don't remember how many days, just.

Q Did he ask for anybody?

MR. FOLLETTE: I object to that.

THE COURT: Sustained.

MR. KAMINSKY: That is all, your witness.

CROSS EXAMINATION BY MR. FOLLETTE:

Q I believe you testified you were arrested at the same time that Leitman was arrested? A Yes, sir.

Q And when Jackson was arrested? A Yes.

Q In fact, everybody in the house was taken out? A Yes.

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Q How many were there? A Leitman, Jackson, William Morse and myself, Frances Aragon, Roy Morse and Allen Seward.

Q And Feinberg and Lindenblatt? A Yes.

Q There were ten of them. A Yes, I think so.

Q They were taken to the Fourth Branch Detective Bureau?

A Yes.

Q And you were all charged with the same crime? A Yes.

Q Subsequently you were arraigned in the Second District Magistrate's Court, were you not? A Yes, sir.

Q And a complaint was drawn up against you with Leitman and Jackson and Morse, was it not? A Yes, sir.

Q And also Seward? A Yes, sir.

Q Five of you? A Yes.

Q The same parties made the same complaint against you as they did against Leitman? A Yes.

Q On the same paper? A Yes, sir.

Q On the day of the 17th of January, what time in that morning was it that you heard these voices that you have spoken about? A I don't know just exactly what time it was.

Q Was it daylight? A Yes.

Q It had been daylight quite a little while? A Yes, sir.

Q Now, that is a six room apartment, is it not? A Yes, sir.

Q The rooms run right along together, one, two, three, four, five and six, in a line? A No, it is a kind of a cut up apartment. It does not run that way.

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Q As you open the door into the hall of the apartment, what room is on the right, if there is any? A The front room.

Q Is there a room on the left also? A It is like a little alcove like.

Q What is the next room back of the front room? A Then you have to go through the hall, and through a middle room.

Q Is that a bedroom? A Yes.

Q Is there a room on the left? A The diningroom cuts across the hall, in front of the hall.

Q As you come in, to the right is a front room? A Yes.

Q That is used as a parlor? A Yes; that was used as a bedroom, but it is a parlor.

Q Then you come to a turn in the hall? A Yes.

Q Then are the rooms on both sides of the hall after the turn, or only on one side? A Only on one side, diningroom, kitchen, bathroom; they took up the full length.

Q Kitchen and bathroom? A Yes, diningroom and a little small room off the kitchen, that is in the extreme back.

Q That room in the extreme back is the one that Leitman occupied? A No, sir, a front.

Q He occupied the large front room? A Yes, sir, it is not very large, none of them.

Q Who was there with him? A With Leitman?

Q Yes. A No one but himself.

Q Where was Leitman when the officers rang the bell? A He

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went to the door and let them in. I don't know just where he was.

Q Wasn't he in the diningroom with William Morse when the officers rang that bell? A He was in the front with Jackson and the rest of them.

Q Wasn't he in the diningroom with William Morse when the bell rang? A No, sir, he was in the front.

Q You are sure about that. A He was not back there with us.

Q He was in the diningroom? A Morse, myself and Frances Aragon.

Q You are sure you were not in the front room when these officers came in? A No, sir. The officers saw me in the diningroom and told us to come front.

Q Did you hear the officers testify in the City Magistrate's Court that you were in the front room? A No, sir. I heard one testify I was in the diningroom.

Q How long did you say you had known Leitman? A About eight months, I guess; seven or eight months.

Q When did you first hear that his name was Leitman?

A When this trouble came up.

Q Not before that? A In the synagogue I heard about Leitman. He had a ticket for something, some affair.

Q You had been living with William Morse for some time?

A Not quite a year.

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Q Are you married to him? A No, sir, he is very seldom in the City.

Q You are living with him as husband and wife, aren't you?
A No, sir.

Q You do not occupy the same room? A Positively not.

Q How many occupied that apartment? A Aron Seward had the middle room and Morse sleeps in the back room.

Q Which Morse? A William Morse, and I have a couch in the diningroom, a sanitary folding couch in the diningroom.

Q Who else lived there? A That is all. Mr. Seward has the middle room and Morse is in. Very seldom he is in. He has the back room and I sleep in the diningroom.

Q Didn't Roy Morse stay there too? A No. He lives with his people.

Q Do you know what room Leitman slept in that night of the 16th of January? A He slept in the front room.

Q Don't you know he slept with William Morse in the back room that night? A No, sir, he did not sleep with William Morse.

Q He slept there on the 16th? A Yes, he stayed there.

Q Didn't Roy and Harry Leitman occupy that back room on the night of the 16? A No, sir.

Q Where is William Morse now, on a run? A Yes.

Q When do you expect him back to the City? A He will be in Saturday night, I think.

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Q In New York Saturday night? A I don't know for sure; he has a loop run.

Q How long were the two parties gone after you heard the voices that morning? A How long had they gone from the house?

Q Before you knew that they were back again into the apartment? A I guess about two hours; I don't know how long, I didn't pay attention.

Q You didn't see them come in? A He has a key to come in.

Q Who, Harry? A Yes. He had a key to his room and to the door.

Q Have you gotten that key since the arrest? A The key is on the bunch of keys now. The lock is broken. We left it on the door where we moved from.

Q Have you gotten that key from Harry since the arrest? A I have not seen that key. We had two keys. Just common, ordinary keys.

Q Only two keys to the apartment? A Yes.

Q Who had them? A We had one on the bunch of keys.

Q Where is the bunch of keys? A They are lying around the house, I guess, some place; and then he had one key, Leitman had one.

Q Did William Morse have a key? A No, sir.

Q And you didn't have a key? A The one on the bunch that everybody used.

Q Did you have a special key? A No, sir.

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Q Of your own? A No.

Q Did Seward? A No.

Q Why was it that Harry was given a key, the great favor of the only separate key? A Because he was out some nights to the basketball practice and he had the key to get in.

Q Didn't the others go out at night and come in late?

A When Seward stayed out he did not come in nights.

Q Did you have a key if you went out and got in late?

A I never stayed out late nights.

Q Of all that occupied that apartment, Harry was given the special privilege of having his own key? A He did not have any special privilege; he had the key because he came in late nights.

Q From whom did he get that key? A I don't remember; the key was there.

Q Did you ever see anyone give him that particular key; did you give it to him? A No, sir.

Q You don't know whether William Morse did or not?

A No, sir.

Q The only reason that you think he had a key was because he used to come in late? A Yes, he had a key; he carried the key in his pocket.

Q Did you ever see him with the key? A Yes.

Q Did he have the key on the day that he was arrested?

A On the 17th.

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Q Did he have that separate key on the day he was arrested?

A I don't know whether he had it on him at the time he was arrested, but he unlocked the door and came in. He had it before the arrest.

Q He came in with a key? A Yes.

Q And he had that key about how long? A Since we have been living at 214 West 133rd.

Q Were you searched at the station house? A At the Detective Bureau, yes, sir.

Q Did you see the officer search the others who were arrested with you? A No, sir, I did not see.

Q Did you see the officers search Leitman? A No, because they took me into a separate room.

Q Have you ever seen that key around the apartment that Leitman had, since the day of the arrest? A When I came back the house was all torn up to pieces and everything out. I have not seen that one key. Only this key I seen, the one on the bunch.

Q Now, have you told anybody that at the time the officers came, that Harry, this defendant, was in the diningroom?

A No, sir.

Q You have told that to no one? A No, sir.

Q Have you told anyone that you knew anything at all about this case? A I haven't talked to anyone, only the officers.

Q Did you testify in the Twelfth District Magistrate's Court

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on the occasion of the arraignment of Feinberg and Lindenblatt?

A Yes, sir.

Q Did you testify at that hearing that you knew nothing at all about the case? A No, sir, I told what I knew on the stand. I was on the stand.

Q You did not so testify at all? A No, sir, I did not.
BY JUROR No. 12:

Q You let out furnished rooms there, did you? A Yes.

Q In cleaning those rooms you naturally noticed what was in those rooms from day to day? A Yes, sir.

Q If it was usual for him to have silks and waists in those rooms, you would have seen them? A He never had them in there before.

Q But you said you cleaned the rooms daily? A But I had not been in there this day.

Q Was it usual for him to have these silks and goods and waists in his room; did you notice them before that day?

A No, sir.

Q It was not usual for him to have silks and waists in his room? A No, sir.

BY MR. FOLLETTE:

Q Where did Harry, the defendant, go after he left the officers in on that day, the 17th. To what part of the premises?

A I never noticed, because the officers were all around. He told us to come in the front room and to stand where we were.

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Q Did the officers go right into the front room? A Some of them, I think, came into the front room. I know two gentlemen, the other officer, the small one came into the diningroom.

Q Was Harry with them? A I never noticed that. I don't think he was. I didn't notice. There was so much excitement.

Q You did not see Harry then at all? A No.

Q You did not see him let the officers in? A The officers said he let them in. He lives there and went to the door.

Q You have testified that Harry let the officers in. Did you see him do that? A I didn't see him, but he is the one to go to the door, he lives there and was in the front.

Q There were others in the house? A Naturally he lived there and went to the door.

BY THE COURT:

Q Why do you say that it was Leitman who opened the door for the officers? Did you see him with your own eyes open that door? A No, sir, I didn't see him with my eyes, but the officers said he let them in.

THE COURT: I will strike out the evidence of this witness to the effect that the defendant opened that door. It appears she has no personal knowledge of that.

MR. FOLLETTE: I will admit that it is a fact that this witness is apparently willing to testify to what she does not know of her own knowledge.

THE COURT: It is stricken out. That ends that now.

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BY MR. FOLLETTE:

Q You did not see this defendant or Jackson when they came back? A Not until the officers told us to come up front, because they had not been in the house for a long time before that.

Q The officers got there about half past 2 in the afternoon?

A I don't think it was that late.

Q It was in the afternoon? A We stayed in the house a long time after they came and it was about that time when we went out.

Q Was it as late as 12 o'clock noon when the officers came?

A Yes, sir.

Q Was there anyone with the officers, A When they came to the house?

Q Yes. A Yes, sir. When the first three officers came there was a lady with them.

Q Do you know her? A No, sir.

Q Had you ever seen her before? A No, sir.

Q Did she come into the house? A Yes, sir. Until the officers told her to go out.

Q Did William Morse recognize her, A Yes, sir.

Q Did William Morse say in the presence of you and the other prisoners there who it was? A There was so much fussing, I didn't hear that said.

Q Had Harry occupied the same room in those premises from the time he came there to live until the day of the arrest?

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A In the same premises; we had not been living there long.

Q You lived there how long? A We lived in 214 about ten days.

Q How long had you been living at this address? A 214?

Q Yes. A Not very long.

Q How long about? A Not quite two weeks.

Q Had Harry occupied the same room all the time you were there? A Yes. When we moved there we had not got all the furniture and we had a couch or something he slept there first, before we got the furniture. We had not finished straightening out the house yet.

BY THE COURT: Q How many nights before Harry was arrested did he occupy that front room? A That was his room.

Q You have not answered my question. How many nights before Harry was arrested did he occupy that front room? A All the time we were there, about two weeks.

(Previous question repeated.)

A About ten nights, something like that.

BY MR. FOLLETTE:

Q You have already said, I believe, that Roy Morse and Harry slept together the night of the 16th, the night before the arrest?

A Roy was there that night.

Q He and Harry occupied the same room?

MR. KAMINSKY: There is no such testimony as I recall.

Q Did Roy and Harry occupy the same room on the night of the 16th? A Yes, sir.

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Q Was there any bed in that front room? A Yes, sir, in the alcove, a little double room; it is nothing you can get in, the way it sets back between the two alcoves like.

Q Is there a bed in that room, in that front room that Harry occupied? A Yes, sir. Where the bed is situated two rooms answers for one room. It is like a little alcove. I drew it off for the gentlemen.

Q Is it a single bed or a double bed? A It is a full sized bed.

Q A full sized double bed? A Yes, sir.

Q The front room? A Yes, sir.

Q Is that bed still in that room? A No, sir, we did not leave it there any more.

Q Where do you live now? A 125 West 137th street.

Q Is Roy Morse here today? A No, sir, he is not here, he is working at Wanamakers.

Q Do you know where he lives? A 122, I think, 40th street.

Q East or west? A West, I think.

Q Do you know whether or not he has lived there all the time since the arrest? A Yes, sir, I think he has been living there quite a while.

Q How many times have you been down to the District Attorney's office since the arrest? A I have not been there once, only when they summoned me.

Q How many times was that? A Each time they summoned me.

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Q About how many times? A I think about six times now.

Q Have you seen Mr. Kaminsky on each of those occasions?

A No, sir, I never saw him but once.

Q Ever seen Kaminsky at all? A Only one time.

Q When was that? A That was Saturday.

Q Last saturday? A Yes, sir.

Q Whom did you see before that? A I didn't see any one; I went right up to his office.

Q But on each of your other visits which one of the Assistant District Attorneys did you see? A I don't know. I have not seen any but Mr. Kaminsky.

Q Have you talked to anyone in the District Attorney's office about this case before you saw Mr. Kaminsky? A When they had me in the Washington Heights place, the District Attorney had me in the office.

Q That is Mr. Burke? A Yes.

Q Have you talked with anybody in this building, in the District Attorney's office, before you saw Mr. Kaminsky? A No.

Q Did you talk to Mr. McDonald? A No, sir.

Q Did you talk to Mr. Bosow? A No, sir.

Q Did you talk to any one where there was a stenographer taking down what you said? A Only when I was in Mr. Kaminsky's office.

Q That is the first and only time? A Yes, sir.

Q When you were subpoenaed on Friday of last week, did you

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send word that you were sick and could not come? A I was under the doctor's care.

Q And you did not come down? A No, sir.

Q Who served the subpoenas on you, one of the officers?

A A gentleman that Mr. Kaminsky sent.

Q Have any of the officers been up to your house and talked to you since you were in the Second District Magistrate's court?

A The one to bring the summons up there was Officer Tierney, I think.

Q Did he ask you at that time what you were willing to tell about the case? A No, sir, he never asked anything concerning the case.

Q On the day you were arrested did you tell the officers the story that you have told here? A Yes, sir.

Q Identically the same story? A Everything they asked me but about Leitman; they never asked me that.

Q What did William Morse call this defendant when William was home? A Rob.

Q Always called him Rob? A Yes, sir.

Q What did Jackson call him when he came there? A Rob.

Q What did Roy Morse call him? A Rob.

Q Everybody called him Rob? A Yes, sir.

Q How long before that was it that that affair took place when you heard about Leitman? A I had heard about Leitman. I never paid no attention. It was during the Jewish holidays.

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Q You did not make any inquiries who Leitman was? A No, I didn't notice.

Q Was there any mail received there? A No, sir.

Q Did anybody ever call for him at the door? A Not Leitman. The boys from the basketball team called.

Q Did you hear the officer on that day ask him what his name was? A Yes.

Q What did he say? A Harry Leitman.

Q He did not hold back at all on what his name was, did he?
A No, sir.

Q Do you know that there is a fish store conducted by a man by the name of Leitman on Eighth avenue, near 142nd street?

A I don't know him.

Q Do you know if there is a fish store conducted there by such a man? A No, sir, I haven't been up that way.

Q In the neighborhood where you did live there are both colored and white people are there not? A I think most of them are colored people.

Q But there are some white people living there? A I think they keep stores along there.

Q And there is friendship between the colored people and the white people there, is there not?

MR. KAMINSKY: Objected to.

THE COURT: Objection sustained.

Q It is not uncommon for the white people and the colored

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people there to be friendly, is it? A I have not been living in that block long enough to know any one.

Q Harry is not the only white person who is a friend of William Morse's who came there to see him? A The only one I have ever seen.

Q But you know that there are white people there?

THE COURT: I think we have gone far enough on that line.

Q Was there ever a telephone in that house? A No, sir.

Q And the only way of communicating with any one in that apartment was by coming to the apartment? A Yes, sir.

Q How long before this day in question had you seen Jackson?

A Well, I seen him most any time, Jackson & Leitman; they were friends.

Q Did you ever see any of Harry's friends up there with him outside of Jackson? A He had lots of boy friends.

Q Who came up there? A Yes.

Q And some were white and some were colored? A I never seen any white ones.

Q Did you ever see Harry with any great quantity of money?

A No, sir, never.

Q That was inquired into by the District Attorney up in his office? A No, sir, he never asked me that.

MR. KAMINSKY: That is objected to.

THE COURT: Objection sustained.

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Q Did you ever see him with more than five or ten dollars at any one time, or even as much as that? A I never noticed his amount of money.

Q He never made any display of any great quantities of money?

A No, sir, never seen him make any display.

BY MR. KAMINSKY:

Q You did not come down here in pursuance to the subpoena on Friday, did you? A No, sir; that is the day I was sick.

Q And the process server of the District Attorney's office called at your home early Saturday morning, is that right, the day you came down to my office? A Saturday he came after me.

Q Did the process server insist that you accompany him right there and then? A I was in bed when he came, so he said, "It is a nice day out, you will not catch any more cold", so I came out.

Q That is the very first time you saw me, is that right?

A Yes, the first time I ever saw you.

Q Did I or did I not admonish you to come down in answer to a subpoena? A What is that?

Q Did I tell you you had to come down here in answer to a subpoena? A Yes.

Q The District Attorney inquired of you whether you ever heard or knew that there is some question as to the true name of one whom you have known as Robert Lally, and you did know sometime before that time that his name was Leitman, didn't you?

A I just heard that name Leitman during the Jewish holidays.

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Q What was that story about the Jewish holidays?

THE COURT: We will not go into that.

Q Did Leitman ever tell you that he had a fight with his father?

MR. FOLLETTE: I object to that as immaterial.

THE COURT: Objection sustained.

Q As a matter of fact there were quite a number of articles of goods found in the premises, were there not?

MR. FOLLETTE: Objected to as already having been gone over.

THE COURT: Objection sustained.

Q As far as you knew, from the statements made to you by this defendant, what race did he belong to? A As far as I know, what he told me about his stepmother being colored, that is all he told me.

BY MR. FOLLETTE:

Q Is that your right name? A Marguerite Devon.

Q Did you ever go by any other name? A No, sir, except Marguerite Devon.

Q Did you go by the name of Bessie Honesty? A No, sir, everybody knows me as Marguerite Devon.

Q Did you ever go by the name of Bessie Honesty? A No, sir.

Q Is your father a messenger in the White House? A Some years ago he was. Mr. Wheaton knows him.

Q Was his name Honesty? A Devon.

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S I M E O N T I E R N E Y (Fourth Branch Detective Bureau)
(Shield No. 412), called as a witness on behalf of the People,
being first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. KAMINSKY:

Q Officer Tierney, on the 17th day of January, 1916, did you
receive certain information in regard to stolen property?

A I did.

Q Pursuant to that information did you go anywhere? A I did.

Q About half past two in the afternoon? A I did.

Q Where did you go to? A To the premises 214 West 133rd
street.

Q Will you tell the Court and jury just what happened from
the time that you knocked at the door and attempted to go in
there? A About 2:10 on Monday afternoon, January 17th, I was
sent to the premises 214 West 133rd street by orders from my
superior officer regarding property being in said premises. I
went to them premises in company with Officer Willi, and
Officer Stebbitt. We went to the fourth floor east, occupied
by William Morse and Marguerite Devon. Officer Willi knocked
at the door and the door was opened by the defendant Leitman.
Officer Willi walked towards the dining room and the defendant
Leitman went with him. Officer Stebbitt and myself went to the
parlor, opened the door. In the room were six men with a con-
siderable amount of silks and other property. I put questions
to each and every one of the persons in the room.

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THE COURT: You cannot tell us what was said because the defendant was not there.

Q After you talked there what did you do? A We called in for other officers to assist us. Officer Stebbitt went down to the telephone and telephoned for three other officers. Officer William Boyle, Officer Edward Boyle and Officer McCarthy responded with the patrol wagon. Then we took all persons in them premises to the Fourth Branch Detective Bureau along with the goods.

Q Officer Tierney, did you during any of that time see the defendant Leitman in the front room? A I did. We brought him to the front room afterwards.

Q Did you ask him any questions? A I did not have no conversation with him at that time.

Q Did you accompany Leitman and the other men arrested into the patrol wagon? A I did.

Q Where did Leitman go when he arrived at the Fourth Branch Detective Bureau? A From the Fourth Branch Detective Bureau he was taken to the Police Headquarters.

Q In the Fourth Branch Detective Bureau did he go into any particular room or office? A He went, as I presume, to the Captain's room.

Q Were you present at the time that the captain interviewed him? A I was not.

Q After some time, I understand you to say, he was trans-

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ferred in company with other men to Headquarters, is that correct? A He was.

Q Were you in the patrol wagon with him at the time that he was transferred? A I was.

Q Did you have any conversations with Leitman at that time? A I did.

Q Will you state what those conversation were? A Going down to Headquarters in the Patrol wagon with the defendant Leitman and another prisoner, Defendant Leitman said to me, "What do you think a fellow will get for a deed of this kind?" I said, "I don't know." He said, "Believe me, never again, when I get out of this." In the presence of Detective Willi and Stebbitt.

Q Did he ask you any questions as to his future eligibility on the police force? A He did, to another detective.

Q Not you? A Not me.

Q That is all you know about this case? A Yes, sir, that is all.

MR. KAMINSKY: Your witness.

CROSS EXAMINATION BY MR. FOLLETTE:

Q Officer, he wanted to know if his being arrested would affect his possible chance of being appointed on the police force? A He did, to another detective, yes, sir.

Q When you went to the premises 214 West 133rd street in reference to stolen property you went with a woman, didn't you?

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A A woman accompanied us.

Q She was looking for some of her own stolen property, wasn't she? A As she said.

Q She was looking for property that she claimed had been stolen from her when a party had moved from where she had been living? A She said that there was some property of hers in that flat.

Q And that is the property you have reference to, that you were looking for when you went to the premises in question?

A No, not particularly. We were advised that there was other property there which was stolen also.

Q Why did you take this woman with you, then, if you were looking for general stolen property? A It would be necessary if they would not respond to out knock at the door, for her to go in, and we would have gone in anyway.

Q You used her to go along to identify the property? A That is, to show us the flat.

Q And to identify the property that she claimed? A No, she was looking for stolen property, but she did not see any.

Q You took her with you for the purpose of identifying property if she found any there belonging to her? A Yes.

Q When you rang the bell you say Leitman opened the door? A Yes, sir.

Q And followed one of the officers to the dining room? A To the diningroom.

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Q There is a turn in that hall from the door where you entered to the diningroom, isn't there? A Well, a turn of about two feet, I should say; just a turn around.

Q So that a party in the diningroom is out of sight of the party entering into the hall? That is, the door, the entrance to the hall? A You can see from the diningroom to the door you enter.

Q The door to the front room, I believe you said, was closed?

A Yes, but not locked.

Q And after you had gone to the diningroom, then you went back again to the front room? A I didn't go to the diningroom at all.

Q Who was the officer who went there? A Officer Willi.

Q And you and Officer Stebbitt went into the front room?

A Yes, to the parlor.

Q The door was closed? A Yes.

Q And there were six men in there? A Yes.

Q Who were the men who were there? A There were six men by the name--one man, Wilson Jackson, Aaron Seward, Roy Morse, Louis Lindenblatt and Louis Feinberg. Can I look at my memorandum book?

MR. FOLLETTE: I have no objection, Officer.

A (Continued, after looking at book) Wilson Jackson, Harry Leitman, Roy Morse, Aaron Seward, Louis Feinberg and Louis Lindenblatt.

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Q But Leitman was not there when you went in? A Not in the parlor when I went in.

Q Officer Willi brought him there later from the diningroom?

A Yes.

Q Into where you and Stebbitt and the other five men were?

A Yes.

Q Did you notice whether or not there was a bed in that front room? A There was a bed in the front parlor.

Q What kind of a bed? A That is a parlor and there is a bedroom adjoining. A brass bed was in that, as I recollect.

Q Was there any bed in the front room at all? A No.

Q There are six rooms in that apartment? A Yes.

Q There is a large front room, the parlor? A Yes.

Q There was no bed in that? A No.

Q The room adjoining that, it opens up into the front room?

A Yes.

Q Then there is a back bedroom? A That is, you have to walk through the private hall to get to the next bedroom.

Q And the other rooms consist of kitchen and diningroom and what? A A small room away in the rear of the flat that runs out to the fire-escape.

Q So that there were three bedrooms, the parlor, dining room and kitchen? A Yes.

Q They constitute the flat? A Yes.

Q Did you ask Leitman what room he occupied in that flat?

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A I did not.

Q Did you search the premises for anything else along the same line as that which you had seen in the front room? A We did.

Q Did you find anything in any other room; did you find property in the other rooms? A In the second bedroom.

Q You have learned afterwards that that room was occupied by Seward? A Aaron Seward.

Q Did you find any property in the little room, in the rear of the apartment? A No, I did not.

Q Did you ask any one there what room Leitman occupied, that is, in Leitman's presence? A No.

Q Did you at any time afterwards ask Leitman or any one in his presence what room he occupied? A No.

Q Did you find any men's wearing apparel in the front room, that is, extra shoes or underwear, or suits of clothes or overcoat, or hats? A There was no wearing apparel of men's there, but there was other wearing apparel of women's costumes.

Q No men's wearing apparel? A No.

Q Did you find any men's wearing apparel in the little room, near to the rear? A They were hanging there, but we did not disturb them.

Q Did you find any men's wearing apparel in the bedroom off from the parlor? A Yes.

Q What was that? A Well, such things as a pair of pants,

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hanging on suspenders, men's bathrobe and slippers and shoes and so forth.

Q Did you find out whose they were? A No.

Q Did you ask William Morse whether they were his? A We asked who occupied that room.

Q What did he tell you? A He said that was his room along with Marguerite Devon.

Q William Morse told you that? A Yes.

Q That that was his room along with Marguerite Devon? A Yes.

Q That is the bedroom with the bedroom right in the parlor?

A No.

Q There was no bed in the parlor? A No bed in the parlor.

Q Officer, did you search the defendant? A I did not.

Q Were you present when he was searched? A I was not.

Q Do you know which one of the officers did search him? A I could not say, Counselor.

Q Have you heard who did? A I did not know, and I did not enquire, counselor. I remained at the flat after the raid was made.

Q Was Marguerite Devon present when William Morse told you that he and she occupied that room? A That I could not remember, Counselor.

Q Was that in the front room where all the people were congregated? A We brought the people that were in the diningroom all to the front parlor and detained ten of them there until we

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got the wagon.

Q Was it in that room where the conversation with William Morse took place about the occupancy of that room? A I asked William Morse whose room that was. He said it was "my room".

Q It was while you were all in the front room? A Yes. But of course I asked him that kind of quietly.

MR. FOLLETTE: That is all.

BY MR. KAMINSKY:

Q Where was Marguerite, do you know, at the time you entered that flat? A In the dining room.

Q And you brought her to the front room? A Yes, afterwards.

EDWARD M. WILLI (Fourth branch Detective Bureau, Shield 484), called as a witness on behalf of the People, being first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. KAMINSKY:

Q Officer Willi, do you remember the 17th day of January, 1915? A Yes, sir.

Q You were one of the party of arresting officers who went to 214 West 133rd street? A Yes.

Q Will you state what happened? A About 245 that afternoon, in company with Officers Tierney and Stebbitt, I went to the premises 214 West 133rd street. We knocked at the door of the fourth floor, east side, and it was opened by a man named Leitman. We walked into the premises. I walked into the

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rear after Leitman, which lead into the diningroom. Officer Tierney and Stebbitt went into the parlor. In the dining room was a man, a colored man, his name was William Morse and two colored girls, Aragon and Marguerite Devon. I asked Leitman what kind of a place he was running there. He said nothing, no kind of a place. I then told them all to step into the parlor, and as we walked through the hall, the private hall, into the parlor, I saw five other men with Tierney and Stebbitt together, with a quantity of silk scattered all around the room. Some were in trunks and some wrapped up in bundles and some were loose. Officer Stebbitt called up a patrol wagon, and we placed everybody under arrest. In the meanwhile a man, a colored man, known as Brooks, knocked at the door and he came in and he was also placed under arrest.

Q Did you accompany the prisoners to the Fourth Branch Detective Bureau? A Yes, sir.

Q Were you present at the conversation that was held between Leitman and anyone else in the Fourth Branch? A No, I was not present during the conversation in the Fourth Branch.

Q Were you one of the officers in the patrol wagon that accompanied the prisoners from the Fourth Branch to Headquarters? A Yes, sir.

Q Did you have a conversation with Leitman in the patrol wagon? A Why, I had a conversation with him going in the patrol wagon, asking him if he felt better that he had told the

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truth, and he said yes, and he asked me if that would ever keep him from becoming a policeman, and what I think the sentence would be. That is all the conversation he had with me. I heard the conversation he had with Officer Tierney. He asked him something about the same.

Q What was the conversation held between Tierney and him?

A He asked Tierney, "What do you suppose a fellow would get for this--three years?" Tierney said "I don't know." He said, "I'll take mine, but never again. I will say nothing, but never again", and held up his right-hand. He took it as kind of a joke and laughed. He said "Never again."

MR. KAMINSKY: That is all.

CROSS EXAMINATION BY MR. FOLLETTE:

Q Officer, did you search this defendant? A No, sir.

Q Were you present when he was searched? A No, sir.

Q Do you know who searched him? A That I don't know.

Q Officer, had you heard this defendant say anything up to the time that you had that conversation that you allege you had with him, about his telling the truth? A No.

Q And which you interpreted as the truth? A I had no conversation with him.

Q Had you heard any conversation had with him up to that time by any one wherein this defendant said anything which you interpreted as the truth? A No, only one of the detectives told me that Leitman had confessed.

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MR. FOLLETTE: I ask that that answer be stricken out with the exception of "no".

THE COURT: Strike it out, and the jury will disregard that.

Q I am going to give you wide latitude, Officer, and ask you what it was that you interpreted as the truth, where you got the information?

THE COURT: I will not allow that question. We will try the case here on legal evidence.

Q Well, Officer, did you have a conversation with any one of the officers with reference to what this defendant had told them? A Did I have a conversation with any of the officers with this reference to this defendant?

Q Yes. A I don't remember the officer. That question relates to the answer before about somebody telling me that Leitman had told the truth.

Q Had you had any conversation, Officer, with any of the Officers as to what Leitman had told you? A No.

Q So that you had not heard anything that Leitman had said either directly or indirectly on which to base the question if he felt better now that he had told the truth? A No.

Q Now, Officer, you testified in the City Magistrate's Court too? A Yes, sir.

Q And at that time did you testify to having heard a conversation between this defendant and Officer Tierney? A In the

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patrol wagon, yes, sir.

Q You testified in the City Magistrate's Court that you heard the conversation in the patrol wagon between Leitman and Officer Tierney? A Yes, sir.

Q No mistake about that? A Positively. He was sitting right across from me.

Q I am not asking you that.

BY THE COURT:

Q I do not think you understand, Officer; you are not asked now whether in point of fact you heard the conversation of that kind, but you are asked whether you said in the Magistrate's Court that you did hear it. Do you see the difference? A Yes, sir, I remember quite well that I did say in the Magistrate's Court I heard the conversation.

BY MR. FOLLETTE:

Q Now, Officer, your testimony in the Magistrate's court was rather short and sweet, wasn't it? A I just don't know; I don't think it was short and sweet, but in this case it was. I beg your pardon, it was in another case of this other defendant.

Q Do you remember whether or not it was on your direct examination or cross examination? A May I say a word?

THE COURT: I think the officer had another case in mind.

A Yes, I will withdraw that. It was in reference to two other defendants.

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Q You were thinking of another case? A Yes. I did not testify in the Leitman case relating to any conversation. It was in the case of the other two men.

BY MR. KAMINSKY:

Q Growing out of the same transaction? A Yes, sir, the receivers in this case.

MR. FOLLETTE: I don't think this is proper.

THE COURT: No; the question will be regarded as withdrawn, and the answer stricken out, and the jury will disregard it.

BY MR. FOLLETTE:

Q Do you remember being asked in the City Magistrate's Court to tell all you knew about any conversations you had heard Leitman have with others, or that you had with him? A No.

Q You were not asked anything about that? A I don't remember.

Q Can you tell us why you did not state in your testimony in the City Magistrate's court about the conversation you heard Leitman have with Officer Tierney?

THE COURT: You will have to show the question was asked before I will allow that.

Q Now, Officer, did your conversation with him with reference to the property take place before or after you heard the conversation with Officer Tierney? A Immediately afterwards.

Q So that Officer Tierney's conversation preceded yours?

A Yes, sir, then he asked me.

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Q Was that the "truth" that you had reference to? A Yes, sir.

Q And you had heard him already talking to Tierney? A Yes.

Q And that was what you meant by the "truth"? A No, that was not what I meant by the truth; what I meant by the truth was what I heard in the Fourth Branch Detective Bureau that he had made a confession.

Q But you don't know what he said? A No, I have not seen his confession.

Q How did you know that it was a confession if you did not see it? A Because I was told he confessed.

MR. FOLLETTE: I ask that that be stricken out as to the confession.

THE COURT: I am going to strike it out, but you have got just the kind of an answer that your question really called for. I will strike it out and tell the jury to disregard it. If you do not want hearsay evidence from this witness the questions must be framed so as not to call for it.

Q Now, Officer, with what officers did you talk about conversations with Leitman? A I don't remember.

MR. FOLLETTE: That is all.

THE COURT: I think we will adjourn now.

Gentlemen of the Jury, you are admonished not to converse among yourselves on any subject connected with this trial, or form or express any opinion thereon until

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the same is submitted to you. The court stands adjourned until tomorrow morning at half past ten.

MR. FOLLETTE: I ask your Honor to continue bail. It is a thousand dollars in cash, and in addition to that I will be responsible for this defendant.

(Bail continued.)

(A recess is taken to Wednesday, March 29th, 1916,
at 10:30 o'clock a. m.)

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THE PEOPLE vs. LEITMAN.

New York, March 29th, 1916.

TRIAL CONTINUED.

EDWARD M. WILLI, recalled, testifies as follows:

CROSS EXAMINATION BY MR. FOLLETTE: (continued)

MR. FOLLETTE: If your Honor please, I ask the District Attorney at this time to produce a certain receipt book for delivery of goods that was taken from the defendant Jackson.

THE COURT: Have you given any notice to produce?

MR. FOLLETTE: I have not, your Honor, served notice to produce.

MR. KAMINSKY: I am perfectly willing to have Mr. Follette have that book. I understand it is in existence. I have not made a search for it.

OFFICER WILLI: It is in the property clerk's office, I believe. It was with the rest of the property.

MR. KAMINSKY: I will arrange to have it produced.

BY MR. FOLLETTE:

Q Officer, was there a woman who went up to the apartment with you? A Yes, sir.

Q A colored woman? A Yes, sir.

Q Did you ascertain who she was? A No, sir.

Q Did you ascertain whether or not she had previously lived with William Morse?

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MR. KAMINSKY: I object to that as immaterial.

THE COURT: Sustained.

Q Did you go up there to look for articles of hers?

A She said there were some articles there belonging to her.

MR. FOLLETTE: That is all of this witness.

MR. KAMINSKY: That is all.

W I L L I A M B O Y L E, (Fourth Branch Detective Bureau)
called as a witness on behalf of the People, being first duly
sworn, testifies as follows:

DIRECT EXAMINATION BY MR. KAMINSKY:

Q Officer Boyle, on the 17th day of January, 1916, in pursuance to a conversation, did you go to premises 214 West 133rd street? A I did.

Q At what time was it that you first entered the premises there? A To the best of my information, about 3 o'clock in the afternoon.

Q You assisted in the arrest of the defendant and several other men there? A I did.

Q Will you state to the jury the circumstances under which you assisted in the arrest of this defendant? A I entered the apartment there. I saw the defendant and several others in the apartment. Will I mention their names?

Q Yes, you may. A Jackson, a colored man, a man named Morse, Seward, and Brooks; a colored woman named Margaret Devon and another colored woman named aragon.

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Q Where did you see Leitman first in the apartment?

A In the front room.

Q Go ahead. A He and Jacoson and all of the prisoners were in the front room when I got there.

BY THE COURT:

Q Did you enter with the other officers, or did you enter afterwards? A Afterwards.

Q In other words you found the other officers there?

A Yes.

Q You found certain officers there when you got there?

A Yes, sir. I spoke to the other officers and as a result of my conversation with the other officers, I spoke to Margaret Devon. She told me --

MR. FOLLETTE: I object to what she said.

BY MR. KAMINSKY:

Q Was that conversation in the presence of Leitman? A Yes, sir, they were in the front room.

MR. FOLLETTE: I would like to determine how close it was, in other words, whether it was within the hearing of the defendant.

BY THE COURT:

Q How near was Leitman at the time you were talking?

A We were all in the front room. The front room was not as big as the jury box.

BY MR. FOLLETTE: Q Were there persons between you and Leitman

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when you were talking to Margaret Devon? A We were all standing there. I don't know just the exact position of each person. There were at least fourteen in that room at the time.

BY THE COURT:

Q The point is, Officer, if the conversation that you had with the woman was under such conditions as would have naturally been overheard by the defendant, under such conditions as would naturally have led the defendant to say something, then you may detail them, but no matter where they were standing, if it was under conditions which would not have called naturally for the making of any remark by the defendant, then it is not receivable against him. A The conversation I had with Margaret Devon could be heard by everybody in the room.

BY MR. KAMINSKY:

Q Now proceed, Officer. A I asked Margaret Devon her position and she told me. She started to cry and she said she had nothing at all to do with it, she was simply housekeeper for William Morse, who rented the apartment; that the defendant Leitman and Jackson rented a room there and they had been there and that they brought all those goods that I pointed to, the silk, into the house that morning. I asked her if she knew where they came from. She said she did not. I asked her if they had taken them over in a wagon and she said she could not tell, but they made several trips. I asked her if the defendant was a colored man. She said no. I asked her how

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long she knew him or what she knew about him. She said she did not know anything about him only that he had been stopping there and that he was a friend of Jackson's, and whatever business they done she did not know anything about at all; that she was not responsible for the goods being there. I asked her about the other men, about William Morse.

THE COURT: I am inclined to think, Mr. Kaminsky, that this is not receivable as against the defendant. I will strike out that talk. I will tell the jury to disregard it. Gentlemen of the Jury, when this case is submitted to you, you will decide this case without regard to that talk. I have reached the conclusion it is not admissible against this defendant.

Q Did you ask her in the presence of the defendant, who occupied the front room? A I did.

MR. FOLLETTE: If all that talk is stricken out, it would seem to me this question is inadmissible and I object on the same grounds. This is part of that conversation.

MR. KAMINSKY: As I understand the Court's ruling, this conversation was too remote to connect Leitman.

THE COURT: Things said by other people as a general rule are not receivable in evidence against a defendant on trial. They are only admitted in a case where they are said under circumstances that would have called for the making of some reply by a defendant on trial, and then what is said

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is not evidence against a defendant, but the defendant's conduct; and the failure, if you please, to make a reply is a circumstance that may be considered; where there is a general talk, even where it is in the presence and hearing of the defendant, not under circumstances plainly calling for the making of a reply or the making of a statement by the defendant, it is not receivable against the defendant because no inference can be drawn from it, no matter what the defendant's conduct may have been. This appears to be a talk under those circumstances and therefore it is excluded.

MR. KAMINSKY: I withdraw the question.

Q Officer Boyle, did you make an inspection of the premises?

A I did.

Q Did you discover any articles of wearing apparel and goods in the premises? A I did.

Q I show you People's Exhibits 1 and 2 for identification and ask you whether you have seen these goods in the premises?

A I did.

Q Did you accompany the arresting officers and the prisoners to the Fourth Branch Detective Bureau? A I did.

Q Were the articles which you found in the premises taken with them at that time in the patrol wagon? A No.

Q Did you subsequently see these articles in the Fourth Branch Detective Bureau? A Yes.

Q Did you see anyone identify them as their own property?

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A I did.

MR. FOLLETTE: I object to that as immaterial and incompetent.

THE COURT: I will allow it.

MR. FOLLETTE: I object to it on the further ground that it calls for a conclusion.

THE COURT: Yes, it does.

Q Did you hear any statement made by Mr. Blumgarten and Mr. Fine in regard to this property? A I did.

MR. FOLLETTE: Objected to as incompetent.

THE COURT: Allowed.

MR. FOLLETTE: Exception.

Q Did they state that that property belonged to them?

MR. FOLLETTE: I object to that as leading and irrelevant.

THE COURT: Objection sustained.

MR. KAMINSKY: Question withdrawn.

Q What did they say, if anything, about the property?

MR. FOLLETTE: I object to that as incompetent and irrelevant, unless in the presence of this defendant.

THE COURT: Objection sustained.

Q Did you see Mr. Blumgarten and Mr. Fine examine the property? A I did.

MR. KAMINSKY: I offer these articles in evidence.

MR. FOLLETTE: I object to them until I have an opportunity to cross-examine this witness. There is no evidence

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of identification of those goods by any particular mark or otherwise. There is no evidence that these goods had been in his possession during that time, of over two months. There is no evidence here to show by what this officer identified these goods, as goods that were taken from these premises.

THE COURT: I think I will receive the articles in evidence subject to a motion to strike them out.

MR. FOLLETTE: Exception.

(The articles are marked People's Exhibits 1 and 2 in evidence.)

Q Did you accompany the prisoners to the Fourth Branch Detective Bureau? A I did.

Q Did you see Leitman in the Fourth Branch Detective Bureau in Captain Cooper's room? A Yes.

Q Did you hear any conversation between Leitman and Captain Cooper? A Yes.

Q Will you state to the jury what that conversation was?

A I brought Leitman in from the back room into the captain's room where Margaret Devon had previously had a conversation with Captain Cooper and Detective McGee and I. The captain made a statement to Leitman in reference to Margaret Devon and then Leitman made a statement to the captain.

Q Will you state to your best recollection as to the questions put by Captain Cooper and the answers given by Leitman?

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A Well, a short statement was taken by the captain. That would be the best thing, but I know that he stated that he was invited by Jackson, the other defendant to go with him to a certain place downtown on the west side, either 22nd or 23rd street, and that Jackson had taken him to a basement or some such place and that they removed some goods and that their instructions were to get them out of there before the place opened in the morning.

Q What did you see Captain Cooper do after Leitman made that statement? A He wrote it on a paper.

Q Did you see Captain Cooper do anything in reference to that paper? A He handed it to the defendant to read and the defendant signed it.

Q The defendant signed it? A Yes, sir.

MR. KAMINSKY: That is all.

CROSS EXAMINATION BY MR. FOLLETTE:

Q Officer, I show you People's Exhibit 2 and ask you whether or not you put any mark on that at any time by which you could identify it? A I did not.

Q Now, in the Fourth Branch Detective Bureau, there were over fifty ladies' waists, were there not? A I believe there were.

Q Could you identify each and every one of those fifty odd waists? A No.

Q Is there any mark on there at all that you can say posi-

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tively is a means of identification for you? A Only to the complainant.

Q What is there there? A The complainant's marks on the tags.

Q Did you make notes of them? A No.

Q Did you make notes of any marks on any of those fifty odd waists? A No.

Q Did you make any notation or any number or any mark that is on that waist now? A No.

Q Can you state positively that you remember that on that particular waist, when you saw it in the Fourth Branch Detective Bureau, that it had identically that same tag with those same numbers on? A Not the particular waist. There were several waists like this that were picked out by the complainant.

The complainant was allowed to take the rest of the waists away by permission of Mr. Embree, the Assistant District Attorney, and we were instructed to hold the samples. Now, that is a sample.

Q Please answer my question. Can you say positively that on that particular waist, that at the time you saw it in the Fourth Branch Detective Bureau, if you saw it there at all, that it had that same tag on, with those same numbers on?

A I could not. They were marks similar to this.

Q That question calls for a yes or no answer. A The marks were marks similar to this.

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Q Yes or no?

(Previous question repeated.)

A There was no occasion for changing the tags from that day to this.

MR. FOLLETTE: If your Honor please, will you instruct this witness to answer a simple question by yes or no?

(Previous question repeated.)

A I cannot; they were all tags similar.

Q Yes or no? A No, sir.

THE COURT: The answer is "no," the balance is out.

Q I show you this roll of goods, Officer, and ask you whether or not you placed any mark on that roll of goods at the time you saw it in the Fourth Branch Detective Bureau, People's Exhibit 1? A I did not.

Q Is there any mark on that piece of goods by which you can positively identify it as bearing that it was on that particular piece of goods when you saw it in the Fourth Branch Detective Bureau? A I cannot.

Q Now, Officer, did you see the statement that Captain Cooper wrote down? A Which statement?

Q The statement that you say that was shown to Leitman?

A Yes.

Q When did you see that, Officer? A At the time that it was written, the time that the defendant signed it, and several times since.

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Q But you are sure you saw it on the day that he wrote it, or rather, the day that he signed it, as you say? A Yes.

Q You read it over? A Yes.

Q Was there anything in that statement, Officer, by Leitman, to the effect that he had broken into a loft on the sixth floor of the premises occupied by Blumgarten and Erlanger? A I don't think there was.

Q Was there anything in that statement that he was ever in the sixth loft of the premises occupied by Blumgarten and Erlanger? A I don't think there was.

Q The essence of that statement was that he was asked to go down by Jackson to help carry some packages, is that what I understand it to be? A Yes.

Q Did Leitman at any time have any conversation separate and alone with you? A Excepting the conversation, you might call, in walking from the back room. I told him that Margaret Devon had made a statement.

Q He did have a conversation? A Yes.

Q In that conversation, Officer, did Leitman say anything to you that he had broken into the premises of Blumgarten and Erlanger? A He did not.

Q Did he in that conversation tell you that he had even been in those premises of Blumgarten and Erlanger, that is, on the sixth floor? A Upstairs?

Q Yes. A No.

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Q Did he mention anybody by the name of "Al" to you?

A William Morse spoke to me about Al, not the defendant.

Q So that a fellow by the name of Al was apparently known to him? A Yes.

Q Did the defendant say anything to Captain Cooper in your presence about a fellow by the name of Al? A I don't remember that.

Q Did Captain Cooper write down all that this defendant said?

MR. KAMINSKY: I object to that question.

MR. FOLLETTE: I think that is very material.

THE COURT: I think it is plain that this witness cannot answer that question.

BY THE COURT:

Q Are you able to say, Officer, whether he did or did not?

A I don't know.

Q You have not any personal knowledge? A No.

BY MR. FOLLETTE:

Q You read this statement over afterwards? A Yes.

Q You heard what Leitman said to the captain? A Yes.

Q Did the statement that you read contain all that you had heard Leitman say to Captain Cooper? A It did not; the captain talked to him for half an hour.

THE COURT: The answer is "It did not".

MR. FOLLETTE: I think that is all.

MR. FOLLETTE: At this time I move, your Honor, that

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People's Exhibits 1 and 2 in evidence be stricken out as not properly identified by this officer.

THE COURT: That motion is denied.

MR. FOLLETTE: Exception, if your Honor please.

BY MR. KAMINSKY:

Q Officer Boyle, did you hear Captain Cooper make any preliminary statement, or any statement to Leitman? A Yes.

Q Prior to taking down this writing, as you call it?

A Yes.

Q Will you state what that was? A He told the defendant that he had a conversation with Margaret Devon. "Now, you can tell us anything you want to about this, if you want to, but you don't have to if you don't want to, and anything that you tell us may be used against you."

Q Did you see Leitman sign that paper? A I did.

Q Did you see him look at the paper prior to signing it?

A I did.

MR. KAMINSKY: That is all.

THE COURT: Do you want the paper shown to the officer for identification?

MR. KAMINSKY: Yes, but I have Captain Cooper here.

Q Is that the paper? (Handing paper to witness) that you saw Captain Cooper write and show to Leitman? A Yes, sir.

MR. KAMINSKY: I offer that for identification.

(Paper marked People's Exhibit 3 for identification.)

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CAPTAIN ALONZO P. COOPER, (Detective Bureau) called as a witness on behalf of the People, being first duly sworn, testifies as follows:

DIRECT EXAMINATION BY MR. KAMINSKY:

Q Captain Cooper, how long have you been an officer of the police force? A Nineteen years.

Q How long have you been appointed a captain of the police force? A I am an acting captain three years.

Q How long have you been in charge of the Fourth Branch Detective Bureau? A Since it was established in August, 1914.

Q Captain, do you recall the afternoon of January 17th, 1916? A Yes, sir.

Q Do you recall the defendant Leitman being brought into your room by certain officers? A Yes.

Q Did you have a conversation with Leitman? A I did.

Q Did you put some questions to him? A Yes, sir.

Q Did he give you answers to same? A He did.

Q Did you do anything in respect to the answers such as he gave you? A I wrote them down.

Q What did you do subsequently to writing them down?

A I informed him of his rights, that he need not answer those questions unless he wished to, and the answers he made may be used against him some future time.

BY THE COURT:

Q Officer, "subsequent" means after a thing is done.

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BY MR. KAMINSKY:

Q Did you inform him of his rights before you took down the writing or after? A Previous.

Q And after you got through with the writing, did you do anything with the paper that you wrote it on? A I retained possession of it.

Q Did you give it to Leitman for any purpose? A I read it to him.

Q Did Leitman do anything with respect to the paper?
A He signed it.

Q I show you People's Exhibit 3 for identification and I ask you whether you wrote on this paper and whether that is the paper that I refer to? A Yes, sir, that is my writing.

Q Look at the signature at the bottom of that second sheet. Whose signature is that, if you know? A That is the one signed by the defendant, Harry Leitman.

Q Did you see him sign it? A Yes, sir.

MR. KAMINSKY: I offer this paper in evidence.

MR. FOLLETTE: I object to that, your Honor, as not containing the entire conversation between this witness and the defendant, and it is not shown under what circumstances, particularly, it was obtained. It is not in the defendant's handwriting.

BY THE COURT:

Q When you read the paper to the defendant, did you read

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it correctly; that is to say, did you read the words that now appear upon it and all of them, and nothing but what appears upon it? A Nothing but what appears on the paper, your Honor.

Q And did you read all that does appear? A Yes, sir, word for word.

Q As it now appears? A Yes, sir, word for word.

Q And you read it in that way, as I understand, before the defendant signed it? A Yes, sir.

Q And after you read it the defendant signed it? A Yes, sir.

THE COURT: If you contend that it was not voluntarily signed by the defendant, but was signed as the result of fear produced by threats or by reason of some stipulation on the part of the District Attorney that he would not be prosecuted by reason of it, then I will allow you to examine this officer along those lines, before determining whether or not I will receive the paper. If you make no such contention, I will receive the paper because it is not an objection to the reception of it that it does not contain everything that the defendant may have said.

MR. FOLLETTE: I do contend that it was made under circumstances which were more more or less coercion.

THE COURT: That does not at present appear, but you have the right on the basis of that contention to examine in a preliminary way the witness for the purpose of ascertaining the circumstances under which the paper was signed.

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BY MR. FOLLETTE:

Q Officer, before the defendant Leitman was brought in to you, he had been in charge of Officer William Boyle, Officer Stebbit and Officer Tierney and Officer Willi and Officer Edward Doyle, had he not? A They were there, I believe, but he was brought upstairs in my office by Detective William Boyle and McGee.

Q Did you ascertain from those officers as to whether or not they had talked with this defendant? A No, there was no conversation in that line, to my knowledge.

Q About what time was it that this defendant was brought to you? A On or about 4 p. m., I believe.

Q Did you ascertain when he had been arrested, about what time? A No, I can't recall as I asked, counselor.

Q Do you know now whether or not these officers whom I have mentioned had talked to this defendant before you saw him?

A I have no knowledge whether they conversed with him or not.

Q Have you talked to those officers since the arrest?

A Yes.

Q Since you talked to this defendant? A Yes, on numerous times.

Q Did you ascertain whether or not they did talk to him before you did? A No, I did not.

Q You don't know? A No.

Q You don't know what was said to him or what was done with

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him before he was brought up to your office? A I do not.

Q Did the defendant tell you that he had been talked to by the other officers? A No, sir.

MR. FOLLETTE: That is all.

MR. FOLLETTE: I still object to the introduction of this paper, because it does not appear by this officer as to what had taken place on behalf of this defendant with reference to other officers before he was brought into the office of this Captain Cooper.

THE COURT: Before the paper can be excluded, you have to affirmatively show that it was signed or made under circumstances which would preclude its reception in evidence. That you have failed to do. The Court will receive the paper. It is now an exhibit in the case.

(Paper marked People's Exhibit 3 in evidence)

MR. FOLLETTE: Exception, if your Honor please.

MR. KAMINSKY: May I have permission to read it to the jury?

THE COURT: Certainly.

(At this point Mr. Kaminsky reads to the jury People's Exhibit 3 in evidence.)

(At this point People's Exhibit 3 is handed to the Court.)

MR. FOLLETTE: If Your Honor please, I move that the contents of that statement be stricken from the record, and the jury be instructed to disregard it, and that so far as

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the contents of the paper itself are concerned, they be not received in evidence, on the following grounds.

There is nothing therein contained that makes any reference to any of the property alleged to have been taken from the premises in question occupied by Blumgarten & Erlanger.

Also that there is nothing in the statement with reference to the time of the commission of any act on the part of Jackson.

Also that there is nothing therein contained to show that this defendant in any way participated in any act committed by Jackson.

Also that there is nothing therein contained to show that there is anything connecting this defendant with the commission of the act alleged in the indictment.

THE COURT: I think that I will let the paper remain in evidence. It will be for the jury to consider in connection with all the circumstances in the case.

MR. FOLLETTE: Exception, if your Honor please.

MR. KAMINSKY: Your witness.

CROSS EXAMINATION BY MR. FOLLETTE:

Q Captain, did you write down everything that Leitman told you? A Yes, in connection with the affair.

Q Did you write down all your conversation with Leitman?

A I did not write down my conversation, no.

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Q You wrote down everything that Leitman told you? A In connection with this case, yes.

Q Captain, didn't he mention to you a man by the name of Al? A No, sir, not that I can recall.

Q And after you had talked to this defendant, didn't you say to this defendant, "I don't think that you boys had anything to do with this, we must get that fellow Al"? A No, sir.

Q You did not? A No, sir.

Q You did not say that at all? A I don't remember that conversation.

Q Do you remember hearing the name of Al? mentioned by anybody that was taken from premises 214 West 133rd street?

A No, sir, I do not.

Q You talked to Jackson, didn't you? A My conversation --

Q Please answer yes or no. A Yes.

Q Was the name of Al mentioned to you by Jackson? A I believe not, no, sir. Not that I can recall.

Q Was the name of Al mentioned to you by William Morse?

A No, sir.

Q You don't remember the name of Al being mentioned at all by anybody? A No, sir.

Q Officer, you did not write down the warning that you had given this defendant either, did you? A No, sir.

Q You simply wrote down that it appeared as a voluntary statement by him? A Yes.

Q Was there anyone in the room with you at the time that

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you talked to this defendant? A A woman by the name of Devon, I believe, Margaret Devon.

Q Any other officers in the room? A Detective McGee was in and out, and Detective Boyle was in and out.

Q That is, William Boyle? A Yes.

Q There is also an officer Edward Boyle, on your Bureau, is there not? A Yes.

Q He had some connection with this case? A He did, but I don't recall him being in the office at the time. I don't recall Detective Edward Boyle being in the office at the time I took Leitman's statement.

Q Were there any other officers in the room when you were talking to this defendant? A Not that I can recall.

Q How long were you talking to him? A I can't specify the time.

Q Were you talking to him at least half an hour? A Perhaps.

Q Were you talking to him longer than that? A Possible, perhaps less; I can't recall the time.

Q Will you give me the best approximate length of time that you can? A Why, it may have been fifteen minutes and it may have been forty minutes; I can't say; I didn't specify the time. I didn't take note of it.

Q But it was quite a long period of time; that is, it was not a mere instant? A It was not two or three minutes, but it was sufficiently long to write that statement.

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Q It was sufficiently long for you to talk to him, ask him the questions and for him to answer and then for you to write ?

A Yes.

Q Did you begin to write while he was talking, or after he had finished talking? A No, before, while he was talking.

Q As you asked him questions and he answered them, you wrote them? A Yes, sir.

Q And in that length of time only, questions and answers were made sufficiently long for you to write two pages? A The questions were not made, the answers were made.

Q There were only answers enough made for you to write two pages? A Yes.

Q This is in very coarse handwriting and wide lines, is it not? A Yes, quite large letters.

Q Did you at any time, Officer, tell this defendant that you wanted to help him? A I think I told the defendant I thought he should help himself.

Q Did you tell him that you wanted to help him? A I don't think so; I don't recall that conversation.

Q Did any officers in your presence while he was in your office tell him that they wanted to help him? A Not to my knowledge.

Q If such was said, you did not hear it? A I don't recall it.

Q You do not recall hearing it? A I do not recall hearing

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it, yes, sir.

Q Did you ask the other officers in the case as to whether or not any of them told him that they wanted to help him?

A No, sir.

Q Did you tell this defendant that it was not young boys like him that you wanted to get, but it was the thieves in the case? A I want to get all thieves, counselor.

Q (Previous question repeated) Did you say that to him?

A I don't remember as saying it in that way, your Honor. I do not recall such conversation.

Q Did you say words to that effect to him?

BY THE COURT:

Q Did you use other words to him which meant just about that?

A I may possibly have.

BY MR. FOLLETTE:

Q Is it your best recollection that you did? A I am inclined to think I did say something about I was anxious to get the receivers.

Q Did you say to him in words or effect that you were not anxious to get a young man like him, but wanted to get the receivers; did you couple the one statement with the other?

A I don't quite remember how that was stated.

Q What is your best recollection about that? A They answered the question this way that there were two men had been brought in.

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Q No, we will not have it answered that way. Just think now and give me your best recollection on the proposition as to whether or not you coupled with the statement that you wanted to get the receivers, a statement to the effect that you were not anxious to get young men like the defendant?

A There was something said with reference to that, that I was anxious to get the receivers.

Q Did you couple with the statement that you were anxious to get the receivers, a statement to the effect that you were not anxious to get young men like the defendant? A Yes, sir, but it was not put in the same words that the counselor placed it, but I can't recall the way.

Q In what words did you put that statement? A If I recall correctly I did say that we were not anxious to convict young men, but receivers, that persons who received are worse than the thieves at times; that the receivers made thieves, something like that, I think.

Q By "receiver" you mean those persons who buy goods from young men that may have been stolen? A From where they had been procured illegally.

Q Those were what you meant by receivers? A Yes, sir,.

Q And in this particular case, Officer, did you believe at that time that there were two persons under arrest who would be charged as receivers, namely, Weinberg and Rosenblatt?

MR. KAMINSKY: I object to that.

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Objection sustained.

Q Growing out of this same transaction, Officer, are there two men by the name of Feinberg and Lindenblatt, who are charged with receiving?

MR. KAMINSKY: I object to that.

Objection sustained.

Q Officer, did you say to this defendant that he probably would get out of his difficulty if he made a statement to you with reference to the connection of Feinberg and Lindenblatt with this case? A No, sir.

Q Did you make any reference at all to Feinberg and Lindenblatt while you were talking with this defendant? A No, sir.

Q Did you tell this defendant that he probably would get out of his difficulty if he told you everything that he knew about it? A No, sir.

Q Had you ever seen this defendant before? A No, sir.

Q That was the first and only time that you had seen him up to that time? A To the best of my knowledge, I don't think I ever saw the man before.

MR. FOLLETTE: That is all.

MR. KAMINSKY: No other questions.

(At this point Officer Stebbitt is called in the corridor.)

MR. KAMINSKY: The people rest.

MR. FOLLETTE: I think, your Honor, that Mr. Kaminsky

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called Officer Stebbitt, another witness.

THE COURT: I understand Mr. Kaminsky has rested.

MR. KAMINSKY: I do not like to take up the time of the Court. I feel I have put in a case.

MR. FOLLETT: If your Honor please, I move for a dismissal of the indictment on the ground that there is no testimony connecting this defendant with the commission of the crime alleged in any of the counts of the indictment.

Further, upon the grounds that there has been no proper proof of the articles that were taken from the premises in question, no identification of the goods satisfactorily to show that the goods that are introduced in evidence were the goods or any part of the goods that were taken from those premises, not identified by either Mr. Fine or Mr. Blumen-garten, so that there has been no proof substantiating any of the three counts in the indictment.

And I further move especially for the dismissal of the three counts in the indictment upon the grounds that there is no evidence to show that these goods were ever in the possession of this defendant, or if they were in the possession of this defendant, that there was any knowledge on his part that they were stolen property at the time they came into his possession.

I further move for the dismissal of the first count in the indictment upon the grounds that there is no evidence

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to show that this defendant broke and entered the premises of Blumgarten & Erlanger with the intent to commit a crime, and I further move for the dismissal of the second count upon the grounds that there is no evidence to show that this defendant removed any of the property from the loft occupied by Blumgarten & Erlanger, or came into its possession under circumstances such as to render him chargeable with the crime of grand larceny.

THE COURT: There is some evidence in this case that the complaining witnesses were the occupants of a loft where they were carrying on business as co-partners; that they were manufacturers of waists, and that they kept in that loft certain sample waists and certain materials from which to make waists, from orders; that the premises occupied by the complaining witnesses were locked and fastened on the afternoon of January 15th, 1916, which was a Saturday afternoon, and that between that time and some time on Monday morning, January 17th; some person or persons entered those premises, a window that had been fastened, being found unfastened on Monday morning, January 17th, by a young man by the name of Wilder, who, according to his testimony, was the first person in the employ of the complaining witnesses to reach the premises; that the defendant was the occupant of a room in a flat uptown, which was occupied by others as well as the defendant, but the room in which the defendant

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was, being occupied by himself alone. I say there is some evidence going to that point, and there is some evidence that property which has been offered and received in evidence in this case, was found inside of that flat in a room said to have been occupied by the defendant and said to have been occupied by the defendant alone. There is some evidence that that property was property that belonged to the complaining witnesses, and there is some evidence in the statement made by the defendant to Captain Cooper that the defendant had acquired possession of a portion of that property by taking it in conjunction with one Jackson from premises on West 22nd street, about four doors away from the premises occupied by the complaining witnesses. There is some evidence in the case likewise contained in that statement of the hiring by Jackson in conjunction with the defendant of a room in the flat downtown. I think that there is a sufficiency of evidence to take the case to the jury, and to make it a question of fact for the jury; whether in the light of all the testimony in the case the defendant answers to the description of one concerned in the crime under section 2 of the Penal Law. Of course, this assertion in no way imports any opinion by the Court as to what the verdict should be. I think I will deny your motion and let the case go to the jury.

MR. FOLLETT: If your honor please, will you consider

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again my motion on the third count, the question of receiving?

THE COURT: No, because I think that is a count which should go to the jury.

MR. FOLLETTE: Will your Honor note this statement again, that there is no evidence in this statement with reference to the particular property that is alleged to have been taken from the premises?

THE COURT: I understand that.

MR. FOLLETTE: Exception, if your Honor please.

MR. KAMINSKY: I notice in your Honor's remarks that your Honor stated concerning Blumgarten & Erlanger, that it was a co-partnership. I have tried it on the theory that it is a corporation, and I have a certified copy of their incorporation. I spoke to Mr. Follette about that.

MR. FOLLETTE: Yes, I will not contest that. I will admit they are a corporation.

THE COURT: Well, we will regard that in the case, and my remarks as modified to that extent. That is conceded?

MR. FOLLETTE: No question about that at all.

(Mr. Follette opens to the jury.)

HARRY LEITMAN, the defendant, (2687 Eighth Avenue) called as a witness on his own behalf, testifies as follows:

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DIRECT EXAMINATION BY MR. MCLELLAN:

Q Now, Harry, speak up loudly so that the last juror may hear you and do not answer my questions unless you understand my questions thoroughly. How old are you, Harry? A I am twenty years old.

Q When were you twenty? A November 21st, 1915.

Q Where are you living at present, and with whom are you living at present? A My father and mother.

Q Your father is in business in this city? A Yes, sir.

Q At what particular place? A 295 West 142nd street.

Q What is your father's business? A He has a fish store in conjunction with fruit and vegetables.

Q Your mother is living? A Yes, sir.

Q And have you any brothers and sisters? A Yes, sir.

Q How many? A I have three other brothers and one sister.

Q Are you the youngest of the family? A I am the next to the oldest.

Q Are you working at present? A Yes, sir.

Q For whom? A For my father.

Q How long have you been working for your father? A Two years straight, now.

Q Before working for your father for whom did you work?

A I worked for the United Sparging Company, 142 West 14th street.

Q How long did you work there? A About five years.

Q Who is the president of that company? A Mr. Edgar Wessel.

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Q Is there a man by the name of Simon Cohen also connected with the company? A Yes, he is vice-president.

Q Did you go to school, Harry? A Yes, sir.

Q Did you graduate? A Yes, sir.

Q At what age? A I graduated at the age of fifteen or fourteen, I believe it was.

Q Since that time have you been working continuously?

A Yes, sir.

Q Now, do you remember the day of your arrest, the 17th of January? A Yes, sir.

Q At that time were you living in premises 214 West 133rd street? A Yes, sir.

Q Who rented that apartment, do you know? A I understood William Morse rented the apartment.

MR. KAMINSKY: I object to that, what he understood.

THE COURT: Objection sustained.

Q Well, who occupied that apartment? A William Morse.

Q Anyone else? A Aragon, Seward, Margaret Devon and myself.

Q How long had you been living with William Morse?

A About five months.

Q William Morse is a colored man? A Yes, sir.

Q What is his business? A He is a cook on the New York Central.

Q In the Pullman service? A Yes, sir.

Q How long have you known him? A I have known him since

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I have been seven years old.

Q In that neighborhood where you live is there a mixture of white and colored people? A There is.

Q When you went to school, did you mingle with colored people? A Yes, sir.

Q Were there colored boys in your class? A Yes, sir, the majority of them were.

Q You grew up with colored people? A Yes, sir.

Q How did you come to go to live with William Horse?

A My father quite a number of years back had had a house at 49 West 133rd street, and William Horse lived there, that is with his people, his mother. They lived there, and from that time on I have known William Horse.

Q How did you come to go to live with him? A Because I had went to school together with Roy Horse, that is his brother. We grew up together in the same neighborhood, and I graduated. Being graduated I left Roy Horse, as he was still in school. Having known Billy quite some time, I thought if I went for myself I could do better.

MR. KAMINSKY: I have no intention to object or to shut off this defendant's testimony, but I do submit some of this is entirely immaterial.

THE COURT: I will let it all go in now. I will let him state his full story.

Q Go ahead. A I had known Billy Horse for quite a while,

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a good number of years, in fact, and I told my father it would be best for me to shift for myself; that I was getting at an age when I thought I was a burden to him, and that I better look out for myself from now on. So he told me, he said, "Well,". I explained to him that having known Willie Morse, and that he, a very fine young gentleman --

BY THE COURT:

Q You claim you went there with the consent and permission of your father? A I did, sir.

BY MR. FOLIETTE:

Q Did you tell your father at the time where you were going?

A Yes, I told him.

Q After you went to live with William Morse did you look for employment outside of working for your father? A I did.

Q Did you find it? A No, sir.

Q That is, did you find better employment than that with your father? A I did not find better employment.

Q You continued in his employment? A I did.

Q He paid you? A Yes, not a regular salary. He paid me sometimes he gave me four dollars a week, sometimes five dollars, and he bought my clothes for me.

Q And that would pay your room rent? A Yes, sir.

Q Where did you get your meals? A Sometimes at my father's house and other times at Willie Morse's house, where I stayed.

Q Also state, Harvey, how you came to be arrested; your

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connection with everything that transpired. A I belong to the Selm Crescent Athletic Club at 102 West 133rd street, where I did some Marathon running for the club, and I also played on their basketball team. Two months before I was arrested Jackson introduced me to a fellow by the name of Al. His last name I don't know. So I asked Jackson who Al was and he explained to me that Al, he thought Al was a business man downtown. So I said, "Maybe he could get me a job downtown.". He said, "Well, I don't know if your reference is good.". I said, "You can inquire where I last worked, and you can inquire off my father; I am working for him at the present, and see whether my references are good or not.". He said, "I think that will be satisfactory; I might have an opening for you some day."

Q Who said that? A Al said that.

BY THE COURT:

Q You have not told us yet where you met Jackson, or at least, I have not heard. A I met Jackson at the Selm Crescent Athletic Club.

THE COURT: Yes, you did state.

A (Continuing) Al told me if he had an opening for me he would let me know through Jackson. So on Saturday night Jackson came to my father's store, he said, "I think Al has work for you on Monday morning.". I said, "That will be much better than working for my father because he is supposed to be a business man downtown.". So I went to work until 12 o'clock that night

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for my father. I went home; I went to 214 where I stayed in my room and got up Sunday afternoon and I went to my father and I said, "Pop, you don't need me Monday morning, do you?".

He said, "Monday is generally your day off, being you work all week late hours, I will give you Monday off." So I said, "In case I don't get work I will be back in the afternoon."

So I came back. I went down with Jackson and I went to 22nd street and Seventh avenue. On the corner there Jackson met Al. Him and Al proceeded into a building. They went into a building in 22nd street, the number of which I don't know, and Jackson told me to meet him at Sixth avenue and 22nd street.

BY THE COURT:

Q Was that the first time that you had met Al? A That was the second time, your Honor.

Q Where did you meet him first? A First I met him at the Selm Crescent Athletic Club.

Q What was Al's last name? A His last name I don't know. They went into this building on 22nd street, that is, Jackson and Al.

BY MR. FOLLETTE:

Q Go ahead, now. A Jackson said to me to wait for him at 22nd street and Sixth avenue.

BY MR. KAMINSKY:

Q That was Sunday afternoon? A No, sir, that was Monday morning. I waited on the corner of 22nd street and Sixth

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avenue for about ten minutes when Jackson came down with two packages and he said that Al said to wait here for him, that "We would be down in about twenty minutes.". So Jackson and Al came afterwards and we went up on the 23rd street and Sixth avenue elevated.

BY MR. FORIETTE:

Q Did Al go up with you? A Yes, sir, Al went up, with us.

BY THE COURT:

Q Al was about how old a man? A About twenty-five or twenty, I should judge.

Q White or colored? A White.

Q What was Jackson, a white or a colored man? A Colored. And Al said, "I have these two packages I have to deliver at 125th street in a department store, and the rest has got to go to the Bronx. So he said to me, "Where do you live at?". I said, "I live in 133rd street.". He said to Jackson, "Where do you live?". Jackson said, "139th street." He said, "The 133rd street premises would be nearer to me, to 135th street car, as I got to go to the Bronx.". He said, "You take the packages up there and wait until I get there and then you will help me carry them up to the Bronx.". I brought the packages up there, brought them to 214 West 133rd street.

Q Arriving there at what time? A Arriving there at about 10 o'clock, I should judge.

Q In the morning? A Yes, sir.

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Q On Monday, January 17th? A Yes, sir.

Q Go ahead. A I arrived there at 10 o'clock and I brought the packages up and put them in the front room, which was not my room, as I occupied the rear room, the room behind the kitchen. I went to my father and asked him would he give me the rest of the day, and he explained that he would. He would not need me the rest of the day. So I came back to the premises; I ate breakfast there and I was lying on the couch in the diningroom when the officers rang the bell. The woman came to the door and asked me does Morse live there, when Officer Willi pulled the door open and carried me into the diningroom.

BY MR. FOLLETTE

Q You mean picked you up and carried you? A No, he told me to go into the back. I said, "What is the trouble?". He said, "We came up here to look for this woman's things. Where are her things?". I said, "What woman, I don't know the woman."

In fact, I never did know the woman that came with him, but as I understand she was something to Willie Morse, and that she had just come out of the penitentiary, being there ten months for carrying a concealed weapon. I stood there and they arrested me. They took me to the Fourth Branch Detective Bureau.

BY THE COURT:

Q First they took you from the diningroom into the front room, did they not? A Yes, sir. They searched me. Officer

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Edward Boyle searched me, but they did not find anything. I had nothing on my person. So they took me to the Fourth Branch Detective Bureau.

BY MR. FOLLETTE:

Q After you took the packages up there and placed them in the front room, did Jackson stay there? A Jackson did stay there. I left and he went into the diningroom and stood there, but first, before I did that I went to my father's and asked him could I have the other half of the day off and he told me yes.

Q Did you see when Feinberg and Lindenblatt came into the premises? A No, sir, I did not.

BY THE COURT:

Q Was Al one of the persons placed under arrest?

A No, sir.

BY MR. FOLLETTE:

Q He was not in the premises at all when the officers came?

A No, sir, he got off at 125th street with two packages and he never returned, saying he would be up there in half an hour's time, and for me and Jackson to help carry his packages to the Bronx where he had his place of business, he said.

Q After the packages were placed in the front room, did you open the packages or help to open them? A No, sir. I didn't open the packages at all.

Q Were you present when they were opened? A No, sir.

Q After you placed the packages in the front room did you

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have any conversation with anybody there with reference to the packages? A I think I did with Jackson. I said, "Jackson, what's in the packages?". He explained that there was some silk goods belonging to Al in them packages. So I said, "Do you think that this Al is a business man, Jackson?". He said, "Why, I am pretty positive that he is, otherwise I would not touch it.". I said, "If you knew that these goods were stolen, Jackson, you had a right to tell me first off, I would never have touched these packages.".

Q When did you say that to him? A I said it to him before the officers came.

Q What made you think that they were stolen before the officers came? A Because Jackson had told me it was quite a quantity of silk there. I said, "I could not see that Al looked so prosperous as to own a lot of silk like that.".

BY MR. FOLLETTE:

Q You merely thought then they were stolen? A Yes.

Q That was about how long after you had taken them into the house? A That was about two hours, I should think.

Q And before the officers came? A Yes, sir, about two hours

Q In the meantime had Al come? A No, he did not come.

Q Did that in any way arouse your suspicions? A It did arouse them by Al not coming.

MR. KAMINSKY: That is rather leading.

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THE COURT: I will let him answer.

Q Were you in any way, Harry, to participate in any of the proceeds of any stolen goods? A No, sir.

Q Did you at any time go to the loft of Blumgarten & Erlanger? A No, sir.

Q The premises alleged to have been broken open? A No, sir.

Q Did you ever enter those premises? A No, sir.

Q Did you ever take any goods out of those premises?
A No, sir.

Q Were you in any part of the apartment when the officers came? A I was in the diningroom when the bell rang. I opened the door and let Officer Willi in, he was the first officer. Then came Tierney, then Stebbitt, that is all I seen.

Q And you were taken to the diningroom and then into the front room? A Yes, sir.

Q When you were taken into the front room, who was there?

A I saw two fellows there, two other white fellows there and Officer Tierney, I believe; Jackson, Margaret Devon, Roy Morse and Al Seward.

Q When you returned from your father's house that forenoon, do you remember when you went into the apartment, who let you in? A Margaret Devon.

Q Do you remember whether or not the door to the front room at that time was closed or not? A It was closed.

Q And you went straight to what part of the house? A The

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diningroom.

Q Who was there? A Willie Morse and his aunt, Frances Aragon. Willie Morse was sick that day.

Q And he was not out on the road? A No.

Q How long had he been in from the run? A About two days; he laid off on account of sickness.

Q State everything that happened from the time the officers came? A The officers came and I was searched by Officer Edward Boyle and they took us in the patrol wagon and afterwards took us to the Fourth Branch Detective Bureau. There we were brought into a room where Captain Cooper and McGee were, and they threatened me. In fact, they struck me.

MR. KAMINSKY: I object to that, "They threatened me".

THE COURT: You may say what was said.

A (Continuing) Sergeant McGee said, "I thought boys on the East Side like you had to steal; you are one of those hard boys that come from the East Side and you refuse to tell.". And Captain Cooper afterwards said, "If you tell on the receivers we will see that you get off with a suspended sentence.". I said, "I haven't done anything to receive any suspended sentence, and in fact, I don't know them other two men that you claim are the receivers.". So after a while Captain Cooper gave me a statement, he said, "Here, sign that", and he made an attempt as if to strike me. In fact he did several times, push me hard and bang my head up against the wall, and Sergeant

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McGee, he kicked me in the shins and forced me to sign that paper.

Q Now, tell the entire conversation that you had with Captain Cooper? A I told him that this fellow Al as I related in my testimony here previous, how he came to get the packages.

Q The same as you had told before? A Yes, the same as I told before. So Captain Cooper and McGee, Officer McGee, they were talking together. They said, "We want this fellow Al, we don't want these two fellows; we want this fellow Al.". He said it quite plainly and he gave Willie Morse a description of this fellow Al, if he should ever see him, to give this description to the first officer he meets, and to have him arrested. We were taken downtown on the patrol wagon. While we were in the room they interviewed Jackson separately and Margaret Devon separately. I was conversing with Officer Willi. I said to him, "Being arrested won't hurt me, hurt my chances of ever becoming a policeman?", as I had intended to take the examination this June for the police force. On the way down in the patrol wagon Officer Tierney said to me, "You are trying to hold back something from us; you haven't told us the truth entirely.". He said to me, "It is those years if you don't tell the truth.". I said, "Why should I hold back anything from you, in fact I have told all I know about the case.". So that is all the interview we had with him until they took us

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to Police Headquarters where they took our finger-prints.

BY JUROR No. 12:

Q Before, I understood you to say when you were brought into the parlor you said there were two white men there. Who were those two white men? A I didn't know them.

Q You did not know them? A No, sir.

BY MR. FOLLETTE:

Q Have you since learned that their names were Feinberg and Lindenblatt? A Yes, I did.

Q Because they were all taken out? A All taken in the Jefferson Market, where I learned their names.

Q How long were you in prison before you were bailed?

THE COURT: I think that is immaterial.

MR. FOLLETTE: I want to show, Your Honor, the length of time since then, and what has been done since.

THE COURT: That is immaterial.

Q Since you have been out on bail, Harry, have you been looking for this fellow Al? A Yes, sir.

Q Have you found him? A No, sir.

Q Have you been around the neighborhood where Jackson took you that morning on the 17th? A No, sir.

Q You have not been there? A No, I have not been around that neighborhood.

Q Have you been to the Selma Crescent Athletic Club where you met Al? A Yes.

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Q Did you see him there? A No, sir.

BY THE COURT:

Q Have you asked Jackson what Al's last name was? A Yes, sir, I have.

Q What did he tell you? A He explained that he did not know his last name; he knew him only as Al.

Q Did you ask him where Al lived? A Yes, he explained somewhere in the Bronx.

Q Did you ask him where Al did business? A No, sir, I did not ask him that.

BY MR. FOLLETTE:

Q Harry, are you connected with the Boy Scouts? A Yes, sir.

Q How long have you been? A For six years, I believe.

Q Are there colored boys in the same company with you?

A No, I belong to the White Troop.

Q Are there colored boys that do belong to the Boy Scouts in your neighborhood there? A Yes, sir.

Q Do you drill with any of them? A Yes, sir.

Q Who is at the head of the Boy Scouts? A The head of that is Major R. C. Wendel.

Q He has charge of your company? A Yes.

Q He is a colored man? A Yes.

Q And he has charge also of the colored companies?

A Yes, sir.

BY THE COURT: Q What public school do you go to? A Public

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School 24.

Q That is located where? A 128th street.

Q And what avenue? A Fifth avenue.

Q You say the majority of the boys there were colored boys?

A Yes, sir.

BY MR. FOLIETTE:

Q Harry, have you been able to find out how the premises of Blumenkrohn & Erlanger were broken into? A No, sir.

Q You know nothing about it and had nothing to do with it?

A No, sir.

Q Have you ever been arrested before? A No, sir.

MR. FOLIETTE: That is all.

BY JUROR No. 3:

Q Did you hear William Morse mention Al's name to Captain Cooper? A I could not quite remember. I don't quite remember, I could not say if I did or not.

Q Do you know if Officer Boyle was standing there when William Morse mentioned the name of Al to Captain Cooper?

A I think he was.

CROSS EXAMINATION BY MR. KAMENSKY:

Q Leitman, did you ever go under another name than Leitman?

A No, sir.

Q Did anybody call you Robert Lally? A No, they called me Lally.

Q Who called you Lally? A Every boy in the street pretty

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near since childhood up.

Q Did they call you Rob? A No, sir.

Q Were you working for your father on the Saturday previous to your arrest? A Yes, sir.

Q Your father keeps his store open Saturdays? A Yes, sir.

Q And you were working for him? A Yes, sir.

Q Were you working during the week previous to your arrest, for your father? A Yes, sir.

Q How much were you getting from your father? A Varied sums. Sometimes \$4, sometimes \$5, sometimes \$3, with my clothes.

Q And then you decided to stop being a burden to your father, is that correct? A Yes, sir.

Q And five months prior to your arrest you rented a room?
A Yes, sir.

Q How much rent did you pay for that room? A \$2 a week.

Q Don't you know that the expenses of a boy are very much less in his father's own home than elsewhere? A No, sir, they are not.

Q Does your father pay for an additional room in your flat by reason of your being with him? A On account of him having only four rooms where he is staying at now and being seven in the family, they were short one room. So I told my father that I know Willie Morse and that I think he has a room that I could live with him.

Q When last you lived with your father they occupied four

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rooms? A Yes, sir.

Q And when you left him they occupied four rooms? A Yes, sir

Q And when you were arrested they occupied four rooms?

A Yes, sir.

Q Is your father a wealthy man? A No, sir.

Q How much rent does he pay? A \$12.

MR. FOLLETTE: I object to that as immaterial.

THE COURT: Sustained.

MR. KAMINSKY: There was direct testimony that he went out of his father's home, to help his father, and I believe I am within my rights that his going out of the home was a distinct detriment to his father. I have a right to impeach him on that.

MR. FOLLETTE: I think I cleared that up.

THE COURT: I will allow the examination to proceed.

Q Don't you know that your \$2 a week or \$8 a month which would have been saved if given to your father, would have been a distinct help to him in paying his rent? A Yes, but I was looking for work at the same time. In fact I did apply at the New York Central office in 42nd street, to run on the New York Central as an assistant steward.

MR. KAMINSKY: I move that be stricken out as not responsive.

THE COURT: Strike out the balance after the word "yes".

Q Don't you know that the \$8 a month that you were paying

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to strangers would have reduced your father's rent to \$10 instead of \$18?

MR. FOLLETTE: Objected to as argumentative.

THE COURT: Objection sustained.

Q Did you find any work for yourself during the five months that you lived with strangers? A No, sir.

Q Did you tell your father where you proposed to live?

A Yes, sir.

Q Did you explain to him what people they were that you were moving to? A Yes, sir, he having known Willie Morse for about ten years.

Q Didn't you know during the five months that Margaret Devon was a kept woman in William Morse's house; yes or no?

A I don't know.

Q Didn't you testify on the witness stand that you knew, or you were informed or believed, that the woman who knocked at the door was released from State's Prison and was formerly connected with Morse? A Yes, but that is not the Devon woman.

Q Did you know that that woman was that formerly? A Yes.

Q Did you state that to your father when you left him, with whom you are going to live? A No, because William Morse claimed he and this woman had parted forever.

Q Where did William Morse sleep in the apartment? A He slept in the room adjoining the parlor.

Q Was anybody sleeping with him? A That I could not say.

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Q Where did Margaret Devon sleep? A She slept when Mr. Morse was out, in the same bed that Mr. Morse occupied when he was in.

Q Where did Margaret Devon sleep when Morse was in town?

A That I don't know.

Q And you lived there five months? A Yes, sir.

Q And you are a member of the Selm Athletic Club?

A Yes, sir.

Q Is that a church club? A Yes.

Q Are there any other white members in that church club?

A Yes, sir.

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

Q Do you know their addresses? A No, sir.

Q How long have you been a member of that club? A I was one of the organizers of that club.

Q How long have you been a member of that club? A Pretty near eleven years.

Q And you don't know the address or the name of a single white boy who is a member of the club? A No, sir, I do not.

Q You testified that you worked for your father continuously for two years, is that true? A Yes, sir.

Q Did you ever tell anybody that you had colored blood in you? A No, sir.

Q Did you tell Margaret Devon that you had a brother down South who was a colored boy? A No, sir.

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Q Did you ever have a conversation with Margaret Devon in regard to your relations with your father? A No, sir, we never conversed on that subject.

Q Do you know whether your father prays at the Lafayette Hall? A Yes, sir.

Q Did your father ask you to join him in his prayers at Lafayette Hall? A No, sir, I went willingly myself.

Q Isn't it a fact that the reason for the disagreement with your father is that you have refused to go with him to the house of worship? A No, sir, because I went willingly. I went myself. I bought my own ticket.

Q Did your brother, your young brother ever come to the house when you lived with Morse?

MR. FOLIETTE: Objected to.

THE COURT: Objection sustained.

Q When did Jackson first tell you about Al? A That I could not say, I don't know.

Q What is your best recollection on that point? A I could not positively say.

Q How long before the arrest approximately? A I could not say.

Q What did Jackson tell you at the first conversation when he mentioned Al to you? A He said he thought Al was a business man downtown and that he had a couple of stores in the Bronx.

Q Did you ask Jackson what business Al was in? A No, sir.

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Q You were looking for a job? A Yes, sir.

Q And you saw an opportunity to go into business? A Yes, sir

Q And you have not asked Jackson what sort of business he was in?

MR. FOLLETTE: Objected to as argumentative.

THE COURT: Objection sustained.

Q Did you ask's second name was? A Yes, sir.

Q What was the answer? A Jackson said that he did not know Al's second name.

Q Did you ask where Jackson's business address was? A I never knew that Jackson had any business address.

Q Did you ask Jackson where Al's business address was?

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

THE COURT: Allowed.

A Jackson said it was somewhere in the Bronx, the number he did not know.

Q How long after your conversation with Jackson about Al did you see Al personally? A I never saw Al but twice personally. That was two months before I was arrested and the day that I carried the packages for him.

Q How long after Jackson mentioned Al's name to you for the first time did you see Al personally? A Not until the morning that I carried the packages for him.

BY THE COURT: Q Jackson spoke to you about Al? A Yes, sir.

Q How much time passed from the time that Jackson spoke to

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you about Al before you saw for the first time Al. Did you see Al before Jackson had spoken to you at all about him? A Yes, sir, he used to come around the club quite often and watch the boys train.

BY MR. KAMINSKY:

Q Who did? A Al.

Q So how many times did you see Al in the club room?

A Once. Jackson told me he was a constant visitor there and watched him train.

Q I want to make myself as plain to you as I possibly can, and be as fair with you as I can. You had a conversation with Jackson in regard to Al, who was supposed to be able to give you a job, is that right? A Yes.

Q After that conversation, how many days or weeks passed when you first laid your eyes on Al? A One week passed.

Q Did you have a conversation with Al? A I did.

Q Will you state what that conversation was? A I asked him did he have any work for me yet.

Q That is all? A He asked me when our next game was. I told him our next game probably would be in East Orange, New Jersey.

Q The only question in regard to employment was as you testified? A Yes, sir.

Q Did you ask him for his business card, that is, Al?

A No, sir, I did not.

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Q Did you ask him what his second name was? A I asked him and he said, "Oh, what's the use, you don't have to know that."

Q He refused to give you his name? A Yes.

Q Did you ask him what business he was in? A I did.

Q What did he answer? A He said he was in the shirtwaist business.

Q Did you ask him what position he could possibly offer you?
A I did.

Q What did he say? A He said carrying a grip for a salesman.

Q Did you speak to him about salary? A Yes, sir.

Q What was that? A He said, "If you carry packages for the salesman you will receive \$9 per week", and I told him that I would give him some money if he got me that position.

Q Give whom some money? A Al.

Q So Al was not the business man? A He was a business man.

Q You offered Al some money? A Yes, and he said that he had a position for me.

Q Did Jackson tell you that Al would give you a job?
A Jackson did not.

Q Jackson told you that Al will get you a job, is that right? A Yes.

Q So Al was not in your mind a business man? A He was, from what I understood it to be.

Q And yet, did you offer him commission for the prospective

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work? A No, sir. But I had it in my mind to give it to him.

Q Did you tell him you would give him this money? A No, sir.

Q So what you stated is what you had in mind? A Yes, sir.

Q Where did you sleep the night before your arrest?

A At 214 West 135rd street, the room behind the kitchen.

Q Alone? A No, sir.

Q With anybody else? A Yes, sir.

Q Who was it? A Roy Morse.

Q In the same bed? A Yes, sir.

Q Was it a large room? A No, sir, not so large.

Q What sort of a bed is in that room? A A white enameled bed.

Q A single bed? A Double.

Q When was it that you first saw Jackson on the morning of the 17th of January? A He came to my room.

Q Just walked into your room? A He rang the bell. Some one admitted him. I was lying in bed sleeping. He came to my room and woke me up.

Q Was Roy Morse in bed with you then? A Yes.

Q What did Jackson tell you? A Jackson said that Al had some work for me downtown.

Q Yes, go ahead. A I got up and dressed and went down with him.

Q Then what happened? A Waited on the corner of Seventh avenue and 22nd street. Jackson and Al went into the building.

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Q You went down with Jackson to the corner of 22nd street and Seventh avenue? A Yes, sir.

Q Did you meet Al there? A Yes, sir. I did not meet him, Jackson met him.

Q I am asking you whether you met Al there? A No.

Q Did you leave Jackson at the corner of 22nd street and Seventh avenue? A Yes, sir.

Q Did you see Al around that corner? A Yes, sir.

Q Where did you see Al first? A At the corner of 22nd street and Seventh avenue.

Q Now, just what transpired when you first saw Al; did you recognize him as Al? A Yes.

Q Did you say anything to him? A I said, "Hello."

Q What did you say? A I said, "You meet me on the corner of 22nd street and Sixth avenue."

Q Did you ask him about his job? A No, sir.

Q And all the conversation that took place between you and Al was, "Hello, meet me at the corner of 22nd street and Sixth avenue."? A Yes, sir.

Q Weren't you at all curious to know what sort of job Al had for you? A He might have been in a hurry.

Q I am asking you? A Yes, I was curious to know what kind of a position he had for me.

Q Didn't you ask him? A No, sir, because he left immediately.

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Q Did he tell you he was in a hurry? A No, he did not say he was in a hurry, but I could judge from his actions that he was in a hurry.

Q He left with whom? A With Jackson.

Q When did you see Al next? A When he came to 22nd street and Sixth avenue.

Q You were standing on the corner? A Yes.

Q How long were you standing on the corner before Al came?
A About ten minutes.

Q What time, to your best recollection and judgment was it when you saw Al for the second time at 22nd street and Sixth avenue? A I don't remember.

Q Was it before 10 or after 10? A I could not say.

Q Was it nearer noon, was it 12? A No, sir.

Q Was it about 11 o'clock to the best of your recollection?
A It was about 10 o'clock.

Q What happened when you saw Jackson and Al at 10 o'clock at the corner of Sixth avenue and 22nd street? A Al said, "Here is some packages I want you to help me carry to the Bronx."

Q He said it to you? A Yes, sir.

Q He said it to you? A Yes, sir, "But I have got to make a stop at 125th street with these two packages."-- meaning the two packages he carried in his own hand --

Q How many packages were there that you saw between Jackson and Al? A There were four.

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Q Jackson had two? A Jackson came out and gave me two, he carried two and Al carried two.

Q So there were six? A Yes, sir.

Q Did you see where Jackson walked out from? A No, sir, because I was standing on Sixth avenue and he came from 22nd street.

Q Now, let me understand you, when you first saw Jackson and Al approach the corner of Sixth avenue and 22nd street, how many packages did you see them carry? A They carried six.

Q How many did Jackson carry? A Jackson carried three.

Q How did he carry them? A He carried them under his hand; he had one under his arm and carried two like that (indicating).

Q How large was the package that he carried under his arm? A It was large enough to permit you to get on the elevated station with it. You know they don't let you on with large packages.

Q I am asking you to describe to the best of your recollection the size of the package which you saw Jackson carry under his arm? A A package about a foot long. Not a large package. I could not exactly tell you the correct dimensions of them.

Q How wide was the package? A They were quite bulky.

Q Was it a flat package or a square package? A I could not tell yet, I did not observe that close.

Q Was it a package that looked like a box wrapped up?

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or was it a loose package? A A loose package.

Q What was the thickness of the package, if you can recall that? A I don't think I can quite recall.

Q How large were the packages that Jackson carried in his hands? A Not so large.

Q Were they larger or smaller than the package that Jackson carried under his arm? A They were larger.

Q How many packages did Al carry? A He carried three.

Q How did he carry them? A In the same way Jackson carried them.

Q How large was the package that Al carried under his arm?

A His package was quite a large package.

Q Under his arm? A Yes, sir.

Q And he had two packages in his hands? A Yes, sir.

Q Who gave you two packages? A Al gave me one and Jackson gave me one.

Q Which one did Al give you? A The one that he had in his hand.

Q Which one did Jackson give you? A The one he carried underneath his arm.

Q So that you did not see Jackson go back and bring out two packages and hand them to you as you testified?

MR. BOILEY: I object to that. I don't think that is the testimony.

MR. KAMINSKY: I am perfectly willing to stand by my

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recollection. I am perfectly willing to ask the stenographer to look that up.

(The stenographer looks back to the portion of testimony requested and reads same.)

Q You testified to that? A Yes, sir.

Q Do you want to change that testimony?

MR. FOLLETTE: I object to that question. The testimony is the same as he has testified the second time.

MR. KAMINSKY: The second testimony is he also saw Al with three packages, one under his arm and two in his hands, and Jackson the same way. The first testimony was that he saw four packages. Jackson handed him two and came out with two others.

Q Now, which is correct? A Jackson gave me two packages.

Q Which is correct your first testimony or the second statement?

THE COURT: He has answered.

BY THE COURT:

Q Jackson, you say, gave you two packages? A Yes. Jackson gave me two packages and came to Sixth avenue and 22nd street and gave me two packages. I stood on Sixth avenue where -- in fact on this side of the street is where I believe O'Neill & Adams are at. The store was empty. I put the packages down there and I stood on the corner waiting for them.

BY MR. KAMINSKY: Q Then they approached you? A Yes, sir.

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Q When they approached you did Al have two packages in his hands and one under his arm? A He had two in his hands and he kept moving one package from underneath his arm to his hand because it seemed as if it was quite heavy.

Q That was the first time that you saw Al, is that right?

A No, that was not the first time. I saw him at 22nd street and Seventh avenue before.

Q The first time that you saw Al at the corner of 22nd street and Sixth avenue, how many packages did Al have about him? A Two.

Q Didn't you testify he had three packages; two in his hands and one under his arm? A He only had two.

Q Didn't you testify a minute ago he had a large package, larger than Jackson's under his arm, and two in his hands?

A I don't know if I did.

Q So there were six packages in all? A Yes, sir.

Q Then who spoke to you when you saw Al and Jackson come out when you were at the corner of Sixth avenue and 22nd street?

A Al did.

Q What did he say? A He said, "I want you to help me carry these packages up to the Bronx."

Q What did you say? A I said, "All right."

Q Then what happened? A We went.

Q What happened? A We went to the 23rd street and Sixth avenue elevated station.

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Q Did Al give you any packages after that conversation?

A I had already had my two packages.

Q You had your two packages before you saw Al? A Yes.

Q Did he tell you where to take the two packages to that you had in your hands? A He said he was going right along with us to the Bronx.

Q Did he ask you to carry the two packages? A He did.

Q He did not say anything about you taking the packages into your room, did he? A No, not at that time.

Q Where did you say he went, to the Bronx? A Yes.

Q You took him to the elevated? A Yes.

Q What elevated did you take? A 23rd street and Sixth avenue.

Q Does that go to the Bronx? A No, sir, because he had to stop at 125th street near Eighth avenue with two packages.

Q So he did not tell you to go along with him to help him carry the packages to the Bronx? A He told me first these packages were going to the Bronx.

Q When for the first time did you know that he had to make a stop at 125th street and Eighth avenue? A When we reached 72nd street.

Q Then he told you? A Yes, sir.

Q Before that time you were to accompany him to the Bronx?

A Yes.

Q Didn't you ask him why he took the Sixth avenue L to go

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the Bronx? A I did.

MR. FOLLETTE: I object to that as immaterial and irrelevant.

THE COURT: I will let the answer stand.

A (Continued) The 135th street car runs to Eighth avenue.

Q What happened at 72nd street? A At 72nd street he asked me where I lived and I told him at 214 West 133rd street. He asked Jackson where he lived and Jackson told him at 139th street. So he said, that my address would be nearer to 135th street car, which starts at 135th street and Eighth avenue, to run into the Bronx.

Q Did he tell you at that time that he must get off at 125th street and Eighth avenue? A He did.

Q What was it that he told you in reference to the Bronx packages? A He just told me they were going up there.

Q Did he tell you that you lived nearer to 125th street?

A To 135th street.

Q Did he tell you he would call at your home for the packages?

A He did.

Q Did you give him your address? A I did.

Q Didn't he know your address before? A No, sir.

Q Then he left you where? A At 125th street, and I have not seen him since.

Q Who left with him? A He left by himself.

Q Who continued going on the elevated? A Me and Jackson.

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Q Then what happened? A We brought the packages to 214 West 133rd street and Margaret Devon opened the door.

Q You brought the packages to 133rd street? A Yes, sir.

Q You said that the first time you saw Al it was at 10 o'clock, is that right? A No, I didn't say that.

Q I want to be corrected. A I said I met him at 22nd street and Seventh avenue.

Q At 10 o'clock? A No, sir.

Q What time did you meet Al for the first time at 22nd street and Seventh avenue? A The exact time I don't know.

Q About? A About I could not tell you; I didn't notice no watches at that time.

Q Didn't you testify that it was about 10 o'clock? A I don't think I did.

Q What time was it when you saw Al with the packages at 22nd street and Sixth avenue, if you know?

MR. FOLLETTE: I object to that as already answered twice.

THE COURT: Allowed.

A I could not answer that. I don't know exactly what time it was.

Q How long did it take you to get from 22nd street and Sixth avenue to your home at 133rd street? A It took about three-quarters of an hour.

Q What time was it approximately when you entered your

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apartment at 133rd street? A I didn't take notice of any watch.

Q Was it 12 o'clock? A No, sir.

Q Was it after 12? A At 12 o'clock I was at my father's house.

Q Was it after 12? A No, sir, because at 12 o'clock I was at my father's house.

Q It was before 12? A Yes.

Q How long did you stay in your apartment before you went to your father's house after bringing the packages there?

A About ten minutes.

Q Why didn't you go to your father's house? A I asked him if he needed me to work the rest of that day.

Q Didn't you tell your father you were looking for a job?

A Yes.

Q Didn't you ask him permission on Saturday night to go up and look for a job on Monday? A No, sir.

Q Didn't you so testify? A No, sir.

Q Did you have any conversation with your father with regard to your going to look for a job on Monday? A I did on Sunday.

Q Well, did you get your father's permission to look for a job on Monday, some time during Sunday? A I didn't get that.

Q Did you speak to your father about looking for a job some time during Sunday preceding the Monday that you met Al?

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A I did.

Q Did he give you permission to look for a job? A He said Monday was my day off.

Q So Monday was your day off? A Yes.

Q Then why did you ask your father whether you could go and assist Al with the packages if Monday was your legitimate day off? A Because sometimes on a Monday it is very slow and other times it is very busy, and I generally come in the afternoon to ask him if he needed me the rest of the day, if I didn't find work.

Q So you did not have a day off, did you? A Sure. I had all that Monday off.

Q When did you come to your father's store that Monday?

A It was about 12, I think; it was before noon.

Q Did Al tell you he would meet you at your home within half an hour? A No, sir. He said it might take a little longer.

Q You stayed in your home ten minutes? A I didn't say I stayed in my home ten minutes.

Q Well, at 155rd street, after you brought the packages there? A Yes.

Q Then you went home and asked your father permission to carry those packages to the Bronx? A Yes.

Q What did your father say? A He said, "Yes, today is running slow;" "It looks like it will be slow, so you can have

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the rest of the day off."

Q How long did you stay with your father? A Quite a while.

Q How long was it? A Quite a while.

Q How long; give us your best judgment; was it half an hour or an hour or two hours? A About three-quarters of an hour.

Q Didn't you testify on your direct examination as to staying with your father about two hours? A That I stayed with my father about two hours -- not on Monday.

Q You did not so testify? A No, sir.

Q Well, now you stayed in your house at 133rd street ten minutes; how long did it take you to walk over from 133rd street to your father's place of business?

MR. FOLLETTE: Objected to.

THE COURT: Allowed.

A I never timed myself.

Q About; ten minutes? A Well, it would not take me ten minutes to walk nine blocks especially it being near Eighth avenue.

Q Well, about that, A About that.

Q Then you stayed at your father's house to your best recollection about three-quarters of an hour? A Yes.

Q And it took you about ten minutes to get back? A Yes.

Q Didn't you expect Al at your house? A Yes, sir.

Q Still you stayed with your father? A Yes, sir.

THE COURT: We will take a recess now.

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Gentlemen of the Jury, you are admonished not to converse among yourselves on any subject connected with this trial nor form nor express any opinion thereon until the same is submitted to you.

(The Court takes recess until 2 o'clock.)

(Bail continued.)

TRIAL CONTINUED, 2 p. m.

HARRY LEITMAN, the defendant, resumes the stand and testifies as follows:

CROSS EXAMINATION BY MR. KAMINSKY: (continued)

Q What time was it when you returned to your home at 133rd street?

MR. FOLLETTE: Objected to as already gone over.

THE COURT: Yes.

Q How long did you stay at 133rd street until the officers came in? A I could not exactly tell you what time?

Q What is your best recollection? A I should judge about an hour and a half.

Q And during that hour and a half where were you, in what room? A In the diningroom.

Q All the time? A Yes, sir, and I went into my room in the back some time.

Q Were you during that hour and a half at any time in the front room? A No, sir.

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Q Do you remember testifying on your direct examination that you made inquiries of Jackson in respect to the contents of the packages? A Yes, sir.

Q That he opened part of the packages and showed you the silk? A He did not tell me that.

MR. FOLLETTE: Objected to. That is not the testimony. There has been no testimony to that effect.

MR. KAMINSKY: Question withdrawn.

Q Do you remember having that conversation with Jackson? A Yes, sir.

Q In what room did that conversation take place? A That took place in the kitchen.

Q Where were the packages that were brought in? A I placed them in the front room.

Q Was the front room occupied by you? A No, sir.

Q What room did you occupy? A The room behind the kitchen.

Q They were left in your care, the packages? A No, sir, not exactly in my care.

Q Why did you bring the two packages that you carried into a room which you claim was not your room? A Because it was nearest to the door.

Q So you did enter the front room at some time after reaching the 133rd street flat? A Immediately upon arriving at the flat.

Q What did you do with the packages? A Placed them down

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in the front room.

Q How many packages were placed in the front room? A I placed two.

Q Did you see Jackson place any packages? A No, sir.

Q Did you see what Jackson did with those packages? A He went towards the front room and I placed my packages, -- I came up the stairs before him.

Q Where was it that you saw Jackson holding the packages last? A I left Jackson at 135th street. I got off at 130th street and told Jackson that it was nearer to 133rd street. Jackson said 135th street was nearer and proceeded to 135th street. I arrived at the house before Jackson.

Q How long before Jackson? A Possibly five minutes.

Q And you placed your two packages in the front room?

A Yes, sir.

Q And went back into the diningroom? A Yes, sir.

Q And you say five minutes after that Jackson arrived?

A I don't know exactly the time.

Q About that? A About that.

Q Who opened the door for Jackson? A I don't know.

Q Can you see the door leading into the apartment from the diningroom? A No, sir.

Q Who was in the diningroom when Jackson rang the bell?

A Frances Aragon and Willie Morse and myself were in there talking.

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Q Then the bell rang? A Yes, sir.

Q Who opened the door? A I don't know.

Q Did anyone go out from the diningroom to answer the bell?

A No, sir.

Q Did you see Jackson walk in? A No, sir.

Q When did you see Jackson? A I saw Jackson, he came into the diningroom to talk with me.

Q What did he say to you when he came into the diningroom?

A He asked me was I going to train that night and I told him yes.

Q Did you have any conversation with him with regard to the packages? A As I related before.

Q What was it? A I can't quite remember what I related before.

Q I want you to repeat that. A I can't explain it word for word in particular, but some parts of it.

Q You have testified to a conversation that you had with Jackson this morning? A This morning?

Q Yes, sir. A The morning of January 17th?

Q This morning while you were on the witness stand on direct examination you testified that you had a conversation with Jackson in reference to the packages shortly after they arrived to 133rd street with the packages, is that correct? A Correct.

Q Now, I want you to give to the jury in substance the same conversation that you testified to this morning? A I asked

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Jackson did he think them goods really belong to Al.

Q When did you ask him that? A After we got through talking about training. And Jackson told me that he did not think so.

Q Now, let me get that straight. You were in the diningroom and the bell rang and somebody walked in and then Jackson came into the diningroom, is that right? A Yes, sir.

Q And Jackson asked you whether you are going to train that night? A Yes, sir.

Q And then you asked him whether he thought that the stuff in the packages belonged to Al? A Yes, sir.

Q Then what did Jackson say? A He said he thought so.

Q That was the first time you spoke to Jackson about the stuff in the packages? A Yes, sir.

Q And he said he thought they belonged to Al? A Yes.

Q Then what did you say? A I told him was he positive, he said he was pretty positive, because he had known Al for quite a while.

Q Yes, go ahead. A That was all.

Q Was anything said at that time about the contents of the packages? A Jackson did say that Al was a shirtwaist dealer.

Q Was there anything said at that time about the contents of the packages that you brought in? A Jackson said he did not know what they contained, but he told me thought that they contained shirtwaists and silks.

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Q That was his answer in answer to your inquiry? A Yes, sir.

Q What was it that aroused your suspicions as to the contents of the packages when Jackson walked into your apartment?

A It was not my apartment; -- to the diningroom.

Q Well, into the diningroom. A I could not see that a man of Al's appearance could claim to own them packages. That was the first time that my suspicions were aroused.

Q When you had the talk with Al and he asked you to bring those packages to the Bronx, you had no suspicions? A No, sir.

Q When you went with him on the Sixth avenue Elevated to the Bronx, without knowing that Al was to stop off, you had no suspicions? A No, sir.

Q When he told you at 72nd street that he wanted you to keep the packages in your apartment because it was nearest to 135th street, you had no suspicion? A No, sir.

Q Why is it that you had this suspicion the minute Jackson walked into the diningroom? A Because of Al's prolonged absence.

Q Didn't you testify you went straight to your apartment from the elevated station? A Yes.

Q Didn't you just testify that Jackson walked into the apartment five minutes after you walked in? A Yes.

Q Didn't you testify this morning that Al told you he may be half an hour or longer calling for the packages? A I did.

Q Didn't you just testify that it was the conversation you had with Jackson in reference to the packages immediately after

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asking him the training question? A I don't think I did.

Q Didn't you testify that you stayed in that apartment ten minutes and then you walked to your father's and asked his permission? A Yes, sir.

Q So that all the time you stayed in your apartment after you brought the packages there and before you left for your father's place, was ten minutes? A Yes.

Q You did not expect Al to come in within those ten minutes, did you? A No, not in those ten minutes.

Q You expected him to come in within an hour? A Yes.

Q Well, why were you suspicious; the hour had not passed; only ten minutes had passed? A I was suspicious about why he asked me to carry them to my house where I was staying.

Q Didn't you just testify you were suspicious because Al did not call for the packages? A He said he would probably call for them in half an hour or so.

Q Didn't you testify that Al's absence aroused your suspicions? A I might have.

Q Did you expect Al to come in for those packages within ten minutes after you left the elevated station? A No, sir.

Q Well, what was it that aroused your suspicions?

MR. FOLLETTE: I think that has been answered.

THE COURT: If the witness can give any further answer I will allow it.

A I could not state what aroused my suspicions.

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Q You could not state what aroused your suspicions?

A No, sir.

Q Were your suspicions allayed when Jackson told you that he thought that was Al's stuff? A Yes, sir.

Q And you were perfectly satisfied? A Yes, sir.

Q Then you asked your father's permission whether you might carry those goods up to the Bronx? A I did not ask his permission to carry the goods, because he did not know. I asked him would he need me for the rest of the day, and he said no, that business was very slow that day.

Q Did you expect your trip to the Bronx to take you all day? A No, sir.

Q Why did you ask him whether he could spare you for the rest of the day; it was only 12 o'clock, you testified?

A I figured it would take me probably two hours, and after 5 o'clock my father's store is very slow. Most of his business comes in the morning.

Q Did you see any of the contents of the packages?

A No, sir.

Q When you returned from asking your father's permission to stay out the rest of the day, where did you walk, into what room of the apartment? A When I came back?

Q Yes, sir. A I walked immediately into my room.

Q Did you see Jackson there? A No, sir.

Q Did you have a conversation with anyone in that flat in

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respect to the packages? A No, sir.

Q Didn't you ask whether Al called for the packages in your absence? A I asked that, yes.

Q Whom did you ask? A I asked Willie Morse was Al here, and he said he did not know nothing.

Q Did you see Jackson there? A Jackson came out of the room adjoining the parlor. I asked him did Al get back yet, he said No.

Q Then did you have a conversation with Jackson in regard to the goods again? A Yes. I said to him, "It is funny Al has not called for the goods."

Q What did Jackson say? A Jackson said, "It is kind of funny he does not call, but I expect he will be here. He might have been detained in 125th street."

Q And you were satisfied with that? A Yes.

Q Then you say you went back into your room? A Yes, sir.

Q With whom? A By myself.

Q You stayed in your room how long? A I did not stay there no length of time. I went in there for a handkerchief.

Q And you walked out? A Yes, sir.

Q Where did you stay after that? A In the diningroom.

Q Did you see Feinberg and Lindenblatt come into that flat?

A No, sir.

Q Do you know Feinberg? A No, sir.

Q Did you ever see Feinberg? A No, sir.

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Q Never saw him in your life? A No, sir.

Q Weren't you taken by Officer Willi into the front parlor after your arrest? A Yes, sir.

Q Did you see Feinberg in the parlor? A I did then.

Q That is what I am asking you, whether you ever saw him in your life. That was once in your life? A Yes, but I thought you meant previous to that.

Q Did you see Lindenblatt? A I did.

Q When? A When Officer Willi brought me into that front room.

Q Do you know how they got into the flat? A No, sir.

Q Do you know whether they came in subsequent to your arrival from your father's place? A I don't know.

Q Where was Jackson when you returned from your father's place of business? A I don't know exactly where he was at.

Q Was he in the diningroom? A I could not say.

Q Did you see Jackson when you returned from your father's place? A Margaret Devon opened the door to let me in. I proceeded to my room and got a handkerchief and came back into the diningroom and was sitting talking with Willie Morse and Francis Aragon when Jackson came in. He came into the diningroom and I asked him then did Al come back yet and he said no. I said, "It is funny he ain't called for the packages." He said, "Perhaps he might have been detained at 125th street."

Q That was about 1 o'clock? A Yes, sir.

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Q You were arrested at what time? A I could not say the exact time.

Q Was it 2:30? A I could not say whether it was or not.

Q Was it about an hour and a half after you came back from your father's place? A I think it was.

Q During that hour and a half while you and Jackson were waiting for Al, did you again speak to Jackson about the non-appearance of Al? A No, Willie Morse got up from the couch and sat on a chair, leaning back. Him and Frances Aragon were talking. I laid on the couch and fell asleep.

Q What awoke you? A Willie Morse woke me, he said, "Get up, I want to lay down."

Q When was that? A I don't know.

Q How long before the officers came in? A Probably seven minutes or five or eight minutes.

Q You say you were laying on the couch about an hour?

A Yes.

Q When Willie Morse awakened you, you knew that an hour had passed? A I don't know that an hour had passed. I don't know what amount of time had passed.

Q But you knew you were sleeping? A Yes.

Q Did you ask Jackson whether Al arrived? A No, sir. I was sitting in the chair talking with Frances Aragon and Willie Morse in the diningroom when I awoke.

Q Between the time that you were aroused by Willie Morse

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and the time that the officers came in, there were fully seven minutes? A Yes.

Q And during those seven minutes did you ask again of Jackson or anyone, about the arrival of Al? A I don't remember whether I did or not.

Q Were you taken into the patrol wagon with Feinberg and Lindenblatt and the other men? A Yes, sir.

Q You were with him in the Fourth Branch Detective Bureau, weren't you? A Yes, sir.

Q You were kept in the same rear room that they were for some time, weren't you? A Yes, sir.

Q And you were loaded into the same patrol wagon going down from the Fourth Branch Police Station into headquarters?

A Yes, sir.

Q And they were with you at that time? A Yes.

Q At the time you were arrested and placed under arrest were you asked any questions by the police officers? A At the moment I was arrested?

Q Yes, sir. A No, sir.

Q You testified that Willie opened the door or somebody opened the door and Willi walked in? A Yes.

Q And carried you to the diningroom, is that correct?

A He did not carry me; I walked in front of him.

Q Didn't you use the word "carry" in your direct examination?

MR. FOLLETT: I think that was explained.

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THE COURT: The question is proper.

A I did not expect him to carry me.

Q Didn't you use the word "carry", that Willi carried you to the diningroom? A By carry I mean I walked before him.

Q Do you call that "carry"? A In this form, yes.

Q So whenever you walked in front of a man, he carries you?

A Not always.

MR. POLLETTE: That is objected to as argumentative.

MR. KAMINSKY: Question withdrawn.

Q What happened after you preceded Willi to the diningroom?

A He said, "Get into the diningroom, I came up to look for this woman's goods, this woman's pictures and furniture that she claims she has up in this apartment." We stayed in there and talked; then the officers brought us into the front room.

Q In what position was Weinberg and the other man when you entered the front room? A I did not see that.

MR. POLLETTE: I object to that as immaterial and irrelevant.

THE COURT: I will let the answer stand.

Q Was there wrapping paper on the floor of the front room when you entered it?

MR. POLLETTE: Objected to as immaterial and irrelevant.

THE COURT: Allowed.

A I don't remember.

Q Do you remember whether any goods were in wrapping papers?

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A I could not say for the goods. I didn't know what was in the packages.

Q Didn't you say Jackson told you there were silks and waists? A He said he thought so.

Q So you had an idea what was in the packages? A Yes, I did.

Q What happened when you were brought into the front room?

A I was searched.

Q What happened then? A They were standing around there for quite some time until the patrol wagon came, and we were taken down to the Fourth Branch Detective Bureau.

Q The officers asked you what you knew about the robbery or burglary? A Yes, sir.

Q What did you answer? A I told them I didn't know that a burglary had been committed.

Q The officers were pleasant with you? A Some of them were.

Q None of them struck you? A They did.

Q Right there in the front room? A Not in the front room; they pushed me.

Q They carried you? A No, they did not carry me this time.

Q And was it when you said that you did not know anything about it that you went down to the patrol wagon? A Yes, sir. I did not tell them there I didn't know anything about it.

Q You did not? A No. I did not tell them nothing; they

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just took it. Margaret Devon was crying. I tried to calm her from crying.

Q You tried to calm Margaret? A Yes, she was crying.

Q You were interested in Margaret Devon at that time, weren't you? A No, sir, no interest in her whatsoever.

Q What happened when you were ushered into Captain Cooper's room at the Fourth Branch Detective Bureau? A They had Margaret Devon there, saying that she made some statement.

Q Before that did anybody strike you? A Not before.

Q Now we are in Captain Cooper's room; tell us who was present in that room at that time? A McGee and Captain Cooper.

Q Was Boyle there? A No, sir.

Q Was Margaret Devon there? A She came in and out.

Q Was Feinberg there? A No, sir.

Q Was the other man Lindenblatt there? A No, sir.

Q Just tell us what happened in Captain Cooper's room?

A He said that Margaret Devon had made a statement that me and Jackson had burglarized a place in 22nd street. I told him I didn't know nothing about it, so he got up from his chair and started moving his hands around, and McGee grabbed me and he said, "I taught boys like you years ago how to steal on the East Side."

Q What? A "I taught boys like you years ago how to steal on the East Side."

Q "I taught boys like you", or, "I taught"? A Taught.

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BY THE COURT:

Q You mean showed them how to do it? A Yes.

BY MR. KAMINSKY:

Q Captain Cooper said that? A I didn't say that; I said McGee.

Q In the presence of Captain Cooper? A No, sir.

Q Weren't they in the same room? A Captain Cooper left the room. Captain Cooper told me, he said, "We don't want you boys."

Q Let us confine ourselves to Officer McGee. He told you, "I taught boys like you to steal on the East Side years ago"?

A Yes.

Q Did Detective McGee ask you where you lived? A He did.

THE COURT: I think I will let you tell us uninterruptedly what was done in that room; who spoke and what was said.

A Captain Cooper and Sergeant McGee, I think he is a sergeant, I don't know correctly, -- Captain Cooper got up from his chair and he said, "Now, are you willing to tell us all you know about the thing?", "Or must we force it from you?". He said, "There is no need of forcing it from you.". I said, "I don't know anything about it outside of I carried the packages" so McGee struck me several blows, and Captain Cooper did likewise. and he wrote out a statement and he told me, "You sign that statement.". I said, "Why should I sign that statement?". He said, "Well, we will make you sign it.", so to let up on them

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from strike me I signed the statement.

Q As you entered the room you stated that Captain Cooper got up from the chair and swung his arms several times? —

A Yes.

Q Did he leave the room shortly after that? A He did. I think he went and took the Devon woman upstairs.

Q Was Captain Cooper in that room when Sergeant McGee according to your statement said, "I taught you boys to steal on the East Side years ago"? A I don't remember whether he was or not.

Q Was Captain Cooper in that room when Sergeant McGee struck you several blows? A He was.

Q Did Sergeant McGee ask you where you lived? A He did.

Q What did you answer? A I answered that I lived right here with the Devon woman at 214 West 133rd street.

Q And that is the address that you gave continuously. You gave that address in the Fourth Branch Detective Bureau?

A Yes. I also gave my father's address.

Q In answer to the question in the Fourth Branch Detective Bureau as to where you lived, what address did you give?

A 214 West 133rd street.

Q Did you make any change in your address subsequent to that statement? A I did not.

Q Did you have questions put to you in the police court at the time you were arraigned there? A There were no ques-

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tions put to me.

Q Do you remember signing a paper there in the police court? A I don't remember.

BY THE COURT:

Q In the clerk's room? A Yes, I think I did.

BY MR. KAMINSKY:

Q Do you remember the clerk asking you, "What is your name?"

A He did.

Q Do you remember answering, "Harry Leitman."? A I did.

Q Do you remember the question, "How old are you?"?

A Yes, sir.

Q And do you remember your answer? A Yes, sir.

Q What was your answer? A Twenty years.

Q Did you say nineteen years? A No, sir.

Q Do you remember a question put to you where you were born? A Yes, sir.

Q And do you remember your answer, "United States."?

A Yes, sir.

Q Do you remember a question, "Where do you live and how long have you resided there?"? A Yes, sir.

Q And do you remember answering, "2658 Eighth avenue; -- two years."? A I might have.

Q So you did change your address, didn't you? A Well, they knew all the time I was living there.

Q You did give a different address at the police clerk's

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(office?

MR. FOLLETTE: He has already stated in the Fourth Branch Detective Bureau he gave both addresses, before he was in the police court.

THE COURT: I will allow the question.

(Question withdrawn.)

Q Is this your signature on this paper? (Handing paper to witness) A It is.

MR. KAMINSKY: I offer it in evidence.

MR. FOLLETTE: No objection.

(Paper marked People's Exhibit 4, in evidence.)

Q So when you stated in answer to the question of the police clerk that you resided at 2658 Eighth avenue, or whatever the address is, for two years, you were telling a lie, weren't you? A Not exactly.

Q Weren't you living for five months with the Devon woman?

A I was not living with her. I boarded at her house.

Q Isn't that the place you lived in and slept in? A Yes, sir.

Q Didn't you leave your father's home so as to lighten his burden? A I did.

Q And didn't you make your residence with her for five months? A I did.

MR. FOLLETTE: I object to this insinuating evidence.

THE COURT: We have that now.

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Q So when you told them you lived at that address with your father for two years, you told a falsehood? A I don't know whether I did or not.

MR. FOLLETTE: That is objected to.

THE COURT: Objection sustained.

Q Then Captain Cooper struck you, is that correct? A He did.

Q Did you have a conversation with him? A I did.

Q Did he ask you where you lived? A He did.

Q Did you answer that you lived at 2658 Eighth avenue? A I did, and also told him 214 West 133rd street, which he did not put down.

Q Did you state to him in answer to his question, "I have rented a room at 214 West 133rd street, in company with William Jackson"? A I did not.

MR. FOLLETTE: I object to this line of examination from that supposed statement for the reason there appears on that statement no question asked by Captain Cooper of this defendant. It is simply a complete statement as Captain Cooper says that he wrote up.

THE COURT: Objection overruled. The District Attorney may ask the question.

MR. FOLLETTE: Exception.

Q Did you state to Captain Cooper in answer to his question that you lived at 214 West 133rd street? A I answered that I lived there, yes.

Q So that is correct? A Yes.

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Q And that you hired the room from William Morse? A Yes.

Q That is correct? A Yes.

Q That you were paying for it \$2.50 a week? A No, sir.

Q Now, as a matter of fact were you paying Morse any rent in that apartment in 133rd street? A I paid him two dollars.

Q When? A Every week, pretty near.

Q How long before your arrest was it you paid him the last two dollars? A I think it was on a Friday or Saturday night that I gave it to him.

Q That was one day prior to your arrest, or two days?

A Yes, sir.

Q Did you tell Captain Cooper that Jackson told you that he did the job on 22nd street? A No, sir.

Q Did you mention Jackson to Captain Cooper at all? A I did.

Q Did you tell Captain Cooper that Jackson asked you to help carry up the packages? A I did.

Q Did you tell Captain Cooper that the packages were in a house at Seventh avenue? A I did not.

Q What did you say about the location of the packages when you found them, when you first saw the packages? A I first saw the packages at 22nd street and Sixth avenue.

Q Did you tell Captain Cooper that Jackson arranged with the receivers on the Saturday prior to your arrest for them to come up on that Monday? A I did not.

Q Did you mention anything to Captain Cooper about the

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receivers? A I did not.

Q Did you state to Captain Cooper that on the 7th day of January you were with Jackson? A No, sir.

Q And that you went to a loft on West 25th street between Sixth and Seventh avenue? A I did not.

Q When you answered the question to Captain Cooper as to your residence, was it after or before Captain Cooper as to your residence, was it after or before Captain Cooper struck you, as you allege? A I could not quite remember.

Q When you answered your question to Captain Cooper as to your residence at Eighth avenue, did Captain Cooper note it down on a piece of paper? A I don't know whether he did or not. I didn't see him write.

Q When did you see Captain Cooper write? A I saw him when he told me to stand close to the wall. He sat at his desk and wrote this statement.

Q Did you have a conversation with him as he was writing down the statement? A I don't think I did.

Q Did Captain Cooper read to you the statement? A He did not.

Q Did he show you the statement? A He showed it to me.

Q Did you read the statement? A I did not.

Q Did you sign the statement? A I did.

Q Did he strike you before you signed the statement? A No.

Q Why did you sign the statement? A He told me to sign it.

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Q Is that the best reason you can give? A Yes, because he said, "That statement would help you out."

Q Captain Cooper asked you to tell the truth, didn't he?

A He did.

Q Captain Cooper wanted you to tell the truth, is that right? A He did.

Q Captain Cooper questioned you and asked you to give him the information such as you have in regard to this thing, didn't he? A No, sir. He asked me "What affair did you have with it?" I explained to him about Al and the packages.

Q Did you believe that Captain Cooper wanted to fasten this burglary on you? A I don't think so.

Q Did you believe at the time that you signed that statement that Captain Cooper wanted to fasten that larceny on you?

A I don't think so.

Q What were your feelings towards Captain Cooper at the time he asked you to sign and you signed it? A I can't exactly describe my feelings towards him.

Q Were you in fear of him? A I was.

Q And when you were in fear of him did you believe that he wanted to fasten this burglary on you?

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

THE COURT: He said he did not.

Q Did Captain Cooper read to you any part of this statement?

A He did not.

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Q Did Captain Cooper tell you that he put down in the statement nothing at all about your personal concern with the burglary?

A He told me that he put in that paper that I helped carry the packages to 3214 West 133rd street.

Q That was the truth, wasn't it? A It was, I admitted it.

Q Now, when you entered the Police Patrol wagon on your way down to Headquarters you testified that Officer Tierney said to you, "You have not told all the truth, you are holding back", is that correct? A It is.

Q Did you ask Officer Tierney how much you were to get for this? A I did not.

Q Did you raise your right-hand and state "Never again"? A No, sir; I raised my right-hand and said "I have told the truth."

Q Did you ever use the expression, "Never again"? A No, sir.

Q You know of that expression, "Never again", don't you? A Naturally I would.

Q And you know that it is usually accompanied by raising of the right-hand? A Not always.

MR. CLARK: Objected to as argumentative.

THE COURT: Well, I will let his answer stand.

Q You raised your right-hand to emphasize you were swearing to God that you were not concerned in the burglary?

MR. FOLLETTE: Objected to. He has testified how he came to raise his right-hand. It is purely argumenta-

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tive.

Q Did you tell Officer Tierney you signed a false confession? A No, sir.

Q Did you tell any one in the patrol wagon that you signed a false confession? A I did not.

Q Did you ask any one in the patrol wagon whether that would debar you from your examination for the police force?
A I did.

Q How old were you at your last birthday? A Twenty years.

Q When is your next birthday? A 21st of November.

Q Of this year? A Yes, sir.

Q You testified that you were going to take or prepare yourself to take a patrolman's examination in June of this year?
A Yes, sir.

Q Don't you know that you are not eligible to take that examination until you are twenty-one? A I figured that I would not pass the first time.

Q That is why you would take it? A Yes, sir, and I have intentions of going to school to prepare for it first.

Q Don't you know as a matter of fact that they will not give you an application blank from the Civil Service Commission until you are twenty-one years of age? A I don't know that.

Q Did anybody tell you that you could not be a patrolman until you passed your twenty-first birthday? A No, sir.

Q Did anybody tell you you had to be a voting citizen before you could become a patrolman? A No, sir.

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Q And don't you know you are unable to vote until you are twenty-one years of age? A Yes.

Q And you believed you could be a patrolman without being a voter? A As I said before I was going to go to school, that I had intentions of going to school to leann civil service examination.

Q Did you have intention of taking that examination in June 1916?

MR. FOLLETTE: I object to that as already gone over.

THE COURT: Allowed.

A I don't think I would have took it in June at that.

Q Didn't you testify you were intending to take an examination in June, 1916 for patrolman? A I said I had intentions of taking it.

Q Leitman, isn't it a fact that there is no such person in the world as this Al? A There is Al.

Q Isn't it a fact that there is no such person that you saw at Seventh avenue and 22nd street? A I did see him.

Q You were friendly with Jackson? A Yes, sir.

Q You see him pretty often? A I do.

Q You saw him in this court room several days ago? A I did.

Q And you testified that Al continuously watched Jackson train? A I didn't say continuously; I said at times.

Q Did you ask Jackson to find Al for you? A To find out what?

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Q To find Al for you at this trial, to be as a witness to exculpate you? A I did.

Q What did Jackson say? A He said he had been looking for him.

Q You were on bail? A I was.

Q Did you go to that Athletic Club and ask any one to tell you where Al was? A Did I go there and ask them?

Q Yes, A I didn't know that they knew where he was at.

Q Yet you knew that Al came into that Athletic Club continuously? A I didn't say continuously.

Q To watch Jackson train? A He did not train always inside.

Q You met Al at the Athletic Club? A Yes.

Q And you did not think it was necessary for you to go to that Athletic Club to ascertain where Al was? A No, because I didn't think anybody knew him there.

Q Don't you know if you could produce Al on the stand to substantiate your story that it would be to your benefit? A Yes.

Q And you made no effort to find him? A I did make efforts. I have been at 42nd street and seventh avenue, where they claim he is generally around there.

Q But you made no effort to locate him in the place where you met him? A No, I didn't expect him to be there after this trouble.

Q After what trouble? A After I had got arrested.

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Q Did anybody tell you that Al knew of your arrest? A No.

Q Leitman, haven't you been posing as a colored boy? A No.

Q You know a young lady whose name is Miss Davis? A I do not.

Q She is a stenographer in one of the downtown buildings?

A I do not.

Q Haven't you kept company with Miss Davis? A I have not.

Q Did you tell Captain Cooper that Jackson was a roommate of yours? A I did not.

Q Now, don't answer this question till his Honor has ruled on it: You are out on a one thousand dollar cash bail? A I am.

Q Who put up the cash bail, if you know? A I heard that my relatives had.

Q What relatives? A My grandmother, my uncle, my brother, and my father.

Q Put up a thousand dollars cash bail? A Yes, sir.

Q Did you have a conversation with the receivers in the Fourth Branch Detective Bureau? A I did not.

Q Did you have a conversation with them in the patrol wagon after you left the Fourth Branch? A I did not.

Q Didn't they ask you to stand pat and retract your confession? A No, because they were sitting in the front of that patrol wagon, and I was sitting at the rear end with Officer Tierney, and with the noise that the automobile made you could not hear a word that was said in that patrol wagon, unless you yelled, but I certainly did not yell.

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Q You told the truth to Captain Cooper, didn't you? A I did.

Q And he told you he will help you? A Yes.

Q And when you walked out of his room and shortly thereafter entered the patrol wagon, you said to Officer Tierney, "Well, I will take my medicine, never again?" A I didn't say that to him.

MR. KAMINSKY: That is all.

BY MR. FOLIETTE:

Q Have you been looking for Roy Morse? A I have.

Q Have you been able to locate him? A No, sir, I heard he was supposed to run on an out-of-town meet today.

Q On an athletic meet? A Yes.

Q Did you look for him this morning on your way down to court? A Yes.

Q With a subpoena for him? A I did.

Q Have you ascertained whether or not William Morse is in town? A I tried to find him, and the best I knew he would not be in until Saturday.

Q Now, you testified that you were struck in the Fourth Branch Detective Bureau by Captain Cooper? A Yes, sir.

Q On being asked by the District Attorney if you were struck before you signed that statement, I believe you answered "No"?
A He struck me before I signed the paper, yes.

Q He did strike you just immediately before? A Yes.

Q And when he asked you to sign that paper after he

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had asked you to sign it, did he strike you then? A No, he did not.

Q Were these packages wrapped or unwrapped? That is, did they have wrapping paper around them? A They had wrapping paper around them.

Q All of them? A Yes, sir.

Q Was there any one of those packages that had the shape of a sample case? A I think one.

Q Who carried that? A Jackson, I think.

MR. FOLLETTE: That is all.

BY MR. KAMINSKY:

Q Leitman, for how long have you been identified with the Boy Scout movement? A Quite a number of years.

Q What troupe do you belong to? A 233.

Q What is it, the Boy Scouts? A United States Boy Scouts.

Q Have you a uniform? A I have.

Q What is your rank? A Commissary, uncommissioned officer.

Q When was the last time you attended a scout meeting? A One night last week, I believe.

Q What is the average age of the members of the troupe, if you know? A The average is about maybe eighteen, fifteen, thirteen, all ages.

Q There are some boys in your company who are thirteen? A Yes.

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Q And you are how old? A Twenty.

Q You are a member of the same troupe? A Yes, sir.

S I M O N H. C O H E N, (226 West 136th street) a witness sworn on behalf of the defendant, being first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. FOLLETTE:

Q Mr. Cohen, what is your business? A Examining and sponging and finishing cloths.

Q How long have you been in that business? A About twenty-five years.

Q Do you know the defendant? A I do.

Q Under what name do you know him? A Harry Leitman.

Q Did he ever work for you? A He did.

Q How long? A To the best of my recollection about three or four years.

Q How long since he has been working for you? A Probably two or three or four years, I don't know exactly.

Q Do you know other people who know him? A No, I don't think I do.

Q Was he in your employ continuously for a period of time?

A Yes, sir.

Q Now, as you know him can you state your opinion of him as to truth and veracity?

MR. KAMINSKY: That is objected to.

THE COURT: That is not allowable. The question is

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not properly framed, and we have not the preliminary data
which would permit any question of that kind to be put.

Q Did you ever have any trouble with him? A No, sir.

THE COURT: That is not allowable. You know what
you may ask him.

BY THE COURT:

Q In your establishment you employ a considerable number
of people, is that so? A Yes, sir.

Q And I take it that some of those people are people who
know the defendant who is on trial? A Yes, sir.

Q And of course you know the people whom you employ? A Yes.

Q And they are people who know the young man who is on
trial? A Yes, sir.

Q So that you do know other people who know him? A Well,
if you refer to those, yes, sir.

Q Do you know what the defendant's reputation is for honesty
and truthfulness among the people whom you know, who also know
him? A Well, as far as I know, your Honor, he was always looked
upon, and we always considered him a straightforward honest
boy.

THE COURT: Of course that answer is not technically
correct, but I will let it stand.

BY MR. KAMINSKY:

Q Mr. Cohen, how many people do you employ in your establish-
ment? A That varies according to the season. Sometimes we
have twenty or twenty-five; other times forty or fifty.

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Q You have testified that Leitman might have left your employment two or three or four years ago? A Yes, sir, I am not positive.

Q Have you seen him since he left your employment? A No, I don't think I have; possibly once. If I have, I can't recall it.

Q So for the past four years you know of your own personal knowledge nothing at all about the character of Leitman? A Whatever length of time he has been away from us, I don't know.

Q That is somewhere around three or four years? A Whatever time it is.

Q He was a boy of about fifteen or sixteen when he left you, is that right? A He was older, because we employed him as a driver at times on the wagon, and we would not let a boy of sixteen go on the truck, I don't think.

Q Was it three or four years ago that you lost track of him? A It may have been only two or two and a half years, or three.

Q But during the period since he left you, you have heard nothing of him? A No, not to my knowledge.

Q And you have not discussed him with anybody? A Yes.

Q And you have heard no opinion as to his honesty or integrity? A No, sir.

MR. KAMINSKY: That is all.

J A C O B B A L L I N G T O N, (1327 Hoe avenue, Bronx) a witness called on behalf of the People, testified as follows:

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DIRECT EXAMINATION BY MR. FOLLETTE:

Q Mr. Ballington, what is your business? A General contracting.

Q What line? A In every line, the building trade.

Q Do you know the defendant, Harry Leitman? A I do.

Q Do you know him by that name? A Yes, sir.

Q Do you know others who know him? A I think I do.

Q How long have you know the defendant Leitman? A I know him about four years.

Q Do you know what the reputation of the defendant is for truth and honesty and veracity among those whom you know and who know him? A Yes, sir.

Q What is it? A I know him through his brother.

BY THE COURT:

Q Is his reputation good or bad? A Good, your Honor.

CROSS EXAMINATION BY MR. KAMINSKY:

Q You say you know him through his brother? A Yes.

Q His older brother? A His next brother to him.

Q An older brother? A Yes.

Q Did you ever go out with Leitman? A His brother works for me six years.

Q When was the last time prior to the arrest of Leitman that you saw him personally? A I saw him, I can say maybe a week before, or maybe less.

Q Did you know where he lived at that time? A Not exactly, no.

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Q Did you know with whom he associated at that time? A No.

Q Did you know what he was working at at that time? A Yes, sir.

Q What? A In his father's store.

Q Did you know with whom he kept company at that time? A No.

Q You said you probably know some people that know him also?

A Yes.

Q Who are those people that know him? A I think I know a man by the name of Mr. Hirschberg, that knows him.

Q Did you ever discuss with Mr. Hirschberg the honesty of this man? A No, sir, I never did, but I saw Mr. Hirschberg in the neighborhood there.

Q Did you ever speak to Mr. Hirschberg as to the honesty and veracity and general qualifications of this boy? A I never did.

Q Upon what do you base your opinion that he is honest and truthful and veracious? A Because I saw him working in his father's store, and I used to give his father orders and the boy used to bring it up to my store, and I used to take it home.

Q And because he never stole anything from you you think he is honest? A I think so.

Q That is what you base your general knowledge of his character on, that he delivered some packages from his father to your place, is that right? A I saw him work, that is what I can say.

Q So that every boy that works and every man that works at

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any time during his life is in your opinion, honest, trustworthy and veracious? A An honest man works for his living, that is the way I feel about it.

MR. KAMINSKY: That is all.

W I L L I A M H I R S C H B E R G, (2672 Eighth avenue) a witness called on behalf of the defendant, being first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. FOLLETTE:

Q Mr. Hirschberg, what is your business? A Five and ten cent store.

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

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

Q Under what name do you know him? A Harry Leitman.

Q How long have you known him? A Well, as long as I am there.

Q Do you know other people who know him? A Well, I tell you I am a busy man in my store. I know a lot of people know him in the neighborhood there.

Q Think carefully whether or not you know other people who know this defendant.

BY THE COURT:

Q Do you know through whom the young man who is now being tried? A I am a neighbor of his. I think his father is conducting a business there in that neighborhood, so I am supposed to know him. They are business people, his parents.

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BY MR. FOLLETTE:

Q Do you know business people who know him? A Well, yes, a couple of men around here I seen that know him.

Q Do you know what the reputation of this defendant is for truth, veracity and honesty among those who know him, and whom you also know? A Well, as far as I know about this defendant, I know he was working.

Q Do you know what his reputation is for truth and honesty and veracity? A Well, I know him as an honest boy. In fact, many times I took him in my store to help me.

Q He is working for you? A No, not working. sometimes evening when my help is off I call him to take away orders for me, and collect some money? Sundays too.

Q Do you know what his reputation is for truthfulness?

A What do you mean by truthfulness? A For telling the truth?

A Yes; I never had so much business dealings with him.

Q Do you know what his reputation is among those whom you know?

A well, yes, a good honest boy, always working.

Q Well, with regard to truthfulness do you know what his reputation is? A All right, good.

CROSS EXAMINATION BY MR. KAMINSKY:

Q Where is your store? A 2672 Eighth avenue.

Q You are a neighbor of Leitman? A Yes, sir.

Q Do you know whether Leitman lives in that neighborhood?

A Certainly I do.

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Q He lives with his father? A Yes, sir.

Q In Eighth avenue? A No, sir, they live now across the way. The store is around the corner.

Q As far as you know Leitman has been living with his father right along? A Most of the time. When I wanted him, when I sent in to the store, I could get him there.

Q I am not asking you about that. Do you know that Leitman lived with his father right along? A Yes.

Q Don't you know as a matter of fact that he has been living for five months past with colored folks? A Not that I know of.

MR. KAMINSKY: That is all.

A B R A H A M J A C O B S (291 West 142nd street) a witness sworn on behalf of the defendant, testified as follows:

DIRECT EXAMINATION BY MR. FOLLETT:

Q What is your business Mr. Jacobs? A Butcher business.

Q How long in the butcher business? A I am here in the City about the last ten or twelve years.

Q You are in business for yourself? A Yes, sir.

Q Do you know the defendant Harry Leitman? A I know him about the last four or five years.

Q Do you know other people who know him? A The whole block know him.

Q Do you know other people who know him? A Yes, Hirschberg and somebody else there.

Q Do you know what the reputation of this defendant is as to

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his truthfulness, and honesty, among those whom you know and who know him? A I know him; he is a good, honest boy.

Q Do you know what his reputation is as to truthfulness, for telling the truth? A Yes, sir; what do you mean, telling the truth?

Q Do you know how he is regarded by people who know him about his telling the truth? A I don't know what you mean.

Q Do you know what it is to tell the truth? A I tell the truth.

Q What do people say about Leitman telling the truth? A I don't know.

MR. KAMINSKY: It is conceded he will testify that it is all right.

CROSS EXAMINATION BY MR. KAMINSKY:

Q Mr. Leitman's father patronizes your butcher store, he buys meat from you? A He buys meat from me, why not?

Q Where did Leitman live? A In the same block what I lived.

Q With his father? A He has got a store in the same block, what I know.

Q Do you know where this boy the defendant lived in the last year? A Yes.

Q Where? A He lives in Eighth avenue.

Q With whom? A With his father.

MR. KAMINSKY: That is all.

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CHARLES MAYBROOK, (276 West 142nd street) a witness called in behalf of the defendant, being first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. FOLLETTE:

Q What is your business? A Wholesale butcher business.

Q How long have you been in that business? A I am in that business for the last eight years.

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

Q How long have you known him? A I know him for the last four years.

Q Do you know other people who know him? A Yes, sir.

Q Do you know what his reputation is among those who know him, and whom you know? A Good character.

Q As to his truth, honesty and veracity? A Yes, sir.

Q What is it? A A good character, and a good boy.

Q Do you know what his reputation is for truthfulness?

A Yes, sir.

Q What is it? A He has been working with his father.

Q Do you understand what his reputation is with reference to telling the truth?

MR. KAMINSKY: It is conceded the answer of the witness will be good.

CROSS EXAMINATION BY MR. KAMINSKY:

Q You are a wholesale butcher? A Yes, sir.

Q What business is Leitman's father in? A Vegetable business.

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BY MR. FOLLETTE:

Q Do you know whether this defendant's reputation for truthfulness and veracity is good or bad? A Good.

Q And the same as to honesty? A Yes.

BY MR. KAMINSKY:

Q Do you know what business Leitman's father is in?

A Yes, sir.

Q Are you dealing with Leitman's father? A Yes, sir.

Q He is your customer? A He is not my customer.

Q But you deal with him? A Yes, I am a customer of Mr. Leitman's.

Q Did you see the boy very often in Leitman's store? A Yes.

Q Do you know where the boy lives? A He lives with his father.

Q He has been living with his father right along? A Yes, sir.

Q Are you sure about that? A Yes, sir, as far as I know.

MR. KAMINSKY: That is all.

MR. FOLLETTE: The defendant rests.

MR. KAMINSKY: The People rest.

MR. FOLLETTE: If your Honor please, I renew my motion for the dismissal of the indictment as to count No. 1, upon the ground that there is no evidence showing that this defendant broke or entered the premises occupied by Blumenkrone & Ehrlanger. I also renew my motion for the dismissal of the indictment as to count No. 2, upon the ground that there is no evidence to show that this defendant

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took any goods from the premises of Blumenkrone & Ehrlanger. I also renew my motion to dismiss count three, on the ground that there is no evidence to show that when any goods came into the possession of this defendant they came into his possession at the time when he knew that they were stolen.

THE COURT: Motion denied.

MR. FOLLETTE: Exception. And upon all the other grounds stated at the close of the People's case.

THE COURT: Motion denied.

MR. FOLLETTE: Exception.

Mr. Follette sums up to the jury.

MR. KAMINSKY: sums up to the jury.

At 4:30 p. m., the Court takes a recess until 10:30 next morning, March 30th, 1916, after first duly admonishing the jury in accordance with law.

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New York, March 30th, 1916.

TRIAL CONTINUED.

The Court charges the jury.

The jury retire,

The jury return and render a verdict of guilty of receiving stolen goods, knowing the same to have been stolen.)

Defendant remanded for a week.

L. Lutz,
Official stenographer

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