

START

2436

CASE

CASE #2436

0693

RECEIVED

0615

I N D E X.

Witness	Direct	Cross	Re-Dr	Re-Cr.
Lontjens, Hubert	1	21	55	58
Renton, Alexander	63	68		
Malraison, George.	75	78	83	
Stephens, Edgar	69			

CASE #2436

RECEIVED

0651

I N D E X.

Witness	Direct	Cross	Re-Di	Re-Gr.
Murphy, Mary	84	85		
Street, Gertrude	90	102		

122
122
61

305

CASE #2436

apartment what room did you open to get into your apartment?

A You come to the hall.

Q From the door what room did you enter your apartment?
Is it the bedroom door? A No sir.

Q The door leading to what room did you open to go into your apartment? A When you are in the hall and open the door then you come into our hall.

Q A private hall? A Yes.

Q After you got into the private hall what door did you open, leading to what room? A You go down the hall into the hall.

Q Then you enter a door? A Yes.

Q What room does that door enter? As you entered your private hallway and you want to enter your apartment to what room in your apartment did that door lead? A When you first go in you go into the hall, and then the rooms are on this side of the hall.

MR. ROSENBERG: She means it is a railroad flat.

Q When you go into your apartment from your private hall what room of your apartment would you first go into?

A It would be the hall. All the rooms are on this side of the hall.

Q After you open the door from the main hall to go into your private hall, what is the nearest door that leads from the main hall into your private hallway? A The first door you get to, that was the children's bedroom.

CASE #2436

Q What room was next to that? A The bathroom.

Q What room was next to that? A The dining room or parlor.

Q And what room was next to that? A Bedroom.

Q What doors did you lock? A I did not lock any except the outside door. There were no keys for the inside rooms.

Q Was there a bolt to the outside door? A It was a segal lock.

Q Did you have a bolt on the inside? A No.

Q Did you have a chain on the inside? A No.

Q Those three children were in your room? A No, they were in Richmond.

Q When you say the children's room, they were not there that night? A No sir. I had taken the children down to Virginia. My sister wanted them to stay with her a while.

Q Where were you at the time this defendant first entered the apartment? A He buzzed the buzzer downstairs.

Q (Previous question repeated by stenographer). A I was to open the door for him or he could not have gotten in.

Q You opened the door for him? A Yes. There was nobody else there to open it. I mean Mr. Lontjens.

Q I am talking about your husband. A I did not open the door for my husband because he had the key.

Q When I say the defendant, I mean your husband.



CASE #2436

A I got them mixed up.

Q Where were you when you first saw your husband?

A I was in bed.

Q Mr. Lontjens was in bed, too? A Yes sir.

Q Where was your husband standing when you first saw him?

A He was standing right in the middle of the door. He had a grip in each hand, like that (indicating).

Q What did he say? A He said, "I thought you loved some other man. Now I am sure of it." He said, "I am done with you. The way you have been acting here lately I thought you loved some other man."

Q Did he say that very calmly? A No sir.

Q What did he do with the grips? A He left them in the hallway, turned around and left them in the hall.

Q After he saw you in bed with Lontjens? A Yes sir.

Q He said to you "I thought you loved some other man", and he turned around and walked out with the grips? A He just reached his hand like that (indicating) in back of him and put the grips down. He stands right in that door. He dropped the grips.

Q Then what happened? A Well, he and Lontjens were

fighting, I got out of there as quick as I

Q What he did. You say you were both in bed?

A Yes.

Q Did he do? A Well, he was talking to him

CASE #2436

and cursing him for one thing.

Q What did he say? A Have I got to tell you that?

Q Answer the question. A He called him a damn, -
a bad name.

Q What happened; did he jump on the bed, your husband?

A No sir, my husband did not. I got out of the bed real
quick and Mr. Lontjens did.

Q But your husband was at the door? A Yes sir. My
husband told Mr. Lontjens "Come into the dining room, I
want to talk to you."

Q What did you do? A I beat it back to the bath
room as quick as I could get back there and I locked the door.
I did not ^{know} what in the name of the Lord might happen.

Q The bathroom door has a lock? A Yes, just a little
bolt you push.

Q Didn't your husband say to you, "You get out of here"?
No sir.

Q He did not say that? A No.

Q Did he strike you? A No, he made an attempt but I
ducked out of his way.

Q Did he run after you? A No sir.

Q Your husband was fully dressed? A Yes sir.

Q So that after you left that room and went into the
bathroom, what did you do then? A There was an old skirt
and coat and hat that I put on.

Q Then what did you do? A I fastened the coat, put

0658

CASE #2436

the coat on in the hall and went right out.

Q So that you don't know what happened? A No sir, I don't.

Q You say that you did not see your husband with a revolver? A I did not.

Q You don't know whether he pulled a revolver out from his pocket at the time you ran out and ran into the bathroom? A I never knew him having a revolver.

Q You said before that your husband had no revolver. I am asking you now, - you say you left hurriedly? A I did.

Q Your husband made an attempt to strike you? A Yes.

Q You run into the bathroom? A Yes.

Q You don't know of your own knowledge whether or not your husband did not have a revolver? A You don't know nothing unless you see it.

Q Where did you go that night? A I walked.

Q What time was it you left the house? A I don't know exactly.

Q Half-past eight or nine o'clock? A It must have been after nine.

Q Where did you walk to? A I just walked up and down. I did not know where to go to. I had no money with me. I was afraid to come back to the apartment.

Q Didn't your husband tell you why he invited Mr. Lontjens into the other room? A No sir. I did not stop to ask him.

0659

CASE #2436

Q You did not go back because you were afraid of bodily harm? A Well, yes.

Q Did you go to any police station? A No sir.

Q Or police officer? A No sir, I did not know what to do. I did not tell anybody anything.

Q Where did you walk around? A I walked up and down.

Q How long did you walk? A Pretty near all night long. I was pretty near frozen to death. I called up next morning around nine o'clock, I called up the janitress and she said when she rang our apartment, no one answered, so I said I had to go back.

Q You did not go into the janitress that night? A No.

Q You did not go to any tenants or neighbors? A No, I did not want them to know it.

Q You felt your husband might do you bodily harm?

A I did not know what ^{to}/think hardly.

Q You were afraid to go back? A Yes, wouldn't you be afraid to?

Q Didn't you believe he would do bodily harm to Lontjens? A I did not know what in the world would happen, I was so scared.

Q You don't know how Lontjens got there, how he got your address? A No sir, I am not positive. I am just telling you what I am positive of.

MR. NELSON: That is all.

CASE #2436

BY JUROR NO. 7:

Q In this coat which you put on when you went out in-
to the street, after you left the apartment, was there
any money in the coat? A. No sir, it was an old coat.

Q You say that you telephoned? A The next morning,
yes.

Q What kind of a telephone did you use? A I used a
telephone there at one of the delicatessens; they open pretty
early.

Q Did they let you use the telephone for nothing?
A Yes sir, I told them I would send the nickle back.

BY MR. ROSENBERG:

Q This person who has been referred to as Mr. Hahn,
do you know whether he was a friend of the complainant in
this case? A No sir, I could not swear, but I seen them
sitting down smoking a cigars together in court.

Q When was that? A When I was down in 54th Street
court.

Q The same lawyer who represents the complainant in
this case represented M r. Hahn? A Yes sir.

MR. ROSENBERG: That is all. The Defendant rests.

MR. ROSENBERG: I renew the motions made at the
close of the People's case upon each of the grounds
there stated.; and I insist that the People have not
proved the charge mentioned in this indictment.

CASE #2436

THE COURT: Motion denied.

MR. ROSENBERG: Exception, please.

Testimony closed, both sides rest and counsel sum
up.

THE COURT: Gentlemen of the jury, do not discuss this case among yourselves nor permit any person to talk to you about it, nor form nor express any opinion as to the guilt or the innocence of the defendant until the case is finally submitted to you.

Be in your seats at 10:30 o'clock tomorrow morning.

The Court takes a recess until April 11, 1918,
at 10:30 A.M.

CASE #2436

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

2938

THE PEOPLE OF THE STATE OF NEW YORK

Before

-against-

HON. OTTO A. ROSALSKY,

ROY STREET.

Judge.

New York, April 9, 1918.

The defendant is indicted for attempted extortion.

Indictment filed January 15, 1918.

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

For the People: ASSISTANT DISTRICT ATTORNEY EDELSON, ESQ.

For Defendant: K^o HENRY ROSENBERG, and

WILLIAM L. SCHNEIDER, ESQS.

A jury is duly impanelled and sworn.

Mr. Edelson opens to the jury.

HUBERT LONTJENS, a witness called on behalf of
the People who gives his address as Valhalla, New York,
being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. EDELSON:

Q Mr. Lontjens, what is your business? A Diamond
setter.

Q How long have you been a diamond setter? A Well,
for 25 years.

Q By whom are you employed? A By Tiffany & Company.

Q How long have you been employed as a diamond setter
for Tiffany & Company? A About five years.

CASE #2436

Q Are you married? A Yes sir.

Q Have you a family? A Yes sir.

Q A grownup daughter? A Yes sir.

Q How many children have you? A One.

Q How old is your daughter? A About 23 now.

Q Do you know Gertrude Williams? Did you ever know anybody by that name, Gertrude Williams? A Yes sir.

Q How long did you know Gertrude Williams? A Over a year.

Q When did you first meet her, if you remember? A The first time I met her was on 34th Street and Broadway.

Q How long ago? A Over a year ago.

Q Was she married or single at that time? A She was single.

Q You say you met her a year ago? A Over a year ago.

Q How long then after the first time did you see her again? if at any time? Did you see her again after the first time? A Yes, I met her many times.

Q Did you see her on November 14th, 1917? A I seen her on November 14th, 1917.

Q Prior to November 14, 1917, when was the last time you saw her, Gertrude Williams? A At least six or seven months ago.

Q Sure about that? A Yes sir, March or beginning of April.

Q That six or seven months before November 14,

CASE #2436

1917, you had not seen this woman, Gertrude Williams? A No.

Q Now, on the 14th day of November, 1917, did you have a conversation with Gertrude Williams? A Yes.

Q Over the telephone? A Over the telephone.

Q Did you call her up or did she call you up? A She called me up.

Q Did you recognize her voice? A Yes.

Q Where did she call you up?

BY THE COURT:

Q You were familiar with her voice before that time?

A Oh yes.

MR. ROSENBERG: We will admit that.

BY MR. ADELSON:

Q Where were you at the time you received this telephone message? A I went to my restaurant, as usual.

Q Where was this restaurant? A 49th Street, Beck and Zucca, 49th Street between 6th and 7th Avenues.

Q Do you dine there? A Yes, nearly every day.

Q Did you dine there at the time you knew this Gertrude Williams seven or eight months before November 14th, 1917?

A Yes.

Q Was she ever there with you? A She was there a couple of times.

Q Did you notify this Gertrude Williams in any way that you were going to be at that restaurant that day? A No sir.

Q Did you answer the telephone? A I answered the

0665

CASE #2436

telephone.

Q As the result of that telephone conversation that you had with this Gertrude Williams where did you go? A I went back to my business.

Q Did you make any appointment with her? A Yes, she asked me to come to see her, she had something very important to tell me.

Q Where were you to see her? A She told me to see her at her house, 212th Street, 433 West.

THE COURT: I am allowing this evidence on the theory that you charge them both with acting in concert.

MR. EDELSON: Indictment does not say they were acting in concert, but that is my theory.

THE COURT: You can show that the parties were acting in concert, although the indictment does not so charge: (citing case of People vs. Katz, 209 N.Y.; People vs. Blivin, 112 N.Y.; People vs. McKane, 143 N.Y.), otherwise this testimony would ^{not} be admissible.

BY MR. EDELSON:

Q As a result of that conversation, at her request you went to 433 West 212th Street, in the County of New York?

A Yes.

Q What time of the day or night did you go there?

A That same day she told me to come and see her and it I come, to come there, not to come before six o'clock, - that is to come after six o'clock. So I went there.

CASE #2436

0667

seven that same night.

Q What happened when you arrived there? What floor did you go to? A Third floor. When I rang the bell, the name Miss Williams was on the bell.

Q You mean the bell downstairs in the vestibule? A Yes.

Q You saw the name Williams? A Yes. So I went up three flights. I went up to the third floor. Miss Williams was waiting for me at the door.

Q Was this the same woman you knew seven or eight months before? A Yes, the same woman. So she invited me to come in and we sat down in the dining room and had a conversation, for at least a good half an hour, and she was all alone in the apartment. So I did not have much time to stay with her that night and I told her I would not be able to stay there long and she told me "Well, anyway come and see my apartment." So the first thing she did she showed me her bedroom. Coming in to her bedroom we had a little conversation about the elections, and she invited me to sit down and take my hat and coat off. She said, "Well, you still got your beautiful diamond ring." I said, "Yes, I still got that." She said, "Let me try it". She took it off my finger and she put it on her finger. So about three or four minutes after that, she did not have time to speak very much when suddenly the defendant came in and he said, "What does this mean here?" He took a revolver out of his pocket and he said, "Hands up," So I held my hands up. He said, "What are you doing here?" I told him what

CASE #72436

opened, that I was invited by Miss Williams. He said, "You walk in front of me and you sit there in the dining room." I sat in the dining room.

Q Had you had your clothes off there at that time?

A I had my coat off.

Q Had you had any intercourse with this woman at all?

A No, nothing, just talking.

Q Go ahead. A So when I was sitting in the dining room that fellow said, "Now, I am going to make you pay for that." He went to a drawer in the buffet in the dining room and took a piece of paper out, and pen and ink, made me dictate what to write on that piece of paper, always with the revolver in front of me.

Q Who was doing the talking? A The defendant.

Q Then he was dictating. A He dictated to me.

Q He told you what to put down? A Yes.

Q And he had the revolver in front of you? A Yes. So he said "You go write on that piece of paper." He made me write: "I admit --

MR. EDELMAN: I call for the production of that paper.

Q Do you remember now what this defendant said at that time and what you were writing down? A When I wrote down on that piece of paper, he said, "Now, I am going to show you that this is not a fake." He pulled a bullet out of his revolver and threw it on the table and he said, "Now, you bite

CASE #2436

7
in that." "And you will see that this is no fake." I had the bullet in my hand.

Q What did he dictate to you at that time? A He made me write down on that piece of paper, "I admit that I was found on the bed with my clothes off, with my coat off, with Mrs. Gertrude Street, my wife, November 14th, 1917, at eight o'clock at night." And signed my name.

Q What happened after that? A After he said "Now I am going to make you pay for that." "Are you married?" I said, Yes. He said, "You got children?" I said Yes. He said, "That is all right, I am going to see tomorrow lawyer and I am going to explain to him the case and I am going to meet you tomorrow at one o'clock, on the corner of 45th Street and Broadway, and if you are not there I am going to make you feel what it is." So the next day at one o'clock I was there.

Q What became of that diamond ring that you say the woman took? A I forgot to state that. In the meantime when they wanted me to dictate that letter he said to his wife, "Now, you get out of here." So the woman went out and did not see her again since.

Q Did you see the ring since? A Never.

Q She had the ring? A She had the ring on her finger.

Q You have been in the diamond business a long time?

A Yes.

Q What was the value of that ring?

CASE #2436

8
MR. ROSENBERG: Objected to as not within the issue. That is not the property charged in this indictment.

MR. EDELLSON: I can show anything else that was exploited from November 14th to the date of this indictment.

THE COURT: It is part of the history of the case. I will allow it.

MR. ROSENBERG: Exception, please.

THE COURT: Not as proving a separate crime, but simply a circumstance connected with the transaction.

A The value of the diamond ring was about \$450.

Q Now, what did he say to you before he let you go that day, the defendant? A He said, "Now, I want to meet you tomorrow at one o'clock and if you are not there why I am going to make you known to your family, to make it known to the family."

0679
CASE #2436

H-1

Q What would he make known to the family? A If I don't show up the next day, about that note.

Q You mean he was going to show that note to your family?
A Yes. He said "I possess the little note and I am going to expose you with that to your family".

Q He said that? A Yes.

Q Did you meet him the next day? A Next day at one o'clock I met him at 45th Street and Broadway, and there he said --

Q Who said? A The defendant said, "Well, let's go to a restaurant and have a talk." We went to a restaurant in 45th Street, G. B. G. Table d hote restaurant. There we had a conversation. The defendant told me that he saw his lawyer that morning, and he explained to him the case what happened, without mentioning any names, and he said, "Now I am going to make you pay for that. How much money can you raise tomorrow?" I said "Well, I would not be able to raise very much money because I have not got any". "But possibly I can raise about \$200 for tomorrow". He said "Can you raise more than \$200?" I said, "no, it is impossible". So anyway he said tomorrow I want the \$200. "Now don't forget to be here tomorrow". So the next day which was on a Saturday, I brought him up in that same place on 45th Street and Broadway \$200. He said, "let's go to the Wallick Hotel in the lobby on 43rd Street". He did not

CASE #2436

067

H-2

10

want to accept the \$200 on the street. We went to the lobby and there I handed him the \$200 in \$20 bills. I asked him to sign a paper for them. The defendant did not accept it.

Q When you say he did not accept it, did he take the money? A He took the money.

Q You mean he refused to sign the paper? A He refused to sign the paper for the money I gave him. So he said, "I will see you someday next week". About Tuesday of the next week he telephoned to me and he said "You be in your restaurant". I said yes. He came and saw me in the restaurant that same day.

Q On November 15th you met the defendant? A Yes, sir.

Q On November 17th on a Saturday you gave him \$200?

A Yes, sir.

Q In the lobby of the Wallick Hotel? A Yes. It was on the 17th I gave him \$200.

Q The you saw him the following Tuesday? A Yes. He came to my restaurant and we had a talk.

Q That was the 20th of November, A Yes. He said "I come to tell you one thing". On the 20th in the restaurant he told me "Now, if you can raise me a thousand dollars, make it quick, and I promise you to give you that note back in a year from now". "But I want the thousand dollars this week because I am going to leave New York".

Q He promised you to give you that note back? A The note I wrote.

Q The confession you mean that you wrote at the house?

RECEIVED

0672

CASE #2436

H-3

A Yes.

Q If you gave him a thousand dollars he would return that to you? A In a year hence. So he wanted the thousand dollars for that same week and I told him it would be very hard for me to get it. He said "I am going to leave New York and I want that money at least for Saturday". To raise that money there was only one way for me to do.

MR. ROSENBERG: I object to that.

Objection sustained.

Q Did you tell him how you were going to raise that money? A I told him.

Q What did you tell him? A I told him the only way to raise that money is to draw on that \$2000 policy I had, a life insurance I had in the Equitable. Next day I went to the Equitable Life Insurance Company. I asked to draw a thousand dollars there, but they told me to wait at least two or three days for that. On November the 24th, or on the 23rd I mean I received that check on the Equitable. It was in the afternoon.

Q How much was the check for? A \$1000 plus the interest. The next day I could not cash the check. Of course the check had to be certified. On that Friday I met the defendant again at 45th Street.

Q At whose request did you meet him? A Always on his request. Always the appointment was made by the defendant. I

EXHIBIT

0673

CASE #2436

H-4

12

showed him the check that same afternoon but the check was not certified, so we could not collect it. He had the check in his hand. He said "Well, can you cash it for tomorrow". I said "I will try my best". Next day was on a Saturday, November 24th. I went down to have that check certified. The check was certified. I had to wait an hour. It was after twelve o'clock on a Saturday, so I could not cash the check. I had to wait until Monday. I met him that same afternoon again at one o'clock on November 24th and the defendant had the check in his hand. I said "Will you accept that check as certified. This is just as good as money". He refused to take the check. He said "Now you going to make me wait until Monday. I want to leave tonight from New York". I said "I could not help it you have to wait until Monday". Monday morning, November 26th, I had that check cashed at the Corn Exchange Bank at 42nd street east. There they gave me nine \$100 bills and two \$50 bills.

Q Nine \$100 bills? A Yes. So that same day at one o'clock he met me again at 45th Street and Broadway. He asked me if I got the money with me. I said yes. So we went to a cafe at the corner of 43rd Street and Seventh Avenue and there in the back parlor of that cafe I gave him the \$1000.

Q What was said at the time? A He said "Now, I am going to show you that I am a man of my word, I am going to keep my promise. I am going out of town to the west and you never will see me again."

Q Was anything said about that paper at the time? A He

CASE #2436

H-S
said "I am going to keep that paper and I promise that from a year from now I return you that paper back. There will be nothing mentioned about it". That was November 26th, on a Monday.

Q That was \$2200 you gave him? A Yes.

Q What happened after that day? A After that day we went out of that cafe into the street and he shook hands with me and he said "Now, you will not hear from me again, I am going to the west and I stay there". Everything went on without any trouble for at least ten or twelve days.

Q When you say everything went on without any trouble, you mean you did not see him for ten or twelve days? A No, did not see or hear from him.

Q Did you then hear from him again? A No. One night coming home --

Q Ten or twelve days after you gave him the \$1000, you mean? A Yes.

Q After November 23 you say you met him one night? A Yes.

Q Ten or twelve days after when you say you met him, you were walking along where? A I did not walk along, but twelve days after one night coming home my wife told me --

BY THE COURT:

Q No, not what your wife said? A One night coming home --

BY MR. MEDELSON:

Q When you came home and spoke to your wife, after you

CASE # 2436

0675

Q 6 2 6

H-6

had that talk with your wife, did you see this defendant again?

A I saw him next day.

Q After you had that talk with your wife? A Yes.

Q How did you happen to meet him next day? A Next day he telephoned me.

Q Where did you meet him next day? A I met him always in the same place at 45th Street and Broadway.

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

A He said to me, "Let's go to Central Park, I want to talk to you". He said "I thought the whole matter over again, and I went to see my lawyer and my lawyer says to me I am a fool to let that thing go that way". He said "I want more money, I am not going to let you go with \$1200". You are worth more than that. I went to your place yesterday and you got a very nice little place there". He told me that. He said "I know everything about you, and you think I am going to let you go for \$1200. I want more money than that, but I am going to give you a little time to raise that money." So he asked me that same day, "Ain't you got some money with you". I said "No, I got nothing". He said "Well I am going to meet you next Saturday at the corner of 45th Street and Broadway at the Astor, try to bring me some money there. If not, everything is in the hand of my lawyer and they will tell everything to your family".

Q The defendant said that to you? A Yes.

Q Did you at any time go to any lawyer for his? A No, sir.

Q Did you ever go to any law office with this defendant?

CASE # 2436

H-7

15

A No.

Q Did you ever see any lawyer with him? A No.

Q Go ahead. A So I said to myself, --

THE COURT: Strike out what he said to himself.

Q When he asked you for more money, did you go anywhere?

A I was in the street.

Q After you left him did you go anywhere? A I went to my lawyer and explained exactly the case to him, what I have explained to you gentlemen.

Q After stating your case to your lawyer, who was that?

A Mr. Malraison.

Q Where is his office? A 41 Park Row.

Q Did you and he go anywhere? A He did not go anywhere with me that day.

Q Did you go the next day? A So I explained him the case, it was on a Saturday. I had to meet that same Saturday the defendant.

Q You had made an appointment with the defendant Saturday? A At One o'clock I left the office of my lawyer to meet the defendant and told him that I could not give any money for that day.

Q You told the defendant that? A Yes. He said "I will give you a little more time, but try to raise as much as you can. I will meet you again next week, or make an appointment yourself when you get the money and meet me". He said, "The best thing for you to meet me at Central Park". I said I would

0677

CASE #2436

not be able to do that because I could not spend much time from my business. Next week I went back to my lawyer again and I told him I did not see the defendant on that Saturday. He did not show up. It was a snowy day.

Q. You told that to your lawyer?

THE COURT: Do not state what you said to your lawyer.

Q. Well, you went back to your lawyer and had a talk with him? A. Yes.

Q. After you had that talk with your lawyer did you and he go anywhere? A. No. Next day we went to the District Attorney.

Q. After you went to the District Attorney did you go to the police? A. To the Detective Bureau. There we met Officer Renton. Before that we went to the Vanderbilt Hotel. We met Officer Renton and explained him the case. I had to meet the defendant on the 18th of December. That was the appointment.

Q. Did you have any money with you at that time? A. I had no money at all.

Q. On the 18th of December? A. On the 18th of December, in the morning, we went to the Detective Bureau.

Q. Did anyone give you any money then? A. Nobody; I had my own money with me.

Q. How much did you have? A. \$50.

Q. Did you ask the detective do anything with the money?

0678

CASE #2436

A They marked the money in the presence of me and my lawyer.

Q After they marked the money did you have the money, or did they give it back to you? A Yes.

Q Where did you go? A Then that same day of the 18th December I had to meet the defendant at one o'clock at a cafe at 45th Street and Seventh Avenue named Schafer.

Q Did you meet him? A Sure, at one o'clock exactly he was there.

Q You did meet him? A Yes.

Q Who went up there with you? A With me in the cafe was the two officers, Renton and Stephens.

Q Was your lawyer Malraison there? A He was not there. He was outside.

Q Where did these two detectives remain when you went into the cafe. Did they go in with you? A No sir; they were in there.

Q They remained there? A At the bar.

Q What happened? A There I told the defendant. The first he asked me "Did you get that money?" And I said "I got only \$50 with me". I said "Let's sit down at a table and have a conversation". He said "No, you think I am a fool. There's too many people here. Let's go outside". He said "Come outside". We went outside and he turned right to the south across 45th Street, the defendant, and went to the lobby of the theatre, the New York Theatre. He said "Wait a minute for me I have to telephone". He telephoned and two minutes after

CASE #2436

H-10

18

I was waiting for him at the door. He said "Now you got that money with you?" I said "Yes, I got the \$50". I gave him the \$50. It was three \$10 dollar bills and one \$20 bill that were marked.

Q That is the same money that was marked by the detectives? A Yes, that same morning. He said "That is all the money you can raise for me today". I said "Yes, that is all I can get". He said "What is \$50, that ain't much". I said "I am very sorry but I cannot raise more, you have to wait". He said "I will not meet you again around here, it is too crowded I am going to meet you next Thursday at 34th Street and Eighth Avenue on the northwest corner where there is a bank there, and I meet you there next Thursday". That was on the 20th of December. So when we left the lobby of the New York Theatre he shook hands with me, and he said "Don't forget to be there, don't forget to be there at 34th Street and Eighth Avenue". He left and he crossed Broadway and the lawyer was just on the corner there, and he watched everything.

Q Are you telling us the time you handed him the \$50 or later? A When I handed him the \$50 he crossed Broadway, after he shook hands with me. He said "I see you next Thursday". He crossed Broadway:

Q Were the detectives on the other side? A Broadway was so crowded he crossed Broadway and my lawyer and myself and the Officer on the traffic post on 45th Street tried to run after

RECORDED

0680

CASE #2436

H-11

19

him. He went down 44th Street near Eighth Avenue and there we lost sight of him. He disappeared with the \$50.

Q The detectives did not get hold of him that day? A No.

Q After that 18th of December did you see him again?

A On the 18th of December: I was to meet him on the 22nd on Thursday at 34th Street and Eighth Avenue. That Thursday I went in the morning. We went to the Detective Bureau and had \$20 in my pocket and we marked the \$20.

Q Were you present when it was marked? A Yes sir, I was there when it was marked "H. S."

Q I show you four five dollar bills. Look at them. Do you see that mark (indicating)? A Yes.

MR. EDALSON: I offer them for identification.

(Bills marked people's Exhibit 1 for identification.)

Q Where did the detectives mark these four five dollar bills? A In the Detective Bureau.

Q You had a conversation there? A Yes.

Q Who else was present when these four five dollar bills were marked? A My lawyer Malraison.

Q And Detective Penton? A Yes, and Stephens.

Q Did you on the 22nd of December, 1917, meet this defendant? A I met him again the 20th. I went to 34th Street and Eighth Avenue.

Q You met him on the 20th first? A Yes.

Q What happened there? A We waited for half an hour

CASE #2436

H-12

and defendant did not appear. So we went home. The next day I received a telephone call to my restaurant. He said "He said I am here waiting for you at 34th Street and Eighth Avenue". I said "The appointment was made for Thursday the 20th, not for the 21st". Well, there was a mistake on his part. He said "Can you come here now"? I said "No. I am too busy." He said "Well, I will meet you tomorrow here in that same place". Tomorrow was the 2nd day of December, at one o'clock at 34th Street and Eighth Avenue. The defendant was there at one o'clock.

Q That was in the City and County of New York? A Yes, on the northwest corner. There on the steps of the bank he asked me if I had the money with me. I said, "I am very sorry I got only \$20 to give you". He said "Let me have it". He took the \$20, the four five dollar bills, he took it and counted it and was ready to put it in his pocket when Officer Renton arrested him.

Q He had the money in his hand? A Yes, sir.

Q Before that was there any talk about this paper that you signed? A No, he was always going to expose that paper that was always what he told me, to tell my wife about it. He said he was going to expose me to my wife if he did not get any more money.

Q When did he tell you that? A Last time. Each time I saw him.

Q He repeated it each time? A He told me that. He

0601

CASE #72436

H-13

would tell my wife if I did not give him money. He was arrested by Officer Renton, followed by Officer Stephens, and that is the story.

MR. EDELSON: That is all. Your witness.

THE COURT: Do not discuss this case among yourselves or permit any person to talk with you about it, or form or express any opinion as to the guilt or the innocence of the defendant until the case is finally submitted to you. Be in your seats at ten minutes after two.

TRIAL CONTINUED. (Ten minutes after two)

HUBERT LONTJENS, recalled for Cross examination:

CROSS EXAMINATION BY MR. ROSENBERG:

Q Mr. Lontjens, I show you a paper which is the complaint in this case and I ask you if that is your signature to it? A No, that ain't my signature.

BY THE COURT:

Q Is that your signature? A It is similar to my signature.

Q Look at it. A No, that ain't my signature.

BY MR. EDELSON:

Q Were you in the police court? A I was in the police court, you mean in the Detective Bureau?

Q In the Magistrate's Court? A Yes.

BY MR. ROSENBERG:

Q Look at the signature only? A That is all right.

CASE #2436

That is my signature.

BY MR. EDELSON:

Q How is it you did not recognize it right away? A That is my signature.

BY MR. ROSENBERG:

Q The paper which I handed you, you examined for some minutes and said it was not your signature? A Well, I was looking at it; I did not remember that part. I was looking at the page.

Q Didn't you understand me to ask you whether that is your signature on that paper? A Yes, that is my signature.

Q Didn't you understand me? A I understand you.

Q Did you understand me when I asked you before? A I understand you.

Q No; did you understand me when I asked you whether your signature was on that paper? A Yes.

Q And you said no? A I say yes.

Q You say no? A I say yes now.

BY THE COURT:

Q Did you at first say yes? A The first time I said no.

BY MR. ROSENBERG:

Q Then the Judge asked you whether that was your signature and you said no, is that correct? A I say yes.

Q Did you when Judge Rosalsky asked you whether it was

CASE # 2436

H-15

your signature did you say it was not your signature? A I said no, and I said yes after.

Q Then after Mr. Edelson told you you were in the Magistrate's Court then you said it was your signature? A I was looking at the page.

Q Now, if you were looking at the page, would not that have reminded you that that was exactly what you told the clerk in the Magistrate's Court? A Yes, sir.

Q Then it would have refreshed your recollection that you signed that paper, is that right? A Yes.

Q That paper was signed by you on December 23rd, wasn't it? A Yes.

Q And you swore that everything in the paper was true; is that correct? A Yes.

Q And everything in that paper was true, wasn't it? A Yes.

Q Where was your place of business on the 23rd of December, 1917? A My place of business?

Q Yes. A It was in the Magistrate's Court.

Q Where did you live in December? A On December 23rd I was home.

Q Where did you live; New York or out side of New York? A Outside of New York.

Q Up in White Plains or Valhalla? A Yes.

Q And your place of business was where? A I worked at Tiffany's.

CASE # 2436

H-16

24

Q You had been working there all the time for five years?

A Yes.

Q You never had a place of business in 41 Park Row, did you? A No, sir.

Q You never said you had a place of business there?

A No.

Q Sure? A No.

Q As a matter of fact you never had a place of business in 41 Park Row with anyone else, did you? A No.

Q Did you ever tell anyone you had a place of business in 41 Park Row? A No, sir.

Q Sure of that? A Yes.

Q Now, would you mind writing your signature to this paper in the regular and usual way. By-the-way the signature attached to the complaint is your usual signature, isn't it?

A Yes.

Q Now, will you please write your regular and usual signature on that paper that I hand you now? A (Witness writing) "Hubert Lontjens".

Q Mark on the margin there No. 1?

(Witness writing as requested.)

Q Will you also write on the top of that paper what you say was in the confession? A The confession of that note?

BY MR. EDELSOHN:

Q Yes, what you call the note? A Excuse me gentlemen,

0686

CASE #2436

H-17

I am not very well acquainted with English writing.

BY MR. ROSENBERG:

Q How long are you in America? A About eighteen years.

Q You can read and write English? A I cannot write it very well. I read it all right.

Q Will you please write what was in the confession which you say you signed? A Yes. (Witness writing)

Q Now, will you sign it exactly the way you did at the time you signed the confession? A (Witness writing)

Q Put a number 2 in the left hand side of that? A (Witness marking No. 2)

Q Were you as nervous in writing at the time you say you signed the that note or confession last December as you were when you signed and wrote this paper today? A I suppose it must be about the same.

Q You are no more nervous and excited today than you were then? A I was nervous that day all right.

Q I am talking about the time you were writing the paper? A Yes.

Q Are you more nervous today than you were then? A I was a little more nervous that day when I signed that paper.

Q More nervous than you are today? A Yes.

Q Have you written everything in this paper, that you wrote in the confession in December last? A As much as I can remember, it must be that.

CASE # 2436

Q You told the jury just exactly what was in that confession? A That is what I put in that paper.

Q Tell us what was in the confession? A "I admit that I was found in bed with my clothes off".

Q How do you spell "clothes off"? A With my coat off.

Q How do you spell "off"? (spelling) A (Spelling) "off".

A
Q What else? "with Mrs. Gertrude Street, my wife on November 14, 1917, at eight o'clock at night".

Q It said "Mrs. Gertrude Street, my wife"? A Yes, that is what is marked on that note. It was dictated to put on that paper.

Q You have a clear recollection of what happened? A I marked exactly on that note what I was dictated to.

Q The day that you say you wrote that paper, the confession was December 22nd? A No, November.

Q November what? A You mean when the note was written?

Q When did you actually write that paper, the confession?
A November 14th.

Q Do you understand my question? A I understand.

Q On November 14th you say you wrote the confession?
A Yes, that paper.

Q Now, after you wrote the confession you gave it to Mr. Street, didn't you? A He asked me.

Q Did you give it to him? A Yes, and he read it over.

CASE #2436

and he asked me "Is that your name". And I said yes. He said "Can you prove it"? I said "Why here is my identification card", and I showed him my identification card. Here is the pocketbook. He read it and said "That is correct". He folded the paper and put it in his pocket.

Q You are a pretty tall man? A I am very tall.

Q How tall are you? A Nearly six feet.

Q About five foot ten or eleven inches? A Eleven inches.

Q You are a pretty muscular strong man? A Not so much.

Q Your business is a strong business? A My business is a very weak business.

Q You have a pretty good grip? A Not so much.

Q The defendant is a very small man? A That has got nothing to do.

Q Answer the question? A Yes, he is a small man.

Q He is a man about five feet tall or a little over?

A I don't know exactly.

Q You say when you were in the apartment on the night of November 14th, the defendant ordered you to hold your hands up?

A Yes.

Q And he ordered you to go into the front room? A Yes.

Q Did you follow him? A I had to go first. He followed me.

Q Did you walk with your face toward him, or walk with

CASE # 2436

H-20

28

your face toward the front? A I walked with my face toward the front.

Q You did not know what he was doing when he was walking in back of you? A Yes.

Q Then you got into the dining room? A Yes.

Q The defendant began to look for some paper? A No, he told me to sit down.

Q And he went to look for some paper? A Yes.

Q He went into the next room to get the paper? A No, he went in the same room.

Q Then he stooped down to get the paper? A Yes.

Q And his back was to you when he was stooping down?

A No, he always had his revolver in his hand.

Q When he was stooping down looking for the paper he had the revolver still in his hand? A Always in his hand.

Q You could have got hold of him, caught hold of him?

A I am not that kind of a man to do that.

Q To do what? A To do a thing like that.

Q What? A To grab the defendant.

Q In other words, you did not have sense enough to grab the defendant, is that so? A No.

Q Is that your only explanation? A Yes, I am not that kind of a man.

Q You were in a position to have grabbed him? A Never mind.

Q Were you? A I was perhaps, if I would be a different

0699

CASE #2436

kind of man, but the revolver was enough for me.

Q You were in a position where you could have taken him by the throat and held him? A If he asked me for my fortune I would have given it at the same time, with the revolver pointing at me.

Q He did not ask you for your fortune? A No, but after.

Q He did not have any gun or revolver afterwards?

A Never mind. He had it that same day.

Q I am talking about afterwards? A After that same day?

Q Yes. A He had that revolver all the time with him.

Q By-the-way you say you went up to his house at what time at night? A It was a little before seven o'clock.

Q What time did you quit your job? A Generally half past five I quit.

Q You knew you had an appointment with the lady that night? A Yes, sir.

Q And then you telephoned up to your wife and said you were not coming home? A No, sir.

Q You knew you were not coming home? A Never mind, my wife knows that.

Q Did you telephone to your wife you were not coming home that night? A No sir, I never telephone to my wife when I come home at night, because many times in my business I have to stay a little longer.

CASE #2436

H-22

29-a

0602

Q Don't you telephone to your wife? A No, very seldom.

Q Has she a telephone at home? A No, sir.

Q In the house? A No, sir. I never telephone to my wife when I don't come home.

Q Did she have a telephone in the house? A Yes, she got a telephone in the house.

CASE # 2436

1

306

Q Didn't you understand what I asked you? A I said I did not telephone that night.

Q The fact is you have a telephone in your home? A Yes.

Q A private telephone? A Yes sir.

Q Is it a little house you live in or a flat? A A house.

Q A whole house? A Yes.

Q And the telephone is listed in your own name? A Yes

Q You want to tell the jury you did not telephone home that night? A I did not telephone home that night.

Q What is the usual hour for you to get home? A I seldom telephone home.

Q What is the usual hour for you to get home? A About ten o'clock at night.

Q Every night? A No, not every night.

Q You quit work at five o'clock? A Some nights I quit later, especially at that time in the year.

Q Didn't you telephone that you were working that night? A No sir.

Q Your wife expected you home for dinner? A No sir, she did not expect me at that time.

Q When you left in the morning you expected to be home that evening for dinner? A Not always.

Q (Previous question repeated by stenographer) A No, she did not expect me home early.

Q When you left in the morning on November 14th did your

RECEIVED

0691

CASE #2436

wife expect you to get him that night to dinner? A No sir, not before ten o'clock.

Q But you quit work at five o'clock that night? A Never mind about that. My wife did not expect me before ten o'clock.

Q Where did you intend to go that night? A Nowhere.

Q What were you going to do between five and ten?

A We would go to a show once in a while.

Q Who is "We"? A Me.

Q You knew this lady Mrs. Street for a long time?

A I never use to know Mrs. Street.

Q Well, the woman who now is Mrs. Street. A Miss Williams.

Q She is in court, isn't she? A Yes, she is in court now.

Q The lady sitting in the back with the green dress?

A Yes.

Q How long before November 14th, 1917, did you know Mrs. Street? A Well, about a year before. Ten months or a year.

Q You say you became acquainted with her by a flirtation?

A Yes.

Q You flirted with her, is that correct? A No sir.

Q Didn't I ask you just now whether you became acquainted with her through a flirtation and you said yes? A I met her on 34th Street and Broadway that night, one night.

Q You never knew her before? A No.

CASE #2436

Q And you got acquainted with her? A Yes.

Q And you flirted with her and acquainted with her?

A Yes.

Q And at that time you were a married man? A Yes.

Q You had been married for 20 odd years, is that correct? A Yes.

Q Living home with your wife? A Yes.

Q And the daughter concerning whom Mr. Edelson spoke? is that right? A That is right.

Q Now by the way, did you flirt or did she flirt?

A Well, she flirted.

Q And you flirted, is that correct? A That is correct.

Q And after that flirtation it developed into some friendly relations between you? A Friendly relations.

Q Very friendly? A Not so very.

Q They grew into intimate relations, didn't they? A No.

Q Weren't you intimate with Mrs. Street after you met her? A With Mrs. Street?

Q This woman who you say is Miss Williams. A Yes.

Q Then you were intimate with her? A Yes.

Q You know what I mean by that? A Yes.

Q You had sexual relations with her? A No sir.

Q What do you mean by being intimate with a woman?

A Friendly.

Q But no sexual relations? A I used to treat her like a lady.

CASE # 2436

Q You thought that was treating a woman like a lady, flirting with her? A I treat her like a lady all the time and she could not deny that. She admitted it in the Magistrate's Court.

Q After you became acquainted with her you took her to the restaurants, didn't you? A I took her a couple of times to a restaurant.

Q What restaurant did you take her to? A In Beck & Zucca's

Q Did you have wine with your dinner? A No, never used to drink wine.

Q Did she drink wine? A No.

Q You never paid for wine for her? A No.

Q Then you took her to a hotel, didn't you? A No sir.

Q No other place except to this restaurant? A Yes.

Q Beck and Zucca? A Yes.

Q Is that the only restaurant? A That I remember, that is the only restaurant.

Q Did you ever take her to any other restaurant other than Beck and Zucca restaurant? A No. I remember one night we went to a bakery.

Q What was the matter that night? A Just had a little bite there.

Q Did you take her to a hotel? A No sir.

Q Did you ever go to her apartment? A Yes.

Q Where was she living at that time? A On 21st Street.

CASE #2436

Q What number? A I don't remember the number.

Q What was the telephone number? Maybe you remember that. A I could not remember that.

Q You used to telephone to her up there? A Very seldom.

Q Did you ever telephone to her place? A No, I never telephoned to her place. She telephoned me.

Q In other words, she was always telephoning to you and you never telephoned to her? A Very seldom, perhaps a couple of times.

Q But you did telephone? A A couple of times.

Q And you went up to her apartment? A Yes.

Q And you treated her like a lady up in her apartment? A Yes, just the same.

Q And you were all alone in the apartment? A Not always.

Q But sometimes? A Yes.

Q What did you go there for? A As a friend.

Q You were a married man. A Never mind.

Q You were not seeing this woman as a friend, were you? A Yes, I am that kind of a man.

Q Didn't you go up there for any other purpose besides friendly visits? A No sir.

Q You did not go up there for any sexual enjoyment? A No sir, just as a friend talking with her.

Q You knew she had a flat or apartment up there?

CASE #2436

A. Yes sir.

Q. You knew you were a very frequent visitor up there?

A. No.

Q. How many times did you go up to her flat? A. I don't know, about once a week.

Q. For how long? A. For two or three months.

Q. What time of the day would you go up there? A. Each time she told me to come.

Q. What time? A. At night, sometimes five, sometimes six o'clock.

Q. How long would your visits usually last? A. Not more than half an hour, three-quarters of an hour, or one hour at the most.

Q. Wouldn't you take a dinner with her at the times you called on her? A. No.

Q. Would you take her out after the dinner? A. No sir.

Q. What did you go up there for? A. As a friend.

Q. You had no sexual relations with her? A. No sir.

Q. Did you give her any presents during that period?

A. No sir.

Q. No presents at all? A. No presents that amounted to anything; maybe a box of candy.

Q. Did you give her any jewelry? A. It did not amount to much.

Q. Tell the jury what jewelry you gave her. A. A little imitation.

CASE # 2436

Q You did not tell her it was imitation when you gave it to her? A She knew it.

Q Imitation of what? A Imitation bar pin, with imitation stones in it.

Q A bar pin which was supposed to be diamonds? A No sir, I never said so.

Q It looked like diamonds? A Yes.

Q You wanted to make it appear you were giving her a diamond bar pin? A No sir.

Q You wanted her to understand you were giving her fake jewelry? A No, no, she knows it all right.

Q At any rate you gave her a bar pin. Didn't you give her a little lavallier? A Yes.

Q Was that a fake lavallier? A It did not amount to anything.

Q What kind of a lavallier did you give her. A It amounted to \$15.

Q A gold lavallier? A Yes sir, \$15.

Q When did you give her that? A By the time I went to see her at her apartment?

Q During the four months? A Yes.

Q Was there anything else you gave her in the shape of jewelry? A No, not that I remember.

Q Did you give her any money? A About once in a while.

Q Once in a while you gave her money? A Yes, very

CASE #2436

small.

Q How much? A About two or three dollars.

Q As cheap as all that? A Yes sir.

Q How frequently would you give her two or three dollars?

A Very seldom.

Q Didn't you give any member of her family some jewelry as presents? A No.

Q Do you remember sending her sister some present?

A No, no presents. I repaired a pair of earrings for one of her sisters.

Q You sent her down south to her home? A No sir, not me.

Q You thought a good deal of this woman, didn't you?

A As a friend, yes.

Q You thought a good deal of her? A Yes.

Q Did you take her to the theater? A Only once.

Q Did you take her to the moving pictures? A That was moving pictures.

Q In the evening that was? A Yes.

Q Have there been times when you stayed out late at night with her? A Very seldom; only once.

Q Your wife did not know you were carrying this on with Miss Williams? A I don't suppose so.

Q You did not tell her? A No.

Q You told your wife you were out on business while you were enjoying yourself? A No, I was telling my wife I went

CASE #2436

to a theater.

Q To a show? A Yes.

Q Instead of that you were enjoying yourself with this Miss Williams? A That is right.

Q You thought enough of Miss Williams during this time to deceive your wife for Miss Williams benefit, isn't that right? A You say so.

Q I want you to say so. A That is all right.

Q How did you come to break off with Miss Williams?

A She left.

Q She told you she was going to get married? A No, she never told me that.

Q Didn't you break off your relations with her because she was going to get married? A No.

Q When did you break off with her? A She broke off because she went south.

Q She went south? A Yes sir.

Q She told you you could not be her friend any longer?

A She did not tell me that at all.

Q She said she would break off with you? A No, she did not say so.

Q Then she separated from you? A Well, she went away.

Q You did not know where she went? A She went south; I don't know where.

Q When she came back did you see her? A Yes.

Q When did she come back? A Around the end of March.

CASE #2436

or beginning of April, I think.

Q How long had she been gone? A She was away for a month or three weeks; I don't remember.

Q Did she write to you while she was away? A No.

Q When she came back you renewed your friendly relations with her, didn't you? A No sir.

Q Did you have any quarrel with her? A No sir.

Q Where did she live when she came back? A I don't know where she lived.

Q But you did meet her? A I met her once in the restaurant.

Q Didn't she tell you where she was living? A No.

Q Did you ask her? A No sir.

Q Are you sure of that? A Yes sir.

Q Did you ask her whether she was married? A No sir.

Q You did not try to find out where she was living?

A No.

Q And she was supposed to be your friend? A Supposed to go home.

Q When she came back after having been a way a month or so? A She did not tell me anything about that.

Q Weren't you curious to know where she was living?

A No.

Q You did not ask her her telephone number? A No.

Q And you never knew where she lived? A No.

Q Did she ever tell you where she lived then? A No.

0702

CASE #2436

Q When was the next you heard from her? A I did not hear from her since.

Q From March to November you did not hear anything about it, is that right? A That is right.

Q And you were taking her to the same restaurant where you say she telephoned from? A Yes.

Q You introduced her there, didn't you? A When was that?

Q You ought to know. A I was introduced to her.

Q Did you introduce her to anyone? A No sir.

Q Were you introduced to her in that restaurant?

A No sir.

Q Coming down to the point of November 14, when you say you gave \$20 to Street on that day? A That was on December 22nd.

Q On December 22nd when you gave the \$20 to Street you had no conversation with him about any money, did you on that day? A That was the only thing with him. That was always his question, money and money.

Q On that day he did not ask you for any money, did he? A Yes sir.

Q He asked you for what? \$20? A He asked me how much money I had with me.

Q But that is all he said? A Yes.

Q "How much money have you got"? A How much can I spare today.

CASE # 2436

Q Are you sure you are telling the Court and jury everything he said on that day about money? A Yes sir.

Q He said, "How much money can you spare today?" A Yes.

Q And you said, "Here is all I can spare." A Yes.

Q When you handed him the money the police were there and grabbed hold of him? A He counted the money and he said to me, "Is that all the money you can spare today?" He said, "That aint enough to go to a cabaret, show to have a dinner." and he was ready to put it in his pocket when he was arrested.

Q When the police took hold of him? A Yes.

Q So that you have told the Court and jury everything that the defendant said to you, is that right? A Yes.

Q Is that correct? A What I had about the money, yes.

Q Before you went to meet the defendant on December 22 you had already arranged with the police about this money, and the giving of the money, is that right? A Yes sir.

Q Your lawyer had arranged with the police and the District Attorney to deliver this money to Street, is that right? A Yes, that is what I think.

Q You were there, weren't you? A Yes, when they signed the bills I was there.

Q Talking about these \$20 you knew these bills were intended to be given by you to Street? A Yes.

Q And that is what your arrangement was with the police? A Yes, for that day.

Q You had the same arrangement with the police when

CASE #2436

you gave Street the \$50? A The same.

Q Now by the way, whose money was it, that \$20?

A Mine.

Q Did the police tell you to get that \$20? A No sir.

Q You got that for the purpose of using it in this case? A I had \$200 in my pocket.

Q I am talking about the \$20? A Yes.

Q The police told you to get the \$20? A Not to get the \$20.

Q But to get some money? A Yes.

Q And you did that because the police told you to do it? A Yes.

Q Your lawyer was part of that arrangement? A He was there when that was done.

Q He understood what it was to be used for at that time? A I suppose so.

Q You talked it over among yourselves, didn't you? A Yes.

Q And the same thing happened about the \$50? A That was the time before.

Q Yes - is that correct? A Yes, I am sorry I didn't mark the \$1,000 bill.

Q Didn't the defendant, when you spoke to him about money matters, say he was going to sue his wife for a divorce?

A I don't remember that. The only thing I can recollect it was that little ^{note} he had.

CASE #2436

Q You remember exactly what you wrote in that confession when the gun was up against your head, don't you?

A There were so many days after.

Q Can't you tell us what the defendant said about suing his wife for a divorce? A He never told me that about her.

Q Didn't he tell you he had been to see his lawyer?

A Yes.

Q Didn't he say he saw his lawyer about you being in bed with his wife? A He told me that.

Q When did he tell you about that? A For the little note?

Q I am talking about before the \$1,000 was turned over; wasn't there some talk about the defendant being down to see his lawyer? A No, that was after the \$1,000 he told me that.

Q Didn't the defendant claim you were in bed with his wife? A He claimed so.

Q He claimed that at all times? A Yes.

Q When you gave him the \$1,000 he claimed that his wife was in bed with you? A No.

Q When you gave him the \$200 he claimed his wife was in bed with you? A No.

Q When you gave him the \$50 he claimed his wife was in bed with you? A Yes, then he started because he wanted more money, after the \$1,000.

CASE # 2436

Q Didn't you have some talk about going to see a lawyer with him? A No.

Q Didn't you suggest the name of a lawyer to go to see? A No.

Q Didn't defendant claim that you had ruined his wife? A He said that.

Q And the ruining of his wife consisted in the fact that you were in bed with her? A It was at the point of a revolver always.

Q Never mind about the point of a revolver. Did he claim that you had been intimate with his wife? A He claimed that always, to get more money out of me.

Q Didn't you admit that you were with his wife? A I admitted it on the note.

BY MR. EDELSON:

Q You mean the confession? A Yes.

BY MR. ROSENBERG:

Q Is that the only place that you admitted it? A Yes.

Q Sure of that? A I am sure of that.

Q And you want this jury to understand that you never had any sexual relations with his wife, is that right? A Yes.

Q At no time? A Yes.

Q That is as true as everything else you said here;

(Question withdrawn).

Q After you signed this confession on November 14th, you left the apartment, didn't you? A I left the apartment with

CASE #2436

9707

the defendant.

Q Didn't you have a talk with the defendant after you left the apartment? A He told me, "You want to see me next day," that he wanted to see his lawyer before.

Q Didn't he say he would make you pay for doing what you did to his wife? A He said that next day.

Q Didn't you make an appointment to see him the next day? A He asked me for that appointment.

Q He said he would make you pay for doing what you did to his wife? A Yes, he wanted to see his lawyer.

Q Didn't you ask to settle with him? A No sir.

Q Didn't you ask him how much he wanted? A No sir.

Q Did he say how much he wanted? A Yes, he said he is going to make me pay, that is all.

Q Didn't he say how much he would make you pay? A No.

Q You did not talk figures at all? A No, we were talking about \$1,000 and thousands.

Q How much is it he wanted? A Thousands and thousands.

Q For what you did against his wife, is that right?

A Yes.

Q You really felt that you owed him something because you did do something to his wife? A No, I did not feel it. I told him to see his lawyer.

THE COURT: Were the witnesses excluded here?

MR. EDELSON: No.

MR. ROSENBERG: No, your Honor.

CASE #2436

MR. EDELSON: I ask that they be excluded now.

THE COURT: Let the witnesses step out of the court room.

Q I show you a paper and ask you whether this is the paper which you have been talking about as the confession, signed by you at the point of a revolver (handing paper to witness). Look at the signature. A Yes sir.

MR. ROSENBERG: I offer this in evidence.

MR. EDELSON: That is consented to.

Paper marked Defendant's Exhibit A in Evidence.

MR. ROSENBERG: I offer the other one in evidence, which was signed by this witness this morning on the stand here.

Paper marked Defendant's Exhibit B in evidence.

Both papers, Defendant's Exhibits A and B are read to the jury.

Q Now, after you signed that paper, Defendant's Exhibit A in evidence, the confession, you left the house? A Yes sir.

Q And you knew that you signed a paper that was false?

A With force, yes.

Q And you knew that Street had a revolver to your head?

A Yes.

Q And he had committed some crime doing that, you know that. A Yes sir.

Q You left the house all alone? A No, I left with him. He went down with me.

CASE #2436

Q Where did you go? A To the street, that is all.⁴⁷
Q Did you go out and have a couple of drinks? A No sir.
Q He accompanied you down stairs? A To the street,
yes.

Q Then you parted? A Then we quit.

Q You parted; you left, you separated? A Yes.

Q You shook hands with him? A No.

Q You did not shake hands with him? A No.

Q Did you have a drink with him? A No.

Q Did you ask him to forgive you? A No sir.

Q You did not apologize at all? A I apologized, yes.

Q What did you apologize for? A I told him it was not
my fault, what happened.

Q You told him it was not your fault? A Yes.

Q That was after you had been on the street? A In the
street.

Q Tell us all about that. What did you say about it
was not your fault? A He said, "I will see you tomorrow,
I will not speak to you now. I will see you tomorrow after
I see my lawyer."

Q You said you apologized. A I told him I am very
sorry what happened there.

Q But you did not do anything wrong up there? A No.

Q What were you sorry about? A That is all I told him.

Q You said you would apologize for what happened? A I
told him I am very sorry what happened that night.

CASE #2436

Q Didn't you also say it was not your fault? A I
said so.

Q Didn't you say, "I did not know she was married"?

A I did not know Mr. Street at all. I never saw him before.

Q Didn't you tell Street when you were down on the side-
walk, "I apologize to you, I didn't know your wife was married"?

A Certainly I told him that.

Q Didn't you say, "I would not have called if I knew
you were married." A Yes.

Q Didn't you also say, "I knew your wife before you
married her." A No. I know Miss Williams, but not as
his wife.

Q But you told Mr. Street, the man you now know as Mr.
Street, that when you left the apartment on November 14th,
you told him that you knew his wife, meaning Miss Williams,
before he, Street, had married her? A Yes.

Q And you told Mr. Street that you were intimate with
her? A I did not tell him that same night.

Q But you told him that afterwards? A Yes.

Q That you were intimate with his wife, is that right?
A No. I did not tell him that.

Q Didn't you say Yes in answer to that question, or nod
your head? A You mean before I knew him?

Q Didn't you tell Mr. Street that? A I told him that,
that I used to know his wife before.

Q You told Mr. Street that you used to know his wife

CASE # 2436

before? A Yes.

Q And that you were very sorry that it happened because you did not know she had been married, is that right?

A That is right.

Q No one told you she was his wife that night? A No-body.

Q How could you tell Mr. Street that you apologized and you did not know she was married? A Because he told me that she was his wife, that same night.

Q At any rate you left, shaking hands? A No.

Q You left that night? A Yes, I left. The next day he asked me for an appointment at one o'clock, after he saw his lawyer.

Q He then claimed he was going to sue you for damages? A Yes.

Q Damages for what? A "How much money you got?" that was his first question. -"how much money you possess".

Q He told you he would sue you? A Yes.

Q He told you the reason he was going to sue you? A Yes.

Q And the reason was that you were in bed with his wife, is that right? A Yes.

BY JUROR NO. 7:

Q How was Mrs. Williams or Mrs. Street dressed when she met you? A She was in a house dress.

Q What was the condition of her hair when she met you

Q 7 1 2

CASE # 2436

at the door? A She was regular dressed, all right.

Q What was the condition of her hair when she went into the bedroom? A Just the same.

Q Was it upon her head or hanging down? A No, up on her head, the regular way.

Q From where did the defendant come when he came into the bedroom? Did he come into the apartment? Did you hear him come in? A I did not hear anything when he came in; he came suddenly.

Q He just appeared on the scene? A Certainly.

BY MR. ROSENBERG:

Q Was the defendant all dressed when he appeared; did he have his hat and coat on? A He had his hat and coat on.

Q Fully dressed? A He was just dressed like I am here.

Q He had an overcoat? A I don't remember that.

Q If he came in through the door, you would not have heard it, would you? Would you hear it if he came in the front room? A I did not hear anything.

Q You would have heard it from where you were in the bedroom? A I don't think so, because the door was closed.

Q When you left that night of November 14th, why didn't you go to your lawyer, Mr. Maltaison? A It was too late.

Q That was November 14th? A Yes.

Q The only reason you did not go to the lawyer that night was because it was too late? A That was not the

EXHIBIT

0711

CASE #2436

reason.

Q Was that the reason you did not see Malraison, because it was too late? A Yes.

Q Why didn't you go to see him the next morning? A I wanted to wait for the decision of the defendant first. I told him to see his lawyer first.

Q You told the defendant to go to his lawyer? A Yes.

Q For what purpose? A For that purpose.

Q What purpose? A When he asked me for the money.

Q You told the defendant to go see his lawyer to see whether he had a right to sue you, is that right? A Yes.

Q Then he came back and said he had a right to sue you? A Yes.

Q That was the following day? A He said he saw his lawyer that morning.

Q That was November 15th? A Yes.

Q Then you acted and treated with the defendant, because somebody told you about having a right to sue you, is that right? A Yes.

Q That is the reason you gave him the money? A No sir, that is not the reason.

Q Why didn't you tell the police that night? A Because I didn't know anything better. I did not know any better.

Q When you left the house didn't you see any policemen? A No.

CASE #2436

Q How did you go home? By the way of 42nd Street?

A I went home by 42nd Street.

Q And traveled all the way downtown? A I took the subway.

Q You did not see a policeman? A No, I never thought about it.

Q What do you mean? A I never thought about seeing a policeman.

Q You knew something had gone wrong up there? A I didn't know it that night.

Q You knew you were assaulted by having a loaded revolver pointed at your head? A That is the only thing I know.

Q Did everything disappear from your mind? A He told me to keep quiet until he saw his lawyer.

Q You did not say anything about that when you testified before about keeping quiet, did you? A Yes, he told me to keep quiet, he wanted to see his lawyer first, and he would not mention any names.

Q Why didn't you tell the police that night that you were assaulted? A I did not know any better.

Q Is that the only reason you told this jury that you did not know better? A Yes.

Q Why didn't you tell the police the next day? A I did not know better.

Q When did you first find out that you had a right to

0713

CASE #2436

tell the police? A After I gave him \$1200.

Q And after you saw Mr. Malraison? A No sir.

Q When did you see Malraison, your lawyer? A I seen him after I gave him the \$1200.

Q When did you see Malraison for the first time about this case, or any other case? A I seen Malraison when the defendant went up to the house.

Q When do you say that was? A On December 4th.

Q Then you first saw Malraison? A No, a little later than I saw the defendant.

Q When did you first see Malraison? A That was four days after.

Q That would be about the 8th of December? A 7th or 8th.

Q And then you talked with Mr. Malraison about your dealings, is that right? A I explained what I explained here.

Q Did you write anything down for Mr. Malraison? A No.

Q Did he write anything down, Mr. Malraison? A No.

Q Did he have a stenographer take down your story?

A No.

Q Then you went to the police after he told you to go, is that right? A Yes, that is correct.

Q You say now that the only reason you did not tell the police was because you did not know any better? A No.

Q Didn't you know Malraison before December 4th? A I

CASE #2436

54
used to know him about seven or eight years ago, but I never saw him since.

Q You never saw him for seven years before this affair? A No sir.

Q How does it happen you gave Mr. Malraison address as your place of business? A It was told to me, to do that.

Q Who told you to do that? A Mr. Malraison.

Q That was not so, was it? A Yes sir.

Q Didn't I ask you before if you ever had a place of business in 41 Park Row and you said No? A No.

Q Then I asked you if you ever had a place of business in any office in that building and you said No, is that correct? A No.

Q Is that correct? A Yes.

Q Yet you went to the police court and said your place of business in Mr. Malraison's office. A It was told me to say so.

Q Was it true? A It was true, in care of Mr. Malraison.

Q Did you swear to this statement in the Magistrate's Court, (reading) "Hubert Lontjens, of No. 41 Park Row, in care of George Malraison"? A Yes sir.

Q Did you say that in the Magistrate's Court? A Yes.

Q Was that true? A Yes.

Q You never had any business with Malraison for seven years? A Never.

Q Before this paper was signed? A No, I never saw

CASE #2436

Mairaison before.

Q Before you signed the complaint in this case, it was read to you, wasn't it? A Yes sir.

Q And your lawyer was there? A Yes.

Q Didn't you write Mrs. Street while she was in the south and send her money? A No sir.

Q Sure of that? A Yes.

Q Are you sure that you did not? A I never write Mrs. Street.

Q I am talking about Mrs. Street. Didn't you write Mrs. Street? A No.

Q While she was down south? A No.

Q And send her some money? A No.

Q Did she write to you? A Never.

MR. ROSENBERG: That is all.

REDIRECT EXAMINATION BY MR. EDELSON:

Q Did you want your wife to know what happened at that time?

MR. ROSENBERG: I object to that.

MR. EDELSON: It was testified to on cross examination why he kept quiet, why he did not want to go to the police.

JUROR NO. 2: Was it because of the notoriety?

MR. EDELSON: The notoriety and publicity.

THE COURT: The witness may state.

CASE #2436

MR. EDELMAN: I withdraw the question.

Q Did you want your wife to know what had happened at that time?

MR. ROSENBERG: Objected to as not in the issue, incompetent, irrelevant and immaterial, calling for the operation of this man's mind.

Allowed and Exception taken.

Q Did you want your wife to know about this occurrence?

A I don't like to.

Q Did you want her to know it? A At that time, yes.

BY THE COURT:

Q Did you want your wife to know of your relationship with this woman? A Oh no. I misunderstood.

BY MR. EDELMAN:

Q Don't answer unless you understand the question. Did you want your daughter to know that at that time?

MR. ROSENBERG: Objected to as not within the issue.

Objection overruled and exception taken.

A No.

Q Was that one of the reasons why you paid this money without going to the police or lawyer?

MR. ROSENBERG: Objected to as grossly leading.

THE COURT: You may prove the fact without asking him to give reasons. If he says fear was instilled in him, you may show the circumstances under which that

CASE #2436

fear was instilled.

MR. ROSENBERG: This indictment is not premised on any theory of fear, your Honor. The crime here charged is attempt to commit the crime of extortion. The element of fear is eliminated because of his previous arrangement with the police.

THE COURT: Yes, that is so but I will allow the question.

Q You did not tell your wife or your daughter about this occurrence?

MR. ROSENBERG: Objected to as leading.

A No.

THE COURT: He has answered. Objection overruled. Exception taken.

Q You did not go to the police at that time nor to any lawyer at that time? A No sir.

Q Why not?

MR. ROSENBERG: Objected to as putting the words in the mouth of the witness.

THE COURT: He can give his reasons. Allowed. Exception taken.

A Of course, he was always pressing me.

Q You mean he threatened you? A Threatened me.

THE COURT: The witness does not speak English very plainly. Strike it out.

Q What did he say? A He always said, "Now, don't

forget your wife and your family, you donot like them to know that." Now, if you want to keep quiet and be quiet, it will be better to pay that money." That was always his answer.

Q Did you want your wife and family to know anything about this affair?

Objected to. Objection overruled. Exception taken.

A No sir.

MR. EDELSON: That is all.

RE CROSS EXAMINATION BY MR. ROSENBERG:

Q Didn't you understand me when I asked you why you did not go to the police and you answered that you did not know any better? A That was the first day, but after.

Q Didn't I ask you why didn't you go to the police and you said you did not know any better? A That was the first day.

Q Did you understand me? A After that I knew better. After the \$1200 was gone I started to know better.

Q Who gave you the information by which you learned that you had a right to go to the police? A Myself.

Q So that you knew all the time you had a right to go to the police? A I knew that only after, when it was too late.

BY JUDGE NO. 7:

Q When the defendant came into the bedroom, how near was Mrs. Williams or Mrs. Street to you? A We were sitting

CASE #2436

55

forget your wife and your family, you donot like them to know that." Now, if you want to keep quiet and be quiet, it will be batter to pay that money." That was always his answer.

Q Did you want your wife and family to know anything about this affair?

Objected to. Objection overruled. Exception taken.

A No sir.

MR. EDELSON: That is all.

RECROSS EXAMINATION BY MR. ROSENBERG:

Q Didn't you understand me when I asked you why you did not go to the police and you answered that you did not know any better? A That was the first day, but after.

Q Didn't I ask you why didn't you go to the police and you said you did not know any better? A That was the first day.

Q Did you understand me? A After that I knew better. After the \$1200 was gone I started to know better.

Q Who gave you the information by which you learned that you had a right to go to the police? A Myself.

Q So that you knew all the time you had a right to go to the police? A I knew that only after, when it was too late.

BY JUDGE NO. 7:

Q When the defendant came into the bedroom, how near was Mrs. Williams or Mrs. Street to you? A We were sitting

CASE #72436

each one like that, by the side.

Q On a chair? A No, on the bed.

Q On the edge of the bed? A Yes.

Q Did she have her arms around your shoulder? A No, nothing.

Q Just sitting alongside of her? A Yes.

BY MR. ROSENBERG:

Q You were sitting on the bed? A Yes. I was sitting on the bed; there was nothing else in the room. She invited me to go see her bedroom and that is where the thing happened. I was not five minutes in the bedroom when the defendant came in with his revolver.

Q How long were you in that apartment before the defendant came into the apartment? A About three-quarters of an hour.

Q Sure of that? A Yes.

Q Mr. Edelson said in his opening address to the jury, you were only there a few minutes. Are you correct or is he correct? A I told you just correct. I was talking with her in the dining room not the bedroom.

Q You were talking to her three-quarters of an hour in the dining room? A Yes, about the election of the suffragette, it was just after the election. That was the only conversation we had in the dining room.

Q She invited you into the bedroom, did that suggest anything to your mind improper? A No sir. I did not state

0723
CASE #2436

anything improper at all.

Q Did it suggest itself to you as being anything improper? A No sir.

Q By the way, you say when she telephoned you that day she told you she wanted to see you on a very important matter? A She had something very important to tell me.

Q When you got up there you found out it was not important? A It was very important to me, to lose my diamond ring.

Q When you say that this woman telephoned to you to come up, that it was very important, is that right? A That is what she told me.

Q When you got up there you found out that it was not important, after being there a minute, or in less than a minute did you find out she deceived you? A Not exactly a minute, but three minutes.

Q Then within three minutes you discovered that you had been deceived, is that correct? A From ring to revolver it happened in three minutes.

Q Didn't you say you were in that apartment for three-quarters of an hour? A In the dining room.

Q Before the defendant came into the apartment? A Yes.

Q Three-quarters of an hour? A Yes.

Q I am talking about this; when you discovered that you were deceived, and brought up there on some false pretense, within three minutes after you got to the apartment, why didn't

0724

CASE #2436

61
you leave the apartment? A I did not know that when I was in there.

Q You say that you were deceived. You knew that the moment you got there? A No, I didn't say that.

Q What I want to know is, you say that she told you to come up there, she had something very important to tell you, is that right? A Yes.

Q And when you got up there you found out -- A There was nothing important at all in the beginning.

Q Then you knew you were deceived, is that right?
A Well, I didn't think about it.

Q You were willing to be deceived to be in her company.
A I was.

BY THE COURT:

Q Do you understand the question? A I was not deceived when I came in there.

Q The lawyer asked you whether you were willing to be deceived in order to be in her company. Do you understand the question? A Yes, - No.

BY MR. ROSENBERG:

Q Your answer is that you were not willing to be deceived, is that right? A Yes.

Q Why didn't you leave at once? Why didn't you go out at once? A Well, of course, I never expected a thing like that.

Q After you got there, you were willing to stay there?

CASE #2436

0725

A No sir, I told Mrs. Williams I had to go home. She said, "You can spare ten minutes more or five minutes more".

Q Then you finally worked your way back into the bedroom, is that right? A She invited me to see her apartment.

Q You were willing to go into her bedroom? A Why not?

Q Sure; I am not asking you why not; were you willing?

A I was invited.

Q And you were willing to sit on the bed with her?

A Certainly.

Q You did not have your arms around her while sitting in that position? A No sir.

Q Were you able to sit up in bed? A No sir.

Q Or did you have to lie down? A We were talking about the elections.

Q You selected the bed in order to talk about woman suffrage? A We were in the dining room then.

BY MR. EDELSON:

Q How many rooms were in the apartment? A I saw only two rooms, dining room and bedroom and hall.

Q Do you know whether there were any other rooms there?

A I guess there must be another room but I did not see it.

BY JUROR NO. 3:

Q What was the name over the bell in the doorway?

A Mrs. Williams.

MR. EDELSON. That is all.

HANDLING

0725

CASE #2436

H-1.

ALEXANDER RENTON, an Officer of the 2nd Branch Detective Bureau, sworn on behalf of the people, testified as follows:

DIRECT EXAMINATION BY MR. EDELSON:

Q. Officer you are attached to what precinct? A The 2nd Branch Detective Bureau.

Q How long have you been connected with the Police Department of the City of New York? A Twelve years.

Q Do you know the last witness Hubert Lontjens? A I do.

Q Do you know an attorney named George Malraison? A I do.

Q Did they call to see you at Headquarters sometime between November 14, 1917, and December 22, 1917? A They did.

Q Do you know when about it was? A First on the 18th day of December.

Q Did you have a talk with them there? A I did.

Q As the result of that conversation, what did you do?

A As the result of the conversation, in company with Officer Stephens, the complainant and George Malraison, we laid plans where by we would ^{mark} four five dollar bills with the letters "E. S." on the bottom of the bills.

Q Did you at any time previous to that date mark any other bills? A Oh, yes, that was on the 18th we marked \$50 in bills.

Q After you marked \$50 in bills, whom did you give the \$50 to? A To Mr. Lontjens.

CASE #2436

0727

H-2

64

Q Where did you go? A Gave Mr. Lontjens to meet the defendant at the place designated, at 45th street and Broadway.

Q Did you also go up there? A We did.

Q You and who else? A Detective Stephens of the 2nd Branch.

Q What did Mr. Lontjens do when he arrived at 45th Street?

A He walked into the bar room located on Broadway between 45th and 46th Street.

Q When he walked in what did you and your side partner do; did you remain outside? A We remained inside. We went inside.

Q What did you do? A I went at one part of the bar and Stephens went at the other part of the bar, and while in there we saw the complaining witness meet the defendant. They had a conversation. Shortly afterwards, after remaining in there five minutes or possibly less than that, they had a drink and they left the bar room and walked to the street on Broadway.

Q Did you follow? A We attempted to follow.

Q Did you walk in the direction that they walked? A We thought we did but later we found that we walked in the wrong direction.

Q You did not see the defendant again that day? A No, sir.

Q Did you again subsequent to that meet Mr. Lontjens? A Yes, sir.

Q Who was with him? A Mr. Malraison.

RECEIVED

0728

CASE #2436

H-3

Q That is his attorney? A Yes, sir.

Q Where did you meet them at that time? A At 44th Street and Broadway.

Q Did you mark any money then? A No, not then.

Q When did you mark the \$20 you spoke about before?

A On the 20th of December.

Q Where was this marking done? A At the 2nd Branch Detective Bureau.

Q In whose presence? A In the presence of the Detective Stephens, Mr. Malraison and the complaining witness.

Q After the marking of the money, to whom did you give the money? A The complaining witness, Mr. Lontjens.

Q Then where did you go? A We went to 34th Street and Eighth Avenue on the northwest corner.

Q Who was there? A The complaining witness, Mr. Lontjens and Mr. Malraison.

Q And who else? A And Detective Stephens.

Q Did you have a little conversation there? A Not there.

Q What were you all doing on that corner? A We had previously had our conversation and arranged our plans at the 2nd Branch.

Q What happened? A I was standing about fifty yards from where the complaining witness was, the complaining witness being on the corner, the north corner of 34th Street.

Q This was on December 20th? A Yes, sir.

0729

CASE #2436

H-4

Q What time about? A About one P. M. in the daytime.

Q Go ahead? A The complaining witness was standing at the corner of 34th Street and Eighth Avenue, on the northwest corner. I was standing about fifteen yards, possibly twenty from the complaint, on the west side of Eighth Avenue, north of the complainant in a hallway with my head protruding from the hallway so I could have a full view of what transpired. Shortly afterwards possibly two minutes or five minutes had elapsed before the defendant arrived at 34th Street on the northwest corner. He shook hands with the complaining witness. They had a conversation; apparently they had a conversation. They then went from the corner to the bank steps, there being a bank at the northwest corner of 34th Street and Eighth Avenue, and while on the bank steps I saw the defendant take some money from the complaining witness' hands. I immediately rushed in the direction of where they were, grabbed the defendant's hand, opened up his hand and there was four five dollar bills, the same bills which had been marked at the 2nd branch Detective Bureau. Here are the bills.

Q Are those the bills that you marked at the 2nd branch Detective Bureau? A Yes.

Q And that you gave to Mr. Lontjens, and that you saw Lontjens hand to this defendant? A Yes.

Q These are the bills that you took from the defendant's hand? A Yes, sir.

0730

CASE #2436

H-5

MR. EDELSON: I offer them in evidence.

(Bills marked People's Exhibit No. 1 in evidence)

Q What marks are there on each one of these bills?

A The initials "E. S." are on the lower end, E on one side and S on the other, they being the initials of my partner Edgar Stephens.

Q He was the other detective in this case? A Yes.

Q Every one of these bills contains those initials?

A Yes, sir.

Q What happened then? A I then placed the defendant under arrest, took on the 34th Street crosstown car to Lexington Avenue, and took a Lexington Avenue car at 34th Street for the 2nd Branch Detective Bureau, booked him at the 2nd Branch Detective Bureau and charged him with extortion. While at the 2nd Branch Detective Bureau I asked the defendant --

Q What did the defendant say to you, not what you said to him. In response to anything you may have said to the defendant, what did he say to you? A The defendant said to me in the course of a conversation that I would do the same thing as he had done, if I found my wife in bed with another man, or on the bed with another man.

Q Did this defendant say where he lived? A He did.

Q Where did he tell you he lived? A Offhanded I could not tell you. My partner will, he later went down to his place of residence, I did not go.

MR. EDELSON: That is all.

CASE #2436

H-7

CROSS EXAMINATION BY MR. ROSENBERG:

Q Who furnished the \$20 in money? A The complaining witness.

Q At whose request? A At our request,

Q That is the police made the request to the complainant to arrange to have \$20? A Yes, four five dollar bills.

Q The police arranged it with this complaint and directed him to have that money on that day? A Yes.

Q With the consent of the lawyer, is that right? A The lawyer did not necessarily enter into it?

Q Well, he was there? A We instructed the complainant to have four five dollar bills.

Q And to turn these four five dollar bills over to this man? A Yes.

Q Those were your instructions? A Yes.

Q And he said he would act upon those instructions? A yes sir.

Q And he was directed to act upon those instructions by you as a member of the police? A Yes.

Q After you questioned this defendant didn't he say he discovered the complainant had had sexual relations with his wife? A He made a statement to that effect.

Q That he found these people in bed? A No, he said he found them sitting on the bed.

Q In a disrobed condition? A No he did not state any-

0732

CASE #2436

H-8

thing about disrobed.

Q Did you ask anything about their condition? A I did not.

Q From you inferred from what he told you that he found them in bed together or on the bed together? A On the bed together.

Q Didn't he say he had a right to sue this man for causing the damage? A Yes, he made such a statement.

Q That is, in response to your question as to why he did certain things, and the defendant told you that he had a right to claim these damages from this man because of the man's conduct for his wife? A Yes, sir.

Q He claimed that the man had sexual relations with his wife? A Yes,

Q And that this man had given this money to pay the damages, isn't that right, or part of the damages which this defendant claims he sustained? A Yes.

MR. ROSENBERG: That is all.

EDGAR STEPHENS, an Officer of the 2nd Branch Detective Bureau, sworn on behalf of the people, testified as follows:

DIRECT EXAMINATION BY MR. EDLSON:

Q Officer how long are you a member of the Police Force of the City of New York? A Fourteen years.

Q You know the complaining witness Hubert Lontjens? A Yes.

0733

CASE #2436

H-9

70

0734

Q You know the last witness, Detective Renton? A I do.

Q Have you met George Maleaisón, the attorney? A Yes.

Q Did you see them all on the 18th of December at Headquarters? A Yes, at the 2nd Branch.

Q Were you there when the \$50 was marked? A Yes.

Q Did you accompany Detective Renton up to 45th Street?

A I did.

Q What did you see there? A At the appointed time the plaintiff was to go into the saloon at 45th street and Broadway, Schafer's.

Q Did you see him go in? A I did. He met the defendant there, Roy Street.

Q Did you see them talk together? A Yes.

Q What did they then do? A They left.

Q Did you follow them? A We walked out and did not find them.

Q On the 22nd of December did you again see the complainant Hubert Lontjens? A Yes.

Q And his lawyer? A Yes, sir.

Q And Detective Renton? A Yes, sir.

Q Did you mark any money on that day? A Detective Renton marked it.

Q You saw that? A Yes, sir.

Q Where did you go that day? A We went over to the northwest corner of 34th Street and Eighth Avenue.

CASE #2436

H-10

Q What happened there? A I saw the defendant Roy Street in the United Cigar Company store on the southeast corner of 34th Street and Eighth Avenue at about one o'clock. I was in the cigar store looking across the street towards the bank.

Q yes. A I saw the complainant Lontjens in front of the Bank and I saw the Roy Street walk across Eighth Avenue and meet the complainant. They had some conversation that I could not hear. I saw the complainant Lontjens give the defendant Roy Street some money.

Q Were you there when Detective Lontjens placed the defendant under arrest? A Yes.

Q Did you walk over? A I did.

Q Did you ask this defendant where he lived, or did he tell you? A He told me.

Q What did he say? A He told me he lived in 65th Street, the number now I forget. It was between Columbus and Central Park West. I believe it was No. 27 West.

Q Have you any memorandum by which you can refresh your memory? A I have not any with me now, no.

Q Were you present when this defendant was arraigned in the police court? A I was.

Q Did you see him sign his name? A I did.

Q Look at that; is that his signature? (Handing witness the complaint) of Roy Street to the form? A Yes, sir.

0735

CASE #2436

H-11

Q The address he gave there is 17 West 65th street?

A Yes, sir.

Q Did you subsequently go to 17 West 65th Street? A I did.

Q What did you find there? A I went to No. 17 West 65th Street in company with the complainant and Mr. Malraison. I met Mrs. Kelly.

MR. ROSENBERG: I object to this. The defendant was not there. Defendant was in jail at that time.

Q Did you ascertain from your investigation whether or not this defendant lived at 17 West 65th Street?

Objected to; objection sustained.

MR. EDLSON: I offer in evidence the original papers of the police court. The Officer saw the defendant sign his name to that.

MR. ROSENBERG: It must appear that there was a formal examination taken by the Magistrate before that can go in, and I object.

MR. EDLSON: You read from that paper and had a comparison made of the signatures.

THE COURT: The point that Mr. Rosenberg has raised is well taken. Objection sustained.

Q Were you present when this defendant was arraigned in the Magistrate's Court? A I was.

Q At the City Magistrate's Court, 2nd Division on the

0736

CASE #2436

H-12

26th of December, 1917? A Yes, sir.

Q Were you in the Clerk's room when the formal complaint was declared against this defendant? A I was.

Q Did you hear the questions put to this defendant by the Clerk and the answers given by him?

MR. ROSENBERG: objected to on the ground that the Clerk has no authority to propound any questions.

Objection sustained.

Q Did you hear this defendant say to anybody in court there that he lived at 17 West 35th Street? A I did.

Q To whom did he say that? A To the Clerk.

Q You saw him sign this paper? A Yes, sir.

MR. EDELSON: I offer this paper in evidence.

MR. ROSENBERG: objected to as incompetent.

THE COURT: The paper is incompetent. In the Magistrate's Court the defendant is not called upon to make any statement, excepting an exculpatory statement. The rule is that we can only accept the statement of a defendant which exculpates him. There is no duty devolving upon the clerk to take any statement. The Code provides that after complaint is presented against a defendant the Magistrate may ask him if he wishes to make a statement, and then if it is an exculpatory statement it may be accepted. It is in violation of the constitutional rights of the defendant for him to be compelled to be a witness.

CASE #2436

0737

H-13

74

I have no right to call this defendant to the stand, nor have you.

Q Well, did you go to 17 West 65th Street? A I did.

Q Did you go to any room at 17 West 65th Street? A I did.

Q Did you find any papers there? A I did.

Q I show you this paper and this envelope, and I ask you whether you found that in a room at 17 West 65th Street? A I did.

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

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

Q I show you another paper, a marriage certificate, and I ask you whether that is a paper that you found in the room at 17 West 65th Street? A I did.

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

MR. ROSENBERG: No objection to that going in evidence.

MR. EDELSOHN: I offer it in evidence.

(Paper marked People's Exhibit 3 in evidence.)

MR. EDELSOHN: I offer People's Exhibit 2 for identification in evidence.

MR. ROSENBERG: I object to that.

MR. EDELSOHN: Well, that is all.

CASE #2436

1 GEORGE MAIRAI SON, attorney and counsellor at law,
residing at 33 Melrose Avenue, Mt. Vernon, New York,
Office 41 Park Row, a witness called on behalf of the
People, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. REDLSON:

Q You are admitted and duly licensed to practice law?

A Yes, for the past 25 years.

Q Do you know Hubert Lontjens? A I do.

Q Do you remember when he first came to see you about
this case? A Yes.

Q About when was it? A About the 10th or 12th of
December, 1917.

Q Then he had a conversation with you? A Yes.

Q As a result of that conversation did you go anywhere
with him? A Not at that time.

Q Did you the next day? A We had a subsequent conver-
sation. After a final conversation I went to the District
Attorney's office.

Q After you left the District Attorney's office did you
go to the Detective Bureau? A I did.

Q Were you present on December 18th, 1917, when \$50 was
marked by a detective? A Yes.

Q Who else was present? A Detectives Stevens and Rankin,
the defendant --

Q The complainant you mean? A Yes, the complainant,
and myself.

CASE #2436

0738

Q Did you go with them to 45th Street? A Not with them. Lontjens went alone and I went alone and the detectives went alone.

Q Did you see this defendant there? A We saw him enter the saloon.

Q Did you see him come out? A Yes sir.

Q Did you follow him? A Yes sir.

Q How far did you follow him? A I followed him to Loew's New York theater, Broadway between 44th and 45th Streets, on the easterly side of Broadway.

Q How long did you keep him in sight? A Continually.

Q Did you finally walk up and talk to him, or what?

A He came out of the lobby of the 44th Street theater and he was standing against the northerly side of the entrance, and the complaining witness handed him \$50, one twenty dollar bill and three ten dollar bills. The twenty dollar bill was on top and he counted it in my presence. I was about as far from him as I as to hyou.

Q Did you walk over to him? A No. He went down to the corner of 44th Street and at the corner of 44th Street I was as near to him as I am to the stenographer, and he there said to the complaining witness, "Now, don't forget to meet me at the bank at 24th Street and 8th Avenue at one o'clock and you know what I have told you before, it is the money or the other thing." They shook hands and the defendant went across Broadway to 44th Street and on the northerly side of

CASE #2436

0749

44th Street continued. I looked around and then went to the police officer, the traffic officer at 44th Street and Broadway. I said something to him. He accompanied me. By that time after I had said that something the defendant was half way down the block. I accompanied the officer down on the northerly side of 44th Street. The defendant was three-quarters away down the block when he turned around. I saw his face in full again. I crossed the street then on the southerly side of 44th Street and accelerated my pace and the officer did likewise. At 8th Avenue and 44th Street the defendant had disappeared.

Q On the 22nd of December did you again see this defendant? A I again saw the defendant on December 22nd.

Q Were you at Headquarters before you saw him? A Yes, on the 20th and saw four five dollar bills marked "E.S."

Q Who else was there? A Two detectives, Rankin and Stevens, and the complaining witness Lontjens.

Q On the 22nd of December what did you see at 34th Street? A At about five minutes of one o'clock, on that Saturday, Lontjens was at the foot of the New York Bank on the northwest corner of 34th Street and 8th Avenue. Detective Rankin was on the sidewalk and Stevens was a little further away to the north. I was in the middle of the Street.

Q What happened between the complainant Lontjens and this defendant? A Lontjens handed the defendant some money, some bills. I saw the defendant as if counting the

CASE #2436

bills , fingering them, and just then Detective Rankin grabbed his wrist and within two seconds Detective Stevens was upon him and grabbed him also. He was under arrest.

Q Did you go along with detective Stevens to 17 West 65th Street? A Yes sir.

Q From a room in 17 West 65 Street did you see him take this certificate (People's Exhibit 3 in Evidence)?

A I saw him find this marriage certificate.

Q And you saw him take that paper, People's Exhibit 2 for Identification? A Yes, that is the paper I saw him take from those premises with that marriage certificate.

Q Was that an apartment? A It was a furnished room that we were taken into by a party who was apparently in charge of that flat.

Q Was it one room? A Yes sir, a small inside bedroom.

Q Will you tell me if you remember, just what articles of furniture were in that one hall bed room at 17 West 65th Street? A It was not really a hall bedroom, it was an inside room in a flat. There were probably two apartments on that floor and in that bedroom there was a bureau with a mirror on it and a bed and a sort of a wash stand and a chair, and there was a satchel, a sort of a suit case.

MR. EDELSON: That is all.

CROSS EXAMINATION BY MR. ROSENBERG:

Q Mr. Malraison, the complainant is your client now?

A He is my client.

CASE #2436

Q And you expect to charge him for your services?

A Why certainly. He has paid me, partly.

Q And you expect to make another charge? A I might.

Q Are you under subpoena here or are you appearing here as counsel for the complainant? A I consider I am under subpoena.

Q Are you under subpoena? A I have not been served with a subpoena.

Q You are a lawyer of 25 years standing? A Yes.

Q You tell this jury you consider yourself under subpoena? A I do, sir, because I informed the District Attorney I did not need one.

Q Then you are not under subpoena, is that right? A No sir, I am.

Q Do you know what a subpoena is? A Yes sir, but if you promise the District Attorney without a subpoena you are under subpoena.

Q Is that your interpretation as a lawyer? A Yes sir. My word is as good as my bond for that purpose.

Q I am not questioning your word. I am questioning you about your testimony. You say that on December 18th you saw this defendant receive \$50 from the complainant? A Yes sir.

Q And you were close to him at the time? A Yes.

Q And at that time you know the officers were not there?

A I did not.

Q You had not seen the officers? A I did.

0743

CASE #2436

Q At the time that this money was passed? A No sir; immediately prior thereto I saw them go into the saloon.

Q But this was a block and a half away? A No sir, half a block away.

Q When the defendant went into this place, the lobby of the New York Theater you stood outside? A Yes sir.

Q And you did not see the police? A No sir, I did not.

Q You knew then that the police had gone in a different direction? A No, I did not know then.

Q But you knew they were not there? A No, I did not know it then. I thought they were about.

Q You did not see them? A I was watching the defendant.

Q You did not see them? A I did not see them, no.

Q When you saw this defendant take the \$50 why didn't you grabbed hold of him? A Because I expected that the two detective would be just there at the moment to take the prisoner.

Q When the detectives were not there, you knew that something had gone wrong with their arrangements? A Not yet.

Q Then you followed the defendant across the street?

A No sir, down to the corner on the same side of the street.

Q You did not see the police? A I was watching the defendant. I was stationed south. I did not look north. I did not see the police.

Q When you spoke to the officer of the traffic squad how far away was the defendant? A He was crossing Broadway.

RECORDED

0744

CASE # 2436

Q How many feet away? A Well, I should say about 100 feet.

Q Why didn't you run after him then when you knew the officers were not there? A Because I still believed that the officers were in the immediate neighborhood and would follow Lontjens and myself and make the arrest.

Q Do you keep a diary? A Yes.

Q And the register? A Yes.

Q When you got back to your office, on the following day, December 19th, did you make a record of this case?

A I did not make a record of this case.

Q This was your client? A I keep a record of civil matters. I got my record of criminal matters.

Q Did you make any record of this alleged statement that you say the defendant made and which you over heard in which he said, "You know what I told you for, money or the other thing," or words to that effect. Did you put that in your diary? A No.

Q Did you make any written memorandum of that statement? A No sir.

Q Did you think it important? A I did.

Q You made no written memorandum? A No.

Q And you rely entirely on your memory? A Yes.

Q You did not testify in the Police Court? A I was not asked to.

Q Did you? A No sir.

CASE #2436

Q Did you testify before the Grand Jury? A No sir.

Q So that the first time you made use of that statement was in court today? A Not necessarily, no sir. I told the District Attorney after the arrest.

Q In writing? A No, in an interview.

Q You are relying entirely on your memory? A Yes.

Q You have no record in your diary about this case?

A No sir.

MR. ROSENBERG: That is all.

REDIRECT EXAMINATION BY MR. EDELSON:

Q At whose suggestion was this address, 41 Park Row, care of George Malraison, made? A At mine, so that the family would not hear of this. It was not necessary, I did not want it to be published in the papers and it never has been.

MR. EDELSON: That is all.

The People rest.

MR. ROSENBERG: I move, your Honor, to direct the acquit upon the ground that the People have failed to establish facts set forth in the indictment, that the People have failed to prove the crime charged in the indictment, by competent, legal evidence, that the People have failed to prove by competent, legal evidence the charge set forth in the indictment, in that there is a material variance between the facts charged in the complaint and the evidence adduced upon the trial;

CASE # 2436

83
that the facts charged in the complaint have not been proved, and the facts proved have not been alleged.

THE COURT: Motion denied.

MR. ROSENBERG: Exception, please.

MR. ROSENBERG: It is charged in the indictment that there was an attempt to commit the crime of extortion by accusing the complainant of a disgrace, to wit, - the commission of adultery. As I understand the testimony, the money which was given here on the day in question was given by prearrangement with the police, with his full consent and not because of any threats. The witness particularly confined his testimony on cross examination as to what particular statement was made at the time that this money was given or about to be given, the testimony is still fresh in my mind, and he made no reference to any threat, but on the contrary he said that the money was given because of the claim made by the defendant that he had sustained certain damages for which he was then and there collecting.

THE COURT: Motion denied.

Exception taken.

THE COURT: Gentlemen of the jury, do not discuss this case among yourselves nor permit anyone to talk with you about it, nor form nor express any opinion as to the guilt or the innocence of the defendant until the case is finally submitted to you.

Please return at 11 o'clock tomorrow morning.

CASE #2436

PEOPLE against ROY STREET.

Trial continued.

April 10, 1918.

DEFENDANT'S CASE.

MARY MURPHY, of 17 West 65th Street, a witness called on behalf of the Defendant, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. ROSENBERG:

Q Mrs. Murphy, what business are you engaged in? A Well, I am a dressmaker by trade, but I let rooms, too.

Q Part of your business is, you let out furnished rooms, is that right? A Yes sir.

Q Do you know this defendant Roy Street? A Yes.

Q Did he ever live at your house? A Yes sir.

Q In a furnished room? A Yes sir.

Q Is it in that house where you live that the police as well as Mr. Halraison and the complainant came and took some property? A Yes sir.

Q You were there when the property was taken, is that right? A Yes sir.

Q Do you remember the police asking you whether the defendant lived there? A Yes sir.

Q And you told them that he did? A Yes sir.

Q How long did he live there? A About twelve days, not quite two weeks.

Q Before he moved to your house do you know where he lived?

CASE #2436

A He told me he lived at 15.

85

Q That is next door? A Yes sir.

Q Do you recall the police tearing up some of the papers?

MR. EDELSON: Objected to as leading.

THE COURT: Objection sustained.

Q Were you present when the police came and found some papers purporting to belong to the defendant? A Yes sir.

Q The marriage license, do you remember that? A Yes sir.

Q What else did the police do with respect to these papers? A They tore up some paper.

Q What paper did they tear up? A That I could not say. I did not see it.

Q What paper did the police say they were tearing up?
A They did not say what it contained. They said it might be of service.

Q Of service to the defendant? A Yes.

Q That paper would be of service to the defendant?
A Yes.

Q And that is why it was torn up? A Yes.

Q Did the defendant live there alone? A Yes sir.

Q Did you ever see his wife, the woman who had been here? A No sir, not until I saw her in court.

MR. ROSENBERG: That is all.

CROSS-EXAMINATION BY MR. EDELSON:

Q You never saw her until you saw her in court? A Yes.

CASE #2436

Q You never saw her at the room of this defendant, in
your house? A No sir, no woman, nobody. 86

Q Just tell what these detectives did there when they
came to your home? A They examined the room.

Q What else did they say? A They asked me if he liv-
ed there.

Q Did they tell you they were detectives? A Yes sir.
I knew that.

Q You have answered your lawyer what they said and what
they did. Now, tell it all over again. What else did they
say? A They said they came there to examine his room, the
contents.

Q And you showed his room to them? A Yes.

Q What papers did they destroy? A I could not tell
you, some paper. A dark man tore it up.

Q You don't know whether there was anything on that pa-
per or not? A No.

Q For all you know, it might have been a blank piece
of paper? A That is what he said, - it might be of service.
I said, "What is that?" He said, "It might be of service
to this man." I could not just say what term he used.

Q You say you could not say what term he used? A No.

Q You don't know what he said? A No.

Q Why do you testify he said so and so, that it might
be of service, when you say you cannot say what term he used.
You don't know what he said, in fact? A Pardon me, do not
try to confuse me. I simply told you the truth and I cannot

0759

CASE #2436

87
tell you any different.

MR. EDELSON: ~~I move~~ to strike that out as not responsive.

THE COURT: Strike it out.

Q How often did this defendant stay away nights? A I kept no track of the nights he stayed away. I never thought of anything like that.

Q You don't know whether he slept there or stayed away?

A I know he slept there, but I don't know how often.

Q You don't know what time he came in and slept there?

A Yes, I know every time he came in.

Q You were at the door waiting for him? A No, but I could hear. My door was next to his door.

Q He came in every night, I suppose? A I don't say so. He did not come in every night.

MR. EDELSON: That is all.

BY MR. ROSENBERG:

Q Can you fix a time when the defendant lived at the house; he was arrested on December 23rd, 1917. That being the date of the arrest will you please fix the time when the defendant lived at the house? A He was there a week. I would not say sure whether it was Tuesday or Wednesday.

Q But he was living there at the time of his arrest?

A Yes sir.

Q He was living there about twelve days before the arrest? A Yes, not quite two weeks.

CASE #2436

MR. ROSENBERG: That is all.

BY JUROR NO. 7:

Q Who took care of his room; who made the bed and things of that kind? A My sister and myself.

Q Did you ever go in there in the morning to make the bed and take care of the room, that you found the bed unused? A Yes.

BY MR. ROSENBERG:

Q How often? A I could not say.

Q Was it more than once or twice at the outside, or are you merely guessing? A I am only guessing at that. I paid no attention to that.

Q This jury are going to take you at your word. If you are only guessing you ought not tell the jury you found the bed not used. The juryman is asking you a question about making the bed in the morning and you said that there was a time when the bed was not occupied the night before. I ask you, are you merely guessing or is that the fact? A That is the fact.

Q Now, how often did that occur? A Well, I could not just tell you that. I don't remember that. I paid no attention.

Q Was it more than once? A I could not say that either. I don't remember. Lots of people work nights and they don't come in and I pay no particular attention to those things.

Q How many rooms do you let out? A I will have to count.

CASE #2436

Q 7 5 2

over twenty, anyway.

Q So this particular room made no impression on your mind? A No. I have three apartments, with seven rooms in each apartment.

Q And you are sure he lived there? A Yes, I am sure.
BY MR. EDELSON:

Q These other rooms are rented out to men and women?
A Yes sir.

Q You have twenty rooms rented out to twenty different people? A Well, you have to understand me.

Q Have you twenty different people that you rent those twenty rooms to? A We rent some of them for housekeeping, maybe three of them together. There would be two people in one apartment.

Q But you have quite a number of these twenty rooms you rent to single persons? A Yes.

Q To men or women? A Yes.

BY JUROR NO. 4:

Q Where did the people that tore up this paper throw that paper? A I don't remember.

Q Do you remember whether they left it there or took it with them? A I don't remember.

BY MR. ROSENBERG:

Q Mr. Edelson asked you whether men and women occupied these rooms. If you rented a place to a man and woman would you inquire whether they were man and wife? A You are sup-

0753

CASE #2436

posed to.

90

Q Would you? A Yes.

MR. ROSENBERG: That is all.

BY MR. EDELSON:

Q And you took their word for it? A Yes, I have to.

MR. EDELSON: That is all.

GERTRUDE STREET, who gives her address as at the House of Mercy, called as a witness for the defendant, having been duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. ROSENBERG:

Q What is your name? A Gertrude Street.

Q You are now at the House of Mercy? A Yes sir.

Q In the City and County of New York, is that correct? A Yes sir.

Q Under a commitment issued by Judge Wadhams? A Yes.

Q Upon your plea of guilty to the crime of petty larceny, is that correct? A Yes sir.

Q And you are down here in the custody of an officer of that institution, is that correct? A Yes sir.

Q Now, Mrs. Street, do you know the complaining witness, Mr. Lontjens? A I know him two years, yes sir.

Q How long have you known him? A Two years.

Q During those two years, separate the time that you knew him while you were married and while you were unmarried. Will you please do that? A How do you mean, separate the time?

CASE #2436

9754

Q When were you married to this defendant? A I was⁹¹ married, tomorrow will be one year, 11th of April, 1917, I married him.

Q You married him at the Bronx County Courthouse?
A Not at the courthouse. At a minister's over on Bathgate Avenue.

Q On April 11, 1917, you were married, is that correct? A Yes sir.

Q Then you went to live with this defendant as his wife? A He came to live with me. My mother and myself had the apartment in Westchester Avenue. He came to live there.

Q At the time of your marriage defendant was living at your home, where your mother lived? A Yes sir. He boarded there.

Q Where? A 1491 Westchester Avenue.

Q After you lived at Westchester Avenue where did you next live with the defendant? A City Point, Virginia. My husband was working down yonder. After we went to City Point he got a job down there.

Q How long did you stay down in Virginia? A We stayed down there, I don't know, maybe it was two months, maybe less. I wanted to come back here because it was awfully hot there.

Q You got back to New York in the summer of 1917?
A Yes sir.

Q Where did you go to live? A Now 101st Street, two

CASE #2436

91
5
Z
0

doors from the Park, right off 8th Avenue.

92

Q Did you live there with your husband as his wife?

A Yes sir.

Q There came a time when you went to live at 212th Street? A Yes sir, 433 West.

Q Do you remember when you hired those rooms? A We lived at Dyckman Street for a while. The apartment was not large enough. Then we moved to 212th Street. I just don't remember the address exactly.

Q At any rate you finally got into an apartment at 433 West 212th Street? A Yes.

Q From whom did you hire this apartment? A From the Realty Company down yonder on 181st Street.

Q Who was with you when you hired the apartment? A My husband, Mr. Street.

Q Under what name did you hire the apartment? A Street, our name.

Q What name were you known under up in that apartment, in that building? A Mr. and Mrs. Street.

Q What name was in the doorbell? A Mr. and Mrs. Street.

Q Was the name of Williams in the doorbell? A Why, no sir, my name was not Williams. I had already married Roy then.

Q During the time that you were married, from April 11th down to and including November 12th, did you ever see or speak with the complaining witness, Mr. Lontjens? A Yes sir, now-

CASE # 2436

eral times.

93

Q During that time? A Well, after we came back from Virginia I met him by accident one day when I was coming back from shopping. He wanted to come up and see me and I told him he better not because I was married then, you see.

Q Now, before April 11th, 1917, had you been on terms of intimacy with this man? A Yes sir.

Q How frequently did you see the complainant prior to your marriage? A He used to come up every time he got a chance from work; sometimes every afternoon, sometimes every other afternoon.

Q How long would his visits last? A Sometimes he would stay up there an hour, sometimes to seven, sometimes to nine. Again, he said if he called up his wife before he came over there that he could stay longer.

Q Where were you living before you were married? A 1491 Westchester Avenue.

Q Weren't you living in 81st Street one time? A Oh yes, 203 West 81st Street.

Q Did Lontjens call on you at that address? A Oh, yes sir.

Q How frequently? A He did not call so frequently there because it was kind of around Christmas time and he was busy then. He could not get there quite so frequently.

Q When he called, he called pretty nearly every day?

A When he could, yes sir.

Q During the day and during the evening? A No sir, he

CASE #2436

0757

94
did not up in the daytime. It was usually in the afternoon or evening, because he had to work in the mornings.

Q When he came to visit you evenings, how long did he remain? A Sometimes two hours, sometimes three hours; sometimes shorter.

Q Did you ever go to lunch or dinner with him? A I used to eat at Begg & Zucca's with him. Sometimes we would have dinner every day in the week. Then again we would not see each other for a couple of weeks.

Q Did you ever go to the theater with him? A Yes.

Q How frequently? A Not very frequently, because he said it was nicer to sit up in the apartment. He would bring up steak and I would prepare it, and have some pie and coffee.

Q He would rather stay with you than go to the theater? A Yes sir.

Q Did he ever take you to the theater? A Yes, lots of times.

Q Did he ever take you to the moving pictures? A Yes.

Q Frequently? A No sir, we did not go out so very much.

Q Did he ever give you any presents? A Yes sir.

Q Will you enumerate the presents? A He gave me a bar pin, a pair of earrings and he gave me this lavalliere, but Roy did not know that because if Roy knew that I would not have it long.

CASE #2436

Q What I want to know is whether the presents concerning which you have spoken, were they given to you before your marriage or after your marriage? A Everything was given to me before my marriage, except the pin. That was given to me after the marriage.

Q That is the bar pin? A Yes.

Q Mr. Lontjens said he told you that was an imitation stone pin? A No sir, it was a diamond pin.

Q Did he tell you that? A Yes.

Q A diamond bar pin? A Yes sir.

Q How many diamonds did it have? A It was kind of a long pin. It must have had about eight, about the size of these stones in here (indicating pin on her dress).

Q At any rate he told you he made it himself? A No, he did not tell me he made it. He said a friend of his made it for him. He gave the friend the stones and the friend made it.

Q But he did not tell you it was imitation? A No sir.

Q So that there would be no question; during the time prior to April 1917, you did have sexual relations with this man Lontjens, did you? A Yes sir, I did.

Q Did he ever give you any money? A Yes sir. He helped me out lots of times. on the rent before I was married. A lot of times he bought some clothes for my little girl.

Q Did he ever give your little any presents? A Yes, a little diamond pin.

CASE #2436

0759

Q That child was the child of a former marriage, is that correct? A No sir. I got her when she was a year old. I have had her for five years. The 26th of February she was six years old.

Q You adopted the child? A Yes sir.

Q Now then, limiting your acquaintance to the time after your marriage to Street, how frequently did you see the complainant after your marriage? A Around six times in all.

Q Did he call on you during those six times? A The only time he ever came to the apartment after I was married was the night up yonder at 212th Street.

Q That was the night of November 14, 1917, was it? A Yes sir.

Q And you met him, however, about five times? A Six times.

Q What did you do during those six times that you met him? A Twice we went to a moving picture show and then was went down yonder to eat at Beck & Snocca's, where we always ate, near 49th Street and 6th Avenue.

Q The only time he called at your home, however, was on this night, is that correct? A Yes sir.

Q Did he ever ask you to visit you at your home after your marriage? A Yes sir. He wanted to come to see me but I told him I was married and that he must not come to see me.

CASE #2436

0760

Q When did you tell him you were married, that he must not come to see you? A Just as soon as I came back from Virginia, the first time I saw him.

Q Can you fix the time about? A We got back from Virginia the latter part of May. We were taking an apartment at 101st Street in June.

Q Dating from the latter part of May, can you give the jury an idea when you first met the complainant after that?

A I could not tell you the date, it was around two months after we came back.

Q That would be June or July? A It must have been around the latter part of July.

Q July or August, 1917? A Yes.

Q Are you sure you told him you were married? A Yes sir.

Q Did he ask you to call on you? A Yes.

Q Did you permit him to call? A He wanted to come to see me but I told him I was married. He said, "Well, let me come to see you." I said, "No sir, you cannot." He said, "We could go to a hotel." But I told I was married and I could not.

Q What else did he have to say? A He said if I would leave my husband he would help me get a divorce.

Q Did he say anything about his affection for you?

A Yes sir.

THE COURT: That is objected to as leading.

THE WITNESS: Objection sustained. Do not lead.

CASE #2436

this witness.

Q Will you give us the whole of the conversation?

A Well, he said, "Well, you are married, you found out you do not love him half as well as you love me." I said, "No, sir, I think an awful lot of you, Mr. Lontjens, but while I am married and maybe we do not love each other as well as husband and wife should, I married him and I promised him before God to be true to him and I think I better keep my promise." He said, "If you want to leave him I will get you an apartment." He said, "Later on we can get the evidence and get a divorce." He said he was going to get a divorce from his wife. I did not know it until after I got back from Virginia that he was a married man, because he never told me he was married.

Q On November 14, 1917, did the complainant visit you at your home? A Yes, he did. He came up there after he got off from work. He brought me some candy that night.

Q Did you telephone to him on that day that you wanted to see him on very important business, or a very oimportant matter? A No sir, no sir.

Q Did you telephone to the restaurant that he should come up at once? A No sir, I did not.

Q Or to come at all? A No sir.

Q When did he get up to your home that night? A It was around six o'clock. It takes about an hour. He gets off from work about five o'clock. Around six o'clock he got there,

0762

CASE #2436

Q After he got there how long did he remain in all?

A Well, I think it was around eight thirty, something like that, or nine o'clock.

Q During all that time was he in your apartment? A Yes sir, he was.

Q Was your husband there at that time? A No sir. My husband about three days before that had gone down to Haskell, New Jersey, because if he had not been out of the city I never would have dared to let him go up there.

Q Your husband was in Haskell, New Jersey? A Yes.

Q He was down there how many days? A Around three days.

Q Where was he working in Haskell, New Jersey? A He was working at the Du Pont Powder Works.

Q Are you sure of that? A I know what he told me. He said he would go down there and work for them. I know he worked for them at City Point. He had his check with a picture on it.

Q He was working for Du Pont in Virginia? A Yes sir.

Q And he was working for Du Pont in Haskell, New Jersey? A Yes sir.

Q Did you expect your husband to come home that night?

A I was not expecting him home until the end of the week. He said he would come back on Sunday.

Q When your husband came home that night will you tell the jury how he happened to get into that apartment, if he

0763

CASE #2436

could get in, without your knowing it? A We have what they call a Seigel lock. That is only two keys, When we got the lock Roy had a key and I had a key. That is the only way he could have got in, with the key.

Q Are you sure that the door was locked when Lontjens was there? A I tried the door three or four times to see if it was locked and it was locked. I even had the dumb waiter locked. It is a french name Lontjens and I could not pronounce those French names good.

Q Mrs. Street, during the time that it is complainant was at your home on November 14, on this evening, were you in a disrobed condition at any time? A No sir, I did not have the robe. I had on a night gown.

Q What was the complainant's condition as to dress?
A He did not have on anything.

BY THE COURT:

Q You had relations with men prior to having met the complaining witness, did you? A None, except my husband.

Q Prior to having met the complaining witness? A My first husband.

Q I mean not with your husband, but with men other than the complaining witness? A No sir, I have not.

Q You were convicted of crime, is that right, and sentenced to the House of Mercy? A Yes sir, I lost the ring, but I did not steal it.

Q That question was passed upon by Judge Wadhams? A Yes

CASE #2436

0764

Q Just dry your tears and answer questions of counsel.

A Yes sir.

BY MR. ROSENBERG:

Q Was this complainant undressed on that night? A Yes sir.

Q On the night of November 14, 1917? A Yes sir.

Q Did you occupy any bed in that apartment with him on that night? A Yes sir.

THE COURT: Ask her the direct question.

Q Did you have sexual relations with him on that night?

A Yes sir.

Q Sexual intercourse, is that correct? A Yes sir.

Q Now, where were you and the complainant when your husband entered that apartment? A We were in bed.

Q Did you see your husband have a revolver at any time?

A No sir, I did not.

Q Did he have a revolver on that night? A No sir.

Q Did he take a revolver and order the complaining witness to hold his hands up? A No sir.

Q And then direct him to go into the other room? A No sir.

Q Now on November 14, the night of this occurrence, did your husband stay in that house that night? A I don't know whether he stayed, because I walked all night long. I was scared to come back. I got out, put on an overcoat and hat and walked the rest of the night, because I was afraid to come back.

Q Then you left that night? A Yes sir.

CASE #2436

0765

Q Alone? A Yes sir.

Q Have you ever lived with hyour husband, this defendant, after that night? A No sir, I have not. He has been up there several times but we never lived together.

Q Did you ever renew your marital relations with him after that night? A No sir.

Q Have you ever lived in the same apartment with him after that night? A No sir, I havenot. He got his things and moved downtown.

MR. ROSENBERG: That is all.

CROSS EXAMINATION BY MR. EDELSON:

Q How many children did you say you had? A I got one adopted child.

Q Only one? A One adopted; two others, the little boy I was going to take back to Richmond.

Q You said you had one adopted child. Have you any other children of your own? A No sir, I neve have had any.

Q Mr. Lontjens was very good to you, when he knew you, wean't he? A Well, he was good in a way, yes sir.

Q You say he administered to your every want before you were married? A No sir. I said he helped me out sometimes.

Q In paying the rent? A No sir, he did not pay my rent. Lots of times before I got my money he helped out.

Q Didn't you say on your direct examination that sometimes he would help you out and pay your rent? A Yes sir,

CASE # 2436

I did.

Q And he gave you presents? A Yes sir.

Q And he made presents to your sister? A Yes.

Q He knew your sister? A He knew my sister and my mother, but my mother knew him as a gentleman. My mother did not know anything bad.

Q Did you know anything bad? Your mother knew him as a gentleman;; you thought enough of him to introduce him to your mother, didn't you? A He worried me to death.

Q Yes or no? A I did, yes sir.

Q And your mother knew him as a gentleman? A Yes.

Q Did you know him as a gentleman? A In one way, yes.

Q Didn't you testify in the Police Court when confronted by him he was always a gentleman to you? A I said he was good to me.

Q You say you never had anything to do with any other men? A I have not.

Q When did you originally come from the South, to this city? A I have been to New York a couple of times.

Q The last time; I don't mean these short visits you took down south. When did you leave the south for good and come to the city to live? A This last time you mean?

Q Where were you born? A Alabama. Birmingham.

Q When you left Birmingham, did you come direct to New York or did you go to Virginia? A No, when I left Alabama

0767

CASE #2436

I went to New Orleans to work.

Q When you finally left the South, whether it was Alabama or New Orleans, or any other village or city down South, when did you first come here to New York? A I came here and was here three months and then I went back home again. I was not here long the first time.

Q How long in all are you living in New York? A I have been living in New York City a year and a half the three times I have been up here.

Q Where do you consider your home now? A Down in Birmingham, Alabama.

Q How long were you in New York before you met Lontjens? A I came here to New York City the first time when I was around 18. I met Lontjens in the year 1916.

Q How long were you in New York before you met him? A Around two months.

Q You met him through a flirtation, didn't you? A No sir. I was introduced to him by a lady friend of mine.

Q A lady? A Yes sir.

Q A good friend of yours? A Why, yes.

Q A respectable lady? A She certainly is.

Q She thought enough of Mr. Lontjens to introduce him to you? A She said she just had been introduced to him. She had not know him long.

Q You say you never had any sexual intercourse with any other man during the period you were in New York?

0768

CASE #2436

MR. ROSENBERG: Objected to as already answered.

Objection overruled. Exception taken.

Q Haven't you been prostituting your body while you have been in the City of New York? A No sir, I have not.

Q You never have gone out with other men?

Objected to. Objection overruled. Exception taken.

A I have not been a prostitute, although I have done things not I should have done.

Q Did you work while you were in the city? A When I came here in 1916, I came with my own father. I did not work then, because we had a little money.

Q But you have been here on and off for a year and a half in this city. Where did you work? How did you support yourself and this adopted child? A I worked in three or four places in New York City and I quit those places because it got kind of unpleasant there.

Q Who supported you when you were out of work? A Mama used to send me money, what she could spare, you see.

Q Do you know what became of that diamond ring you took from the finger of Montjans on the night of November 14?

A I did not take any.

Objected to. Objection overruled. Exception taken.

Q Did you see a diamond ring on his finger? A No sir.

Q Who was with you that night for three hours, from

CASE #2436

0769

about six to half past eight or two and half hours you say,
is that right? A It was.

Q And you saw him undressed? A Yes sir.

BY THE COURT:

Q Did he force you to have intercourse with him that
night, or did you voluntarily submit to him and commit the
act? A I submitted.

Q You voluntarily submitted, is that right? A He
kept on begging me. He said he would not come up there any
bother me.

Q You did not order him out of the house, did you?
A Yes sir, I told him it was best for him to go.

Q But he did not leave? A No sir.

BY MR. EDELSON:

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

Q You told him it was best for him to go, and at the
same time you got undressed? A Yes sir.

Q You said on your direct examination that you had no
sexual intercourse with this man from the time you married
this defendant to the time this complainant came to your
room on the night of November 14, 1917, is that true? A I
said something else had happened that he did, but I didn't
say we did not have sexual intercourse.

Q Did you have sexual intercourse with Lontjens during
the period that you were married to this defendant, aside

CASE # 2436

from this one night? A That was the only time I ever done anything bad, that one night after I was married, but we had been lots of times downtown.

Q You said you were out with him about five or six times during the time you were married to your husband? A I said I was out with him around five times, because I did not see him but six times after I came back.

Q Twice you went to a restaurant? A Yes.

Q Then you went to a picture show? A Yes.

Q Did nothing wrong at all? A No, but he wanted me to go to a hotel with him but I did not do it.

Q Did you tell your husband that you were going out with him? A No sir.

Q You were married at that time, weren't you? A Yes, but I did not meet him by appointment. I just happened to meet him by pure accident.

Q I ask you whether or not you told your husband about these meetings with him? A No sir, I did not.

BY THE COURT:

Q Did you give this man Lontjens your address? A No sir.

Q At the time you met him, did you give him your address? A No sir, I did not.

Q Did he ask you for it? A He did, lots of times.

Q What did you say? A I told him, "I could not give you my address."

I said, "I thought a lot of you before I was married, but now I am married."

CASE #2436

Q. Do you know how he located you? A. The only way I can figure it out, - either I had one or two letters with me that had my address on. He either saw one of them because I had them lying on the table or he followed me home one time.

BY MR. EDELSON:

Q. Those letters were addressed to you as Gertrude Williams? A. No, Mrs. Gertrude Street.

Q. You showed him the letters? A. No, I had them lying on the table where we were eating at.

Q. You did not want him to know your address, and you went to the different restaurants with him and you put letters down, addressed to you?

MR. ROSENBERG: Objected to as not the testimony.

Q. Didn't you say the only way he could have known your address was when you were in the restaurant you put some letters on the table with the address up? A. Yes sir, I could not put them in the pocket-book. It was too small.

Q. Who is Mr. Henry Hahn? A. Do I have to answer?

THE COURT: Yes.

A. Mr. Hahn is a man.

Q. You knew him, a friend of yours, a married man?

A. I did not know him so very well.

Q. I did not ask you how well you knew him? A. Yes.

Q. You know he lived in Jersey? A. Yes.

Q. You know he was married? A. Yes.

CASE #2436

Q Didn't you think there was anything wrong or improper to out with married men all the time, knowing that they had wives and families? A I know it was improper. I realize it now.

Q How often did you go around with this Henry Hahn? A Only twice. One time we stopped in the New York cafe, formerly the Kaiser Hof, and got some sarsaprilla and he got a glass of beer.

Q You drank sarsaprilla? A That night. The next time I met him I drank three quarts of sparkling burgandy and one quart of this still wine.

Q What interval occurred from the time you drank the soda water and the wine? A Around two or three days.

Q Did you ask him to show you his diamond ring and take it off his finger and put it on your finger? A No sir.

Q Didn't you take that diamond ring from him? A No sir, I did not take it from him.

MR. ROSENBERG: I object to that.

THE COURT: She has answered.

Q Didn't you plead guilty before Judge Wadhams in Part 1 in the Court General Sessions to stealing this diamond ring? A No sir, not to stealing it.

MR. ROSENBERG: I object. We admit she pleaded guilty.

MR. JOHNSON: I am told that a similar circumstance for the purpose of affecting her credibility.

0773

CASE #2436

THE COURT: For the purpose of affecting her credibility I will allow the question.

Q Did you plead guilty to the crime of stealing the ring? A Not the stealing it. I lost Mr. Hahn's ring, but honest to God I did not steal it.

BY THE COURT:

Q Judge Wadhams sentenced you to the Magdelane Home?

A No, to the House of Mercy.

MR. ROSENBERG: The papers show that disposition.

THE COURT: Judge Wadhams suspended sentence on this witness on the condition she would consent to be committed to the House of Mercy.

BY MR. EDELSON:

Q You say you lost Mr. Hahn's ring?

MR. ROSENBERG: Objected to on the ground the woman pleaded guilty and he cannot impeach that record.

THE COURT: That is not the point. Is it necessary to go into these facts? I do not see the importance of it.

MR. EDELSON: On the question of her credibility.

THE COURT: I will not allow you to go into all the details. You have her conviction and if she disputes that you can prove it, but you cannot go into the details. We are not going to try that case now.

Q Aweren't you in Reischweber's the second time with Hahn?

A No sir, the first time I was in there was that night

CASE #2436

we drank wine. I didn't know what I was doing.

Q Didn't you leave your hat on a chair and tell Mr. Hahn you were going to the toilet and leave in a taxicab, and leave your hat there on a chair?

MR. ROSENBERG: That is in violation of your Honor's ruling. Mr. Edelson is going into the case that she pleaded guilty in.

THE COURT: You have proved she was convicted of stealing a ring belonging to Mr. Hahn. That conviction is there. Is it necessary then to try that larceny case?

MR. EDELSON: No, but I think I can show the same circumstance in that case as in the Lontjens case.

THE COURT: Proceed, please.

Q Did you know any other married men beside Mr. Hahn?

A No sir.

Q Did you go with anybody else besides Mr. Hahn?

A No sir, I have been too busy this summer. I had two children there, One was a little baby?

Q Where did you get the other child? A I got him in Richmond, Virginia, the other one.

Q You said you had just one adopted child. A I did not say adopted in Virginia. I got one which was six months old.

Q Tell me how many children you have? A I have one adopted child, - the little boy and I brought him from

CASE # 2436

Richmond to have his back straightened, and Little Virginia I was going to keep her if Roy would consent to having me adopt it. That is three children.

Q They are not your children at all? A No sir, but I love them.

Q Whose children are they? A Just little waifs, I don't know; they were left in a home in Richmond.

Q What home? A 101 East Clay Street, Richmond.

Q You made application for these children to whom?

A I did not have to make application.

Q You just walked in and took them? A No, I brought little Virginia up. I asked for a girl and they let me have Virginia. When I went to visit my sister-in-law I brought the boy there.

Q Who was your first husband? A Mr. Williams.

Q Where is he now? A I don't know. He is dead. I don't know where he is dead.

Q When did he die? A A year after I was married.

Q When were you married to Williams? A When I was seventeen.

Q How long ago was that? A I was 17 years of age when I married Mr. Williams. I am 24.

Q Did you take housekeeping with Mr. Williams? A No sir, we did not live together very long.

Q You married him and never lived together? A I did not say that.

9776

CASE #2436

Q Did you take hup house keeping with Mr. Williams?

A Yes, in New Orleans.

Q How long? A Around seven months, something like that.

Q What happened after seven months? A He wanted me to live at a place that was not nice, and I left him.

Q He wanted you to live in a place that was not nice? A Yes.

Q What place? A It was a lady friend of his. I did not think she looked very much like a lady so I would not go there to live.

Q After that did you separate? A Yes sir.

Q Did you divorce him or did he divorce you? A He died.

Q When did he die? A A little over a year after I was married.

Q You have not been married since? A No sir.

Q I mean aside from to this defendant? A No sir.

Q Had you been living with any other man? A No sir.

THE COURT: Do not discuss this case among yourselves nor permit any person to talk to you about it, or form or express any opinion as to the guilt or the innocence of the defendant until the case is finally submitted to you.

So will take a recess until five minutes after two.

CASE #2436

MISSING PAGES
115 - end

114

A f t e r r e c e s s .

2:05 P.M.

G E R T R U D E S T R E E T, recalled for further cross examination;

CROSS EXAMINATION BY MR. EDELSON continued.

Q How many days prior to November 14 did this defendant leave for Haskel, New Jersey? A Why, I don't know the exact date.

Q How many days before the night that he came in when you say Lontjens was there with you, how many days did you say before that particular night did he leave? A Around three days.

Q He told you he was to be away for a week? A He said he would come back, yes sir.

Q What floor was your apartment on? A On the second floor. You walk up two flights.

Q How many rooms were there in your apartment? A Five, but they were kind of small.

Q What did those five rooms consist of? A A room back yonder where the children slept, a bath room, then a dining room, then a kind of sitting room and parlor, and then our bedroom.

Q What room did you enter as you opened the door from the main hall? What was the entrance to your apartment?

-You say you had five rooms. A Yes.

Q As you left the hallway and went upstairs to your

CASE #2436