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CASE # 2441

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

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T H E P E O P L E

-against-
LEWIS C. WESTERVELT
-and-
JAMES C. PORTER.
----- X

B e f o r e:

HON. JAMES T. MALONE, J.,

and a Jury.

New York, April 15th, 1918.

Indicted for keeping and maintaining disorderly house, etc.

Indictment filed February 21st, 1916.

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

ASSISTANT DISTRICT ATTORNEY JAMES. MAGEE,
FOR THE PEOPLE.

JOSEPH F. ROSALSKY, ESQ., FOR THE DEFENSE.

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TRANSCRIPT OF STENOGRAPHER'S MINUTES.

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Frank S. Beard,

Official Stenographer.

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THE PEOPLE'S TESTIMONY:

J O H N J. R E E D, of Special Squad 1, a witness called on behalf of the People, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. MAGEE:

Q Are you a member of the Municipal Police Force of the City of New York? A I am.

Q Are you married? A Yes, sir.

Q Have you children? A No, sir.

Q Where do you reside? A 2148 Webster Avenue.

Q In the Borough of the Bronx? A Yes, sir.

Q How long have you been on the police force? A Four and a half years.

Q How long have you been married? A About a year and a half.

Q Do you know the premises called the Eastern Hotel? A Yes, sir.

Q Where is that premises situated? A 64 Whitehall Street.

Q Is that in the City, County and State of New York? A It is.

Q And have you ever had occasion to visit those premises?
A Yes, sir..

Q Will you kindly state under what circumstances, when and with whom you went there? A I was ordered by my superior officer to live in that hotel, and I went there on the 30th day of September, 1915.

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It was in the morning, around eleven o'clock A. M., and I approached the desk, and I asked if I could hire a room there by the week.

The clerk -- it was not this defendant Westervelt -- said yes, and I asked him how much it would be, and he said it would be five dollars.

Q The clerk was not either of these defendants? A No, sir; it was the day clerk.

And I paid five dollars for a week, and he assigned me to room 49 on the top floor, and I put my bag there, and left the room, and came back to the hotel again that night.

I then, on October 2nd, at 11:45 P. M., entered my room, rang the bell, and was answered by the defendant Porter.

I ordered a bottle of beer, and he left the room, returned shortly with a bottle of beer.

BY THE COURT:

Q On what date was this? A October 2nd, 1915, your Honor. I said to him then, "It's kind of cold here tonight. Can you get me a girl? There ought to be some nice girls around here", and he said, "I'll see what I can do".

And he went away and then I heard a knock on the door, and I opened the door, and a young woman was there, and she said, "Jimmie sent me".

I said, "All right; step in." I then rang the bell for this defendant Porter again, and we ordered some more drinks.

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AMERICAN HOTEL

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Q Did Porter come up into your room while this woman was there? A On this occasion when I rang the bell, after the woman came in I rang the bell and Porter came to the room.

Q Now, was the woman there when he returned to the room?

A Yes, sir. And he came into the room and I ordered two bottles of beer, and the defendant Porter left, and shortly after he brought the two bottles of beer back.

Q Did he return with the bottles of beer? A He did.

Q Was anything said then? A Then this woman offered to expose her person, and demanded five dollars, which I gave her for the purpose of sexual intercourse.

Q What did she do? A She started to take off her clothes, and she took off her skirt and lay on the bed, and attempted to expose her person, and she told me, "We'll go to bed", and I asked her how much she wanted, and she said five dollars.

Q And did you give her five dollars then? A Yes, sir.

Q What happened after that? Did you go to bed with her?

A I did not.

Q What happened then? Did she leave the room? A She did; shortly thereafter.

Q And what did you do? A I remained in the room all the rest of the night.

Q Yes. Did anything else happen while you were in that hotel? A On October 5th, officer Reich came to live at the hotel, and he was assigned to room 48, which was the next room to me.

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Q Well, how do you know that? A Because I was in the office on that day, and he said, "I'm going to get a room in the hotel, tonight".

Q Did you see him in room 14? A No, room 48.

Q Did you have your room there? A Yes, sir; room 49.

Q Was that the adjoining room? A Yes, sir.

Q Well now, proceed; what happened? A And on October 12th, I entered the hotel about 12:30, and I went to my room and I rang the bell, and the bell was answered by the defendant Porter.

And I ordered a bottle of beer, and he left the room and shortly after returned with the beer, and I said, "Any nice girls around to night?" And he said, "No, it's rather quiet tonight, but I'll see what I can do".

And shortly thereafter a knock came on the door, and there was a woman there at the door, and she said, "Jimmie sent me up", and I said, "All right; step inside".

And she said, "Are you living here all the time?" And I said, "Yes".

And she said, "I have another man downstairs, but, when I get through with him, I will come up to your room".

And I said, "Oh, no; you can't stay now at all", and she went away, and I went downstairs.

And I met Porter in front of the desk, and I said, "That woman don't want to stay".

And just then two women came up the stairs, and I said to him,

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"There's a nice girl coming up now", and he said, "Go back to your room and I'll bring a woman up".

And, a little while after, a knock came to the door, and I found a woman there at the door, and she came into the room -- I invited her in -- and she wanted to go to bed, and offered herself for the purpose of prostitution, and demanded five dollars, and I gave her five dollars, and refused to have intercourse with her, and she left the room.

And, about five or ten minutes after, I observed this same woman knock on the door of officer Reich's room, No. 48, and she entered that room.

Q Did you see who let her in? A No, sir; I couldn't see from where I was.

Q On what date was that? A On the 12th.

Q Of October? A Yes, sir; 1915.

Q Did you see anything else in that hotel while you stayed there, of that kind? A Yes, sir; on October 19th, about 11 P. M., I was in the barroom in this hotel, with Officer Barrett, when I heard a whistle, and I looked out in the street, and I saw the woman who I had in the room on October 2nd, and she beckoned to me and I went out to meet her, and she said, "Are you living here yet?" And I said, "Yes", and she said, "Do you want me to go to your room tonight?" And I said, "Well, I am in here with two friends, and if you can get two other girls, why all right."

And she said, "I'll see what I can do", and then she left and

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I returned to the barroom and spoke to officer Barrett, and we had a drink and went out and waited on the sidewalk.

And she came along, and she said, "I can't get no other girls". And she said, "I'll go up with your friend", indicating officer Barrett, and then I will go to your room with you".

And, about 11:45 P. M., officer Barret and the woman entered the hotel, and about 12:15, officer Barrett returned alone, and about 12:50 this woman came out, and then I entered the hotel with her.

And at the head of the stairs we met Porter, and the defendant-- the woman, said to the defendant Porter, "I thought you said my friend left here?" And he said, "I can't keep track of all the men in the house".

I then said to the defendant Westervelt, "Let me have my key". And I said to the defendant Porter, "Bring me up two bottles of beer to my room," and the woman went to the woman's toilet, and I said to Porter, "Let that woman come up to my room".

And a little while after she came to my room, and in my room we had the two bottles of beer, and the woman offered to expose her person, and demanded five dollars, which I gave her, and then I remained in the room until she left, and went downstairs, and I observed officer Reich sitting in the room next to the desk, when I went downstairs.

Q Did you pay the defendant Porter anything for procuring these women for you? A I did.

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Q How much did you give him? A One dollar.

Q When? A On each occasion.

Q On each occasion? A Yes, sir.

Q Before the woman came to your room or after? A Before.

Q Before? A Yes, sir.

Q You always gave him a dollar first? A Yes, sir.

Q Now, did you have any conversation with the defendant Westervelt in reference to these transactions you had with Porter?

A No, sir; I didn't.

Q The only time you saw Westervelt was the last time you took a woman to your room? A No, I saw him on other occasions, when I was alone.

Q Well, did you have women with you then? A No, sir.

Q And, so far as you know, he knows nothing about your taking women to your room, does he? A On the last occasion, I came in accompanied by this woman, and had this conversation where he was standing at the desk.

Q And he overheard the conversation between you and Porter, do you believe? A He could have. He was very close to me and Porter, not more than four or five feet from him and me.

Q And what was he doing? Did you observe? A Why, he was just standing there, as far as I can remember at the present time.

Q And what was it you said to Porter? A I asked the defendant Westervelt for the key, and then I said to Porter, "Bring two bottles of beer to my room".

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Q And did you have a woman with you then? A Yes, at that time.

Q Did this woman speak to Mr. Westervelt, the defendant Westervelt? A No, sir; she didn't.
BY THE COURT:

Q And how long were you at the hotel, Mr. Reed? A Why, I got the room on September 30th, and we raided the premises on October 21st; very near a month, then, your Honor.

Q Did you occupy that room every night? A Mostly every night; not every night.

Q Did you take your meals there at the hotel? A I used to have my breakfast as a rule there. They had a restaurant downstairs.

Q And did you take your supper there at any time? A No, sir; not over once or twice.

BY MR. MAGEE:

Q Have you ever seen this book before, this book which I show you? A Yes.

Q Where did you see it first? A On the desk at the Eastern Hotel.

Q In whose charge was it? A Why, it was in charge of the day clerk at that time.

Q The clerk of the hotel? A Yes, sir.

Q Did you write in that book? A I did.

Q Well, will you kindly indicate where you wrote in it, and what you wrote? A I wrote, "John Reid". I wrote my own name,

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but I spelled my name "Reid", instead of "Reed". This is what I wrote, "John Reid, U. S. Army". I wrote that in the register. Then there is "Room 49" after the name.

MR. MAGEE: I offer in evidence the signature, "John Reid, U. S. Army", on the page entitled "Wednesday, September 29th, 1915, continued".

MR. ROSALSKY: No objection.

(It is admitted and marked People's Exhibit 1.)

BY MR. MAGEE:

Q Well, did you have any other transactions with women, other than you have described and related here, in that hotel? A No, sir

CROSS EXAMINATION BY MR. ROSALSKY:

Q Mr. Reed, in October, 1915, how long had you been connected with Squad 4, Special Squad 4 with which you were then connected?

A I went with Special Squad 4 in 1913.

Q And how long did you remain there? A Special Squad 4?

Q Yes? A Until, I believe, it was February of this year -- yes, February 9th, I believe.

Q And during this time you had been obtaining evidence against different hotels; is that right? A Yes.

Q Now, describe this hotel to the jury, the Eastern Hotel.

A Why, I believe it is a six story building -- I wouldn't say positively -- I don't know how many rooms they have there.

On the ground floor there is a barroom, on the corner, and

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then up on Whitehall Street is a large restaurant; and, above that, is a desk and a small room, and also a small drinking room and a ladies' toilet, and the floors above that were all rooms. I was on the top floor, room 49. I am not sure whether it is a five or six story building.

Q A large dining room on the ground floor? A Yes, a big room.

Q Seating several hundred? A Oh, I wouldn't say several hundred.

Q Well, about how many? A As far as I can remember, I should judge there was about 12 or 15 tables in it.

Q In the large dining room downstairs? A As far as I can remember. It is just approximately. I couldn't say positively now.

Q All right. Did you have any talk with any of the officers, Reith, Lennon and Barrett, before you went to this place in September, 1915? A Why, yes.

Q With whom did you talk? A Officer Lennon, I believe it was.

Q And did you have any talk with Reith about it? A Well, I can't just remember. I know we had the place for investigation, but I don't know now whether it was officer Reith or officer Lennon that I went down there with.

We were in company with two women, and we had something to drink in the restaurant, and one of the women said that she would

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go up to the rooms through the defendant Porter, that is, if anybody lived in the hotel, the girls would go up, and, if there was any of the men that wanted women, they would tell this defendant Porter, and he would notify the women what room to go to.

Q When did you have that conversation? A Why, that was prior to my going to live there.

Q How long prior? A Oh, perhaps a week or so. I don't just remember now.

Q A week or so before you went to those premises? A I think it was, I couldn't say. It's so long ago I can't exactly remember.

Q And did you spend any money on that occasion with this girl, or these girls? A Oh, yes, certainly I spent money.

Q Did you have any meals at that time with this girl that you were with? A I think -- I couldn't say whether any of us had something to eat or not. I can't remember.

Q Well, you say which officer was with you? A Well, I can't say whether it was Lennon or Reith; it's so long ago that I have almost forgotten -- that I have forgotten, in fact.

Q Did you take this girl's name? A No, sir.

Q Have you ever seen her since? A No, sir.

Q Did you and Reith then have a talk as to what kind of evidence you were going to get against this place? A No, sir.

Q Did you have any talk with Lennon and Barrett as to what evidence you were going to get against this place? A No, sir.

Q Now then, you want this jury to understand that you had

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a talk with a certain girl, whose name you don't know, and you believe it was officer Reith who was with you, as to how you could get a girl upstairs? A I don't know whether it was Reith or Lennon; I don't remember what officer it was .

Q Well, whatever officer it was, did you notify the proprietor of the place that the place was running bad? A No, sir.

Q Did you notify the proprietor that he was running a disorderly house? A No, sir.

Q It is a very large establishment there, is it not? A It is quite a large place, yes.

Q And you didn't think it your duty to notify him that the place was in bad odor? A No, sir.

Q You did not? A No, sir.

Q Now, how many times were you in this place altogether?

A Why, I lived there over --

Q From the time that you first went there to obtain evidence until you made an arrest? A Why, I don't remember now; I can't say. There was a few nights, I believe, that I didn't stay there, but the majority of the nights I slept there.

Q You testified that you were there several nights, and also about a week before. Were there any other times than those mentioned in your affidavit? A Yes; I slept there, nights.

Q And did you eat there? A Yes, I had my breakfast lots of times.

Q And smoked cigars on the city's money? A Yes -- I don't

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know -- yes, I had cigars, too.

Q And had a number of drinks there, nights, that you were getting on the city's funds? A Sometimes I went to the bar, yes.

Q Do you remember the evidence which you have given here today from your memory? A No.

Q You read over your affidavit? A I refreshed my memory, yes, from my affidavit.

Q And studied your affidavit? A Yes.

Q And the testimony which you have given here today is something that you had put in affidavit form in October, 1915?

A Yes.

Q Who prepared your affidavit on that day in October? A I prepared the affidavit.

Q Did you dictate it? A Yes.

Q Are you a stenographer? A No, sir.

Q Did you dictate your own affidavit? A I dictated to the stenographer, yes.

Q And who prepared Reed's affidavit -- or Reith's affidavit? A He did, I guess, himself.

Q Do you know? A I couldn't say.

Q Were you present when Reith prepared his affidavit?

A That's something I can't say.

Q Did you talk over with Reith, before he prepared -- did you see Reith sign his affidavit? A Why, I don't remember whether I did or not. Perhaps I did; I couldn't say. It's so long ago

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I forget it.

Q Well, did you talk over with Reith the different details, before his affidavit was prepared? A Oh, yes.

Q And then did you talk over with officer Lennon and Barrett the details, before their affidavit was prepared? A No, I didn't have no conversation with Lennon, but I believe I did with Barrett, because I was in company with Barrett, the night he went in there.

Q In other words, you made whatever Barrett did, in conjunction with what you did on a particular night, gibe together? Is that right? A No, sir; not necessarily, but just as they happened.

Q And then you prepared your own affidavit, as I understand? A Yes.

Q And dicatated it? A Yes.

Q And you had nothing at all to do with dictating Reith's affidavit? A No, sir; we made notes previous to that.

Q Nor Barrett's? A We made notes on the night of the evidence, and when we made up the affidavits, then we had our notes.

Q Well, after the first night that you had been there, did you compare your notes with Reith's? A No, he wasn't there.

Q Well, on the night that Reith was there, did you compare your notes with him? A Yes.

Q In other words, you talked over the evidence you obtained?

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A Yes.

Q Well, did you talk over the evidence before -- did you talk over with Reith the evidence before you obtained any evidence, as to what kind of evidence you were going to get against the place? A No, sir.

Q You did not? A No, sir.

Q On October 2nd, when Jimmie sent that woman to that room, and after she exposed her person, she had committed a crime, had she not? A (No answer.)

Q (Question repeated)? A She didn't expose her person. She attempted to expose her person.

Q Well, how far did she go? A Well, she took off her skirt, and started to unloosen her stockings, etc., and sat on the bed.

Q And then you gave her five dollars before that or after that? A Oh, I gave it to her before that.

Q Well, she had committed a crime? A Yes.

Q And you made no arrest? You didn't arrest her? A No, sir.

Q Have you ever seen that woman since? A No, sir.

Q Did you, during the time that you made this visit to this hotel, early in October, obtain evidence against other hotels in that vicinity? A Why, I was in the South Ferry Hotel, yes.

Q And some of the other hotels in the neighborhood? A Yes, the Plainfield, on Washington Street.

Q During that time did you see the woman that you had up in

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that hotel, as you say, on the 2nd of October? A Yes; and on the 19th.

Q The same woman? A Yes.

Q And you made no arrest of her on October 2nd? A No, sir.

Q And on October 19th, she went through the same thing with you? A Yes, sir.

Q And at that time you already had the evidence against this place? A Yes.

Q And you made no arrest of this woman? A No, sir.

Q On October 12th you say Jimmie sent a woman up to your room, is that right? A Yes.

Q In each particular instance you made the suggestion to Jimmie to send a woman up? A Yes.

Q Jimmie didn't suggest to you that he would send a woman up? A No, sir.

Q But you bribed Jimmie to make this hotel a disreputable house; is that right? A I did not.

Q Well, you gave him a dollar, you say? A Yes.

Q And wasn't that bribing him? A No, sir.

Q Well, what is it? A Not bribing him.

Q Well, you wanted to get in his good graces, and put a large establishment, where thousands of dollars are invested, out of business; isn't that right?

MR. MAGEE: I object to the question on the ground that it is argumentative.

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THE COURT: Objection sustained.

BY MR. ROSALSKY:

Q You, in each instance, suggested the conversation about getting a woman up to the room? A Yes, sir.

Q And you say that Porter, each time, sent a woman up? A Yes.

BY THE COURT:

Q What was the amount that you turned into the Department for the purpose of being reimbursed, Mr. Reed, for your stay there at the Eastern Hotel? A Why, your Honor, I don't just remember what the details were.

Q Well, approximately? A Well, I had the room for approximately three weeks, at five dollars a week, and each time a woman came up it was five dollars, and then my meals. I think it was something like forty-five or fifty dollars, the bill was.

Q And that was for your entire work there? A Yes.

Q And you turned in that bill to the department, and after a time, you were paid by the City Comptroller, were you? A No, sir, we are paid up there, sir, in the Department, at Headquarters.

BY MR. ROSALSKY:

Q Did you in your affidavit, as to what took place on the 2nd of October, state that you gave Jimmie a dollar for sending the girl up? A No, I did not.

Q Did you in your affidavit state on October 13th, that you gave Jimmie a dollar for sending the girl up? A No, sir.

Q Did you, in your affidavit, state, on October 19th,

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that you gave Jimmie a dollar for sadding the girl up? A No, sir.

Q You didn't think it was important, did you? A Why, I omitted it. It was important, yes, but I just happened to forget it, I suppose, at that.

Q With whom did you last have a conversation about this case?

A Do you mean today?

Q Yes? A Why, I believe officer Lennon was the last man I spoke to about it.

Q Did you talk this over with Reith and Barrett? A Well, I saw Reith as I came in here.

Q Where did you get the affidavit to look over? A Why, we have a copy.

Q Have you a copy with you now? A Yes.

Q And when did you get hold of this copy which you have now?

A Why, when we make up the original, there is always enough copies made.

Q And where did you put the copy? A Why, I had it at home ever since -- I believe the case was on the 6th of March, 1916, and it has been home ever since.

Q And when did you last take hold of the copy at your home?

A Why, yesterday, I got it out. I got a subpoena, Saturday morning.

Q And then this evidence -- ever since yesterday you went over your affidavit, and studied it? A Yes, sir.

Q And you studied it well enough to recite every fact there?

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A Yes, as far as I know.

Q And, outside of studying over that affidavit, as to what transpired there, your memory is an absolute blank? A No, sir; it is not, but there are things that I can't recall, perhaps, at this moment, because I have had other case of this kind.

BY THE COURT:

Q You have a great many cases of this kind, haven't you, Mr. Reed? A No, sir; this was the first one of that kind.

Q Well, you have had a great many soliciting cases? A No, sir, not soliciting on the street.

Q Have you been doing anything of this kind since you have been married? A No, sir; not since I have been married.

Q You are out/^{of}this class of work in the Department, the Police Department? A No, sir; I am attached to Inspector Costigan's Squad.

BY MR. ROSALSKY:

Q Weren't you a witness in several of the cases downtown, when this arrest was made? A As I say, in the Plainfield and the South Ferry Hotels. This was the first one where I lived in the premises.

Q Oh, this is the first time you lived in the premises?

A Yes, sir.

Q And what kind of evidence did you usually obtain against a hotel? A For soliciting on the street, and going up to the hotel with the woman.

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Q And then your side partner going up with the same woman?

A Yes.

Q And have you been rather successful in this kind of case with other hotels?

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

THE COURT: Objection overruled.

A Well, I was successful in this one, yes -- that is, in getting the evidence.

Q You say you were successful in getting evidence? I don't mean that. Were you successful in getting convictions against those other places? A No, sir; not in all of them, no.

Q Now, in how many cases were you a witness, where you obtained evidence against different hotels, by you and your brother officer going up with the same woman, at different times?

A Why, that is something that I never did. I never repeated with a woman yet.

Q You never repeated? A No -- yes, on one occasion in the Hotel Plainfield.

Q Did you get different women? A No. A brother officer and two women and I go up and have a conversation with the clerk.

Q Then you resort to clerk conversations in order to get evidence against these hotels? A No. I didn't resort to it.

Q But in most of the cases you have conversations with the clerk; is that what you relied on? A Yes; the majority of them

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were.

Q Now, in those cases where you went to the hotel with a woman, did the woman solicit you? A Yes, sir.

Q Did you ever solicit any of the women in those cases?

A No, sir.

Q Did those women ever solicit your brother officer with whom you were?

(Objected to. Sstained.)

BY THE COURT:

Q I would like to know why you paid this money to these woman, after you had these talks with them, and they had done these things in the room. Why did you feel it was necessary to pay them five dollars? A Well, if you don't pay the women, as a rule, they get suspicious that you are a policeman or something, and they are liable to go down and tell the defendant Porter that they didn't get any money and that they don't like that man up there, or something like that, and then they will get suspicious, and you won't be able to get any more evidence.

Q But you had all the evidence you needed for that particular matter? A Yes. But, your Honor, I had to make up my affidavit, and if we came back and the defendant wasn't there, it would cast suspicion on us throughout the department.

Q Well, what disturbs me is your turning bills into the Department, which there can be no way of checking possible, and after that -- for that reason those who are using public money

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for the purpose of criminal prosecutions ought to try to conserve it, because it is the taxpayers' money that is being used, and ought to be under some sort of intelligent check. A Well, we do, your Honor.

Q But you haven't the names of the women, and you haven't the women, and there is no way of checking it. You had nothing except to put in your bill; is that it? A Yes.

Q And you make your statement that you paid that amount of money? A Yes.

Q And then you have it reimbursed to you? A Yes.

Q And that is all that is done? A Yes.

THE COURT: Go ahead.

BY MR. ROSALSKY:

Q Wouldn't the woman, if you paid her, and didn't have anything to do with her, be just as suspicious about your conduct, and report it to the clerk? A No, sir.

Q These women were dressed the same as ordinary women? A Yes.

Q There was no stamp on them to show that they were prostitutes? A No.

MR. ROSALSKY: That is all.

G E O R G E L. R E I T H, of Special Squad 1, a witness called on behalf of the People, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. MAGEE:

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Q Are you a member of the Municipal Police Force of the City of New York? A Yes, sir.

Q How long have you been such? A Four years and four months.

Q Are you married? A No, sir.

Q Where do you reside? A 712 West 180th Street.

Q In the Borough of Manhattan? A Yes, sir.

Q Do you know the premises called the Eastern Hotel? A I do.

Q Where are they located? A 64 Whitehall Street.

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

Q Did you have any occasion ever to visit those premises?
A Yes, sir.

Q And will you kindly relate the circumstances of your going there and with whom you went? A On September 25th, I went there in company with an unknown woman.

Q Where did you meet the woman? A On Whitehall Street, Whitehall and Front.

Q On the street, on the sidewalk? A Yes, sir.

Q In front of this hotel? A Near it.

Q Near it? A Yes, sir.

Q What time of the day was it? A About 10:15 P. M.

Q What were you doing there? A I was down to see if I could get evidence against the premises.

Q Who sent you there? A My superior officer.

Q Who was that at that time? A Patrick Donnelly.

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Q What was his official title at the time? A He was a First Grade Detective Sergeant.

Q And how long were you there before you were accosted by the woman? A About half an hour.

Q What kind of a looking woman was she? A A woman about twenty-five years, about five feet four.

Q And what did she say to you? A She asked me if I was out for a good time.

Q Go on. A I said yes. "Where can you take me?" And she said, "Right down here", and took me to the premises 64 Whitehall Street.

Q Did you go to the premises 64 Whitehall Street with her? A Yes, sir.

BY THE COURT:

Q Where did this happen, Mr. Reith? A On the street, your Honor.

Q But on what street? A Whitehall and Front.

Q How far was it from the hotel? A I believe it is about a block -- about half a block.

BY MR. MAGEE:

Q About half a block? A Yes.

Q What is the premises 64 Whitehall Street known as? A The Eastern Hotel.

Q Did you go into the hotel? A Yes, sir.

Q The side door or the front door? A The front door.

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Q It is on Whitehall Street, is it not? A Yes.

Q What did you do when you got inside the door? A I approached the desk.

Q Where was the desk? In the office? A Yes, sir.

Q And where is the office? A The head of the stairs.

Q So that when you go in from the street, you have to walk up a stairway; is that right? A Yes.

Q And at the top of the stairway is an office? A Yes.

Q And who did you see when you arrived there in the office?

A I saw the defendants.

Q Which one? A Both defendants.

Q Lewis C. Westervelt and James C. Porter? A Yes.

Q And what took place there? A I said, "What price rooms have you got?"

Q To whom did you say that? A To the clerk, Westervelt.

Q Where was he? A Behind the desk.

Q And where did you see the defendant Porter? A He was standing at the desk, outside of the desk.

Q And what else took place there? A I asked the defendant Westervelt, "What price rooms have you?" And he said, "Two dollars, two dollars and a half and three dollars".

And I said, "Let me have a two dollar room". He then asked me to sign the register, which I signed the name of -- the name of, "George L. Bischoff and wife, New York City".

The defendant Westervelt then spoke to the defendant Porter,

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saying, "37", and handed him some keys.

The unknown woman then said she wanted to go to the toilet, which is on the same floor.

In a short time she returned from the toilet and the defendant Porter spoke to the unknown woman, saying, "Did you see Mabel tonight?" And the unknown woman said, "Why?" And the defendant Porter said, "She was in here a little while ago with a man who was drunk, and I didn't give them a room. She was in here some time ago, with a drunken man, and when they got up in the room, the man started a fuss."

He then took us to room 37.

BY THE COURT:

Q Where did this occur? A This occurred in front of the desk.

BY MR. MAGEE:

Q Was the defendant Westervelt behind the desk? A Yes.

Q Proceed. Did all this conversation take place at that time in the presence of the defendant Westervelt? A Yes.

Q Now, how far was he from where Porter stood? A About four feet.

Q And was Porter talking in a loud voice? A Not very loud.

Q Did the defendant Westervelt say anything? A No, sir.

Q Did he indicate in any way that he heard the conversation?

A No, sir.

Q I understood you to say that Porter said that this woman

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had been there before, and had been ejected? A Yes, sir.

Q And were you shown to a room there then? A I was.

Q Did you pay for the room? A I did.

Q Whom did you pay? A The defendant Westervelt.

Q And what day was this? A This was on the 25th day of September.

Q Did you go to the room? A I did.

Q Who took you there? A The defendant Porter.

Q Is there an elevator in that hotel? A There is.

Q Yes. What floor did you go to? A I went to the -- I am not sure whether it is the second or third floor.

Q Yes. What happened then? Did you have any other conversations with the defendant Porters? A The unknown woman and the defendant Porter and I entered the room, and the defendant Porter turned on the electric light and then left the room.

While in this room this woman asked me to give her three dollars, and offered to expose herself.

I told her I was not feeling very good just then, and I would give her the three dollars, but I wasn't going to do anything. In a short time I left the premises.

Q Did you leave her there? A Yes.

Q In the room? A Yes.

Q Now, what did she do? Did she take off all her clothes?

A No, sir.

Q Did she lie on the bed? A No, sir; she started to take

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off her waist.

Q Well, what did she say? A Well, she said, "Well, come on".

Q And what did you say? A I said, "No, I don't feel like doing anything now".

Q Well, what about the money? A I had already given her the money.

Q Where? A In the room.

Q In the room? A Yes.

Q In the room you gave her the money? A Yes.

Q Well, didn't you have any conversation with her as to what the money was for? A Yes.

Q Well, what was said there in reference to that? A I said, "How much are you going to charge me?" And she said, "Three dollars", and I give her the three dollars, and she started to take off her waist.

And I said, "Well, don't bother taking off your clothes. I don't feel like doing anything now".

Q Now, will you kindly look at this book and state whether you have ever seen it before? A I seen one like it before.

Q No. Have you ever seen this book? Examine it. A I couldn't swear that that was the book.

Q Have you made a sufficient examination to testify whether you have seen that book before or not, or whether you have written anything in that book? A If I can find my name, I can identify the signature.

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Q Well, look then. A Yes, sir.

Q Where did you first see that book? A Lying on the desk in the premises 64 Whitehall Street.

Q Known as the Eastern Hotel? A Yes, sir.

BY THE COURT:

Q When did you see it first, you were asked? A I first seen it -- October 5th is where my signature is here (indicating), but I don't see where my signature is on the 25th.

BY MR. MAGEE:

Q Now, look carefully again. A I don't see it.

Q Look again. A No, sir.

Q When did you see this book before, and where? A On October 5th.

Q On October 5th? A Yes, sir.

Q Where did you see it on October 5th? A At the premises 64 Whitehall Street.

Q In whose custody was it there? A In the custody of the defendant Westervelt.

Q In the office of the hotel? A Yes.

Q Did you write anything in this book? A Yes.

Q Will you kindly indicate where and what you wrote there?

A "George L. Bischoff, Narrowsburg, New York".

MR. MAGEE: That is on the page entitled October 25th, 1915. Now, I will offer the signature in evidence, on page entitled, "Tuesday, October 25th, 1915", on the hotel.

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register.

THE COURT: Received.

(It is marked People's Exhibit 3.)

BY MR. MAGEE:

Q You say you left the hotel shortly after you went into the room with this woman, on September 25th, 1915? A Yes.

Q Where did you go then? A Out in the street.

Q Did you see anyone else there that night that you knew?

A I don't remember.

Q Did you have occasion to visit those premises at any other time? A No, sir.

Q Weren't you there on October 5th? A Oh, yes.

Q Well, was October 5th the only time you were there? A No, sir.

Q On how many different occasions were you there? A I was there from October 5th, October 8th, October 12th and October 19th.

Q Well, were you there on September 25th? A Yes, sir.

Q And you went back again on October 5th? A Yes, sir.

Q Well, kindly tell us why and under what circumstances you went back there on October 5th. A I went there on October 5th and I met another woman -- I didn't see these two defendants on that morning, on the morning of October 5th -- and I asked the day clerk --

Q What time was it? A About 7:30, I believe. And I asked

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the day clerk if I could get a room by the week.

And he said, "You'll have to see the other clerk about that". Now I am making a mistake. I seen this defendant and I said to him --

BY THE COURT:

Q Which one, which defendant? A The defendant Westervelt. And I said, "Can I get a room by the week?" And he said, "You'll have to see the day clerk about that, but I can give you a room, tonight, and you can see the day clerk in the morning".

And I signed, "George L. Bischoff, Narrowsburg, N. Y.", and I was taken to room 2. In the day time I seen the day clerk and I engaged a room for a week, and paid him the sum of five dollars, and I was assigned to room 48, which is on the top floor.

On October 8th I rang a bell, and the defendant Porter came up to the room.

Q What time of the day was it that you rang the bell on October 8th, 1915? A I am not sure of the time. It was somewhere, I believe, around ten o'clock.

Q Now, where was this button or push button, or bell? In the room? A It was in the room.

Q Well, when you pushed the button, what happened? A The defendant Porter entered the room and he said, "What is it you wish?" And I said, "Bring me a glass of whiskey."

The Defendant Porter left the room and in a short time he returned with the glass of whiskey.

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And I said, "A person has to have something on a cold night like this to warm him up, when there are no girls around".

And the defendant Porter answered, "Sometimes there are some around. Would you like to have a girl?" And I said, "Yes; can you get one?" And he said, "Give me a dollar and I'll see what I cando".

He then left the room and a short time after he returned in company with a woman. He spoke to me, saying, "How do you like this girl?" And I said, "She's all right".

And the defendant Porter then left the room. This woman asked me how much I was going to give her, and I said, "How much do you charge?" And she said, "Five dollars". I paid her five dollars and told her that when I spoke to the colored man, I says, that I felt like having a girl, but I didn't feel like it then. And she said, "Well, then, you have paid me the money now. You might as well have it".

And I said, "No. I don't care for the money. I don't care about doing anything."

BY THE COURT:

Q Well, why didn't you care for the money? Why didn't you try to get it back? You knew that you were using it to try to run down criminals. Why didn't you get it back? A The way I figured, your Honor, by paying her the money, it would show that she was a prostitute.

Q You didn't think that you had evidence sufficient up to that

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time on that point; is that it? A Yes.

THE COURT: Anything further?

BY MR. MAGEE:

Q Now, did you pay Porter anything? A I gave the defendant Porter a dollar.

Q When? Before he brought the woman in or after? A Before.

Q Now, did you see officer Reed in the hotel on that night, or at any other time? A Not on that night.

Q Well now, did anything else take place in the hotel there while you stopped there? A Not that I remember that night.

Q Did anything else happen on any occasion while you were there? A Yes.

Q What was it? Kindly state. A On the 12th of October, I was in the room of the above mentioned premises, and I rang the bell, and the defendant Porter again entered the room.

And he said, "How did you like that girl the other night?" And I says, "I didn't like her. She was too fat". And he said, "Well, I can get you a slimmer girl, if you want one".

I says, "I don't want any tonight, but I'll be back on Monday. I'm going away. And if you want to send one up on Monday you can".

Q What date was that, when you had that conversation?

A That was the 9th.

Q Go on. A So he left the room. And I was in my room again on October 12th, and rang the bell, and the defendant Porter came up.

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Q What time was it? A I don't remember the exact time, but it was night, around ten o'clock.

Q Ten o'clock? Are you positive about that? Or haven't you any recollection of the exact time? A I haven't no idea of the time, but I know it was at night.

Q And you were in your room? A Yes, sir.

Q All right. Go ahead. A I rang the bell and the defendant Porter entered the room.

And he said, "Do you want me to get that girl for you tonight?" And I said, "Yes," and he said, "Let me have a dollar and I'll see if I can get you one".

And I give him the dollar and he left the room, and in a short time a woman entered the room, and said, "Jimmie sent me up".

I says, "What did he send you up for?" And she said, "Why, he told me you wanted a good time".

And I said, "How much are you going to charge me?" And she said, "Five dollars".

I paid her five dollars and made an excuse that I wasn't feeling well. She went downstairs and I left the premises, and she went into the toilet. I seen this same woman go into officer Reed's room, which was next door to mine.

Q How do you know it was officer Reed's room? A I seen her go in.

Q Did you see him go in? A I did not.

Q Did you see him in that room? A No, sir.

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Q What was the number of the room? A It was 49.

Q And you saw the same woman that had come into your room go into room 49? A Yes.

Q And you had room 48? A Yes.

Q Well, when did you know that that was officer Reed's room?

A I knew it was, I believe, on the 5th.

Q On the 5th? A Yes.

Q Did he tell you? A Yes.

Q And this occurred on the 12th of October? A Yes, sir.

Q Well, did you leave the room after you had had this conversation with her? A I did.

Q Well, where did you go? A Went downstairs and out on the street.

Q And did you follow the woman? A No, sir.

Q How did you know that she went to room 49, then? A I seen her go in from my room. I opened my door and looked out.

Q She walked out of your room and went into the next room?

A No, sir; she didn't walk out of my room. I seen her go in, and then I recognized her as being the same woman that I seen go into officer Reed's room.

Q I don't understand that. I understand that you entertained a woman in your room on the night of October 12th? A Yes, sir.

Q And that subsequently you saw her go into officer Reed's room? A No, sir; before she came into my room.

Q Well, where you? In the hallway? A I opened the door and

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looked out.

Q You opened the door and looked out? A Yes, sir.

Q And, while looking out into the hall, you saw a woman go into officer Reed's room? A Yes, sir.

Q And did you see officer Reed let her in? A Yes, sir. At least, I saw the door open, and saw her go in.

Q How long after did she come into your room? A Say about twenty minutes.

Q Did you see officer Lennon that night? A I don't remember.

Q Did you see him on the 16th? A Yes.

Q What was he doing on the 16th? A He went into the premises in company with a woman; with the same woman that I recognized as being in our rooms on October 12th.

Q On what date? A On October 12th.

Q You saw officer Lennon go into the hotel with the same woman that you had in your room on October 12th? A Yes, sir.

Q Do you know who was at the desk then? A No, sir.

Q Do you know whether Porter was in the hotel then or not? A No, sir.

Q Did you go into the hotel? A I don't remember whether I did or not.

Q Did you have the hotel under observation? A I did.

Q From where, and when? A From September 25th until about October 19th.

Q Where were you stationed? A I was around that neighbor-

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hood, on the street.

Q Well, did you stay in front of the doorway of the hotel?

A At times.

Q Well, what did you observe as to the character of the people, if anything? A I saw the same women going into the place with different men.

Q Well, what door would they go into? A The front door.

Q Does that door enter the office? A No, sir; that's to -- leads up the stairs to the office.

Q And how long would they stay in there? A They would stay in there sometimes for an hour or half an hour.

Q And did you see them go in with other men, later in the day or evening? A Yes.

Q Different men? A Yes.

Q How often? A I seen one go into the hotel with three different men, on one occasion.

Q Did you see any of the women that you entertained in your room in the hotel? A Yes, sir; one of them.

Q Well, what did you see happen with her? A I see her go into the hotel twice, with two different men.

Q Were you in the hotel office when officer Reed came there? A Yes, sir.

Q What did you observe, if anything? Who was with him? A I observed a woman with officer Reed?

Q Well, who was in the office when he came in to the office

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with the woman? A The defendant Westervelt. I don't remember whether the defendant Porter was there or not.

Q Where were you? A Alongside of the desk, towards the back part of the desk.

Q What were you doing there? A Just standing there.

Q Were you living in the hotel at that time? A I was.

CROSS EXAMINATION BY MR. ROSALSKY:

Q When was the first time you went to this place? A September 25th.

Q With whom? A An unknown woman.

Q Had you been to this place before September 25th? A No, sir.

Q Did you have any talk before September 25th with any of the other officers in this case? A I don't remember.

Q Did you have any talk before you went to this hotel as to what kind of evidence you were going to get? A No, sir.

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

Q Did you have any talk with Reed that you were going to have women sent up to the room by the hotel boy? A I don't remember.

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

Q Will you say that no such conversation took place? A No, sir; I will not say that.

Q Now, are you testifying from your memory, or are you testifying from reading your affidavit? A Both.

Q When was the last time since the defendants were indicted--

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withdrawn. Did you get a copy of your affidavit? A Yes.

Q And what did you do with it? A Had it home.

Q And when was the first time you took it up since the defendants were indicted? A I believe I looked over it once, when the case was on the calendar to be tried.

Q How long ago? A It must be a year ago or more.

Q And since a year ago, you didn't look at it until when?

A Today.

Q You studied everything? A No, sir.

Q Well, you read it over? A I did.

Q And you rely now on your affidavit? A I do.

Q Who prepared your affidavit? A Why, I prepared it.

Q Did you dictate it? A I did, yes.

Q To whom did you dictate it? A To our stenographer in the office.

Q Was officer Reed there at the time you dictated your affidavit? A I don't remember.

Q Did you go over the different facts with officer Reed before you dictated your affidavit? A I don't remember.

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

Q Did you discuss the facts, the evidence you had in this case, before you prepared your affidavit? A I don't remember.

Q Is that the best answer you can give? A It is, sir.

Q You say you were solicited by this woman on the 25th day of September; is that right? A Yes, sir.

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Q At that time when you were soliciting, did you have in mind that you were going to get evidence against the Eastern Hotel?

A If I could.

Q You didn't suggest to this girl that you were getting evidence against the Eastern Hotel? A No, sir.

Q There were other hotels in the vicinity? A Yes, sir.

Q And, not knowing that you were going to get evidence against the Eastern Hotel, she led you to the Eastern Hotel? A She did.

Q You didn't sleep with her? A No, sir.

Q Have you, in any case of a hotel, ever testified that you solicited the girl? A No, sir.

Q In how many hotel cases have you been a witness? A Five or six.

Q And in those five or six cases you went to the hotel how many different times, approximately? A About fifteen.

Q Fifteen? A Yes.

Q And in every one of those cases, the girl always solicited you? A Yes.

Q You never solicited one of those girls? A No, sir.

Q And in all of those cases, the girl did not know against what hotel you were getting evidence? A She did not.

Q But, somehow or other, in every instance, these girls took you to the hotel that you were getting evidence against?

A I wouldn't say that.

Q Well, if it were a case where your side partner, the

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officer with whom you had been working, had already been to the hotel, did she take you to the same hotel? A She might take me, or I might suggest it.

Q Did you ever suggest it in any case, the hotel? A I don't just remember that I have, but I might have.

Q Well, don't you know that you have just testified here that in every case you were solicited, and in every case she took you to the hotel that you were getting evidence against? A No, sir; I wouldn't say it was so in every case. I have sometimes suggested a hotel, but the woman didn't want to go there, for some reason; because she had been barred out of there, or for some reason or other.

Q And this girl, in this instance, without knowing that you were a police officer, took you to the Eastern Hotel, the very hotel that you were trying to get evidence against? A Yes.

Q On the night of the arrest, you took the hotel register, didn't you? A The other officers did.

Q Well, you were present? A No, sir; I was not.

Q Well, you saw the register in the Police Court, didn't you? A I might have seen it.

Q But you were in the police court on the day of the arrest? A Yes.

Q And don't you know that this hotel register has been in the custody of the Police Department ever since October, 1915? A Yes.

Q Now, show me your name on September 25th, as having

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registered at that hotel. A I looked before and I couldn't find it.

Q Well, look again. Under what name did you register on that day? A George L. Bischoff.

Q "George L. Bischoff and wife"? A Yes, sir.

Q Find me your name in that register on September 25th, 1915. A I don't see any entry on the 25th.

Q And you signed -- you did sign your name, "George L. Bischoff and wife", on the 25th of September? A Yes, sir.

Q You signed your name in there -- withdrawn. And the next time you went to the hotel was on the 5th day of October; is that right? A Yes, sir.

Q Did you register then? A I did.

Q Did you find your name in the book, registered in the book? A I did, but I don't see it here now.

Q Did you see it before, when Mr. Magee asked you about it?

A I seen it before, but I don't know whether it was on the 5th or not.

Q Here is the 5th of October (indicating). Look at it.

A Yes, here it is (indicating).

Q Then your name does appear? A Yes.

Q And your name appears again on what date? A I didn't look at the other date.

Q What was the date of the other one? October 12th?

A No, sir; that was the only time I signed.

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Q Oh, you only signed once, and then you continued to live there, and were a steady guest? A Yes. And the 25th.

MR. ROSALSKY: Is it conceded that this hotel register begins on May 28th, 1915?

MR. MAGEE: No. I will not concede anything about the register in that hotel, Mr. Rosalsky. I couldn't do so very well.

MR. ROSALSKY: Very well, then; I will withdraw the suggestion.

BY MR. ROSALSKY:

Q Now, how many times after September 25th did you see this girl that you took to the hotel? A Maybe twice or three times.

Q And did you arrest her? A No, sir.

Q Was she dressed any different than any other woman?

A No, sir.

Q Was there any sign or appearance on her which would indicate that she was not your wife? A No, sir.

Q Now, the second time you went to this hotel was on October 8th -- at least you were there on October 5th -- but on October 8th you had Jimmie send you a woman; is that right? A Yes, sir.

Q You started the conversation with Jimmie, is that right?

A Yes, I did.

Q You bribed Jimmie to send you a woman? A No, sir.

Q You paid Jimmie a dollar to send you a woman? A Yes, sir.

Q You don't like the use of the word "bribed", do you?

A No.

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Q Jimmie at that time made no suggestion to you whether you wanted to have a woman sent to your room or not? A Yes.

Q What do you mean by yes? A He said, "Would you like to have a girl?"

Q Didn't you open the conversation with Jimmie? A I did.

Q And didn't you tell Jimmie that you would give him a dollar, if he sent a woman to the room? A No, sir.

Q Now, as a matter of fact, officer, did Jimmie send a woman to your room, or take a woman to your room, on the 8th or 12th of October? A He did.

Q Was there a woman in your room when Jimmie brought you drinks on the 8th or 12th of October? A No, sir.

Q There was not? A No, sir; not when he brought me drinks.

Q Well, did you order any drinks after the woman was there?
A No, sir.

Q How many times did you see the woman after the 8th day of October, who was in your room? A Two or three times.

Q And you were working in that vicinity? A Yes, sir.

Q And you didn't arrest her? A No, sir.

Q Have you ever gone there to try to arrest her? A No, sir.

Q She had committed a crime? A Yes, sir.

Q On October 12th, the woman/^{who}was in your room? How many times did you say? A I don't remember just how many times. I seen her around that neighborhood different times.

Q Well, about how many times? A Two or three times.

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Q And you didn't arrest her? A No, sir.

Q She had committed a crime? A Yes, sir.

Q And you didn't make any arrests on September 25th, or October 8th, or October 12th; is that right? A Not in that place.

Q You had already obtained evidence against the place, had you not? A Yes, sir.

Q And still you didn't make an arrest of the woman? A No, sir.

Q And in each instance you paid your money, the County's money, and you didn't have any intercourse with the girl? A I did.

Q Didn't that appear -- withdrawn. Did you have any talk with Lennon or Barrett as to what kind of evidence you ^{were} going to get against this place? A No, sir.

Q Now, I will ask you once more: did you have any talk with Reith? A I am Reith.

Q With Reed, I mean. As to what kind of evidence you were going to get against this place? A No, sir; not that I remember.

Q After leaving the place, did you make a memorandum of what you were going to testify to? A I did.

Q Where is your memorandum? A I made a memorandum on a slip of paper, and I made the affidavit in the office -- destroyed the paper and made a memorandum in my book, at the office.

Q And have you got that book with you? A I have.

Q And have you got every conversation in that book that you have in your affidavit? A About, pretty near everything.

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Q You say you saw several women during the time that you were stationed there go in there with different men? A Yes, sir.

Q And you knew those women to be prostitutes? A I did.

Q Did you ever arrest any of those women? A No, sir.

Q Had you ever been in Court when they were arrest, and charged with prosittution? A No, sir.

Q Then how do you know that they were prostitutes? A Because one of the women, one of them that I had in my room, asked me for money.

Q I see. Did you follow those women into the hotel, to see whether they went into a room with another man? A No, sir.

Q Then you don't know whether they did or not? A No, sir.

Q How many days were you around those premises? A From September 25th until about October 19th.

Q And you had some expense every day while there? A A little.

Q You had meals? A No, sir.

Q Didn't you have any meals at the place? A No, sir.

Q You had no meals at all? A I did not.

Q You did not? A No, sir.

Q And are you sure about that? A I am positive.

Q And what is your name? A My name is George L. Reith.

Q Did you pay for any meals in that place? A I don't believe I did; not that plaee.

Q Did you pay for meals in any other place, and charge the

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city for them in this case? A I might have.

Q Did you have meals everyday while you were there? A I don't remember that. I might have had one meal.

Q You might have had one meal? A A day; no more than that.

Q In this place? A I wouldn't say in this place. I am pretty sure I never ate anything in the place.

Q Well, you were sent to watch this place; is that right? To get evidence against this place. A If possible.

Q And you want this jury to understand that you did not take your meals there? There is a large restaruant there? A Yes, sir.

Q And you didn't have any of your meals in this place?
A No, sir.

Q Did you have any of your meals away from this place? A I might have. I stayed down there a couple of nights, and I might have had breakfast, and I might have charged it against this place.

Q Did it occur to you, the first time you went there, to tell the proprietor of this place that there was something the matter with the running conditions of the place? A No, sir.

Q You gave him no chance whatsoever? A I was working under orders.

Q Did your superior notify him that he was running a house of assignation? A Not that I know of.

MR. ROSALSKY: That is all.

BY THE FOURTH JUROR:

Q Why is it that you didn't arrest a woman that commits a

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crime in a case of this sort? A Because, if we arrested the woman at the time that she commits the crime, the hotel would get to know that we were obtaining evidence against the plade.

BY THE FIFTH JUROR:

Q Did you -- I would like to know on what occasion you went into the hotel, and when Jimmie came up to the door, you said, "I would like to have a glass of whiskey". "A fellow has to have something, a cold night like this". Was that the same occasion as when you denied to Mr. Rosalsky that Jimmie got the girl? Because, on that occasion you suggested to Jimmie to get the girl, and then you said on another occasion, he got the girl. Was that the same occasion? A No, that was on the 8th. I didn't deny that Jimmie got the girl. He brought her up to the room on that occasion, and he asked me, "How do you like this girl?"

REDIRECT EXAMINATION BY MR. MAGEE:

Q I show you this book and ask you to examine the page entitled "Wednesday, October 6th, 1915", and indicate if you wrote on that page? A Yes, sir.

Q Where? A Right here (indicating).

Q Indicating the second line? A Yes, sir.

Q And what is written there? A "George L. Bischoff, Narrowsburg, N. Y."

Q And do you see under the heading "Room" a number? A Yes.

Q What is the number? A 48.

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Q Do you know who wrote that? A No, sir.

Q Is that the room that you occupied permanently? A Yes.

Q I show you a page entitled, "October 5th, 1915", and point to the line, "George L. Bischoff, Narrowburg, New York", under the title or heading "Room", "A-3", and ask you if that is the room which was assigned to you on that date? A Yes, sir.

Q And which you kept for the night? A Yes, sir.

Q Was that assigned by the defendant to you? A It was.

Q The defendant Westervelt? A Yes, sir.

Q Now, do you know whether this is the same register which was in the Hotel Eastern, on the night of September 25th, that you claim to have signed? A Yes.

Q Do you know whether this is the same register which was in the hotel Eastern on September 25th, 1915, which you claim you signed? Do you know whether it is or not? A It is.

Q How do you know it? A By my signature being in there.

Q Is your signature here on September 25th, 1915? A No, sir.

Q Well then, why do you say it is the same register? A I identify it as being there on the 8th -- on the 5th of October, rather.

Q And still you maintain that you signed your name on the 25th? A I take that back, and I signed my name on the 25th, but I don't see my name, and therefore I can't say that it is the same book, but it looks like it.

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REGROSS EXAMINATION BY MR. ROSALSKY:

Q Were there any other registers in this hotel besides this one? A I didn't see any.

(The Court then admonished the jury in accordance with Section 415 of the Code of Criminal Procedure, and adjourned the further trial of the case to Tuesday morning, April 16th, 1918, at ten-thirty o'clock.)

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TRIAL RESUMED:

New York, April 16th, 1918.

LEWIS A. BARRETT, of Squad Three, Detective Bureau, a witness called on behalf of the people, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. MAGER:

Q Are you a member of the Municipal Police Force of the City of New York? A I am.

Q How long have you been such? A About four years and eight months.

Q Are you married? A I am.

Q How long have you been married? A About eleven years.

Q Have you any children? A I have.

Q Where do you reside? A In 798 Underhill Avenue, Brooklyn.

Q Do you know the premises called the Eastern Hotel? A I do.

Q Where are those premises located? A Number 64 Whitehall Street.

Q In the City and County of the State of New York? A Yes.

Q Did you ever have occasion to visit those premises?

A I did.

Q Will you kindly state under what circumstances, when and with whom you went there? A About 11:15 P.M. on October 19th, 1918, in company with Patrolman John J. Reed, at that time attached to Detective Squad 4, we met an unknown woman in front of the Eastern Hotel, 64 Whitehall Street.

The unknown woman said to Officer Reed, saying, "I don't see"

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any good lady friend for your friend here, but I will take him upstairs first, and, when I come down, I will take you," and I said, "All right".

About 11:45, I entered the hotel entrance with the woman, and went up one flight upstairs, and turned to the right, and stepped in a little room, adjoining the office.

I was approached by the defendant Porter, who asked, "What will you have"? And we ordered a round of drinks. The unknown woman then said to the defendant Porter, "Can I have a room?"

The defendant Porter replied, "Stay here a minute, I am going downstairs and I will be right up."

And he went away, and I then went outside to the office, and I met the defendant --

Q The defendant Westervelt? A Yes. And I asked the defendant Westervelt if I could have a room, and he said, "Go inside and sit down for a moment."

A short time after that the defendant Porter come in and said, "Right this way," and brought the unknown woman and myself to the clerk's office, where the defendant Westervelt was standing at the desk.

The defendant Westervelt turned a large book around, and said, "Sign your name here", which I did.

I signed the name of "Henry H. Jossen".

I then laid down the pen, and the defendant Westervelt looked at me, and I looked at the defendant, and I picked up the pen and signed, "wife," saying, "I am not doing this."

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BY THE COURT:

Q And whom did you say that to? A The defendant Westervelt. And the defendant Westervelt then said, "The rooms are two, three and four dollars apiece," and I said, "A two dollar room will do me," and handed him two one dollar bills.

The defendant Westervelt then said to the defendant Porter, "Room number 1", at the same time handing him a key.

And the defendant Porter then escorted the unknown woman and myself to room number 1, the first room to the right of the clerk's desk.

And while in this room, the unknown woman demanded the sum of three dollars for the purpose of prostitution, and offered to expose her person.

BY THE COURT:

Q And was that said? Did she say for the purpose of prostitution? A She demanded three dollars for having intercourse with me.

Q Did she say that? A I said, "How much are you going to charge?" And she said, "Three dollars."

BY MR. WACEE:

Q When did you first know that this woman was a prostitute? A When she spoke to Patrolman Reed and myself. Before that he had told me that he had met the woman, and that she was coming back.

Q He told you when and where he had met her? A He said he had met her around the hotel there.

Q Did he say he had an appointment with her? A Yes, sir; he

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said she would be back.

Q Oh, he said she would be back? A Yes, sir.

Q So, when you got in the room, you had a conversation with her, did you, about what you were going to do? A Yes, sir.

Q Well, what were her words, what did she say? A I asked her how much she was going to charge, and she said three dollars.

Q Did she take off her clothing? A No, sir; she attempted to.

Q What is that? A She attempted to take off her clothing.

BY THE COURT:

Q Did you prevent her from doing it? A Yes, sir.

BY MR. MAGFE:

Q What did you say to her? A I said, I didn't think I was acting right, that I had a wife, and I had changed my mind, after I got up there, changed my mind as to what I wanted to do.

Q Well, how long did you stay in the bedroom altogether?

A About eight or ten minutes.

Q Who left first, she or you? A I did. I left alone. I left her in the room.

Q You left her in the room? A Yes, sir.

Q Did you see her again on that night? A Yes, sir; on the sidewalk in front of the hotel.

Q What did she do? A She was speaking to Patrolman Reed.

Q Did you see what they did, if anything? A He talked to her a few minutes and then Patrolman Reed and her entered the premises, and went upstairs.

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Q Did they go in through the same doorway that you had entered? A Yes, sir.

Q Now, which door is that? The one on Whitehall Street?

A Yes, sir; "Hotel entrance", it says.

Q "Hotel Entrance"? A Yes, sir.

Q Now, when you got -- after you went into the entrance, whom did you see there, when you brought the woman in? A I first saw the defendant, James C. Porter.

Q Porter was in the office; was he? A The defendant Westervelt was at the desk, the clerk's desk, and the colored man, Porter, was by the little room, and the woman asked Porter if she could have a room.

Q What did she say? A She said, "Can I have a room?"

Q Did she say, "Good evening" first? A No, sir; she didn't.

MR. ROSALSKY: I object to the District Attorney leading this witness.

MR. MACEF: Very well.

THE COURT: Well, he is through now.

BY MR. MACEF:

Q Now, just tell us what conversation, as near as you can, took place between the defendant Porter and this woman, while in the office, before you went to the room? A Well, this was in the side room, in a little drinking room, on the right of the office.

She said to the defendant Porter, "Can I have a room?" and the defendant Porter said, "Wait the moment until I go down stairs. I'll be right up." The defendant Porter then said --

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BY THE COURT:

Q How do you remember these things with such nicety, conversations and matters that took place so long ago? A I just refreshed my memory, your Honor, outside.

Q You use the language, or purport to use the exact language, that you used in October, 1915? A I don't know as it is the exact language, but I read the affidavit before I come in; otherwise I couldn't remember some of it; but when I did, it brought back the scene to me.

BY MR. MAGRE:

Q Now, was this woman veiled or unveiled? A Unveiled.

Q Was that office well lighted? A Yes, sir.

Q Can you see a person who stands near you in that office?

A Yes, sir.

Q And you say you had drinks in that little room? A Yes, sir.

Q Who brought the drinks to you? A The defendant Porter.

Q Did he go out and fetch the clerk, Westervelt? A No, sir; he brought us into the clerk, Westervelt.

Q Oh, he brought you into the clerk Westervelt? A Yes, sir.

Q Then you had the transaction about the room? A Yes, sir.

Q Have you ever seen this book before, (indicating)? A (No answer).

BY THE COURT:

Q Have you or not? Don't you know? A I don't know by the book. I can tell, if I see my name in it.

Q Haven't you seen it recently, for the purpose of meeting,

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just such an inquiry? A No, sir.

Q Haven't you seen it since 1915? A No, sir; I have not.

BY MR. MAGEE:

Q Go ahead and look. What date was it? A October 19th.

Q Where is the name in it (indicating)? A There is my signature (indicating).

Q Have you ever seen this book before? A Yes, sir, I have.

Q Where did you first see it? A In the Eastern Hotel.

Q When? A October 19th.

Q Did you add anything in this book at that time? A I did.

Q Will you kindly examine this book, and indicate where you wrote, and what you wrote? A "Henry H. Jasson and wife, Brooklyn."

MR. MAGEE: On the third line on the page entitled, "Tuesday October 19th, 1915, room A-1" I will offer the signature in evidence.

MR. ROSALSKY. No objection.

THE COURT: Received.

(It was marked People's Exhibit 2.)

CROSS EXAMINATION BY MR. ROSALSKY:

Q Where has this Police Blotter -- or rather, this register -- been since the arrest? A I believe it has been up in the District Attorney's office.

Q It has been under the control of the District Attorney?

A Yes, sir.

Q And you took that book away, the night of the arrest?

A Yes, sir.

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Q In how many cases have you obtained evidence against hotels? A Against hotels?

Q Yes. A Well, I don't know exactly how many; quite a few.

Q Well, about? A Well, I should judge, say, about ten or twelve; somewhere around that.

Q And in those ten or twelve cases, were you solicited in every instance by the woman? A Yes, sir.

Q How many women solicited you in those ten or twelve cases? A That I couldn't say.

Q About how many? A I don't know; at least twelve, I guess.

Q And in no instance did you solicit any of those women? A No, sir.

Q And, in each instance at that time the woman didn't know that you were a police officer? A No, sir.

Q And in each instance, you obtained evidence of that kind, against different hotels? A Yes, sir.

Q And you didn't tell the woman that solicited you, against this hotel, you were obtaining evidence? A No, sir.

Q But, somehow or other, the woman took you to the hotel against which you were obtaining evidence? A Yes, sir.

Q What's that? A Yes, sir.

Q In no instance did you suggest a hotel? A No, sir.

Q And, without knowing that you were a police officer, and without knowing that you were obtaining evidence against that particular hotel, this woman just happened to take you to the

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against which you were obtaining evidence? A. No; if one solicited me to take her to another hotel, I would drop her, and try to get solicited by another woman that would take me to the hotel I was getting evidence against.

Q. Now, you worked with other officers, didn't you? A. Yes.

Q. And did it occur in every instance, that the woman that solicited your brother officer, and took him to a certain hotel, is it not a fact that that woman took you to the very hotel where your brother officer had been? A. No, sir; not all the time.

Q. No? A. No, sir.

Q. In every affidavit that you have made out against a hotel, is there any such thing that the woman didn't take you to the same hotel? A. Do you mean the same woman that was in with the officer before?

Q. Yes. A. No, not that I know of.

Q. Can you mention any affidavit -- can you mention the case -- in which the woman didn't take you to the same hotel? A. Yes, sir, I can.

Q. What case is that? A. In the case of the Grand Central Hotel; at 43rd Street and Third Avenue.

Q. Is that the only one? A. That's the only one I remember just now.

Q. Now, what is the name of the defendant in that case? A. I can't just recollect -- it is quite a while ago, -- what the name of the defendant was.

Q. Have you a list or book whereby you can refresh your memory?

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A I have a book, but it is not a book of those cases. It is of a later date.

Q Now, then, how can you tell there was only one instance where the woman didn't take you to the hotel that you were getting evidence against? A Only one that I recall now.

Q Now, as matter of fact, if I can locate the affidavit will it show that that occurrence did not take place? A No. It certainly will not.

But, except in this particular instance, without knowing that you were a police officer, and without knowing that you were gunning for a particular hotel, and without your soliciting the woman, she took you to the hotel that you were getting evidence against, with this one exception? A There may be others, but I don't remember them just now.

Q Were you a witness in the South Ferry Hotel case? A No, I was not.

Q Were you a witness in the Stevens House case? A No, sir; I was not.

Q Now, at the time you had obtained evidence against -- before you had obtained evidence against this place, on the 13th of October, you knew that Barret and Reith and Lennon were working on this case? A Yes, I did.

Q And you know that they had been working on this case since September 35th? A Yes, sir.

Q And you know that they would have been working before the 13th, is that right? A Yes, sir.

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Q Then, why didn't you -- and you didn't arrest the woman on the 19th of October, who had solicited you? A No, sir.

Q Now, do you want this jury to understand that you told this defendant Westervelt, at the time that you arrested him, when he asked you to put down "and wife" that you said you were not used to doing this? A He didn't ask me to put down "wife". I said he looked at me, and I looked at him (illustrating) and I put down "wife", and said to him, "I am not used to doing this!"

Q And then he allowed you to come into the hotel with a woman? A He did.

Q Did you go up the elevator? A No, sir.

Q Is there an elevator in that hotel? A I don't know.

Q Did you see any elevator there? A Not that I remember.

Q Now, after you left the room with the woman, where did you go? A I left alone, and went outside of the hotel.

Q This woman was dressed like any ordinary woman? A Yes, sir.

Q And there were no marks that indicated that she was a prostitute? A No.

GEORGE W. LENNON, of Special Squad 1, a witness called on behalf of the People, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. HAGEE:

Q Mr. Lennon, are you a member of the Municipal Police Force of the City of New York? A I am.

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Q How long have you been such? A Going on nine years.

Q Are you married? A I am.

Q Have you any children? A Yes, sir.

Q How many? A One.

Q Where do you reside? A Brooklyn.

Q Do you know the premises called the Eastern Hotel? A I

do.

Q Where is that situated? A 64 Whitehall Street.

Q In the Borough of Manhattan, County and City of New York?

A Yes, sir.

Q Have you ever had occasion to visit these premises? A I did.

Q Will you kindly state under what circumstances, when and with whom? A About 10 P.M. on October 16th, 1915, I was in the vicinity of Whitehall and Pearl Streets and I was solicited by a woman, and invited to accompany her to the Eastern Hotel, 64 Whitehall Street.

BY THE COURT:

Q And what was the date? A October 16th, 1915. We entered the hotel, and approached the desk, where I met the defendant Westervelt.

The defendant Westervelt said to me, "Step in there", indicating a small room adjoining the hotel desk.

While in this room, we were served with a drink by the defendant Porter. Shortly after, I said to the defendant Porter, "Can I get a room with this woman?"

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And he said, "I'll see." He left the room and shortly returned and beckoned to me, saying, "Step this way," and escorted us to the hotel desk, where I then met the defendant Westervelt.

I said, to the defendant Westervelt, "Can I get a room?" and he said, "Yes."

I then asked him the price of the rooms, and he said, "Two, two and a half, and three."

I said, "Let me have a two dollar room." He then directed me to sign the register, which I did, signing the name of "John W. Conway".

And then the defendant Westervelt said to me, "Are you alone?" and I said, "No, I have a woman with me."

And I then wrote the words, "wife, Brooklyn", after the name I had already signed.

And I then gave the defendant Westervelt two dollars, in payment for the room.

The defendant Westervelt handed a key to Porter, and Porter said, "Come this way", and escorted us both to room 47.

The defendant then left the room. While in this room, this unknown woman did ask and receive the sum of five dollars, for the purpose of prostitution.

After remaining in the room a short while, we left the premises, and again met both defendants down at the desk. I then left the premises.

I know you a book, and ask you if you have seen this book

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before? Yes or no. A Yes, I did.

Q When did you first see it? A On October 16th.

Q Where? A 64 Whitehall Street, Eastern Hotel.

Q Did you write anything in this book? A I did.

Q Will you kindly indicate what you wrote? A There is the signature that I used. (indicating)

Now then, answer my question? A "John W. Conway and wife, Brooklyn," right there (indicating).

R. MAGRE: The 12th line on page entitled "Saturday October 16th, 1915. Room 47." I will offer that signature in evidence.

E. ROSALSKY: No objection.

(It is admitted and marked People's Exhibit 3.)

CROSS EXAMINATION BY MR. ROSALSKY:

Q Do you know where the register of the hotel has been kept ever since the arrest? A Yes, sir; I seen where it came from the other day.

Q Where has it been? A In the District Attorney's office.

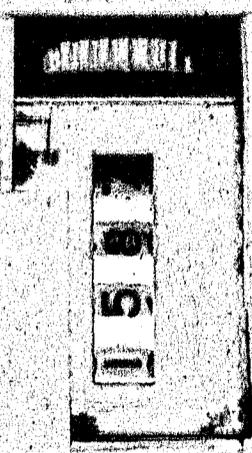
Q And it has been out of the possession of the defense, ever since the day of the arrest? A It has.

Q Now, you were dressed in civilian clothes? A I was.

Q And you were solicited at what street? A Pearl and Whitehall Street.

Q The woman who solicited you, didn't know that you were a police officer? A I don't believe so.

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Q She didn't know that you were getting evidence against the hotel? A No.

Q How many blocks is Pearl Street away from the hotel? A One or two; I am not sure.

Q Is it not more than three? A No.

Q Or four? A No.

BY THE COURT:

Q Did you have any carnal relations with this woman? A No, your Honor.

BY MR. ROSALSKY:

Q Will you name these streets from Pearldown to where the hotel is, what streets you have to pass by? A That, I cannot do.

Q Is there not Bridge Street? A I am not sure.

Q Water Street? A I am not sure.

Q Is there not Front street? A I don't know. It's a short distance.

Q Do you know where the Stevens House is? A Yes, sir.

Q Wasn't that nearer to that hotel than where you were solicited? A No.

Q How many blocks is the Stevens House away from where you were solicited? A I should judge about three or four blocks; I am not sure.

Q You are not sure? A No, sir.

Q Well, wasn't the South Ferry Hotel nearer to where you were solicited than this place? A Where is the South Ferry Hotel?

Q Corner of Moore and South Streets? A No.

Q How many blocks away from the hotel is the Stevens House?

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Streets? A Well, I am not sure. I know that South Street is below the hotel.

Q Well, there are other hotels in that vicinity where you were solicited? A No.

Q Is that right? A No.

Q There are no other hotels in that vicinity? A Only for the accomodation of men.

Q That's all that you know of? A Yes, sir.

Q And you had been working down in that district for how long? A Well, that's the only occasion I remember.

Q And, without saying anything, she took you to the place that you were getting evidence against? A Yes.

Q You knew that you wanted to go to the Eastern Hotel at that time, did you not? A Yes, sir.

Q You knew that Officers Lennon, Barrett, and Reith had been working, getting evidence against that hotel, since Sepetmber 25th? A I did.

Q And, without any suggestion on your part, she took you to the hotel where you wanted to get evidence? A She did.

Q She evidently knew how your mind was operating at the time? A I don't know.

Q Now, in how many of these cases have you gotten evidence?

A I don't know.

Q About how many? A Probably five or ten.

Q Now, five or ten is quite a leeway. Was it ten? A I am not sure counselor.

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Q Well, was it more than five? A I guess it was.

Q Was it more than seven? A I don't know, counselor.

Q Well, was it three, five, or ten. It makes no difference whatever to me. How many women did you take to those different hotels that you were getting evidence against? A One.

Q Only one woman in all that time? A One woman on each occasion.

Q Then only one woman took you to the hotel that you were getting evidence against? A I only took one woman to the hotel, in each instance.

Q And, in each instance, the woman solicited you? A Yes.

Q And you didn't solicit the woman in any instance? A No.

Q And on each occasion the woman took you to the hotel that you were getting evidence against? A Not in all occasions.

Q On how many did she not take you to the hotel, against which you were getting evidence? A I don't remember.

Q You say that there are only five cases, and now you say you don't remember? A I said about, from five to ten.

Q And you said about ten, too. Are you uncertain about how many? A Yes, I am.

Q Well, in how many cases did the woman fail to take you to the hotel that you were getting evidence against? A One at least. I don't remember any more.

Q Did it happen more than twice? A I don't remember, counselor.

Q Three times? A I don't remember, counselor.

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Q And that is the best answer you can give? A It is.

Q Would that appear in any affidavit that you made against any of the hotels that you have got evidence against?

MR. MAGEE: I object to that. The witness may testify to facts, but the contents of a written instrument, are always the best evidence.

THE COURT: Objection sustained.

BY MR. ROSALSKY:

Q Did you go up in the elevator? A No.

Q Is there an elevator in that place? A I am not sure.

Q At the time that you went there with this woman, you knew that Reith, and Reed and Lennon had already been there and obtained evidence; did you not? A I am officer Lennon, counselor.

Q I mean, and Barry, Officer Barry, had obtained evidence against the place? A I knew that Reed and Reith had already obtained evidence.

Q And you didn't arrest this woman? A No.

BY THE COURT:

Q Had you ever been in this house before, Mr. Lennon?

A No, your Honor. I believe your Honor --

Q Had you ever seen the place before? A Yes, your Honor.

Q Well, is it a regular hotel, or just a common house?

A Well, I believe it is a regular hotel, and has been for years, I have been informed.

Q Any restaurant connected with it at all? A There is.

Q Did you see enough of the house to know whether it is

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appointed for a hotel, laid out for a hotel? A Yes, your Honor.

Q Are there a number of rooms in it? A There is your Honor.

Q To give you the impression as being a recent hotel or one that had been in operation for some time? A In operation for some time.

THE COURT: Any question about that? That this is a regular hotel?

MR. ROSALSKY: Absolutely none.

THE COURT: What do you say, Mr. Magee?

MR. MAGEE: Not so far as my information goes, your Honor. I don't know the premises.

MR. ROSALSKY: It is the oldest hotel in New York City. It has been in existence since away back in 1833. It was the first hotel built in New York.

MR. MAGEE: Well, evidently, it has a historical character.

MR. ROSALSKY: It has. Here is its history (handing a pamphlet to Mr. Magee).

Q - Who prepared your affidavit? A The clerical man in the office of Headquarters.

Q Who? A I believe his name was O'Rourke at that time.

Q Did he prepare the affidavits of the other men? A I believe he did.

Q Did he prepare Reith's affidavit? A I believe so.

BY THE COURT:

Were you there when the affidavits were taken, and they

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were dictated? A Well, that I can't recall your Honor, about
the other officers being present at the time.

BY MR. ROSALSKY: -

Q Did they prepare Reith's affidavit?

THE COURT: He says he doesn't know about that.

BY MR. ROSALSKY:

Q Were you present when Barrett's affidavit was prepared?

A That I can't recall.

Q Did you talk over the facts that you had obtained with
Reith before -- before your affidavit was dictated? A That I
can't recall.

Q You don't remember whether you did or not? A No.

Q And you don't recall whether you were present when Reith's
affidavit was dictated? A No.

MR. ROSALSKY: That's all.

J O H N W. C O N W A Y, Headquarters Division, Special Squad
number 1, a witness called on behalf of the People, being duly
sworn, testified as follows:

DIRECT EXAMINATION BY MR. MAGEE: -

Q Are you a member of the Municipal Police Force of the
City of New York? A I am, sir.

Q How long have you been such? A Twelve years this month.

Q Twelve years? A Yes, sir.

Q Married? A Yes, sir.

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Q How long have you been married? A Twelve years.

Q Twelve years? A Yes, sir.

Q Any children? A One.

Q Do you know the premises called the Eastern Hotel? A Yes.

Q Where are they located? A At Whitehall Street and South.

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

Q Did you ever have occasion to visit those premises?

A One occasion.

Q Will you state under what circumstances, and when?

A October 21st, around about 11 P.M., I went there to execute warrants.

BY THE COURT:

Q That is, 1915, was it? A Yes, 1915.

BY MR. MAGEE:

Q And who did you arrest? A James E. Porter and Louis B. Westervelt.

Q Did you have any conversation with them, or either of them in reference to the charge upon which they were arrested?

A Yes sir; I had a conversation with the defendant Porter.

Q Yes. Well, what was said by him, and by you? A I asked him if he had ever been arrested for the same crime before and he said he had.

I asked him if it was the same clerk, and he said no.

MR. ROSALSKY: One moment. I move to strike that out as being immaterial, irrelevant and incompetent.

MR. MAGEE: No, I submit that it is proper, that it is

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a declaration against interest.

THE COURT: Let it stand.

BY MR. MAGEE:

Q Go on. A He said no, it was not the same clerk.

Q He said that Mr. Westervelt was not the same clerk?

A Yes, sir.

Q What else? A He said that the other clerk had got cold feet, and they had let him go.

Q Well, did he tell you -- is that all that he said? A That is practically all that was said, material to the case. Then there was some general conversation.

Q Is that all you know about the case? A Yes, sir.

Q Oh, by the way, did you ever see this register before (indicating)? A No. I saw it the other night when I made the arrest.

Q Did you see it at that time? A No, sir; it was seized by the other officers.

CROSS EXAMINATION BY MR. ROSALSKY:

Q Did I understand you to say that Porter told you that he had been arrested before at the Eastern Hotel? A Yes, sir.

Q And have you looked up the records to verify that? A No, sir.

Q Did you ask him the name under which he was arrested before? A No, sir; just the conversation that I testified to, took place; that's all.

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Q I want to call you as my witness, and I want you to get in touch with the records, and to look up and see whether Porter was ever arrested at that hotel before. And will you please return? A (No answer).

MR. ROSALSKY: Will your Honor order this officer to return?

MR. MAGEE: If your Honor please, I think this is going a little to far, -- this officer to perform services for the defendant. We simply put in the statement. It is immaterial to us whether or not he was arrested before. We cannot prove the fact of an arrest, of course.

MR. ROSALSKY: I want to show that no such conversation ever took place by the fact that there never was such an arrest, and I want this witness to look up the records.

THE COURT: Then you may put him under subpoena.

MR. ROSALSKY: I will do that, sir.

MR. MAGEE: It is to the conversation that the witness is testifying, not to the fact.

MR. ROSALSKY: That's all.

MR. MAGEE: The People rest.

MR. ROSALSKY: May it please your Honor, I move to dismiss the indictment, on the ground that the People have failed to make out a case, and, in connection with this case, I want to call your Honor's attention --

THE COURT: Let me ask the counsel for the State: what

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the evidence is with reference to Westervelt that would justify my denying this motion with reference to the defendant Westervelt? What evidence have you that will, in a prima facie way, sustain this accusation?

MR. MAGEE: Why, I feel, your Honor, to be very frank with you, we haven't shown -- that the People have not shown knowledge on the part of the defendant Westervelt which would make him culpable..

THE COURT: Well, that is my notion.

MR. MAGEE: I will be frank with you in that respect.

THE COURT: I will have to grant the motion with respect to Westervelt, and advise the jury to acquit him. Now, let me ask you what the proof is that will justify my denying the motion with reference to Porter.

MR. MAGEE: In Porter's case, if your Honor please, there seems to be abundant proof showing his knowledge of the conditions that existed there.

Not only that, but there is abundant proof, uncontradicted, so far, by witnesses whose veracity has not been so far impeached or attacked, that he procured women for the male guests of the hotel; and that proof, standing as it does now uncontradicted, is sufficient to warrant his conviction.

I believe the People have the right to go to the jury on the evidence which we have presented. They have made

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out a prima facie case. Not only that, but they are
entitled to all the benefits of the cross examination of
the defendant's witnesses, so that, in the end, the whole
case, the res gesta of the case, consisting of the direct
proof on both sides, and the cross examination, all the proof
taken, can be submitted to the jury, or, if not submitted
to the jury, can be passed upon by the Court.

THE COURT: I am assuming that that this was a real
hotel from the general proof, and from particular questions
asked of officer Lennon, and not a makeshift, but a hotel of
many years' standing, properly equipped as a hotel, governed
by the rules of law with reference to hotels.

Now, the defendant Porter was a bellboy in the hotel,
and your evidence is that of several police officers, who
had conversations with him, and who made suggestions to him,
apparently in their own interest; and the evidence is that
they paid him to assist them in securing the attendance
upon them of some woman.

These witnesses, most of them, were guests of the hotel;
they were not transient; they had taken up their residence
there, and had somewhat under their control those who might
be inclined to visit them.

The hotelkeeper has a public duty to perform with
reference to his guests. If the guests appear to be
decent and law-abiding and sober, and not dishonestly, they

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must be furnished with accommodations.

They have in their control those who come to see them, within reasonable bounds.

Now, if such guests, without the knowledge, without the consent of the hotelkeeper, do that which is disorderly in the room, without creating any disturbance outwardly, I take it that, under the law, he cannot be disturbed, without perhaps fearing on the part of the hotelkeeper a suit for damages. Is not that the duty of the hotelkeeper to his guests?

MR. MAGEE: Yes, sir.

THE COURT: Of course, if the hotelkeeper discovered from any source that the person is an improper person he has the right and power, and it is his duty, to remove him.

Is there any evidence of that character? I recall none. Now, this case has another branch, and that is the charge that this person maintained a house of ill fame.

But we have no evidence as to the fame or reputation of the house. It would be rather illuminative and helpful, I think, had we some evidence from those who are about the location of that hotel, either day or night; or both, as to whether disorderly people do or do not frequent the place. I think you must have and should have some evidence showing that the hue and cry of the neighborhood was against it, to show that it was a house of ill fame.

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There is some evidence that this defendant Porter, a bellboy in the hotel, did some improper acts, and brought women of the streets to the guests who were there, and that he was paid for it?

I do not think that you have made out a case, such a case as could be sustained in law. If such a case could be sustained in law, I do not think you could have any hotels in New York City, because frequently disorderly characters do get into the very finest hotels, and hotels that are maintained with great vigilance on the part of the hotel keepers.

MR. MAGEE: I --

THE COURT: I feel, Mr. Magee, that the evidence is not sufficient to justify me in denying this motion. I must pass upon it as a question of law, because the law constrains me to pass upon it as such. I cannot shirk or avoid that duty, because it is my duty to treat it as such.

I do not think you have made out a prima facie case. I do not think that you have made out such a case that I should, in law, ask the defendant to go forward, and prove the good faith, perhaps, of his hotel.

I am obliged to grant the motion and advise the jury to acquit both defendants.

(The jury found the defendants not guilty.)

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