

START

2442

CASE

CASE # 2442

1690

Apr. 18, 1918.

I n d e x

	Direct	Cross	Redirect	Recross
Millard F. Thompson	1	19		
James Oliver Mcauley	98	105	106	107
Grover Cronin	108	112	118	
Thomas A. Brady	121			
Eleanor Weed	125	136	151	

Apr. 22, 1918.

Eleanor Weed (resumed)	157	
George A. Ferris	159	161
May Florence	164	179

CASE #2442

160

COURT OF GENERAL SESSIONS OF THE PEACE

IN AND FOR THE COUNTY OF NEW YORK

PART FIVE.

2927

1602

-----X
THE PEOPLE OF THE STATE OF NEW YORK

B e f o r e :

- Against -

HON. CHARLES C. NOTT, JR., J.,

MARY DeLONG, indicted with Elenore
Coffee and Eleanor Weed.

And a Jury.
-----X

New York, Thursday, April 18, 1918.

THE DEFENDANT IS INDICTED FOR GRAND LARCENY IN THE
FIRST DEGREE and RECEIVING IN THE SECOND DEGREE.

INDICTMENT FILED

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

JAMES E. McDONALD, Esq., Assistant District Attorney,

For the People.

MESSRS. FERRIS, DANNENBERG & ANSBACHER, by

GEORGE A. FERRIS, Esq.,

For the defendant.

(A jury is duly impaneled and sworn.)

T H E P E O P L E ' S C A S E

(Mr. McDonald opened the case to the jury on behalf
of the People.

M I L L A R D T. T H O M P S O N, called as a witness on
behalf of the People, being first duly sworn, testified
as follows:

CASE #2442

(The witness states that he resides in Yonkers, N.Y.)

DIRECT EXAMINATION BY MR. McDONALD:

Q What is your business, Mr. Thompson? A I do a little real estate business at present.

Q Talk up loud. A Real estate business.

Q And how long have you been in the real estate business?

A About three years.

Q Where was your place of business? A Previous to that?

Q No; where is your place of business. Where was your place of business on the 10th day of April, 1917? A I was operating then in Binghamton.

Q They can't hear you down there? A I was operating then in Binghamton.

Q In the real estate business? A Yes, sir.

Q Were you in New York on the 10th day of April, 1917?

A Yes, sir.

Q About what time were you in New York? Were you in all day? A I was here a week at that time.

Q And where were you residing? A At that time I was residing at 3485 Broadway. At that particular date, April 10th, I was stopping at the Martinique Hotel.

Q Did you see this defendant at any time that day? Did you see this defendant any time that day? A Yes, sir, about five or six o'clock.

Q And where was she when you saw her? A Well, I was coming down Broadway about Thirty-fifth or Sixth Street, and her with

RECORDED

1603

CASE #2442

3
two other women came up and solicited me.

MR. FERRIS: I move to strike that out.

THE COURT: Yes, just say what they said.

Q Tell us what they said? A Well, they wanted me to go and buy them a little lunch.

MR. FERRIS: I object to what they said as calling for statements of the other two defendants, which were not binding on the defendant, unless in her presence.

THE COURT: If you can specify which one said it, do so. If not, state what was said.

THE WITNESS: "Come on and buy us a little lunch".

MR. FERRIS: I object to that, unless the witness states that it was this defendant who said it.

THE COURT: Do you remember which one said it?

THE WITNESS: Yes, sir, it was this one; she was the ring-leader.

MR. FERRIS: I move to strike that out.

THE COURT: Yes. Dpn't volunteer statements, just answer questions.

Q Did you say anything when she invited you to take them to a little lunch, did you say anything? A We jollied along, and I walked along.

MR. FERRIS: I move to strike that out, as not responsive.

THE COURT: Yes, motion granted.

Q We don't know what you mean by "jollied". Tell us what

CASE #2442

4
you said. What was said by the defendant and yourself?

A Well, they said there was a cabaret down at the Herald Square Hotel, and to take them down there.

Q Please take your hand down, so these gentlemen can hear you. Now, tell us what was said. A Said there was a cabaret down at the Herald Square Hotel.

Q Who said that? A Miss DeLong.

Q Did you say anything then? A Well, I think I smiled and went along and took them down there.

Q You went down to the Herald Square Hotel? A Yes, sir.

Q Where is that? A Opposite Macy's, just below Macy's, Thirty-fourth Street.

Q Between Broadway and Seventh Avenue? A Yes, sir.

Q Where did you go in the Herald Square Hotel? A Went in the ladies entrance, where there was a dining room and a cabaret going on.

Q And about what time was it that you went in there?

A I should think near six o'clock.

Q In the evening? A Yes, sir.

Q Who went with you? A These three women.

Q The defendant DeLong and two other women? A Yes, sir.

Q And what did you do when you went in the restaurant?

A Sat down to a table, and I bought them all they wanted to eat and drink.

Q Just tell us what you bought. What did you buy in the way of drink? A Highballs.

CASE #2442

Q Were you drinking highballs? A Yes, sir.

Q About how many rounds of drinks did you have? A Well, -

Q About? A In there?

Q Yes. A I think I had two Scotch highballs.

Q And how many did the defendants have? A I don't know; I couldn't say that; I didn't drink the last drinks, when they got bad color.

MR. FERRIS: I move to strike that out, as not responsive, to the question.

THE COURT: Yes, the question is how many did the defendant take, if you know.

A I should say they took double that amount.

MR. FERRIS: I move to strike that out. He said "they", using the pleural.

THE COURT: Motion denied.

MR. FERRIS: I take an exception.

Q How long did you remain in there? A Until about eight o'clock, or a quarter past eight.

Q Did you have any - I withdraw that. Did you leave the restaurant then? A Yes, sir.

Q Who came out of the restaurant with you? A These three women came out of the restaurant with me.

Q The defendant and the other two? A Yes, sir.

Q And was anything said then? A They walked along up Broadway, and they wanted me to go in and buy them shoes.

MR. FERRIS: I move to strike that out, if your Honor

CASE #2442

pleases, as not binding on the defendant, unless the witness says it was the defendant who said that.

THE COURT: If they were all acting in concert and said it in each other's presence, I think it is. If you can specify, however, who said it, please do so. Did they all say that, or did one of them say it?

THE WITNESS: Well, Miss DeLong seemed to be the spokesman.

MR. FERRIS: I move to strike that out, your Honor.

Q Did she do most of the talking? A Yes, sir.

Q And what did you do then when Miss DeLong, the defendant, said something about buying shoes? A We went into the Walk-over shore store; you take a small elevator that closed in, and we went up to the second floor, where the womens shoes were.

Q And who got in the elevator? A These three women and myself and the one that runs it.

Q You say that you went to the second floor? A Yes, sir.

Q This elevator that you talk about is where? A Just right as you go in the door.

Q In the store? A Yes, sir.

Q In the store proper? A Yes, sir; you have to go in the store and then go in it.

Q I beg your pardon? A You go in a regular store door.

Q Did you get off the elevator at the second floor?

A Second floor, yes, sir.

Q And what happened then? Who got off the elevator with

CASE #2442

you? A These three women.

Q What happened? A Well, we were all feeling lively.

MR. FERRIS: I move to strike that out, if your Honor please.

THE COURT: Yes, motion granted.

Q What did you do? A I guess the next thing, Miss DeLong was dancing with me; she was very anxious to dance with me, and we danced.

MR. FERRIS: I move to strike that out as a conclusion on the part of the witness.

THE COURT: Yes, but that she danced with him may stand.

Q What about the others? A And they wanted me to buy them shoes.

Q Did Miss DeLong dance with you before any shoes were bought? A Yes, sir.

MR. FERRIS: I object to the question as assuming a state of facts not proven by the witness. He said she asked him to dance; that is all.

THE COURT: He said the next thing she was dancing with him. Motion denied.

MR. FERRIS: I take an exception.

THE WITNESS: And we danced quite a little. I can singlefoot a little.

Q What is that? A I can singlefoot a little.

Q Were you wearing anything at this time? How were you

CASE #2442

1609

dressed? How were you dressed? A Just about as I am now, only not exactly the same suit; I had on a top overcoat.

Q An overcoat? A Yes, sir.

Q Did you take your overcoat off when you went into the Walkover place? A No, sir.

Q Did you take it off while the defendant was dancing with you? A No, sir.

Q Did you have anything in your tie? A Yes, sir.

Q What did you have? A A diamond pin.

Q Did you have that as you went into the Walkover shoe store? A Yes, sir.

Q And where did you have it? A On my scarf.

Q Then tell us what happened? A And Miss DeLong had got that pin off of my scarf, and I took it away from her.

Q When was that? A While we were there in the Walkover place.

Q But when was it she took the pin out of your tie? A The first thing I see she had it after she was dancing with me.

Q Was that after she was dancing with you? A Yes, sir.

Q Yes? A I missed it, and then I got it back and put it in a little -- I carried a little change wallet in this pocket (indicating), and my bill wallet in this pocket (indicating).

Q What is that? A I carried a little change wallet in this pocket (indicating), so I put my pin in here, instead of putting it back on my scarf, and I carry my bill wallet in this pocket (indicating).

CASE #2442

MR. FERRIS: May we have it noted on the record that the witness refers to his lefthand trousers pocket when he refers to the small wallet, front, and that he refers to his right hip rear pocket when he refers to the wallet?

THE WITNESS: Yes, sir.

MR. McDONALD: That is right.

Q - When you refer to the wallet, that is the wallet you had your money in? A It was the righthand hip pocket where the money was.

Q That is the wallet pocket? A Yes, sir.

Q And how much money did you have? A A little under three hundred dollars.

Q Now, you say that you didn't see the defendant take the pin from your tie? A Yes, sir.

Q Is that so? A Yes, sir, I felt her taking it, but they had it off before I --

Q Did you see the pin in the defendant's hand? A Yes, sir.

Q Now, what happened then? When you saw the pin did you say anything? Did you do anything? A Well, I insisted that she give it back.

Q Tell us what you said and what you did?

BY THE COURT:

Q What did you say to her and what did she say to you?

A Well, I says, "That pin I want back, and that is very raw treatment after I have treated you women like queens; I bought you all you wanted to eat and drink; that is pretty raw treat-

CASE #2442

ment," and then Miss DeLong would have another dance with me.
BY MR. McDONALD:

Q Before she had that other dance, did she give you the pin back? A I took it. She didn't give it back.

Q Took it from her? A Yes, sir.

BY THE COURT:

Q Did she say anything? A Oh, only laughed; I don't know what she said particularly, having a good time for herself.

BY MR. McDONALD:

Q Did she say anything when you said anything about treating her like a queen, and that was pretty raw treatment she was giving you? A No, she didn't reply particularly to that; and then they wanted hoisery, so I conceded to buy them three pair of silk hose, at \$1.10 apiece.

Q That was after the second dance? A Yes.

Q What happened then? A So, I bought the hose. They took them, and I took my bill-book out for three dollars and thirty cents.

Q What is that? A I took my bill book out and give them ten dollars.

Q That is the wallet that you had just a little less than three hundred dollars in? A Yes, sir, right here (indicating).

Q And you took that out of your pocket? A Yes, sir.

Q And what did you do with it? Did you take any money out of it? A I took a ten-dollar bill out of it.

Q And that was to pay for the three pair of silk stockings?

A Yes, sir.

CASE #2442

Q Did you pay for that? A Yes, sir, I gave to the clerk the bill, and he sent the check up on the cash register.

Q What happened then? A And when the change came back Miss DeLong grabbed it. She was bound to keep that.

MR. FERRIS: I move to strike out the latter part of the witness's answer.

THE COURT: Yes.

THE WITNESS: And the salesman made them give that to me, and I put that change in here (indicating).

MR. FERRIS: I move to strike that out as a conclusion.

THE COURT: Yes, you all the time give us conclusions. You don't tell us what happened. What did the salesman say or do?

THE WITNESS: They wouldn't take us down in the elevator until they returned that change to the customer.

MR. FERRIS: I move to strike that out, if your Honor pleases.

THE COURT: Yes, motion granted.

Q The salesman must have said something to them, didn't he, before he would take them down? Did he say anything to them about giving up the money before he would take them down?

A He said they must return it to me.

Q Can't you please tell us what he said to these people?

A Well, that is what he said; he told them they must not take that change, that they must give it back to me.

Q And did he say anything further about not taking them

CASE #2442

down in the elevator until they did return the money?

MR. FERRIS: I object to that as leading, if your Honor please. The witness should testify to the conversation.

THE COURT: Objection overruled.

MR. FERRIS: I take an exception.

A Well, they had some conversation about it. Anyway, he saw that the money was handed me.

Q Who handed the money to you? A One of the salesmen; I don't know his name.

Q Did you see where he got the money from? A He got it from Miss DeLong.

Q The defendant? A Yes, sir.

Q What happened then? A Well, they got their hoisery packages, and after that was over I think we had another dance; they got real friendly then; I was papa.

MR. FERRIS: I move to strike that out, if your Honor please.

THE COURT: Yes, tell us what they said.

BY THE COURT:

Q You say they got friendly. We don't know what that means. We want to know what they said, then we can judge whether they were friendly. You say they called you papa; is that it? A Yes/

Q Now, who called you that? A Miss DeLong.

Q And the others? A The others.

Q Did you dance with anybody except Miss DeLong? A Did I? Yes. No, I did not. Dance. I thought you said, did I

CASE #2442

answer. I did not dance with anyone but Miss DeLong.

BY MR. McDONALD:

Q What did you do with the change that you finally got?

A I put that in the little change pocket.

Q When you took the ten dollars out of the wallet containing just less than three hundred, what did you do with that wallet? A Put it back in this hip pocket (indicating).

Q What denominations were they, do you, the denominations of the bills that you had in that wallet? A I couldn't say exactly, but mostly twenty and ten-dollar bills, as I remember it.

Q Now, after the defendants received their packages, what happened then? A Then we started down for the elevator.

Q This same elevator in the Walkovershoe store? A Yes.

Q All right, go on. What happened in the elevator, anything? A In the elevator Miss DeLong - in fact, they were all very close to me, but she particularly - it was crowded, it was a small elevator, and was crowded, and the minute I got down on the walk I put my hand in my pocket, to see about my pin, and I saw the little wallet was gone, so I feels for this, and this was gone (indicating).

Q Where were you when you found that out? A Just got down on the walk.

Q You mean out on the sidewalk? A Just in front of the store.

Q And what happened then? Did you see the defendants? A And they disappeared very quickly. I went up the street a little

CASE #2442

ways, and then I went back to my hotel.

Q Did you go back to the Walkover shoe store Company?

A No, it was just about closing time for them.

Q And did you at any time the following day go back?

A Yes, sir.

Q Did you go any other place that night? A I went to the hotel that night to inquire who these people were.

MR. FERRIS: I move to strike that out, if your Honor please, anything taking place after the defendants left.

THE COURT: The motion is denied.

MR. FERRIS: I take an exception.

Q You say you went back to the hotel to inquire who the people were. What hotel do you mean? A Where we had our lunch.

Q Is that the Herald Square Hotel you are talking about?

A Yes, sir.

Q You spoke to somebody in there? A The house detective.

MR. FERRIS: I move to strike that out. I object to the question.

THE COURT: I will let him say he spoke to somebody.

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

THE COURT: Don't say what was said.

Q After you talked to the hotel detective, did you go any other place? A Then I went down to the Martinique Hotel after that.

Q Did you later talk to somebody there? A Yes, sir.

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

CASE #2442

not binding on this defendant.

THE COURT: I will allow him to say "yes".

MR. FERRIS: I take an exception.

Q. When did you go back to the Walkover Shoe Store Company?

A. It was the day after, the following day, the very next morning, I had a very sick daughter at Bellevue Hospital, and I had to take her over to Astoria, to a sanitarium.

MR. FERRIS: I object to that and move to strike it out.

THE COURT: Yes; objection sustained; motion granted.

Q. So that was the second day after that you went back to the Walkover Shoe Store Company? A. Yes, sir.

Q. And there did you see one Mr. McCauley? Just answer that "yes," or "no"? A. Yes, sir.

Q. This gentleman here (indicating)? A. Yes, sir.

Q. And you had a talk with him? A. Yes, sir.

Q. And after you had this talk did you go any other place?

A. I went then down to the Martinique and talked to the hotel detective there, Mr. Stevens, whom I know.

Q. Don't tell us what you said to Mr. Stevens. What did you do then? A. I told him what had happened.

MR. FERRIS: I move to strike that out, if your Honor please.

THE COURT: Yes, motion granted.

Q. You said something to Mr. Stevens. After you said something to Mr. Stevens what did you do or where did you go?

A. After I had talked to Mr. Stevens I went over to the Police

CASE #2442

Department, on Lexington Avenue above Forty-second Street; I don't know whether it is the Forty-second Street Precinct, or what.

Q And after you got over there you saw at some time or other Detective Brady? A Yes, sir.

Q After you saw Brady you talked to him? Just "yes", or "no".
A Yes, sir.

Q Then you went where? A Then we went to the Walkover shoe store.

Q Now, then, did you see the defendants there at that time? A No, sir.

Q When you and Brady went over to the - officer Brady went over to the Walkover shoe store Company, did you see McCauley again? A Yes, sir.

Q And there Officer Brady talked to McCauley, did he?
A Yes, sir.

Q Now, did you afterwards see these defendants? A The following day, I guess.

Q Where? A At the police precinct, Forty-sixth Street.

Q They were under arrest at the time you saw them? A That is the only time.

Q You saw them in the police station? A Police station; that is it.

Q Did you have any talk with any of these defendants?
A At the police station?

Q Yes, after they were placed under arrest. A After

CASE #2442

they brought them in there for identification and -

MR. FERRIS: I object, unless the witness answers "yes" or "no", to that question.

THE WITNESS: Yes.

Q With whom did you talk? A Mrs. -- one by the name of Weed. She said she was not to blame.

THE COURT: Never mind what she said.

Q Did you talk to this defendant? A I told them the same thing again, raw treatment.

MR. FERRIS: I object, unless the witness answers "yes" or "no".

THE COURT: The question is, did you talk with this defendant.

Q Was this defendant there? A Yes, sir.

Q At the same time? A Yes, sir.

Q This was a statement that you were making? A As a whole, yes.

Q To the three of them? A Yes, sir.

Q And did this defendant say anything after you said something to her, or to them? A Miss Weed says "We are not going to be arrested, are we?".

MR. FERRIS: That is objected to.

THE COURT: Did this defendant say anything?

THE WITNESS: No.

Q Did you at any time have a talk with this defendant?

A No, sir.

CASE #2442

Q At no time? A No, sir.

Q This pin that you speak of, what kind of a pin was it?

A A diamond pin.

Q Did you buy it? A It was a gift to me.

Q Do you know anything about the value of pins? A Yes.

Q What was the value of this one?

MR. FERRIS: I object to this, on the ground the witness is not qualified.

THE COURT: Objection sustained.

Q This wallet that you had, you say there was just something less than three hundred dollars. Was there over two hundred and fifty dollars? A Yes, sir.

Q About how much was there? A Well, I should say probably two hundred and eighty dollars, but I would rather have my statement under than over.

Q And that was in this wallet in the right hip pocket?

A Yes, sir.

Q And that money was in the wallet at the time you went into the Walkover shoe store company at Forty-third Street and Broadway? A Yes, sir.

Q And after these defendants left you that wallet was not there, was it? A It was not, no, sir.

BY THE COURT:

Q When you got back this change from the clerk, the bills, seven dollars, or whatever it was, six dollars, what did you do with that? A I put ~~that~~ ^{that} in the left coat pocket with the

CASE #2442

little wallet, where the pin was.

Q Was that left, or did that go, too? A That went, the whole business A

Q Six dollars and the little wallet went from one pocket?

A And the diamond was in that little wallet, and the bill-book went from this pocket (indicating).

Q From the time you got that change back and put your bill wallet back in your pocket, until you missed the bills, missed your property, was anybody in reach of you except these women? A No, sir, there was no other being whatever.

MR. McDONALD: That is all.

CROSS-EXAMINATION BY MR. FERRIS:

Q Mr. Thompson, you say you are in the real estate business now? A Yes, sir.

Q Commenced to engage in that line of business three years ago? A Yes, sir.

Q Have you ever had an office where you transacted business in New York City? A No, sir.

Q Where were your operations in real estate confined to? A Mostly in Binghamton.

Q You had bought and sold property there, had you? A Yes, sir.

Q What was the last house that you bought or sold in Binghamton, or piece of property? A Well, I haven't bought or sold a house lately; I have been building mostly for two years.

CASE #2442

Q What property is the last you built in Binghamton?

A The last I built is 73 Court.

Q Where? A 73 Court.

Q Court Street, Binghamton, New York? A Then 6, 8, 10 and 12 Commercial Avenue.

Q When did you build that last property? A Oh, about -- finished about three years ago.

Q And you have not conducted any real estate operations then since that, have you? A Yes, in different ways, not in building, but I looked up leaseholds for Woolworth and Brisbane; I may look up a location for them in this town; possibly call it abroker.

Q What did you mean, then, when you said in the Magistrate's Court that you bought and sold property? A I do.

Q What was the last parcel, that you bought or sold in Binghamton? A I told you 6, 8, 10 and 12 Commercial Avenue.

Q You said you built that? A Yes. Well, I bought the lot.

Q Where is your place of business now? A I have an office in Binghamton.

Q In Binghamton? A Yes, sir.

Q Haven't you a place in Yonkers, New York? A No, sir.

Q Didn't you say Yonkers, New York, here? A That is my home; my family live there; I have two daughters lives in Yonkers; they did live on Broadway.

CASE #2442

Q Now, your memory in reference to this occurrence is just as fresh now as it was two or three days after it happened, is it not? A I would hardly think that, no. There might be things that I forget.

Q Then, if you testified to a different set of facts at the hearing held before the Magistrate's Court, you concede that your testimony uttered then was probably more correct than that uttered now?

MR. McDONALD: I object to the form of that question.

THE COURT: Objection overruled.

Q Will you answer the question, please. A I will stand by the facts that I gave before the Grand Jury or the other court.

Q I say that, if your testimony in the Magistrate's Court differed from that which you gave now today in this court, you would say that in all probability your testimony in the Magistrate's Court was correct, and that you are mistaken now, would you not? A I don't know that I would.

Q Then, do you mean this jury to understand that your memory is just as clear or more clear as to what happened now than it was a year ago when you testified in the Magistrate's Court? A I would render honest testimony in either instance, except as to dates; there might be a variation of dates, or something.

Q I am asking, if your testimony given before the Magistrate's Court is contrary or different to that which you have given

CASE #2442

now, in all probability what you said in the Magistrate's Court is true, and what you are saying now you have forgotten, or your testimony is altered by reason of the lapse of time; is that correct? A I might have forgotten something.

Q Where were you residing on April 10, 1917? A I was stopping at the Hotel Martinique.

Q Was that your place of residence on that day? A No, sir.

Q Were you living anywhere else in New York except at the Martinique on April 10, 1917? A No, sir; that is where I was living at that day.

Q How long had you been living there prior to April 10, 1917? A I think I come down to the Martinique Saturday, and I think that this was Monday this happened.

Q And how long did you continue at the Martinique?

A No, I was not at the Martinique, I mean, at that particular night, I went home at 3485 Broadway.

Q When you say "home", whose home is that? A That is my daughter's.

Q What is her name? A My two daughters.

Q What are their names? A Laura Thompson and Blanche Thompson.

Q Single girls? A Yes, sir; their grandmother lived there with them and their mother.

Q And you make your home with them? A I consider where they are my home.

Q Why were you living at the Martinique that week? A I

CASE #2442

wasn't living there that week. I stopped there.

Q Were you sleeping there at any time during the week of April 10, 1917? A No, I was up on Broadway Sunday; I came down Sunday, but I stopped at the Martinique.

Q What do you mean when you say "stopped at the Martinique"?

A I have been coming in and out of New York as my business in different ways, once or twice a month, for twenty-five years, requires.

Q I am not asking you that. When you say you stopped at the Martinique during the week of April 10, 1917, what do you mean by that? That you were living there and had a room there, or what? A Stopped there for a day or two, had a room there.

Q Did you sleep there? A Not that particular night.

Q Did you sleep there any night from a week prior to April 10th to a week after April 10, 1917? A Yes, sir.

Q You were registered on the register of the hotel, and took a room there; is that right? A I am not sure of that particular time, about that. That very night that this happened, I went up to 3485 Broadway, so whether I was there a few days before, or a week before, or not, I don't know.

Q Will you stop a minute. Just answer my question. I am asking you whether or not you now recall if you had a room at the Martinique that you occupied at any time a week before April 10th or a week after April 10th? A I don't think I did. I think I was right up at 3485 Broadway.

CASE #2442

Q So, when you testified on direct examination here, in answer to the District Attorney's question, that you lived at the Martinique at that time, that was not so, was it? A Probably that was not so.

Q You recall saying that you - in answer to the District Attorney's question, that you lived at the Martinique, do you not?

A I might have stayed there the first night I came in town, and then went home.

Q In other words, you had two homes, one at the Martinique and one on Broadway? A No, sir, I didn't have two homes.

Q Now, if you say you make your home with your daughters, what were you stopping at the Martinique for? A Well, I go in and perhaps take a sleeper down, and I am busy all day.

Q And that is the only explanation you have? A And I have business to do.

Q Do you recall everything that happened that day, April 10, 1917? A Possibly I could not.

Q Where did you sleep on the night of April 9, 1917?

A I slept at 3485 Broadway, I think. Where I stayed at the Martinique, or went up home, or whether I was at the hotel, I don't know.

Q Do you remember whether you were sober on the night of April 9, 1917, or whether you were drunk? A I do, sir.

Q You are positive of that? A Yes, sir.

Q Were you sober on the previous night, April 8, 1917?

A Yes, sir.

CASE #2442

Q How long had you been sober before April 10, 1917? In other words, when were you last drunk before that date?

MR. McDONALD: I object to that, sir. That is like, "do you beat your wife".

THE COURT: Well, he can give the date of that event.

MR. FERRIS: I withdraw the question.

Q Have you ever been drunk?

MR. McDONALD: Now, that calls -- some of us mayb have different views as to what drunkenness means.

THE COURT: That is too vague and indefinite. I don't see why a man should state whether in his whole life he had ever been drunk.

MR. FERRIS: I respectfully except.

Q Had you been intoxicated at any time within a week prior to April 10, 1917? A No, sir.

Q Were you intoxicated at any time within a week after April 10, 1917? A I have been drinking, but I was not drunk.

Q What were you doing on that day, April 10, 1917, in the morning? A In the morning I was at home, 3485 Broadway.

Q When did you leave your home? A About two o'clock in the afternoon.

Q Where did you go? A I took the car down to Fifty-ninth Street and Seventh Avenue, and then I wanted to look at a prospective lot there, a vacant lot, so I walked down Seventh Avenue, all the way down to Broadway.

Q And how long did you stay at that place on Fifty-ninth

CASE #2442

Street? A I walked down Seventh Avenue.

Q How long did you stay at this place that you were inspecting? A Not over - oh, I might say half an hour.

Q And how many drinks had you up to that time? A Probably one.

Q And then when you left Fifty-ninth Street where did you go? A Right on down to Forty-second Street.

Q And in how many saloons did you stop on your way down to Forty-second Street? A Well, I must have had two Scotch highballs by the time I got down to the Metropolitan Opera House.

Q And your first drink was a Scotch highball, was it not? A Yes, sir.

Q And you had had, previous to two o'clock, when you left your daughter's home, some drinks also, hadn't you? A No, sir.

Q What? A No, sir.

Q Didn't you testify in the Magistrate's Court that it is your custom, was with you for years, to take a highball first thing in the morning? A No, sir.

Q Do you remember that? A No, sir, I was said I was accustomed to drinking Scotch highballs.

Q Not in the morning? A Not in the morning; too early aint good.

Q You never drank a Scotch Highball before in the morning, did you? A Oh, yes, probably I have, yes.

Q Didn't you testify that it was your custom to drink highballs early in the morning? A Oh, I am accustomed to drink

1627

CASE #2442

Scotch highballs right along.

Q Now, you say you had two drinks on your way downtown to Forty-second Street and Broadway. From there where did you go?

A I went right along down Broadway.

Q How far? A Oh, to Thirty-sixth or Thirty-seventh Street, I should judge.

Q Now, between Forty-second Street or Thirty-sixth or Thirty-seventh Street, how many saloons did you enter and drink in? A None.

Q Did you hear that question? A None.

Q None. So that in all you had three drinks before you met the defendants? A Two, I should think; it might have been three.

Q You wouldn't say it was any more than three, would you? A Well, they wouldn't hurt me, another extra one; whiskey never puts me to sleep nor never makes me sick at my stomach. That is two things it don't do; always makes me lively.

Q What does it do, make you lively? A Oh, yes.

Q You say now, however, that, according to your best recollection, you had only had two and not more than three drinks up to the time you met these defendants on April 10th? A I think that is about right.

Q Any doubt about it? If you are doubtful, I would like to know it. A I would think that was about right.

Q Now, I will read to you from your testimony given before the Magistrate within a week after the occurrence, to be

CASE #2442

exact, on April 26, six days after. Did you testify as follows, when you were asked these questions: "Q. Tell his honor how many drinks you had at the time you saw these defendants, if you can remember? A. No, I can't remember. Q. Is it so many you can't remember? A. I couldn't tell. Q. What? A. I couldn't tell." Do you remember testifying as I have read to you? A I don't remember.

Q You don't remember? A I testified over in the court.

Q Do you say that you so testified in answer to these questions that I have just read?

MR. McDONALD: That doesn't tend to impeach him.

THE COURT: I understand that refers to the time that he met the defendants.

MR. FERRIS: I beg your Honor's pardon?

THE COURT: That refers to the time that he met the defendants, not prior. You have asked him about the time prior to the time he met the defendants.

MR. FERRIS: No, the question is, which I will read to your Honor - the question was: "Q. Tell his Honor how many drinks you had at the time you saw the defendants, if you can remember?". Now, I take it that the plain and ordinary meaning of that is, "tell his Honor how many drinks you had had at the time you saw these defendants".

THE COURT: That is different. It doesn't say, "How many drinks you had had". It says "How many drinks did you have at the time you met the defendants"? He said

CASE #2442

he went to a restaurant and had several drinks.

Q Were you, or were you not, intoxicated at the time that you met these defendants on April 10, 1917? A I had had some drinks, but I wasn't drunk.

Q Were you intoxicated? A I was not; if that is drunk, if you mean drunk, by that, I was not.

Q You don't know what the meaning of intoxicated is, do you?

MR. McDONALD: Well, we may all have different ideas about intoxication.

MR. FERRIS: I am trying to find out the witness's idea about it.

MR. McDONALD: He says he was not drunk.

MR. FERRIS: I know what he said. I press my question.

THE COURT: I will allow him to state.

Q Will you answer the question. A I was not drunk.

Q That is not answering the question, Mr. Thompson. I want you, if you will, to answer that question.

THE COURT: What was the question?

Q Do you know what the meaning of the word "intoxicated" is? A That means - I don't know - I would say a man if he was drunk he would be so drunk - he might be so drunk he didn't know what was going on, but whether you mean intoxication by that, or not, I don't know.

Q What do you mean by intoxication? That is what I am trying to find out? A A man could be simply intoxicated, possibly twelve Scotch highballs would make him slightly intoxicated, and he would have to have twenty four to be drunk.

CASE #2442

Q Well, did you testify as follows in the Magistrate's Court: "Q. Had you been drinking?", referring to the time when you met these defendants - "A. Yes. Q. How much? A Well, I was somewhat intoxicated, but I was not drunk. Q. Before you met them, had you been drinking? A. Somewhat. Q. How many drinks did you have after you met them? A. I won't say; either two or three." Do you remember testifying as follows - as I have just read?

MR. McDONALD: Now, I object to that, sir, because that does not in the slightest way tend to impeach what the witness has already testified to, and that is the only purpose of cross-examination, by previous statements of a witness.

THE COURT: Well, I will allow him to ask whether - I will allow the question to be put whether he testified that he was slightly intoxicated.

Q Did you testify in the Magistrate's Court that you were slightly intoxicated when you met these defendants?

THE WITNESS: I think I did.

MR. FERRIS: He said "somewhat"; not "slightly"; "I was somewhat intoxicated." I will put that question.

Q Did you testify in the Magistrate's Court, on April 16th, that at the time you met these defendants you were somewhat intoxicated? A As I would remember, I stated that I had been drinking some, that I had been drinking some.

Q Can't you answer that question "yes," or "No". Did you

CASE #2442

testify in the Magistrate's Court - A The records will show.

Q I am asking you for your recollection, not what the records show. Did you testify in the Magistrate's Court, on April 16th, that when you met these defendants you were somewhat intoxicated? A As I remember.

Q And after you were somewhat intoxicated, when you met these defendants, you took two or three additional drinks, did you not? A Yes, sir.

Q Did that increase your intoxication? A No, sir, not noticeable.

Q When you first saw the defendants, what were they doing? A They were on the street, walking.

Q Were they walking? A Yes, sir.

Q In your direction, or in the same direction as you were going downtown? A They come up to me; I couldn't tell you that whether I met them, or -

Q Well, in what direction were you walking when you first saw them? That is a simple question? A I think they come in from the edge of the walk up towards me, towards the building.

Q Then, I take it you were walking downtown close to the building, on your right hand side? A I was walking on the right hand side of the street, yes, sir.

Q And the first time you saw them they were walking across the sidewalk to you; is that right? A I don't know as I could remember exactly, sir.

Q Then, you do not remember just in which direction they

CASE #2442

1632

were walking when you first saw them? A I couldn't remember.

Q I can't hear you. A I don't know whether they came from the edge of the walk, or they might have come down from the Heavens, for all I know.

Q For all you know, they might have dropped like manna from the skies? A Yes, sir.

Q Which one was the first one that you saw of the defendants? A Miss DeLong.

Q She was right in the lead? A Oh, all the while.

Q And who was it that first spoke of all you four? A Of the three?

Q Of the four of you, I said, you and the three defendants, who was the first one that spoke? A Oh, Miss DeLong.

Q You are positive that it was Miss DeLong and nobody else? A As I remember.

Q Well, is there any doubt in your mind? A No.

Q No doubt in your mind? A No.

Q Mr. Thompson, you realize that on your testimony the liberty of this defendant depends, do you not?

MR. McDONALD: I object to this.

MR. FERRIS: That is a perfectly proper question.

THE COURT: Yes, I will allow it.

MR. McDONALD: I am arguing with the Court.

MR. FERRIS: I am addressing the Court.

THE COURT: Objection overruled.

Q You realize that, do you not? A I suppose so. I don't

CASE #2442

know much about the law.

Q Don't you know it? Don't you know that on your testimony depends the liberty of this defendant?

MR. McDONALD: I object to that, sir, because it may not depend on his testimony.

THE COURT: Yes, I will sustain the objection. How can he tell? There are other witnesses in the case.

MR. FERRIS: I respectfully take an exception.

Q You are sure it was Miss DeLong who first spoke to you?

A Yes, sir.

Q Did either of the two defendants speak to you at the time?

A Very nearly; they were all together, apparently they were all together.

Q Well, did they all speak at the same time that Miss DeLong spoke to you? A No, I don't think all was talking at the same time.

Q Well, were either of the other defendants talking to you at the same time that Miss DeLong first spoke to you? A We walked along together and they were all pleasant and done their share of the talking.

Q I am asking you if first when Miss DeLong spoke to you either of the other defendants addressed you at the same time, or not? A At that sametime, yes.

Q Now, which one of the other defendants addressed you at the same time that Miss DeLong addressed you? A I didn't know these people.

CASE #2442

Q Which one of them? Point them out by appearance if you can't distinguish them by name? A Miss Weed.

Q How far behind Miss DeLong was Miss Weed? A Oh, they were all together.

Q All close to one another? A Oh, yee.

Q What was the first thing that Miss DeLong said to you?

A Why, started to jolly, "Buy us a little lunch".

MR. FERRIS: I move to strike that out.

THE COURT: Yes.

Q I ask you to say what she first said? A Haven't I said that?

Q I want you to answer it again.

THE COURT: What is the first word you recall her saying.

Q If you don't remember you can say so, Mr. Thompson?

A I think I have answered the question before.

THE COURT: Well, please answer it again, so we will get along. What is the first word you remember her saying to you?

Q Will you kindly put your hand down, Mr. Thompson?

A They wanted me to go and buy them lunch.

THE COURT: You are not asked what they wanted you to do. You are asked what they said.

Q What Miss DeLong said? A Smiling, "Hello".

Q Smiled and said, "Hello"? A Jollied and "Come along and buy us some lunch".

CASE #2442

Q I want you to tell us what she said, Mr. Thompson, not that she jollied, or anything else; that is only a conclusion; it is not proper. I want you to say what she said, if you remember. If you don't remember, say so, frankly. A (No answer).

Q Do you remember what she said? A They approached me and said, "Come along and buy us a little lunch". I don't know just exactly what way they put it, but that was the -

MR. FERRIS: I move to strike out the answer as not responsive.

THE COURT: No, that may stand. It was to the effect that they wanted him to buy them some lunch.

Q Which of the defendants asked you to go and buy them something to eat, if any of them did? A Miss DeLong.

Q You are positive of that? A Yes.

Q There isn't any doubt in your mind that it was Miss De-Long that asked you to have something to eat - to buy them something to eat? A Not only that, but she --

Q No, please answer that question. You are positive it was Miss DeLong that said or asked you to buy them something to eat? A Yes, sir.

Q Didn't you testify in the Magistrate's Court as follows: "Q. You don't know which one of these three defendants said that to you -- Q. When you met these three defendants, there was a suggestion about having something to eat, somebody made the suggestion. Was it you, or these defendants? Do you remember whether you made the suggestion?" Then the Court in-

CASE #2442

interrupted and said something, and then this question was asked:
"Q. You don't know which one of the three defendants said that
to you? A. No." Do you remember testifying to that in
the Magistrate's Court? A I don't remember.

Q But you do now say, irrespective of what you testified
in the Magistrate's Court, that it was Miss DeLong that asked
you to buy them something to eat? A Yes, sir, she was the spokes-
man for the whole party.

MR. FERRIS: I move to strike that out.

THE COURT: Oh, I will allow it to stand.

Q Will you swear that you did not testify in the Magis-
trate's Court that you did not know which one of the three de-
fendants asked you to buy something to eat? A I will swear - I
will stand by the record, what that shows.

Q That is not answering my question, Mr. Thompson, and
don't hedge with me, please; answer my questions directly. I am
asking you if you will now swear that you did not testify in
the Magistrate's Court on April 16, 1917, that you didn't know
which one of the defendants asked you to buy them something to
eat? A I don't get your question. The records will show.

THE COURT: The question, is, will you swear as to
whether or not in the Magistrate's Court you made that
answer. Can you remember whether you made it, or not?

THE WITNESS: I don't remember.

THE COURT: I suppose this examination will take some
time further?

CASE #2442

MR. FERRIS: Yes, if your Honor please.

THE COURT: We will adjourn, then. (To the Jury)

Gentlemen, please do not form or express any opinion as to the guilt or innocence of the defendant, until the case is finally submitted to you. You are excused until tomorrow morning at ten-thirty.

(The Court then accordingly took a recess until Friday, April 19, 1918, at 10:30 o'clock a.m.)

CASE #2442

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38

THE PEOPLE ETC.
against.
MARY DeLONG.

New York, Firday, April 19th, 1918.

T R I A L C O N T I N U E D.

MILLARD F. THOMPSON, resumes the stand.

CROSS EXAMINATION (Continued) BY MR. FERRIS:

Q Now, you say this was between five and six o'clock
that you met these three defendants? A Around that time.

Q How long did it take you before you reached the Herald
Square Hotel?

MR. McDONALD: From what? From the time he met them?

MR. FERRIS: Let the witness answer that.

MR. McDONALD: I object to that as being indefinite
as to form.

THE COURT: Yes, From what point?

MR. FERRIS: I just asked him from the time he met
these defendants.

THE COURT: He doesn't remember, and I don't remember,
what the last question was preceding that.

MR. FERRIS: I mean the last question asked this
morning.

Q How long did you stay talking to the defendants on
36th Street or 37th Street and Broadway before you proceeded to
the Herald Square Hotel? A I was walking right along, Not
a great while.

Q Then, do I understand that immediately after you met

CASE #2442

them and talked with them you proceeded right away to the Herald Square Hotel? A A short time, yes.

Q At once? You didn't stand talking on the sidewalk; is that right? A Not any length of time.

Q No appreciable length of time, and you proceeded right away to the Herald Square Hotel. What time did you get there? A I couldn't tell you the exact time.

Q How long did it take you from the time you met these defendants, at Broadway and 36th or 37th Streets, as you testified yesterday, to the time you got to the Herald Square Hotel? A I couldn't tell the exact time.

Q Not the exact time; the approximate time, to the best of your recollection? A I should say probably half to three quarters of an hour.

Q Now, you testified that the Herald Square Hotel was at 34th Street, opposite Macy's and the point where you met these defendants was three blocks up on Broadway, a matter of less than a quarter of a mile, isn't that right? A About that, I should think.

Q And you want this Jury and the Court to understand that it took you three quarters of an hour to cover that short space; is that right? A That is about what I figured; we looked in the windows going along.

Q When you got to the Herald Square Hotel, you say you went into the dining room through the ladies' entrance? A Yes, sir.

CASE #2442

Q There was a cabaret going on there, was there not?

A Yes, sir.

Q And there was dancing going on there, was there not?

A As I remember.

Q Well, you distinctly remember there was dancing going on, don't you? Don't you distinctly remember that there was dancing going on at the Herald Square Hotel on April 10th, 1917, when you went there with the defendants? A Well, they have dances there. Whether there was dancing at the particular hour we went in I don't remember.

Q You don't remember it? A I don't remember at that particular time.

Q You want this jury to understand that you now do not remember whether the guests at the Herald Square Hotel restaurant on April 10th, 1917, while you were there with these three defendants, were or were not dancing? A They was, but possibly not when I went in.

Q But there was dancing going on while you were there?

A That evening, yes, sir.

Q Now, I ask you a question, Mr. Thompson. Did you dance with either of these three defendants in the restaurant of the Herald Square Hotel while you were there that evening?

A No, sir.

Q The only time that you felt the impulse to dance was when you got to the shoe store; is that right?

MR. McDONALD: I object to that.

CASE #2442

MR. FERRIS: It is a fair question on cross examination.

THE COURT: The objection is overruled.

MR. McDONALD: To the feeling of an impulse.

THE COURT: Well, I will allow him to testify to his feeling.

Q Is that right, Mr. Thompson? A That is the only place that I danced with them.

Q They had music at the Herald Square Hotel, didn't they? A Yes, sir.

Q And you are quite a single stepper, as you said yesterday? A Yes, sir.

Q And you didn't dance during the hour and a half that you were in the Herald Square Hotel? A No, sir.

Q Did you suggest that you should dance with any of the defendants while you were there? A No, sir.

Q Did they suggest that you should dance with them? A No, sir.

Q Now, how long-- what time was it that you left the Herald Square Hotel, approximately? A About eight o'clock, I should think, or a quarter to eight.

Q And where was the Walk-over Shoe store that you visited? A I think it is the next block above the Metropolitan Opera House.

Q What street is that? A Broadway.

Q Well, what street? Broadway and what street?

CASE #2442

A I could tell you exactly from the records. It seems to me it is 1210.

Q I am quite frank to tell you that I am trying to test your memory? A 1210 Broadway, I think the store is.

Q You can't tell us what street? A It is in the center of the block.

Q Can you tell us between what streets on Broadway it is? A I think 39th and 40th.

Q Now, that is a matter of only six blocks, isn't it, from the Herald Square Hotel? A Yes, sir.

Q Now, you say you left the Herald Square Hotel at about eight o'clock? A That is what I said.

Q How long did you stay in the Herald Square altogether with the defendants? A We must have been there a couple of hours.

Q You met them, as you testified, between five and six? A Yes, sir.

Q So, it would be somewhat before eight o'clock that you left the Herald Square Hotel; isn't that right? A Yes, sir.

Q Did you walk directly up to the Walk-over, or did you go in some other direction? A Right up to the Walk-over.

Q Directly; and you walked at an ordinary pace, you didn't hurry, and didn't go slow; is that right? A Went right along. That appeared to be the point they had in view.

Q I beg pardon? A That was the point they had in view.

CASE #2442

MR. FERRIS: I move to strike that out.

Q I only asked you whether you walked slowly, or fast.
Did you walk slowly, or fast? A We walked faster ^{than} going down.

Q Did you, when you were walking with the defendants from the Herald Square Hotel to the Walk-over Shoe store, did you walk fast, or slow? A We walked faster than we went down.

Q Well, how did you go down to the Herald Square, fast, or slow? A Slower than I went up.

Q All right, we will let that answer stand. What time did you go to the Walk-over Shoe Store? A Soon after eight o'clock, I should think, around that.

Q You went in through the entrance, did you?

A Main entrance, yes, sir.

Q Into the shop, on the main floor? A Yes, sir.

Q And then you entered an elevator, you say? A Yes.

Q Now, will you describe to this Court and jury the size of that elevator? Can you give us some idea in dimensions, or by indicating something in the room here, as to the size of the elevator? A Yes, sir, about a little larger than that table (indicating District Attorney's table)

Q How much larger? A It is a little under sized elevator; it is not a standard sized elevator.

Q And when the operator of the elevator was in there and you and the three defendants were in there it was crowded, wasn't it? A Yes, sir.

Q Could you have -- could any more passengers than you

CASE #2442

7

five have gotten into that elevator? A Yes, sir.

Q How many could have gotten in, in your opinion?

A Oh, two more, I should think.

Q And you would say that the elevator would carry seven passengers? A I don't know; I didn't figure it out that way.

Q How much larger than this table is it, or was it, according to your recollection? A Oh, a size larger than that table.

Q You mean again as large? A Oh, no.

Q What do you mean by a size larger than this table?

A Suppose you added six inches to the length and a foot to the width.

Q And if this table is three foot by three it would be four foot by three foot six? A Three foot six by four.

MR. McDONALD: I object to that.

MR. FERRIS: I withdraw that.

Q But you say, according to your best recollection, the elevator was six inches longer than this table and six inches wider than this table. Now, when you got up stairs, where did you all go to? A Got off at the second floor.

Q But where did you go on the second floor?

A Stepped right out the elevator and there is an open space in front, I suppose where they sell shoes, between that and the front, and the elevator lands you right at that open space.

CASE #2442

Q Now, isn't it a fact that throughout the center of this room on the second floor there are a row of benches where ladies sit down in order to try on shoes? A Well, on one side there is a row, and then there is a center place, leaving an open space where you get out of the elevator, about that size. (indicating)

Q So, the only open space that didn't have any furniture in it was the space immediately in front of the elevator, where the passengers alighted from the elevator? A That is as I remember.

Q And the rest of the room contained chairs and benches and counters and other furniture; is that right? A The center fixture, I don't remember about the sides.

Q How large is that open space you have described immediately in front of the elevator? A Just about as large as this jury box, I should think.

Q About the size of this jury box? A Yes, sir.

Q How many clerks were there Mr. Thompson?

A I think two and the elevator boy.

Q I am not asking you about the elevator boy. I am asking you how many salesmen or clerks were there on the second floor of the Walk-over shoe store that night?

A I think there was two salesmen.

Q Are you sure about that? A Quite positive.

Q Didn't you testify in the magistrate's court there were four salesmen? Would that refresh your recollection?

CASE #2442

A There was a manager there and an elevator boy; that would be four people.

Q I am speaking about the clerks? Were there any other customers in the shoe store besides yourself and the three defendants at that time? A I don't remember.

Q You don't remember? A No.

Q Now, in order to refresh your recollection as to the number of salesmen that were there, I will read to you a question and answer appearing on page 19 of the stenographer's minutes in the magistrate's court: "Q Didn't a salesman go over to you and ask you what you wanted when you reached the floor of the Ladies' Department? A Yes, there were two or three salesmen there." Does that refresh your recollection as to the number of salesmen that were there?

MR. McDONALD: That does not tend to contradict what he has already said, and that is the only purpose of introducing the--

THE COURT: Yes, if it does not tend to contradict him, there is no point raised. You can ask him as to the fact.

MR. FERRIS: The witness testified there were only two salesmen there, and six days after the incident he testified there were two or three salesmen there, and I submit there is a sufficient contradiction to bear on his credibility.

THE COURT: Very well, you may ask him.

CASE #2442

Q Does that refresh your recollection now as to how many salesmen were there? Put your hand down, Mr. Thompson, will you?

THE COURT: If he didn't know then, I don't see how he can know now. He says two or three. He can't do better than that.

MR. FERRIS: Very well, sir, I will withdraw the question.

Q What did you do the minute you got on this second floor of the Walk-over Shoe department? A The ladies all wanted a pair of shoes.

MR. FERRIS: I move to strike that out.

Q I am asking you what they did, not what they said. Where did you go? Did you walk over to the stocking counter?

A Well, they were jollying me to buy a pair of shoes.

Q Now, listen to me a minute. I am asking you if you walked over to the stocking counter. "Yes", or "no"?

A As a matter of fact, there is no stocking counter there.

Q Did you walk over where the stocking were sold?

A I did not.

Q Who did? A I rather think Miss DeLong danced with me about the first thing, had an awful good time with me, or something like that.

Q You say the first thing you did when you got up there was to dance with Miss DeLong? A No, she did with me.

CASE #2442

Q Well, both of you danced together? A Yes, sir.

Q How many dances in all did you have with Miss DeLong while you were there? A I don't remember.

Q Can you tell us whether you had six dances, or three, or twenty? A Oh, yes -- we didn't have a caller; this was not a regulation dance, you know.

Q Will you answer the question? Can you recall whether you had three, six, or twenty dances? A I don't remember the exact number.

Q But ~~that~~ is the only person you danced with while you were there was Miss DeLong, and not either of the other defendants? A Yes, sir.

Q You are positive about that? A I am quite sure about that.

Q You so testified yesterday? A That I remember, yes, sir.

Q Now, there is no doubt in your mind now that neither of the other two defendants danced with you at all? Sure about that? A That is as I remember.

Q I will read to you from your testimony given in the magistrate's court: "Q In your left hand trousers pocket?

A Yes; then we had another dance. Q Who had another dance with you? A I was a real papa; they all danced with me. Q They all danced around with you? A Yes, sir".

Do you remember giving such testimony? A That is true.

CASE #2442

Q So that when yesterday you testified that the only person with whom you danced while you were in the Walk-Over shoe store was Miss DeLong, you were not testifying to the truth?

MR. McDONALD: I object to the form of that question.

THE COURT: Objection overruled.

MR. McDONALD: He can ask the question as to whether it was a fact, or not, but not as to the falsity or truthfulness of the testimony.

THE COURT: I will allow the question. It is a matter of form.

Q Will you answer? A There were times when they were all around me very close, but Miss DeLong was the only one in a dancing position, with her hands to my overcoat; the others were all in a bunch.

MR. FERRIS: I move to strike that out as not responsive, and ask your Honor to instruct the jury to disregard the testimony.

THE COURT: Motion denied. I will allow it to stand as his explanation.

MR. FERRIS: I take an exception.

BY THE COURT:

Q You know what dancing is. Dancing means moving around? A Yes, waltzing.

Q Did you dance with anybody but this defendant?

A She was the only one that had hold of me.

CASE #2442

13

Q Did you dance with anybody else? A No, sir, I did not.

BY MR. FERRIS:

Q I will read to you question and answer that was asked of you yesterday, and ask you if you remember giving that question and answer, by the District Attorney: "Q Did you dance with anybody except Miss DeLong? A Did I? Yes. No, I did not. Dance. I thought you said, did I answer. I did not dance with anyone but Miss DeLong." Do you remember making that answer yesterday? A Well, the record shows whether I did, or not.

Q I am asking you if you remember what you testified to yesterday, or whether you remember making this answer that I have just read? A Yes, I do.

Q Then, if you testified in the magistrate's court that you danced with all three defendants at different times, you did not testify to that which is true?

MR. McDONALD: The same objection, sir.

THE COURT: Well, that has already been put to him, that question.

BY THE COURT:

Q Is it true, or not, that you danced with the other defendants? A I did not.

Q You did not? A But they might have been around me at the same time.

Q That is a different matter? A All three scuffling

CASE #2442

like together.

BY MR. FERRIS:

Q Will you listen now to some of the questions and answers that you made to those questions in the magistrate's court? "Q Who had another dance with you? A I was a real papa; they all danced with me. Q They all danced around with you? A Yes." On page 18 of your testimony in the magistrate's court, as follows: "Q What did you say to that? A One of them grabbed me and tried to dance, and then another one."

THE COURT: Now, there is no point in reading this to him. The question is whether he so testified or not. Did you so testify?

THE WITNESS: Yes, sir.

Q Now, do you remember so testifying, as I have just read to you? A Yes, sir.

Q Now, which is the truth, that which you testified to in the magistrate's court, or that which you testified to yesterday here and to-day? A They are both the truth, with my explanation; possibly not a regular dance, but Miss DeLong, the only one who had hold of me, doing the Virginia Reel, or something; they might all be dancing with me. It seems to me that explanation covers both.

Q That is your explanation for that contradictory testimony? A It is not contradictory testimony.

MR. McDONALD: I object to the characterization.

CASE #2442

THE COURT: Yes, objection sustained.

Q When you testified in the magistrate's court that all the defendants danced with you, you were not testifying to the fact ?

MR. McDONALD: Now, that is pre-supposing a state of facts. We don't know whether he testified to that, or not.

MR. FERRIS: I have just read it.

THE COURT: I will sustain the objection, on the ground it has already been asked and answered, and it is for the jury to say whether it is true, or not, and it is for him to say whether he so testified.

MR. FERRIS: I take an exception.

Q You say the first thing that happened when you got upstairs in the Walk-over shoe store, Miss DeLong grabbed you and danced around with you? A Yes, sir, feeling very lively.

MR. FERRIS: I move to strike out the latter part of the answer.

THE COURT: Yes, just confine your answers to what the question calls for.

Q How long did you dance around together? A I don't remember.

Q Was it five minutes, ten minutes, half an hour?

A Well, all together I think I--

Q I am asking you about this one dance with Miss DeLong?

CASE #2442

A We were dancing or scuffling at different times, call it whatever you like.

Q I am asking you about the first dance you have testified to. How long did it last? A I couldn't say to the minute.

Q Well, can you say approximately? A No.

Q Will you say whether it was five, ten, or fifteen minutes, or less, or more? A I might say about five minutes.

Q About five minutes? A Yes, sir.

Q Now, this space in front of the elevator, where you were dancing, is in plain, open view of the rest of the store up there, is it not? A The second floor, the back part.

Q I say, that all the clerks that were there and any customers that might have been there could have seen you dancing if they were looking in your direction? A Yes, sir.

Q Now, did anybody come over to you and say "Here, this is not a dancing hall; you can't dance here"? "yes" or "no" to that question, and if you don't remember say so, frankly? A I don't remember.

Q You don't remember anybody coming over and saying that? A No, sir.

Q After the first dance, what did you do? A The main thing was, they wanted shoes, and I wouldn't buy the shoes.

MR. FERRIS: I move to strike that out.

Q I am asking you what you did after you stopped

CASE #2442

dancing for at least five minutes, as you testified, what did you do? Did you walk further into the store? A I don't remember.

Q To where the stockings were? A I don't remember. The stockings were in further in the store.

Q Where were the stockings in the store? A In the front part, between the elevator and the window, a little show case; it is not a stock of stockings, like a regular department store.

Q Were the defendants standing while they were purchasing the stockings, or sitting? A Standing, as I remember.

Q You don't remember of any of them being seated at any time while they were there? A I couldn't say as to how long they sat down or stood up.

Q Did you see the defendant, Miss DeLong, sit at any time in the Walk-over shoe store? A She might have been sitting down some of the time.

Q Did you see her, I am asking you? A I couldn't swear whether she sat down or how long she sat down.

Q You don't remember? Even after this five minutes dance, she didn't appear tired and sat down, did she?

A I don't remember that she did.

Q How many dances did you have before the stockings were selected, before the stockings were purchased?

A I couldn't say exactly.

Q How many dances did you have after the stockings

CASE #2442

were purchased? A I think -- we had the last dance just before the change and the packages came back.

Q I am asking you how many? A I couldn't say.

Q You can't say how many dances you had after the stockings were purchased? A No.

Q You can't say how many dances in all you had with Miss DeLong in that Walk-over shoe store? A Not as to a certain number, no, sir.

Q Didn't you testify yesterday that you had two dances with Miss DeLong before any stockings were purchased? Don't you remember that? A Yes, sir, I did.

Q Well, is that the fact? Did you have two dances with Miss DeLong before the stockings were purchased?

A At least two, I should think, or during the time I was there, I had probably three dances.

Q When you say at least two, Mr. Thompson, do you mean this Court and jury to understand that that is your best recollection, but that you are doubtful about it?

A Not doubtful about dancing with her, but as to just how many times I would have to approximate it. I should say probably at three different times we were dancing or scuffling around, whirly-go-round, dancing like all together, maybe three different times.

Q Do you consider scuffling and dancing the same thing, Mr. Thompson? A Well, there is such a thing as a rough-house dance, you know.

CASE #2442

Q That is what you mean when you say dancing?

A No, I couldn't explain it. Miss DeLong and I were waltzing, but there were times when they were all around me, and I was a real papa, all very close to me.

Q Was there any music there, Mr. Thompson? A No, sir.

Q Were you whistling music while you were dancing?

A I can't whistle music.

Q Did any of the defendants? A No, sir.

Q Whistle for you to dance by? A Not that I remember, sir.

Q You danced without any musical accompaniments whatever? A Yes, sir.

Q When was it that you first missed your scarf pin, before you bought the stockings, or after you bought the stockings? A Miss-- I didn't get your question.

Q When was it that you first missed your scarf pin, before you bought the stockings, or afterwards? A During the time of this kind of a dance I was telling you about.

Q This kind of a dance? Was that the one that was had before the stockings were purchased, or after? A I couldn't tell you just which one. It might have been the second dance, possibly.

BY THE COURT:

Q Was it before or after, the stockings were purchased? That is the point? A Oh, I think-- as I remember, before the stockings was purchased.

CASE #2442

BY MR. FERRIS:

Q Now, you are positive that this scarf pin incident took place before you bought the stockings, is that right?

A As I remember it, it was during the time we was there on the floor and dancing and jollying.

Q Mr. Thompson, won't you please be good enough to tell us if you are sure, or not sure, on that subject? I don't want any guess work from you. I want you to answer the question, if you know it positively, and say so; if you don't remember it, say so? A During the time we were dancing there the scarf pin -- I felt something was taken off me, and I found one of them had it.

Q I am asking you if you are positive that this episode that you related yesterday about the scarf pin being taken out of your tie happened before the stockings were bought, or after the stockings were bought? A I don't remember.

Q So, when you testified yesterday as follows: "Q Did she say anything when you said anything about treating her like a queen, and that that was pretty raw treatment she was giving you? A No, she didn't reply particularly to that, and then they wanted hosiery, so I conceded to buy them three pair of silk hose, at \$1.10 apiece. Q That was after the second dance? A Yes. Q What happened then? A So I bought the hose; they took them, and I took my bill book out for \$3.30"; so that when you testified in that manner yesterday, as I have just read to you, you were

EXHIBIT
1658
CASE #2442

not certain that that took place in the manner and at the time that you testified? A What? I don't understand you; that the pin--

Q You just testified a minute ago that you did not remember whether this stick pin episode that you have testified to took place before the stockings were bought or after they were bought, and it appears by your testimony as I have read it to you that you gave yesterday that you testified then that the stick pin episode took place before you bought the stockings; that after she returned the pin to you then you bought the stockings. Now, I want to know which is true?

A To the best of my knowledge and memory, I think it was before. I bought the hosiery.

Q Now, I will read to you from your testimony given in the magistrate's court, as follows -- I will read to you from your testimony given in the magistrate's court on that point, and ask you if you remember so testifying: "Q Let us understand how it was. One of these three defendants took the pin from your tie. What time was it when you first got into the department? A No, just before we got ready to go out." Now, do you remember-- no, I will read further.

"Q As you were to leave? A Yes. Q Were any salesmen about at that time? A Yes. Q Were you present at that time? A Yes, sir." Now, do you recall giving that testimony in the magistrate's court?

MR. McDONALD: I object to that question, sir,

CASE #2442

1659

as being confusing. In fact, the whole series of questions are confusing.

THE COURT: I think they are plain, but it is gatherable from that that it happened just before they left. It is rather ambiguous. Did you testify in the magistrate's Court that this pin episode took place just before you left?

THE WITNESS: If the record says so, I did.

Q Then, you will take my word for it that I have read from the record correctly? A Yes, sir. We wasn't there long. It was a quick get-a-way after they got the hose.

Q What is that?

MR. McDONALD: The way this question reads as given in the magistrate's Court was: "Q Let us understand how it was. One of these three defendants took the pin from your tie. What time was it when you first got into the department? A Just before I got ready to go out".

MR. FERRIS: Do you want the jury to understand this question means, "What time was it when you got in the department?"; and he answered "Just before we got ready to go out?"

MR. McDONALD: I say the question is confusing.

MR. FERRIS: There is nothing confusing about it to me. Mr. Stenographer, will you read the last answer?

(Answer read as follows: "Yes. We wasn't there

CASE #2442

long. It was a quick get-a-way after they got the hose".)

MR. FERRIS: Now, I move to strike out that answer.

THE COURT: Yes, motion granted.

MR. FERRIS: And I ask your Honor to instruct the witness not to inject such things.

THE COURT: Yes, if you will answer the questions we will get along very quickly.

Q You feel very vindictive toward this defendant, don't you, Mr. Thompson? A I do not, sir.

Q You don't? A No, sir.

Q Haven't you been up to the District Attorney's office a number of times urging that this case be brought on for trial? A I suppose it had to be tried.

Q Didn't you go to the District Attorney and urge him to try the case? Did you feel bitter? A When?

Q I am asking you whether you did, or did not?

A I was subpoenaed down here; I came on my subpoena.

Q Haven't you voluntarily called at the District Attorney's office and requested that this case be pushed on for trial? "yes", or "no"? A No.

Q Never? A I have never been to the District Attorney's office until I was down here on this last subpoena.

Q You never came down here unless you were subpoenaed, is that right? A Yes, sir.

CASE #2442

Q You never requested the District Attorney to press the case on for trial; is that right? A Yes, sir.

Q You feel friendly toward the defendant, then, don't you? A They are not friends of mine; I don't think-- I don't even know what ^{is} the right name of this defendant. It seems she goes by two or three names. It gets one confused.

MR. FERRIS: I move to strike that out.

THE COURT: Yes, motion granted.

Q Now, you are certain that it was Miss DeLong that took the stick pin out of your tie, as you testified yesterday?

A This woman here.

Q Yes, this is the woman that took your scarf pin?

A Yes, sir.

Q And you saw it in her hand, as you testified yesterday? A Yes, sir, I got it back off her.

Q And you got it back from her hand? A Yes, sir.

Q Any doubt about that in your mind at all?

A Positive.

Q Do you know the defendant who is known as Miss Weed? Is she here in Court now? A I know now who Miss Weed is, yes.

Q Where is she? Which one is it? A That lady with the fur trimming on her coat, I suppose it is.

Q Is that the one you point out? A Yes, sir.

Q So, in-- I withdraw that. Don't you recall, Mr. Thompson, that in the magistrate's court you identified

CASE #2442

Eleanor Weed as the woman who took your scarf pin? Don't you remember that? A I didn't know the names of the people then at all.

Q Don't you remember-- A And at all times, even from the time I identified them up in the police court and there verified my statement that it was this woman here, and if I might have been confused--

Q Will you stop a minute? A Yes, sir.

Q You now testify that the woman whom you identified in the police court as having attempted to take your stick pin was this defendant sitting at this table who is now on trial?

A The police station, yes, sir.

Q No, I am speaking about the police court, the magistrate's court? A I might have been confused with the names of the women.

Q But this is the woman that you identified in the magistrate's court as the one who took the scarf pin?

A Oh, yes, she was manager of the whole show.

MR. FERRIS: I move to strike that out, if your Honor please.

THE COURT: Yes, motion granted.

Q You don't feel any more animus towards this defendant than you do towards the rest of them, do you? A No.

Q Despite the fact that you want to make her the ring leader? A I am simply telling the truth, what it was.

Q Well, we will see about that. Now, I am going to

CASE #2442

ask you if you remember testifying in the magistrate's court as follows: "Q What were the other two doing at the time?

A They were around me very close. Q Did you have anything in your tie at the time? A Yes, they took my pin out of my tie. Q While they were dancing with you?

A I don't know. I found it gone." I ask you if you remember testifying as I have just read in the magistrate's court? A If the record says so, I did.

Q Then I will go on and read on the next page, continuing that testimony, "Q You don't know who took it?

A No". Do you remember giving that answer to that question?

A I answered that way if the record says that way.

Q I will read further on the same page: "Q When did you see the pin in your tie last before that? A When I found them taking it off me. They gave it back to me, and then I put it into my wallet. Q Who was taking it off you? A One of the ladies, the one on the end, I think." Now, which defendant was seated on the end, as you have described, in the magistrate's court, if you remember?

A To the best of my knowledge, this little woman.

Q This little woman,, meaning this defendant here?

A Yes, sir.

Q "Q Eleanor Weed? A Yes, sir". Do you remember identifying Eleanor Weed as the person who took the pin? A I might be confused by the names.

Q Well, the District Attorney was asking you these

CASE #2442

27

questions, Mr. Thompson? A Yes, sir.

Q And if I tell you that the District Attorney at the time, representing the people, asked you if you identified the defendant known as Eleanor Weed as the one who took your tie pin, would that refresh your recollection? A No; if I testified it was Mrs. Weed, then I got them confused. I might better go by the size of the people or something.

Q Now, as a matter of fact, Mr. Thompson, you pointed out a certain woman seated on the end as the one who took your scarf pin, and then the District Attorney said "Eleanor Weed", pointing to the woman whom you had indicated, and you said "yes". You remember that incident, don't you?

A I do not.

Q Now, in the first part of the questions and answers that I have just read to you, you testified that it was the woman who danced with you that took the scarf pin; isn't that right? A Yes, sir.

Q And you had indicated the same woman as having taken your scarf pin; isn't that right? A Yes, sir.

Q Now, I will read to you as to what woman you identified as the dancing woman. "By the Court: Q You started to say chased. What did you mean by that? A This middle lady was the most active; she grabbed me around the waist and danced with me". Now, don't you remember that it was this woman? A That was this one.

CASE #2442

Q The middle lady? A Yes.

Q Is the one whom you indicated in the magistrate's court as having danced with you, and then later on on the same page you said it was the end lady, referring to the Weed woman, as being the one who took your scarf pin. You recall that now, don't you? A Well, I might get the names confused.

Q No, I am asking you about the position these three defendants were seated in the magistrate's court, next to one another? A I will stick to the record of the Court, but the names might have been confused.

Q No, I am asking you as to the position. You identified the one seated in the middle as the one who danced with you, and yesterday and to-day you told us the only woman who danced with you was this defendant here, and later on you identified as the one who took your scarf pin the end woman, being a different woman. You recall that, don't you?

A Yes, sir.

Q Now, do you still persist in saying that it was this defendant who took your pin? A Yes, sir.

Q Didn't you testify in the magistrate's court with reference to this pin later on as follows: "Q You say your testimony is that while you were dancing there you noticed one of the defendants take your pin; is that correct?

A Yes. Q What defendant was it? A I couldn't tell.

CASE #2442

Q You couldn't tell? A No. Q Don't you know you swore on your direct examination it was the defendant Weed that took your pin from your tie? Is that a fact, or isn't it? Didn't you say on your direct examination that it was the defendant weed? A I said ~~that~~, I thought so. Q Didn't you swear it was the defendant Weed? A I said I thought it was. Q You say you don't know which defendant took it, don't you? A Yes". Now, do you remember that testimony, Mr. Thompson? A Yes, sir, and that is the confusion of the names.

Q Now, stop a minute? A The Judge at that very point said "I thought so".

MR. FERRIS: I ask your Honor to instruct the witness --

THE COURT: You can explain when the District Attorney examines you.

Q What sort of an overcoat did you have on, Mr. Thompson? A This overcoat here (indicating).

Q The same one here? A Yes, sir.

Q Would you kindly put it on and let us see just the kind of overcoat it is? A (Witness puts on overcoat)

Q Now, just stand up there so the jury can see you with your overcoat on, turn around and face the jury?

A (Witness faces jury with overcoat on)

Q Now, that is the same identical overcoat that you had on? A Yes, sir.

CASE #2442

Q And that overcoat reached below your knees, as it does now? A Yes, the length is the same.

Q The length is the same? A Yes, sir.

Q Were you in the habit of wearing it buttoned, or open? A Open; it is very loose, big.

Q Was it open on that day, December 7th-- December 10th, 1917? A Oh, yes, I never button it unless I am out in extreme cold.

Q All right, you can take off the coat?

A (Witness takes off overcoat)

Q How long had you had this two hundred and fifty dollars that you have described, how long had you been carrying it? A Two or three days, I should think.

Q Where did you get it from? A I don't remember just how long.

Q Where did you get it from? A The bank.

Q What bank? A I think from the Binghamton bank.

Q Draw it yourself personally? A Yes, sir.

Q How much did you draw? A Three hundred.

Q At the time you drew the three hundred, did you have any other money with you? A Yes, sir.

Q How much, if you remember? A Loose silver in my pocket, change.

Q Just some loose change? No bills? A A couple of dollars, yes.

Q Then, you bought your railroad ticket, too, from

CASE #2442

Binghamton to New York, didn't you? A I came on a mileage book.

Q You came on a mileage book? A Yes, sir.

Q When you got to New York you went to your daughter's home? A Yes, sir.

Q How long was it you had not been to New York prior to this visit? A I don't remember.

Q Do you remember whether it was ~~the~~ a month, six months, or a year? Can you give us your best recollection? A I don't remember.

Q You can't tell, then, whether it was a year before that, or two years, or a week before, can you? A I might have been down here the previous week and go back again, because my daughter was sick. I can't just tell the exact dates.

Q And you got to New York a week before this incident happened with the defendants, isn't that right, as you testified yesterday? That is what you said? A Probably. I can't give the exact times.

Q During this week you spent some money, didn't you? A A little, yes.

Q When you came and visited your daughters in New York, didn't you give them any money? A Oh, they have funds; I don't always have to--

Q I am only asking you if you gave them any? A I don't remember that I did.

CASE #2442

Q Didn't you bring them a present? A I didn't give them any money that time.

Q Did you give them any present? A Not then.

Q When did you buy them a present?

MR. McDONALD: I object to that, sir, as being immaterial.

THE COURT: The objection is sustained.

MR. FERRIS: He said "then". Perhaps he did a day or two later.

THE COURT: You can ask him whether on that visit he did.

Q On that visit did you give any presents to either of your daughters or your mother, who is living with your daughters? A I don't remember, sir.

Q Now, in all the week before this incident happened, while you were in New York, you spent quite a little money for drink, didn't you? A No, sir.

Q How many drinks on the average did you have each day? A Most of that week I was not out; I had a very sick daughter, and I was with her nearly the whole week.

Q And when you got out, that was the first day, the day that this thing happened, is that right? A Well, I couldn't positively say whether that was the first day, or the second day.

Q Well, that day you were drinking high-balls and beer as chasers, weren't you? A As I testified yesterday.

1970

CASE #2442

Q You would just take a high-ball and then take a glass of beer as a chaser? A No.

Q No. A No.

Q What is it? A I have taken a little chaser of beer.

Q Didn't you testify in the magistrate's court that on that day you had been drinking high-balls and then taking beer as chasers? A I have drank it that way. The Court asked me about drinking, and I said, yes, I was accustomed to drinking what I wanted.

Q And that you were accustomed to taking beer as chasers to high-balls? A No, but I had even done that, and not have it affect me. Plain water is better, even a mineral water, as a chaser.

Q I will read to you your testimony given in the magistrate's court upon which your memory seems to be rather clear at the present time: "Q What were you drinking,

what liquor? A I think I had a scotch high-ball. Q You were drinking scotch high-balls? A Not all the while. If I took a second drink I made it a short beer, as a chaser?"

A Well, what I meant by that, if I took a high-ball at 42nd Street, I might go down to 23rd Street and take a small beer. I didn't take them both together at the same place.

Q You take beer as a chaser? A No, I don't. I put it in that way.

Q But didn't you testify that you took beer as chasers

CASE #2442

to high-balls? A That testimony I stand for, but I explained it as I meant it.

Q How much of that money had you spent of this three hundred dollars? A I think about twenty dollars.

Q In what denominations did you carry that money?
A I think it was mostly twenty and ten dollar bills, and yet I don't just remember.

Q Will you kindly describe that wallet in which you carried that money? A I carry it in here now (indicating inside vest pocket). I don't carry it in my hip pocket any more.

MR. FERRIS: Now, if your Honor please, I move to strike out that statement of the witness.

THE COURT: Yes, he was asked to describe the wallet. Is that the wallet?

THE WITNESS: No, pretty much like that.

Q It folded over once, like that? A Yes.

Q Did it button over? A No, sir.

Q And where did you carry the money in that wallet? On the inner flap? A Right in here (indicating)

Q When was the last time ~~that~~ before you took that wallet out in the Walk-over store that you pulled out this wallet? and took some money and used it? Do you understand my question? I will try to make it clearer. Perhaps it is a little confusing. You testified that you took your wallet

CASE #2442

out in the Walk-over shoe store and took a ten dollar bill out. Now, when before that had you taken out that wallet, that you remember? A I don't remember whether I-- I must have taken a bill out of that down at the Herald Square, too.

Q But do you remember whether you took out a bill at the Herald Square, or not? A I am very sure that I did.

Q Is there any doubt in your mind? A Positively none.

Q Why did you hesitate so long then in answering my question? A Well, I sometimes will carry a ten dollar bill, when it is broken, I take it out of the wallet and put some ones back, and I put it right in with the change, and that may last without going in here (indicating)

Q And that is what you did when you got the change from the stockings, the six dollars and change? A I might have; I don't always need to go to the bank; sometimes I will have some left from a ten dollar bill to work on for the day.

Q How much was your check at the Herald Square Hotel? A I couldn't tell you, sir.

Q Do you remember whether it was ten or twenty dollars? A I do not, sir.

Q Do you remember whether it was more than twenty dollars? A I do not, sir.

Q Do you remember whether it was as much as thirty dollars? A I do not, sir.

Q Was it as much as fifty, if you remember?

1673

CASE #2442

A I couldn't say.

Q You don't know, then, whether it was a dollar, or a hundred dollars? A Sometimes you pay --

Q Do you know whether it was a hundred dollars, or a dollar? A No, sir.

Q But, whatever it was, you took the money out of your wallet? A I paid the bill.

Q Whatever it was, you took the money out of the wallet that you carried in your left hip pocket?

A If I spent enough that I needed to.

Q Will you describe the other wallet in which you say you put your change? What sort of a wallet was that?

A That was -- you have seen a change purse.

Q What sort of a change purse? A Only it was a double length one, instead of a little round one, just about that size, just about like that, one which opens up here, (illustrating).

Q Was it square, or round, in shape? A Oblong; just about the size of that (illustrating).

Q You only put silver and copper in there-- coins, I mean -- no bills? A Sometimes little memorandums, it being oblong shaped, it was big enough to put bills in there, and I put my pin in there when I got it back, instead of putting it back on and taking another chance.

Q Just a minute. I am only asking you to describe

CASE #2442

that, so-called wallet, and I don't want you to go rambling about pins now. You say you sometimes carried bills in there? A Yes, sir.

Q Did you carry any bills on that day in that change wallet, as you call it? A That six dollars and seventy cents was put in that wallet that day.

Q You are sure you put the six dollars in bills and the seventy cents in silver in that wallet? A In this pocket, with the wallet.

Q I didn't ask you whether you put it in the pocket. I am asking you whether you put it in the wallet, or by itself in the pocket? A I am sure I put it either in the wallet or the pocket.

Q So, you don't know now whether you put this six dollars and seventy cents in change inside your change wallet and then put it in your trousers pocket, or whether you put it in your trousers pocket without putting it in the wallet?

A I think I put the small bills in without putting it in the wallet, as I usually do.

Q You say you put the change in your pocket--

A I didn't always--

Q Will you wait until I finish my question?

A Go ahead.

Q Do you now say this six dollars and seventy cents you put into your pocket without putting it in the wallet, or not? A I couldn't say. I do it both ways.

1675

CASE #2442

Q You don't remember, do you? A I couldn't say.

Q How deep is the pocket in which you carried your change wallet? As deep as the one you have on now? A Yes, about the same.

Q You have to put your hand in above the wrist in order to reach the bottom? A There you are (illustrating)

Q And you had your heavy overcoat on, didn't you?

A Yes, sir.

Q And you saw that that wallet and all the change that you put into your pocket was gone? A Yes, I think I had--

Q Did you have any change at all left with you after this happened? A I think I had a couple of nickels and a penny, something like that, just street car fare.

Q Now, you testified that when you bought the stockings you gave a ten dollar bill? A Yes, sir.

Q You pulled that out of your wallet that you had in your hip pocket? A Yes, sir.

Q Did you see how many bills were in your wallet at that time? A They were all there except what I had spent, this dollar or two.

Q Now, you said that sometimes it was your custom to put change in the way of bills into this pocket? A Yes, sir.

Q Into your trousers pocket? A Yes, sir.

Q Now, are you certain that you pulled out this ten dollar bill from your wallet that you carried in your hip

CASE #2442

pocket, or from your trousers pocket? A I took that out of my hip pocket.

Q You are positive of that? A Yes, sir.

Q You don't know how much change you got from your check at the Herald Square Hotel, do you? A Six dollars and seventy cents.

Q At the Herald Square Hotel? A Oh, no, I thought you said the hosiery.

Q No. A No, I don't.

Q You don't? A No.

Q And you don't remember what you did with that change, do you? A No.

Q You don't know whether you put it back into your wallet, or whether you put it into your trousers pocket, do you? A No.

Q And you are not certain that you pulled out your wallet in the Herald Square Hotel with which to pay the check, are you? A No, I think I did, though.

Q But you are not certain? A No, might have paid every round, or might have paid them all together.

Q Now, you say when the change came somebody grabbed it; is that right? A The hosiery change.

Q Yes, I am speaking about the hosiery change now?

A Yes, sir.

Q When you got the six dollars and thirty cents, who grabbed it? A This little woman there (indicating de-

CASE #2442

fendant)

Q You mean this defendant here now? A Yes, sir.

Q Miss DeLong? A Well, I don't know whether that is her name or not.

Q You mean this defendant here? A Yes, sir.

Q She grabbed it? A Yes, sir.

Q Do you remember testifying in the magistrate's court that it was the clerk who took the change and gave it to you, and that they never had it in their hands at any time? Do you remember testifying to that? A I don't remember, sir.

Q I ask you if you recall testifying as follows in the magistrate's court, speaking of the change, and I will read a question back: "Q Did you later receive change from the clerk?" referring to the change in payment of the stockings,

"A He was going to give it to me, but they wanted it.

Q Who wanted it? A The three ladies. Q Which one wanted it? Did any one take it? A The clerk wouldn't let them have it. He gave it to me". Do you remember giving that testimony in the magistrate's court? A If that is the record.

Q That is the record. I am reading from the record?

A It speaks for itself.

Q And that refreshes your recollection, that you so testified there? A Yes, sir.

Q Why did you say that in the magistrate's court, under oath, and now you say that it was Miss DeLong who grabbed

CASE #2442

the change, and that she had the change in her hand?

A I think the clerk took it from Miss DeLong. I didn't take it from her.

Q And your recollection is hazy on that point, isn't it, Mr. Thompson? A Well, there is other witnesses, The clerk could straighten that out.

Q I am asking for your recollection? A I say I recollect it.

Q Have you talked over that testimony with the other witnesses in the case that the people are going to present here? A (No answer)

Q Have you talked to Mr. Macauley? A I have talked to Mr. Brady.

Q And you have talked to Mr. Macauley, haven't you? A I don't know who Mr. Macauley is by name.

Q Have you talked to that gentleman (indicating)? A Yes, sir.

Q Did you tell him what you remembered of the testimony that you were going to give? Did you tell him what you were going to testify to? A No, sir.

Q Did he tell you what he was going to testify to? A No, sir.

Q When did you see him the first time? When did you first see that man that stood up? A When I was having trouble to get my change, I think he is the man that came up from the back part and straightened it out, as I remember it.

CASE #2442

Q You remember that Mr. Macauley came forward?

A I don't know whether it is Mr. Macauley, or not.

Q You remember it is this man who stood up now?

A I am not sure about that. As I understood at the time, it was the manager of the store. He can tell that.

Q Didn't you just now say, Mr. Thompson, that you recall the first time that you saw this man whom I have indicated to you as Mr. Macauley was when he came to prevent the women from leaving the place without giving you back the change? Isn't that what you have just said a minute ago?

A It was the first time?

Q Yes. A I would think so. I would think that was the first I saw of him.

Q Don't you understand you are under oath, Mr. Thompson, and you are not supposed to give what you think, that you are only supposed to testify to what you know, and when you don't remember you can state you don't remember?

A He can verify that.

Q He can't verify your recollection. I am asking you if you understand that you are here under oath to testify only to what you know, and not what you guess, or what you imagine. Do you realize that? A I don't remember seeing him until he --

Q I am not asking you that. I am asking you if all the testimony that you have testified to is of your own

CASE # 2442

knowledge, what you actually remember, or whether part of it is guess work? A No guess work whatsoever.

Q Now, you distinctly remember you talked to Mr. Macauley the first time when you came to get your change from the women, is that right? A Yes, sir, I think he came up and straightened matters out, and I would naturally have some talk with him.

Q When you say "yes, I think so", do you mean that there is any doubt in your mind, or that you are positive and certain? A No doubt about the facts, but as to the minute or second or faces or twetwe or twatwa, I am lax about that, that is all.

Q It makes no difference to you about faces, whether you pointed out Eleanor Weed or pointed out this defendant, or the third defendant, that is of no consequence to you, that you are not sure about, is that right? A Oh, yes, I am sure.

Q But didn't you say that faces didn't make any difference to you? A No, I said I avoided getting what I could, in getting amongs that, those things, that is all. It is not that I am avoiding any testimony, but just the way you seem to.-- that it don't just suit somebody else. I can't shape it to suit everybody.

Q Have you ever had any mental trouble?

A Not that I know of.

Q Not that you know of? A No, sir.

CASE #2442

Q You may have, but you don't know it, is that right? A Yes.

Q Have you ever been confined in any sanitarium or any institution? A Not to my knowledge.

Q What? If you were confined, you would know it, wouldn't you? A I should think so.

Q And you say now you don't know whether you were ever confined or not, to any institution? A I know I have not been.

Q What? A I have not been, no, sir.

Q Are you trying to be facetious? Are you joking with me?

MR. McDONALD: I object to that.

THE COURT: Objection sustained.

MR. FERRIS: I take an exception.

Q Have you ever consulted a physician as to your mental condition? A No, sir.

Q Have you ever been convicted of a crime? A No, sir.

Q Have you ever testified in a criminal case before?

A Yes, sir.

Q You were the complaining witness in that case, weren't you? A In what case?

Q In the case you testified in? A Yes, sir.

Q What were you accusing the defendant of? Taking your money, wasn't it, the same sort of charge you are making here? Answer that "yes" or "no"? A No.

CASE #2442

Q What sort of charge were you making? A Do you want the history?

Q No, what is the charge you were making? A There is two different cases; one man robbed me of about six thousand dollars of merchandise.

Q And what was the other case? A And the other man robbed me of about fifteen or sixteen hundred in merchandise.

Q And this is the third time you have charged people with robbing you; is that right? A This is the third case.

Q How long in all were you in the second floor of the Walk-over shoe store? A I think I testified to that yesterday.

Q Will you answer the question? A Whatever the record shows.

BY THE COURT:

Q Will you please answer questions, so we will get through here? A I would say, if I remember, something like an hour, of three-quarters of an hour.

BY MR. FERRIS:

Q An hour or three-quarters of an hour? A An hour or three-quarters of an hour.

Q And during that time all that you bought was three pair of stockings, at \$1.10 a pair, and the rest of the time you were dancing around the place; is that right?

A What I testified yesterday, forty-five minutes.

Q Is that right? A Well, approximately, I think it

CASE #2442

was about three-quarters of an hour, in and out, dancing.

Q Of the three-quarters of an hour you were on that second floor, how much of that time was spent in selecting stockings? A I couldn't say positively.

Q Would you say half of the time? A No.

Q Less than half? A I couldn't say.

Q Will you say it was a quarter of the time? A I couldn't say.

Q Will you say it was more than one minute? A I would swear it was more than a minute.

Q Would you say it was less than five minutes? A I wouldn't take it both ways, coming and going.

Q Now, you got into the elevator and got down to the store below. Were there any clerks in that store below?

A Yes, sir.

Q Did you see any customers in the store below?

A I don't remember.

Q You walked out to the sidewalk. Who walked out first? A We all went out the elevator together and right out on the walk.

Q Naturally, you permitted the ladies to go first, didn't you, Mr. Thompson?

MR. McDONALD: Oh, I object.

Q Did you let the ladies go first? I withdraw that question. Did you let the ladies go out first? A Yes, I naturally would; we were close together, a small elevator.

CASE #2442

Q When you got to the sidewalk, what happened?

A They disappeared.

Q They disappeared without a word?

MR. McDONALD: May the witness be permitted to finish the answer?

Q Without saying a word to you, they disappeared?
"yes" or "no"? Did either of the defendants say a single word to you? A No, but we as a whole--

Q You say "no"? Is that your answer?

MR. McDONALD: "No, but"?

THE WITNESS: No, but.

BY THE COURT:

Q Did they say good-night to you and give you their good-nights and farewells, or did they go off without saying anything? A No, it was very crowded in the elevator.

BY MR. FERRIS:

Q I am speaking about out on the sidewalk?

A No, got away.

Q Did they say anything to you at all before they left you, while you were on the sidewalk? A I don't remember as they did. It was very little time.

Q What? A We came right out, and whey they got out they flew.

Q That is not my question, and I want an answer to it. I am asking you if when you got on the sidewalk with these three defendants, whether any conversation took place between

CASE #2442

you and them before they disappeared, as you describe it?

A No, sir.

Q Not a word? A As I remember.

Q As you remember, the minute you got to the sidewalk they disappeared without a word; is that right?

A That is right.

Q Which way did they go? A I couldn't tell you that.

Q Where did they disappear to? A I couldn't tell you that.

BY THE COURT:

Q Was this store on the corner, or in the middle of the block? A It is not on the corner.

MR. FERRIS: He testified different this morning; he said it was in the middle of the block.

BY MR. FERRIS:

Q Didn't you ~~xxx~~ see them going up or down in the middle of the street? A No, sir, when we got out of the elevator they were jostling, and I put my hand in my pocket and looked for my pin--

MR. FERRIS: I object. The witness persists in stating he was jostled in the elevator, when he is not asked about it.

BY THE COURT:

Q Why couldn't you see them when you got outside, if they went outside with you? A (No answer)

CASE #2442

BY MR. FERRIS:

Q Why didn't you see where they went when you got out on the sidewalk? A I thought I would put on my pin, and went to get that, and then I see that the things were gone, and then I commenced to look around, and they couldn't be seen.

MR. FERRIS: I move to strike that out.

THE COURT: No, I will let it stand.

BY THE COURT:

Q Were you putting on your pin in the street?

A Yes, I had trouble with it up there, and the minute I landed on the walk I thought I would take my pin and put it on.

MR. FERRIS: I move to strike that out, as not responsive to your Honor's question.

THE COURT: Yes, he said he waited until he got on the sidewalk to put it on.

BY MR. FERRIS:

Q Didn't you testify in the magistrate's court that you saw these women going down town? A I don't remember.

Q On page 26 of the stenographer's minutes in the magistrate's court: "Q Which way did they go? A I think they went towards --" and you stopped. "Q Are you sure? A Towards down-town". Do you remember making that statement? A That says "I think".

Q Now, you say you don't know, you don't even think? A I don't think now? Yes, I do think, but I couldn't say they disappeared.

CASE #2442

Q At that time, you said you thought they went down town, and now you say that you don't know which way they went?

A My first thought was maybe they would go back to the hotel.

Q And that is why you say you thought ~~that~~ you saw them going down town? A It must be.

Q You were under oath then just as you are now, in the magistrate's court? A Yes, sir.

Q You were sworn? A Yes, sir.

Q And you know the meaning of an oath, don't you?

A Yes, sir.

Q Now, didn't you testify in the magistrate's court that you did have a talk with this defendant, and with the other two defendants, before they disappeared, as you said?

A I don't remember that now.

THE COURT: We will take a recess now, (To the jury) Gentlemen, please do not form or express any opinion as to the defendant's guilt or innocence until the case is finally submitted to you. We will take a recess until two o'clock.

(The Court then accordingly took a recess until 2 o'clock P. M.)

A F T E R R E C E S S.

M I L L A R D F. T H O M P S O N, resumes the stand.

CROSS EXAMINATION (Continued) BY MR. FERRIS:

Q Mr. Thompson, you testified before adjournment

CASE #2442

that absolutely no conversation took place between you and any of the defendants when you got to the sidewalk. That is correct, isn't it? A Such as I remember.

Q Such as you remember? A Yes, sir.

Q Didn't you testify in the police court that you did have some conversation with them on the sidewalk after you got out on the sidewalk? A I don't remember.

Q You don't remember? A No.

Q I will read to you from your testimony: "Yes, after we come out of the shoe store I said, 'No, sir, I will go to nobody's room. For twenty-five years I have been coming to New York City, and I have been in different places, such as cabarets and hotels, and treated ladies to drinks and lunches, and I always found they treated me like a gentleman'. Didn't you say that? A I don't remember.

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

Q Doesn't this refresh your recollection, that which I have read to you from the official record of your testimony, that you did testify that you did have this conversation with them after you got out on the sidewalk? Does it, or does it not? A I don't remember, sir.

Q Do you still persist in saying that no conversation whatever took place between you and the defendants when you got out on the sidewalk after you had bought the stockings? A I don't remember of having any.

Q Now, you say you don't remember whether or not

CASE #2442

you had any conversation or not? A No, sir, any special conversation that took any length of time.

Q Do you remember any conversation, whether special or otherwise? A I do not.

Q Will you now swear that you did not stand outside of the shoe store for at least five minutes, talking with the defendants, before they left you? A To the best of my knowledge.

Q Put down your hand, please? A To the best of my knowledge, there was no particular time spent in front of the store.

Q Do you now state that no conversation whatever took place? A That is as I remember it.

Q Is there any doubt about it in your mind, whether or not a conversation took place between you and the defendants on the sidewalk in front of the Walk-over shoe store? A The question again, please?

Q (Question read by stenographer as follows: "Is there any doubt about it in your mind, whether -or not a conversation took place between you and the defendants on the sidewalk in front of the Walk-over shoe store?")?

A I don't remember. This is more than a year ago.

Q Your recollection when you testified before the magistrate was more clear, was it not? A That is over a year ago.

Q I say, it was more clear then than it is now?

CASE #2442

A It was near the time that it happened.

Q Was it more clear then than it is now, your recollection? A I think not.

Q Now, how long a time passed after they disappeared, as you have testified, and you felt for your pin and wallet?

A As soon as I came down out of the elevator and on the walk, then I felt for my pin.

Q Now, please answer that question? A How can I tell how much time it was?

Q Well, was it a second, or a minute, or five minutes? Give us your best recollection as to how long ^a time it was?

A Well, I will swear it was over a second.

Q Will you swear that it was less than five minutes?

A No.

Q It may have been five minutes or more to the best of your recollection? A To the best of my recollection.

Q Now, where were you standing, in front of what place, how far away from the Walk-over shoe store, when you put your hand in your pocket and felt for your pin? A As I remember, oh, just as I got outside.

Q I am asking you where you were standing. Were you standing in front of the Walk-over shoe store still when you put your hand in your pocket? A Oh, yes, sir.

Q Now, when you found your pin was gone, you also found that your change wallet was gone, isn't that right?

A Yes, sir.

CASE #2442

Q I say, the change waller was gone? A Yes, sir.

Q And you testified that you put your change in your pocket, the silver, seventy cents, and the bills of six dollars, or seven dollars? A Yes, sir.

Q Six dollars it was. You found that gone, did you?
A Yes, sir.

Q The change too, all except eleven cents, as you testified? A Well, just a few small coins.

Q Was there as much as seventy cents in your pocket?
A No, I think, as I remember it, it was eleven.

Q Eleven cents? A Yes, sir.

Q Now, when you discovered the loss of your wallet and your change and your pin, you, of course, walked right back into the Walk-over shoe store to see if it was there, didn't you? A No, sir.

Q Where did you go? A I first went up Broadway a little ways.

Q How far up Broadway did you go? A Oh, possibly a block.

BY THE COURT:

Q Why did you go up Broadway? A Well, I was dazed a little at first; I looked around and didn't find them, and first I thought I would go up toward home, and then, thinks I, I will go down to the Hotel, the Martinique.

BY MR. FERRIS:

Q You say you were dazed? A Well, I didn't know

EXHIBIT
1991
CASE #2442

what do do. That is what I mean.

Q Then you say you walked down Broadway? Where did you go? A To the Martinique.

Q You are positive you went to the Martinique first?

A As I remember.

Q Didn't you testify yesterday that you went to the Herald Square Hotel first? A That is right, and that is where I went first.

Q You so testified yesterday? A Yes, sir.

Q Now, do you remember testifying in the magistrate's court that you did not go to the Herald Square Hotel until the next day? A Oh, well, now, it might have been as to the day -- until the next day?

Q Yes, didn't you so testify in the magistrate's court, that you went there the next day? A Well, I did, also, I went down there, but I remember that quite, and then went to the Martinique, and I might have went again next day, too.

Q Didn't you testify in the magistrate's court as follows: "Q After that, you found these two bill folders were missing? A Yes, I walked up the street in that neighborhood away, and then I walked back to the Hotel Martinique, and I went home". Isn't that what you testified to in the magistrate's court? A Yes, sir, I think it is.

Q And didn't you testify that you went to the Herald Square the following day, and that you did not receive a good reception there? Don't you remember testifying to that?

CASE #2442

A Yes, yes, I did.

Q Now you say you went to the Herald Square Hotel first; is that right? A Well, I might have went there both times.

Q Well, don't you remember whether you went there that night, or not? A I don't remember, but I think the first time I went there.

Q When you did go to the Herald Square Hotel, you didn't get a nice reception, you said? A No.

Q What do you mean by that? Did they put you out?

A Oh, no.

Q What do you mean by not getting a nice reception?

A Well, I went in and found the house detective, and he didn't even seem to want to talk about it, said I was very lucky that I didn't find myself on the pier with not even clothes on. I didn't call that a pleasant reception.

Q That is what you meant by "not a nice reception"?

A Yes.

Q Now, you say when you discovered the loss of your money and pin you didn't go into the Walk-over shoe store?

A It was their closing up time.

Q You say it wasn't much more than five minutes that you were standing there in front of the store. Did you see the lights turned out and see all the clerks go out while you were standing there? A I don't remember, sir.

Q Did you try the door, to see if it was locked, or

CASE #2442

open, or whether there was some one in there? A No, sir.

Q You made no attempt at all to go into the Walk-over shoe store that night? A No, sir.

Q When you discovered your loss, did you make an outcry and call "stop thief", or anything of that sort?

A No, sir.

Q Did you go to a police station that night? A No.

Q Did you go to any policeman anywhere in the neighborhood and report your loss to him that night? A No, sir.

Q The first time you went to the police station was three days afterwards; isn't that right? A I think only two days intervened.

Q You remember a witness by the name of Boldberg, the clerk who waited on these three defendants and who was in the magistrate's court, don't you? A I think there was such a young man, yes, sir.

Q Did you hear him testify? A Yes, sir.

Q Do you recall he testified that he did not see any dancing whatsoever in the place? Do you remember that?

A I do not, no, sir.

Q You know that Goldberg is now in California, don't you? He is not a witness at this trial? A I heard it spoken of, I think.

Q Do you remember these questions and answers being asked of Goldberg --

CASE #2442

MR. McDONALD: Now, I object to that.

THE COURT: That won't do. You can't put in testimony that way.

MR. FERRIS: I am not attempting to put in the evidence that way. I expect to ask the District Attorney to stipulate to read Goldberg's evidence in view of the fact that he was subpoenaed as a witness for the people before the magistrate and testified in their behalf, and he is not now available to either side.

THE COURT: That may be, but that would not make it competent to ask this witness whether he heard those questions or not.

MR. FERRIS: I am merely asking this question at this time of the witness in order to see if it refreshes his recollection and see whether he remembers Goldberg testifying to that fact in his presence.

THE COURT: What difference does it make whether he remembers it or not?

MR. FERRIS: Simply as bearing on his credibility, as to whether any dancing took place?

THE COURT: Objection sustained.

MR. FERRIS: I respectfully take an exception. May I have the questions and answers on page 47 of the testimony, from the middle of the page to the bottom marked for identification?

THE COURT: Yes.

CASE #2442

(Same marked Defendant's exhibit A, for identification of this date)

Q Do you remember testifying in the magistrate's court that you knew that the defendants would come back to change the stockings? Do you remember that? A I testified to that effect. I don't know just in what words.

Q Substantially to that effect? A Yes, sir.

Q How did you know that the defendants would come back to change the stockings? A I have been in the hosiery business a good many years.

Q So that was your business before you were in the real estate business? A Well, not necessarily the hosiery business; a department store.

Q And just because you had been in the hosiery business you thought they would come back to change stockings?

A Yes, I knew they would.

Q Despite the fact that you knew these defendants took your wallets and your pin? A I saw the size and the colors they picked out.

Q Were you addressed as Mr. Williams by any of these defendants that evening? A I don't remember. Papa was all I remember their addressing me by.

Q You don't remember the name Williams? A No. Papa.

Q You don't remember, do you, that Mrs. Weed said to you that she thought she remembered you as working in the Cable and Telegraph Company? A No, sir.

CASE #2442

Q Nothing of that kind was ever said? A No, sir.

Q Did you hear this defendant DeLong address the defendant Coffee as her mother, or Mother-- that was the Dable Wire Manufacturing Company I asked you about. Did you ever hear of this concern, or were you ever employed by them?

A No, sir.

MR. FERRIS: That is all.

MR. McDONALD: That is all.

CASE #2442

JAMES OLIVER MACAULEY, called as a witness on behalf of the People, being first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. McDONALD:

Q Where do you live? A 3004 Clarendon Road, Brooklyn.

Q What is your business? A Salesman.

Q And by whom are you employed? A The Walkover Shoe Store.

Q And where were you employed on the 10th day of April, 1917? A At 1439 Broadway.

Q Is that a branch store of the Walkover Shoe Company?

A That is a branch store.

Q What streets is that between? A That is between Fortieth and Forty-first.

Q On Broadway? A On Broadway, yes, sir.

Q Now, then, do you remember seeing this complaining witness on the 10th day of April, 1917? A Yes, sir.

Q And about what time was it that you saw him? A As near as I can recollect, it was around eight, or shortly after eight.

Q And where was he when you saw him? A In the ladies department, which is on the second floor of the building.

Q What were your particular duties at that time?

A Well, I was - I am the assistant manager there, and I was in charge of the place every evening.

Q At that time? A Every evening I am in charge of the place there.

Q Did you see anybody with the complaining witness?

CASE #2442

A Yes, sir.

Q Did you see this defendant there? A I did.

Q Just tell us what you saw happen there? What first attracted your attention, and just tell us everything that happened?

A Well, I was in the office at the time, which is situated between the two floors, between the mens and the ladies departments, and we have a carrier system that goes from one to the other, and I was in the office, and I heard what seemed to me a little more than an unusual commotion up there, and as we hear --

MR. FERRIS: I object to that.

THE COURT: Never mind what you often hear. Just tell us what you heard that night.

THE WITNESS: Well, I heard, as I say, a little bit of unusual laughing, and so forth, but I didn't pay any attention to it at the time, but after a few minutes checks came down for three pairs of hoisery, and a bill for ten dollars, a ten-dollar bill, and, so far as I can remember, the hoisery was to be wrapped separately, and I made change, which was \$7.60, \$1.10 for each pair of hoisery.

Q \$6.70? A I beg pardon. I know it was a dollar and ten cents for each pair, \$3.30 for the three pair; that made \$6.70.

Q What did you do then? A I sent the change up the carrier, in the usual way, and I heard a ladies voice saying something about, "I will take it," or words to that effect; I

CASE #2442

don't recall the exact words, but I didn't pay any more attention to the incident, and I didn't do anything further until in a few minutes I heard the complainant calling out, "I know where I am; I am in a Walkover shoe store, and I intend to get satisfaction," or words to that effect. Then I thought it my duty to go downstairs and see what the trouble was.

MR. FERRIS: I move to strike that out, what his duty was.

THE COURT: Oh, I will allow it to stand.

Q Go on, please. A I got upstairs, and I saw nothing - nothing else occurred of any importance when I got upstairs.

Q What did you see when you got upstairs? A I saw the complainant and the three young ladies up in front, standing, I should judge, about six feet or so from the elevator.

Q Yes? A And they appeared to be just a little confused when I came up. Nothing was said, and that is all I know.

MR. FERRIS: I move to strike that out, "they appeared to be a little confused," as a conclusion.

THE COURT: Yes.

Q Well, what happened? A That is all I know, Mr. District Attorney.

Q Did you see anybody give any change back? A I did not.

MR. FERRIS: I object to that as leading. The witness has testified to everything he saw.

THE COURT: -He says he did not.

CASE #2442

Q What is the answer? A I did not.

Q Didn't you hear anything about any change? A Only what was told me afterwards.

Q What? A Only what was told me afterwards. I didn't hear it then.

Q Who told it afterwards? A Mr. Goldberg.

Q Goldberg has left the Walkover Shoe Company? A Yes, sir.

Q When did he leave? A As near as I can remember, about the second week in August.

Q Last year? A Yes, sir, as far as I can remember.

Q What happened after - you say you left the cashier's box and went up to the second floor? A Yes, sir, as soon as I heard the complainant say that he was in a Walkover shoe store, he knew where he was.

Q What happened after you got up there to that floor?

A Nothing occurred while I was there.

Q Well, they left, didn't they? A They left, yes, they went out.

Q Tell us that. They did that, didn't they? A Yes.

Q Well, did they walk downstairs, or walk into an elevator, or what? A They went straight down in the elevator.

Q How large is that elevator? A It is 6 x 4.

Q 6 x 4? A Yes, sir.

Q You mean six feet by four? A Six feet by four, yes.

Q Who was the elevator run by at that time? A Grover Cronin.

CASE #2442

Q Did you afterwards see these defendants, or this defendant, after that day? A I did.

Q Before you saw the defendant - I withdraw that. Did you see the complaining witness after that day? A I did.

Q When was that? A As near as I can remember, two days afterward.

Q At your store? A At our store.

Q Did he have a conversation there with you? A He had a conversation with me, yes.

Q And did you see him again after that? A (No answer).

Q If you do not recall, say so. A As far as I can remember, at the Magistrate's Court. I don't remember any other meeting.

Q Did you see the defendant at any time after the 10th day of April, 1917? A I did, sir.

Q Where did you see her? A In the Walkover shoe store.

Q Previous to seeing the defendant the second time, had you had a talk with any police officer? A Yes, sir.

Q Officer Brady? A Officer Brady.

Q You say that you saw the defendant after the 10th day of April, 1917, and where was it that you saw her? A In our place of business.

Q With whom was she at that time? One of the other women that she was with on the 10th day of April, 1917? A That I cannot remember.

Q Just tell us what was said? Did you say anything to them? A I said nothing.

CASE #2442

Q Did you do anything when you saw this defendant come in?

A Well, we have instructions --

MR. FERRIS: No, I object to what instructions he had.

THE COURT: Yes, what did you do?

THE WITNESS: I informed the police.

Q How did you do it? A I had Brady's telephone number.

Q You called up police officer Brady? A I was instructed to, in case -

Q You called up Police Officer Brady? A I did.

Q What happened then? Did you have any talk with the defendant? A I had none.

Q Did you afterwards see Officer Brady come in? A (No answer).

Q Wasn't the defendant arrested by Officer Brady in your store? A No, sir.

Q Was she there when Officer Brady came in? A No, sir.

Q Did you have any talk with this defendant? A No, sir.

Q How long did she remain there? A As near as I can remember, about five minutes.

Q Did you see Officer Brady while she was in there?

A No, sir.

Q Did you see Officer Brady at the time she left? A At the time?

Q Yes. A No.

Q When was it that you saw Officer Brady again after telephoning to him? A I should judge about seven or eight minutes.

CASE #2442

Q And had the defendant left the store at that time?

A Yes, sir/

Q Do you know where she had gone? A No.

Q When you saw Officer Brady, did you see the defendant with Officer Brady? A No, sir.

Q Did Officer Brady come in and talk to you alone after you had telephoned him? A No, sir.

Q The same night? A No, sir.

Q Did he come in with anybody? A Oh, yes. I thought you meant was I alone. Yes.

Q Who did he come in with? A Another officer.

Q And then they talked to you again, did they? A They talked with me, yes.

Q After they talked to you the second time, did they leave your store? A Yes.

Q Was Thompson with them, the complaining witness, at that time? A No.

Q Did they come back again to your store with anybody?
A Not that I remember.

Q Where did you next see the defendant? A At Jefferson Market Court.

Q When was that? Keep your voice up. Counsel has difficulty in hearing you. A All right.

Q Now, then, did the defendant say anything to you when she saw you in Jefferson Market? A No.

Q Do you know what the defendant came there for, to your store? A Yes, sir.

CASE #2442

Q Did you see what she was doing there? A Yes, sir.

Q You say you had no talk with her? A I had no talk, no.

Q Was there a salesman who waited upon her? A The same man, Goldberg.

Q Goldberg? A Yes, sir.

Q From where you were sitting in the cashier's box, did you have a clean view of the second and the first floor? A No, sir.

Q What? A No, sir, the first floor only.

Q Did you have to leave the cashier's box in order to see what was going on on the second floor? A I did.

MR. McDONALD: Your witness.

CROSS-EXAMINATION BY MR. FERRIS:

Q Mr. Macauley, when you observed the complaining witness, after you left your cage and came up on the second floor, did you notice his appearance? Did he look sober, or drunk, to you? A He looked, I should say, slightly under the influence of liquor.

Q Now, you only saw the complaining witness and the defendants that evening just for a moment while they were waiting for the elevator to come up, isn't that right? A Well, for, I should judge, about a couple of minutes or so.

Q A couple of minutes? A Yes, sir.

Q You stood there and took a look at them? A I took a look at them, yes.

Q The next time you saw this defendant was on the Friday night succeeding? Isn't that right? A Yes, sir.

Q And she was in that store with her mother and the

CASE #2442

other defendant, changing a pair of stockings? A Yes, sir.

Q And they changed the pair of stockings, didn't they?

A Yes, sir.

Q The pair that they had was too small, and they took a larger pair? A Yes, sir.

Q Only one pair was returned? A One pair.

Q And they walked out of the store quietly and calmly, they didn't appear excited or nervous, did they? A No.

MR. FERRIS: That is all.

REDIRECT EXAMINATION BY MR. McDONALD:

Q What do you mean when you say she was in there with her mother? A I didn't say her mother.

Q Counsel for the defendant asked you if this defendant was not in there with her mother, and you said, "yes". A I didn't see her mother; I can't remember her mother.

Q What? A I don't remember her mother.

Q And you mean by that that she came in with another lady? A I don't remember the other lady. I distinctly remember the lady there, but I don't remember the other lady.

Q Then, why answer counsel's questions, when counsel asked you if the defendant came in there with her mother, you said yes? A Well, I am sorry I said "yes"; I didn't mean her mother.

Q You meant there was just another lady; you don't know whether it was her mother, or anybody else? A I beg your pardon. I don't know.

CASE #2442

RECROSS-EXAMINATION BY MR. FERRIS:

Q Can you point out the lady that accompanied this defendant in the court room here, if she is in the court room? A To the best of my recollection, I wouldn't swear, but to the best of my recollection it was the second lady from the end lady on the first row of the two ladies (indicating).

Q Now, can you point out the third woman that was there that evening in the court room that evening that you saw there with the complainant? A The last lady on this end towards us (indicating).

Q That woman standing up (indicating)? A Yes, sir.

Q Have you seen that lady since then? A I have.

Q You have? A Yes, sir.

Q Where? A At the Magistrate's Court.

Q Since then, have you seen her? A I have.

Q Where? A At the District Attorney's office.

Q When? A Yesterday.

Q And the District Attorney told you that that was the third defendant, didn't he? A Told me?

Q Yes. A I already knew.

Q What? A I already knew.

Q You recognized her from having seen her in the police court a year ago, is that right? A Yes, sir.

Q Did you talk to her at all yesterday in the District Attorney's office? A No, sir.

MR. FERRIS: That is all.

CASE #2442

oll

108

G R O V E R C R O N I N, called as a witness on behalf
of the People, being first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. McDONALD:

Q Where do you live? A 906 Eagle Avenue.

Q What is your business? A I am in the Display Department now for the Walkover Shoe Company.

Q On the 10th day of April, 1917, what was your employment?
A Salesman for the Walkover Shoe Company.

Q Do you remember seeing the complaining witness, Thompson on the 10th day of April, 1917? A Yes, sir.

Q Where did you see him? A Walkover Shoe Store, 1439 Broadway.

Q That is between Fortieth and Forty-first Streets?
A Fortieth and Forty-first.

Q Did you take him up in the elevator? A Yes, sir.

Q And where did you take him to? A Second floor.

Q Did you take anybody else with him at that time? A Yes.

Q Who else? A Three young ladies was with him.

Q And was this defendant one of them? A Yes, sir.

Q Now, then, they all got off at the second floor, did they?
A Yes, sir.

Q Did you remain there? A No, sir.

Q You took the elevator down again? A Down to the first floor, yes, sir.

Q Now, then, how long did they remain upstairs, do you know, about? If you don't know, it is all right? A I should judge about half an hour.

CASE #2442

Q And then did you go upstairs in the elevator again ?

A Yes, sir, I went upstairs.

Q Did you take them down? A Not at the present time, no.

Q At any time, did you take them down? A Yes, sir.

Q The complaining witness and the three women that went up in the elevator with him at the time you took him up?

A Yes, sir.

Q And just tell us what happened, if anything, in the elevator? A Nothing happened in the elevator, no, sir.

BY THE COURT:

Q Did you see anything before they came in the elevator?

A No, sir.

BY MR. McDONALD:

Q Did you go up in response to a bell or a signal? A Yes.

Q And these three women and the man were waiting at the elevator door? A No, sir, they were not.

Q Where were they? A They were standing by the hoisery case.

Q Did you remain there? A Yes, sir.

Q Did you hear what the discussion was, or what they were talking about? A Yes, sir, they were looking - the complainant was looking for his change from the hoisery.

Q What? A I say, the complainant was looking for his change from the hoisery.

Q From whom? A From the three ladies.

Q From the three ladies? A Yes, sir.

CASE # 2442

Q And did he get his change? A Yes, sir.

Q From whom did he get it? A He got it from one of the ladies whom was with him.

Q Do you know which one it was? A Yes, sir, that one over there by the wall (indicating).

MR. FERRIS: The one sitting over by the wall?

THE WITNESS: Yes, sir, the second one.

MR. FERRIS: The defendant Coffee.

MR. McDONALD: Elenore Coffee.

Q What else happened then that you saw? A Then he asked for his pin.

Q Yes? A And they told him where his pin was, and he pulled it out.

Q Out of his pocket? A Yes, sir.

Q And what part of his pocket did he pull it out of?

A If I am not mistaken, I believe it was his vest pocket.

Q Did he have a change purse at that time? A Sir?

Q A little small wallet? A Yes, sir, a little small wallet, about that size (indicating).

Q What did he do with his - I withdraw that. Did he take the wallet - I withdraw that. Was this pin in the wallet?

A Yes, sir.

Q When he took it out of his pocket? A Yes, sir.

Q Was there anything else in his pocket at that time, or in this wallet? A Not that I know of.

Q Were you near enough to see? A No, sir, I was standing by

CASE #2442

014

the elevator.

111

Q When he took that wallet out the pin was in the wallet?

A Yes, sir.

Q And did he put it back again in the wallet? A That I couldn't swear to.

Q Do you know whether he put it in his tie, or not? A No, I couldn't say.

Q What happened then? A Then I took him down on the elevator.

Q And he got off your elevator? A Yes, sir.

Q Did he say anything, or did the defendant say anything, in the elevator? A No, sir, not to my knowledge.

Q About how many passengers would that elevator carry?

A It would carry about six.

Q That is pretty well crowded? A Yes, it is fairly crowded.

Q Were these people crowding up against you? A No, sir.

Q Was anything said that you remember?

MR. FERRIS: I object to that as already answered. The witness said no conversation took place in the elevator.

THE COURT: I will allow it.

THE WITNESS: Sir?

Q (Question read by stenographer, as follows): "Was anything said that you remember?"

A No, sir.

Q Do you remember which one it was of these three women that told him the pin was in his pocket, or showed him where the pin was? A Yes, sir.

CASE #2442

Q Which one was it? A The second woman over there by the wall (indicating).

MR. FERRIS: Indicating Mrs. Coffee, again.

Q When you got to the ground floor, what happened then?

A They went out.

Q Who? A The four of them.

Q The complaining witness and the three women? A Yes, sir.

Q Did you see them again? A Did I see them again?

Q Yes. A I have seen the complainant about two days after, when he come in the store with the officer.

Q Did you see the defendants again? A Yes, sir.

Q When? A That was a few days after they were in the first time.

Q What? A They came back a few days after.

Q Did you again take them up to the second floor? A No.

Q They remained on the ground floor? A No, sir, I was remaining on the ground floor. I was not running the elevator that day.

Q How long did they remain there? A The second time?

Q Yes. A To the best of my knowledge, about ten minutes.

Q Then did they leave the store? A Yes, sir.

Q Did you see Officer Brady come in? A Yes, sir.

Q After the defendant had left? A Yes, sir.

MR. McDONALD: Your witness.

CROSS-EXAMINATION BY MR. FERRIS:

Q When the complainant in this case got into the elevator,

CASE #2442

did you observe his condition? A Yes, sir.

Q Was he drunk, or sober? A He was under the influence of liquor.

Q How do you know he was under the influence of liquor?
A By the way he was acting.

Q How was he acting? A He was close to the girls, and telling them to come and kiss papa.

Q That was when they entered in the elevator, before they went upstairs, is that right? A That was on the second floor that happened.

Q I ask you if you observed them when they came into the store? A Yes, sir, I observed them coming into the store.

Q You observed that he was in an intoxicated condition when they entered the store? A Yes, sir.

Q How long a time elapsed from the time you took them up stairs to the second floor you went down and got the signal to go up again? A I should say about 25 minutes.

Q And then when you came upstairs you remained standing in the elevator, did you not? A Yes, sir, right outside of the elevator.

Q Right out immediately in front of the elevator door?
A Yes, sir.

Q How far away were the three women and the complaining witness? A From me?

Q Yes. A About five foot.

Q Well, indicate in this room what you consider as five

CASE #2442

feet. Point out some object that is an equal distance away from you? A From here to the end of that ~~2~~ (indicating).

Q To the end of the jury-box? A Yes, sir.

Q That is nearer 12 feet than 5 feet. Was the complainant facing you while you stood there and watched them? A Yes, sir.

Q And were the other two defendants facing you, the three defendant s? A No, sir.

Q They had their backs toward you? A Yes, sir.

Q And the complainant had his back to them and facing you, is that right? A Yes, sir.

Q And while they were standing in that position some conversation took place between the complainant ^{and} the other three women; is that right? A Yes, sir.

Q How long did you stand in front of the elevator and observe this complainant and these three women before they got in and went downstairs? A Might say about five minutes.

Q Five minutes? A Yes, sir.

Q And did they remain standing in the same relative positions during those entire five minutes? A To the best of my knowledge, yes, sir.

Q Were you watching them? A Yes, I was watching them.

Q And during all that time they had their backs to the back of the complainant, that is, they were facing in one direction and he was facing the opposite, is that right? A Yes, sir, he had his back to them.

Q You clearly saw what he took out of his pocket, you say?

CASE #2442

A I heard him ask for his pin.

Q I am not asking you what you heard him say. I am asking what you saw. I say, you clearly saw him take out of his vest pocket this change wallet, as the learned District Attorney calls it; is that right? A Yes, sir.

Q Did he have an overcoat on, or don't you remember?

A I don't quite remember.

Q You don't remember? A No.

Q Was the coat that he had on buttoned, or unbuttoned when you saw him take that out of his vest pocket? A That I can't say.

Q You don't remember whether he first unbuttoned his coat and then put his hand in his vest pocket and pulled out this wallet? A No, sir.

Q You are positive he pulled it out of his vest pocket? A He had the wallet in his vest pocket, yes, sir.

Q I say, you saw him pull it out of his vest pocket, and you are not mistaken about that? A Yes, sir.

Q Which vest pocket did he take it out of? A That I can't say.

Q You don't remember whether he used his left hand, or his right hand? A No, sir.

Q And you don't remember whether he took it out of his right, or left, vest pocket? A No, sir.

Q Nor whether he took it from the upper vest pocket, or the lower vest pocket? A No, sir.

115

CASE #2442

Q What color was this change wallet? A That I can't say; I don't remember.

Q How much of it did you see? A I only seen a little part of it.

Q When he took it out, what did he do with it? A He looked in it.

Q He opened it? A Yes, sir.

Q How did it open? A That I can't say, how it opened, I wasn't close enough.

Q Well, did it open as a book would open? A I believe it had a flap on; I am not sure whether it did, or not.

Q And then he put twomfingers in and pulled out the pin; is that right? A I can't say how many fingers he put in.

Q Well, did he put his whole hand in? A I can't remember.

Q You saw the pin clearly, though? A No, sir.

Q How do you know it was a pin? A Because they asked him - he asked for his pin, and they said where it was, and it must have been there, as long as he was satisfied.

Q So, when you testified to the District Attorney that you saw the pin, you didn't mean or intend to say that you did see it; you judged there was a pin merely from the conversation? A Yes, sir, when he looked in it I judged there was a pin there.

Q When he looked in this wallet, what did he do with the wallet? A Put it back in his pocket, as near as I could see.

Q Which pocket did he put it into? A I can't say; I

CASE #2442

don't remember.

Q How do you know he put it into any pocket? A How do I know?

Q Yes. A I don't know; I can't swear that he put it back in his pocket, but he didn't have it in his hands.

Q You didn't see him do anything with the wallet, as a matter of fact? A No, sir.

Q And you don't know what he did with it? A No, sir.

Q Now, when did you see the defendants again after the night that they came back to change the stockings? Have you seen them since then and up to today, or yesterday, when you were in court? A I have seen them in the Magistrate's Court.

Q And since then you have ^{not} seen them? A No, sir.

Q And that is a year ago that you saw them? A Yes, sir.

Q Now, does your elevator on the ground floor face the street? A No, sir.

Q Or does it face toward the back of the store? A It faces the side of the wall.

Q The sidewalk. Now, when these three women and this complainant left the elevator, you saw them go to the sidewalk, did you not? A Yes, sir, they went outside.

Q And he appeared under the influence of liquor, as you said? A Yes, sir.

Q Did you watch them? A No, sir.

Q On the sidewalk? A No, sir.

Q Where did you go after they left the sidewalk? A Me?

CASE #2442

Q Yes. A I went back in the store.

Q What did you do there? A Getting ready to go home.

Q How long were you there? How long was the store open after these four persons left the store? A I should say about half an hour.

Q Half an hour afterwards? A Yes, sir.

Q You didn't see the complainant return that night, did you? A No, sir.

Q And during all that half hour the front of the window, the showwindow of the Walkover Shoe Store, was brilliantly lit?

A Yes, sir, they are always lit; they are run by a time lock.

Q And the street door was open so anyone could come in for that half hour? A They could come in up until nine o'clock, yes, sir.

MR. FERRIS: That is all.

REDIRECT EXAMINATION BY MR. McDONALD:

Q You say you don't turn off the light when you leave, when you lock up, the light may be still burning? A Yes, sir.

Q It burns until a certain time? A Yes, sir.

Q Do you know the time it burns? A I couldn't say; at that time I believe it was 12 o'clock, if I am not mistaken.

Q But you would lock up at nine and leave the light burning there? A In the window?

Q Yes. A Yes, sir.

Q You say you could tell from the actions of the complaining witness that he was under the influence of liquor. What were those actions? Tell us what they were? A By the way he

CASE #2442

was carrying on with the ladies on the second floor.

Q Tell us what the carrying on. I wasn't there and these gentlemen were not there. We want to know? A He was putting his arms around them.

Q Yes? A And saying, "Come and kiss papa."

Q Yes? A That is all I remember him saying.

Q Was there - was he going from one to the other? A Yes.

Q Or was he just saying that to one? A Well, they were mostly in a bunch at the time, all grouped together.

Q All grouped together? A Yes, sir.

Q And you say he placed his arms around them? A Yes, sir.

Q Now, then, was there any movement at all? Did they move around the floor in any way? A No, sir, not to my knowledge.

Q Do you remember during the time you were there whether there was any - whether this complaining witness ran or chased any of these three women? A No, sir.

MR. FERRIS: I object to that, if your Honor please, as already answered. He said, "No".

THE COURT: He says, "No".

MR. FERRIS: All right, withdrawn.

Q During all the time that you were there, you say that he was fooling? A Yes, sir.

Q What do you mean by that? A Just as I told you before.

Q What? A Putting his arms around them.

Q And did you see him kiss any of the women? A No, sir, I

CASE #2442

did not.

Q Did you see any of the women kiss him? A No, sir.

Q Did you see any of the women put their arms around him?

A No, sir.

Q Would he go from one to the other, or just were the three women together and he put his arms around them?

THE COURT: He says they were all in a bunch.

MR. FERRIS: I object to that as leading and not proper redirect.

THE COURT: Yes, he has already answered that.

Q Did he put his arms around each one? A Beg pardon?

Q Did he put his arms around each one? A No, sir, he put them around two of them at the time I seen him.

Q Around two of them? A Yes, sir.

Q And how were they standing at that time?

A One on each side of him.

Q And he had one arm around each? A Yes, sir.

Q That was on the second floor? A Yes, sir.

Q When was it that the conversation took place about the pin? A That was when they were leaving the store, just about to leave the store.

Q That was after he was asking them to come and kiss him?
A Yes, sir.

MR. McDONALD: That is all.

CASE #2442

W.R.

121

T H O M A S A. B R A D Y, police officer, shield No. 536, attached to the Second branch detective bureau, called as a witness on behalf of the people, being first duly sworn, testified as follows:-

DIRECT EXAMINATION BY MR. McDONALD:

Q You were a member of the police department of the City of New York on the 10th of April, 1917, and you still are?

A Yes, sir.

Q Do you remember at any time during April, 1917, seeing the complaining witness, Millard F. Thompson? A I do.

Q And where was he when you saw him? A At the Second branch detective Bureau, 417 Lexington Avenue.

Q And that is near what street? A 43rd.

Q When was it that you saw him? A Twelve P. M., on April 12th.

Q Did you have a conversation with Thompson? A I did.

Q And after that conversation what did you do?

A I had him accompany me over to the Walk-over shoe store Company.

Q When did you go there?

MR. FERRIS: If your Honor please, isn't this all immaterial and not binding on the defendant?

THE COURT: Well, it is leading up to the arrest. Just make it brief.

MR. FERRIS: This was not the day of the arrest at all.

CASE #2442

THE COURT: I understand. Go on.

Q When was it that you went to the Walk-over shoe store Company? A About 1:30 P. M. on April 12th.

Q And did you there see any one? A I did.

Q Who did you see? A I seen the assistant manager, Mr. Macauley.

Q And there you had a talk with Macauley? A I did.

Q Did you have Thompson with you at that time?

A Yes, sir.

Q When did you go to the Walk-over shoe store again?

A On the night of April 13th.

Q About what time? A About 7:50 P. M.

Q Previous to going there, had you received a telephone message from Macauley? A I did.

Q And about what time was it that you got to the Walk-over shoe store Company? A About five minutes to eight.

Q Did you see the defendant any time that day? A I did, later on.

Q Where? A 44th Street and Broadway.

Q How much later, from the time that you went into the Walk-over shoe store Company? A It was about ten or fifteen minutes later.

Q And where was she when you saw her? A 44th Street and Broadway.

Q With whom was she? A In company with Eleanor Coffee.

CASE #2442

1723

Q Who was with you? A Detective Burgess.

Q Was Thompson with you? A No, sir.

Q What did you do then? A I questioned them in regard to the complainant, and asked her if she was in his company.

MR. FERRIS: I object to what he asked the defendant.

THE COURT: The objection is overruled.

MR. FERRIS: I take an exception.

Q Go ahead? A They denied being in his company, said they didn't know him at the time, and I 'phoned to the complainant and had him come down to the Second Branch detective Bureau, had him look at the two of them, and he identified both of them.

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

THE COURT: Yes, the last part may be stricken out. What did they say when he came?

THE WITNESS: They recognized him when they seen him, they admitted that they were in his company.

Q What is that? A They admitted that they were in his company.

Q What did they say? A They said they were in the Walk-over shoe store company with him.

Q Anything else? A I asked them in regards to the wallet, containing the money which the complainant reported he

CASE #2442

172

lost, and they said they knew nothing about it.

Q Anything else said? A I spoke to Eleanor Coffee, and I asked her about it.

MR. FERRIS: I object to what Eleanor Coffee said as not binding on the defendant.

THE COURT: Yes, objection sustained.

Q Eleanor Coffee was with this defendant at that time?

A Yes, sir.

Q Did you have any further conversation with the defendant, DeLong? A Yes, sir.

Q When was that? A On the night of April 13th.

Q Where? A Second branch detective bureau.

Q Tell us what that conversation was? A I asked her who the third party was. She accompanied us over to the Knickerbocker Hotel, told us they had an appointment to meet over there, went over there and found Eleanor Weed in the ladies room, waiting for her.

Q What happened then? Did you have any further conversation with the defendant? A No, not with the defendant.

Q At any time after that? A No, sir.

Q Did the defendant ever say anything about three hundred dollars?

MR. FERRIS: I object to that. He has been asked whether he had any conversation, and he said "no".

MR. McDONALD: I am refreshing his recollection.

THE COURT: I will allow it.

CASE #2442

A No, not the defendant, Eleanor Coffee did.

MR. FERRIS: I object to that and move to strike it out.

THE COURT: Yes, motion granted.

Q Did the defendant say anything to you any time about three hundred dollars? A No, sir.

Q Did you have any conversation with the defendant DeLong? A No, sir.

MR. McDONALD: That is all.

MR. FERRIS: No cross examination.

E L E A N O R W E E D, called as a witness on behalf of the people, being first duly sworn, testified as follows:-
(The witness states that she resides at No. 308 Chauncey Street, Brooklyn)

BY THE COURT:

Q You understand, Madam, that, being under indictment, you don't have to answer any question unless you want to. Do you understand that? A Yes.

Q If any question will tend to incriminate or degrade you, you have the right to refuse to answer. Do you understand that? A Yes, sir.

Q And any question that you answer here you will answer voluntarily? A Yes, sir.

DIRECT EXAMINATION BY MR. McDONALD:

Q You are under indictment, are you? A Yes, sir.

Q Do you know the defendant? A I do.

CASE #2442

Q How long do you know her? A I have known them about six or seven years.

Q Did you see her on the 10th day of April, 1917?

A I did.

Q Where was it that you saw her first? A Where was it? I had an appointment with them.

Q With whom? A With these two people.

Q The defendant DeLong and Eleanor Coffee? A Yes, sir, at Nevins Street station.

Q What station? A Nevins Street station, Brooklyn.

Q And did you meet them and come over to New York?

A I did.

Q About what time was it that you arrived in New York?

A Between half past two and three o'clock.

Q Where did you go? A We went down to 34th Street.

Q What did you do? A We went in there to see some dresses.

Q Were you shopping? A Yes, sir.

Q You and this defendant? A Yes, sir.

Q And how long did you continue shopping?

A It was about three or four hours, looking around on 34th Street for some dresses.

Q Do you remember seeing the complaining witness, Thompson? A We came from the shopping place about a quarter to seven.

Q Where was this shopping place? A 34th Street

11727

CASE #2442

between -- right near Sixth Avenue, about half a block down.

Q Between Sixth and Seventh? A Yes, sir.

Q Tell us what happened? A We were going for something to eat, we suggested we have something to eat, about a quarter to seven, and we walked down 34th Street toward the subway, and we seen a man there, and he was flirting, and of course we flirted back, we all stopped at the window to look in.

Q What window? A At the druggist, corner of 34th Street, we stopped to look in there, and with that I turned around, and he says "don't I remember you"?

Q Who said that? A Mr. Thompson, he says, "don't I remember you"? I says "It is quite some time ago. Haven't I seen you in Cable's? Haven't you worked there"?

Q Where? A Cable's Wire Manufacturing Company; that was seven years ago. I asked him if he was not Mr. Williams, that worked there, because he looks like him very much.

Q Yes. A And he says "Where are you going, ladies?" We said we were going to have something to eat. He says, "let me treat you to something to eat", and we suggested that we go to Herald Square, on 34th Street.

Q Who suggested that? A Who suggested it?

Q Yes. A I think we all did.

Q Well, what happened? Did you go to Herald Square?

A We went to Herald Square and had something to eat.

Q Did you have anything to drink? A I don't think

CASE #2442

the ladies had anything to drink, but the gentleman had two drinks.

Q Yes, go on? A And we were there from a quarter to seven until about five minutes past eight or so, around eight o'clock, and this lady here suggested to buy some shoes.

Q Did you leave-- was that before you left the restaurant? A Was that before?

Q That the talk of shoes came up? A No, it was outside.

Q Well, wait a minute. We are still in the restaurant. What was the complaining witness drinking? A He had a Martini, two martinis, dry martinis.

Q And did he pay for the check? A Yes, sir.

Q Where did he get the money from, do you know? Did he take it out of his pocket, or what? A I wasn't looking where he took the money from, or not.

Q Do you know with what he paid this check, what kind of a bill? A What kind of a bill?

Q Yes. A No.

Q Do you know what the amount of the check was?
A I do not.

Q You say you went outside? A Yes, sir.

Q And when you went outside what happened? A One of the girls suggested about a pair of shoes, and we walked up--

Q Which one was that? A This little girl here, Miss. DeLong.

CASE #2442

Q Yes; what did she say when you say she suggested about a pair of shoes? What do you mean by that?

A She suggested to buy a pair of shoes; she wanted to go up to the Walk-over before they closed at nine o'clock.

Q What did she say? A She said "Will you treat me to a pair of shoes".

Q To Thompson? A Yes, sir, and he says "No, I don't think so", taking it in a joke, and when we reached up there to the Walk-over--

Q You did walk up then, didn't you, walked up Broadway?

A Yes, sir.

Q You and who else? A The other two people.

Q And the complaining witness? A Yes, sir.

Q Did you all walk, the four of you, together in a line, or what? How did you walk up Broadway? Who was with Thompson? A That I couldn't suggest; I couldn't say.

Q What? A I couldn't say how we walked.

Q Thompson walked up, did he? A Yes, sir.

Q Did you have to hold him up? A No, sir, we did not.

Q He walked along all right, did he? A Yes, sir.

Q Tell us what you did when you got as far as the Walk-over shoe store Company? A Well, the little one said she would like to get a pair of shoes, and she pulled him in, and when we got inside he said "I will not buy you any shoes", he said "I will buy you each a pair of stockings".

CASE # 2442

1730

Q Where did you go when you got inside? A We had taken the elevator to go up stairs, and when we got up stairs, he says "All I will buy is stockings", and we went to the stocking counter. That was right beside the elevator, and Miss DeLong was talking to him, and this lady over here and I ~~WALK~~ went to the back of the store, I wanted to get a pair of gaiters instead of stockings, and Miss DeLong had told the other lady to order hers at the same time, to have theirs both wrapped up together, and I didn't get the gaiters, because they were too expensive, and I had taken the stockings, too.

Q Did anything occur? Tell us everything that happened? Tell us what happened then? A Well, he paid for the stockings.

Q How did he pay for them? Do you know with what he paid? A No, sir, I seen him give the money, I seen it was a bill, but I don't know what it was.

Q What happened then? A And it went down on the carrier, we were all down there, standing, and when the carrier came up Miss DeLong reached for it and had taken it.

Q Who? A Miss DeLong.

Q This defendant? A Yes, sir.

Q What happened then? A And he said "I want that money back; I buy my shoes here in the Walk-over, and I am not going out until I get it;", and with that there was two other men or three other men called from downstairs; the manager and so forth, to come up and see that he got his money back, so he did. So he got his money back, and I don't know where he put it, or anything else about that.

CASE #2442

Q Did you hear anything or see anything about anybody doing anything, dancing, or anything? A Miss DeLong danced with him while I was in back of the store.

Q While you were in back with Elenore Coffee? A With Elenore Coffee, yes, sir.

Q And did you hear the defendant say anything after the defendant DeLong had danced with him? A You mean Mr. Thompson?

Q Thompson, yes. A He says, "I lost my pin," and she says, "Oh, look in your pocket book, or look for it," she said, "I didn't take it," so he looked, and he says, "Oh, I have it there", he looked in his pocket book and he said he had it in his pocket book.

Q Did he take his pocket book out? A What?

Q Did he take the pocket book out? A Yes, sir, he took some pocket book out.

Q The money that he paid for the stockings, did you see where he took that from? A No, sir, I was not interested, because I wanted to get a pair of gaitors.

Q What happened after that? A After that, we went downstairs in the elevator and went out, and we just stood for a minute or so outside, and with that we walked up to the corner, which one of the ladies walked up with him, and this little girl and I in the back, and we said Good bye.

Q You mean with Elenore Coffee? The defendant and Elenore Coffee walked with Thompson up as far as the corner of Forty-first Street and Broadway? A Yes, sir.

CASE #2442

Q And you walked behind? A With this lady here.

MR. FERRIS: With Miss DeLong?

THE WITNESS: Yes, Miss DeLong.

Q The defendant here? A Yes, I walked with her.

Q And what happened then? A We got up to them, ~~and~~ ~~the~~ to complainant and Mrs. Elenore Coffee, and we said we were going to leave here, so the three of us left, and we went home.

Q Did you tell him you were going to leave? A Yes, sir.

Q Said good night to him? A Yes, sir, we did.

Q What happened then? You went home? A Yes, sir.

Q Did you see the defendant DeLong after that? A I had met them a couple of days after.

Q Where? A In Brooklyn; I was down shopping.

Q Did you see them in New York after that? A I had an appointment to meet them in the Knickerbocker, from, Brooklyn.

Q When was that? A Friday night.

Q The night you were placed under arrest? A Yes, sir.

Q And did you see the defendant in the Knickerbocker?

A I did.

Q With whom was the defendant DeLong at that time? A With the two detectives.

Q Officer Brady and another? A Yes, sir.

Q You were then taken to the station house, were you?

A Yes, sir.

Q What did the defendant DeLong say to you, if anything, when she came to the Knickerbocker with the officers? A She says

132

CASE #2442

we are under arrest. She said, "We didn't do anything, did we?" I said, "Why, no, I didn't do anything," I said, and with that the detective says, "Well, come on, we will walk upstairs. I am going to lock you up".

Q Then you were taken to the police station? A Yes, sir.

Q What police station were you taken to? A I don't remember.

Q Do you know where it was? A I don't remember at all.

Q Was the defendant placed in the same cell as you were?

A The three of us were placed in the same cell.

Q Yes? A Until about, from half past ten or eleven o'clock until about 2 or 3-o'clock in the morning, 2-o'clock.

Q And then what happened? A And then we were separated, the three of us, and then towards six o'clock, Miss DeLong was put with me, because she was so lonesome, she said she wanted to come over in my cell, so the matron put her there.

Q She was placed in your cell? A Yes, sir.

Q Did you have any talk with her then? A Why, --

Q Did you ask her anything about what happened or why you were placed under arrest or why you were implicated in this charge? A No, I did not.

Q Did she say anything to you about anything? A About 6-o'clock in the morning she told me she had a little money on her.

Q Yes? A And I says, "How much?", and she said, "Well, quite some," and she asked me to take some money from her,

CASE #2442

and I said, "No, I wouldn't".

Q What happened? A I said, I wouldn't take it from her.

Q Did she show you anything? A She showed me some kind of a bill.

Q What kind of bill did she show you? A Well, it looked like a hundred-dollar bill.

Q What did she say about the hundred-dollar bill? A She asked me if I wanted it, and I said, "No, I don't want it."

Q Did she say anything else? A (No answer).

Q You don't remember? A No.

Q Let me try and refresh your recollection. Did she say anything about that she didn't want it found on her? A Yes, sir, she said she didn't care to have it found.

MR. FERRIS: I object to that. He has called for the entire conversation, and she has testified to it.

MR. McDONALD: I have asked for it, and the witness testifies she didn't recollect anything else.

THE COURT: Objection overruled.

MR. FERRIS: I take an exception.

Q Anything else? A She said it belonged to her, she said it was her money, she said, "If you want to take the hundred-dollar bill, you take it". I said, "No, I wouldn't care to have it, because it doesn't belong to me".

Q Did she say anything else? A She destroyed the bill.

Q No, did she say anything else? Did she say anything else? Do you remember whether she said anything else, or not?

CASE #2442

05 A No, sir, I don't remember.

155

Q Did she say anything about not wanting it found on her?

A Yes, sir.

THE COURT: She has already said that; she has already said she did not want to have it found on her.

Q Did she say why she didn't want it found on her?

A Because she said it was a large amount, and perhaps they would think that she had taken it. "Why, I says, don't feel like that. If it belongs to you, why don't you keep it?".

Q Then, what happened? A She says, "Well, I will destroy it, then."

MR. FERRIS: What?

THE WITNESS: She destroyed it.

Q What do you mean by destroying it? A Destroyed the money, whatever it was, she destroyed it.

Q What did she do? A She tore it up and put it in the lavatory.

Q Put it in the lavatory? A Yes, sir.

MR. FERRIS: Now, I object to the side remarks by the District Attorney under his breath for the benefit of the jury.

THE COURT: Yes, objection sustained.

THE WITNESS: This is the truth, your Honor; there is no lie about that.

MR. McDONALD: That is all.

CASE #2442

173

CROSS EXAMINATION BY MR. FERRIS.

136

Q You feel sore, don't you, at this defendant because she brought the police officers to the Knickerbocker, where you were arrested, don't you ? A I do not.

Q You know you are under indictment jointly with this defendant, don't you ? A Yes, sir.

Q Have you been promised any immunity by the District Attorney if you would testify here ? A What do you mean ?

Q Well, have you been promised that you would not be prosecuted ? A I was not.

Q Or anything of that sort ? A I am telling the truth.

Q I am not asking you that. A Defending myself, because mother and daughter is together, and I don't know what they are going to do.

Q And you are doing this in self defense, aren't you ? A Self defense ?

Q Yes, to defend yourself ? A Yes, I am defending myself.

Q What did the District Attorney promise you if you would appear in this case and testify ? A Nothing.

Q Not a thing at all ? A No, sir.

Q Did he send for you, or did you voluntarily go to him ? A I did not.

Q What did you do ? Did you go voluntarily, did you go willingly, or were you sent for ? A My lawyer took me.

CASE #2442

Q Do you know if your lawyer was promised anything by the District Attorney if you would testify in this case ?

A No, sir.

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

Q Did you ask your lawyer ? A No, sir.

Q He told you to come up and tell the District Attorney what you have told here, and you came up to him ? A No, he told me to tell the truth and nothing but the truth.

Q And so, without knowing what was going to happen to you at all, you were willing to come up here and testify ?

A I was willing to come here and testify the truth, yes.

Q How long since you have seen the defendant, or the other defendant, Coffee ? A How long is it ?

Q Yes. A I have met them occasionally in Brooklyn.

Q When was the last time you saw them ? A The last time ? I met them a couple of weeks ago.

Q A couple of weeks ago ? A Yes, sir.

Q Did you talk with them ? A Mrs. Elenore Coffee asked me -

Q No, did you talk to them, "yes", or "no" ? A No, I did not.

Q And when was the last time you saw the defendant or the other one before that ? A Before that ? I don't remember.

Q You don't remember ? A No.

CASE #2442

Q Isn't it a fact that you haven't seen either of them with the exception of this one time, about two weeks ago, in many months, seven or eight months ? A Seven or eight months ?

Q Yes; isn't that a fact ? A I haven't seen them ?

Q Yes. A Yes, sir.

MR. McDONALD: What is the answer ? She hasn't seen them ?

MR. FERRIS: That is what she means.

MR. McDONALD: I don't know what she means.

Q I take it for granted you say you had not seen her, with the exception of this one time, for six or seven months? A I have seen them occasionally.

Q I mean, between the time you last saw them, two weeks ago, you had not seen them for seven months previous, approximately ? A I hadn't seen them for five or six months from the case, when the case was brought up.

Q You were present in Court, were you not, the Magistrate's Court ? A Yes, sir.

Q You remember that the complaining witness identified you as the one in Court as having taken his stick pin ?

A Yes, sir, I remember that, but then he -

MR. FERRIS: Stop. I object.

THE COURT: Just answer questions now. The District Attorney will question you further, and you can

CASE #2442

explain later.

Q Now, about this hundred dollars, you say that this defendant told you she carried the hundred dollars on her person, and that if they found it they might accuse her of having stolen the money; isn't that right? A Yes, sir.

Q She told you it was her own money? A Yes, sir.

Q And not any part of the money belonging to anybody else? A Yes, sir.

Q You have known Miss DeLong for quite some time before that? A Yes, sir.

Q Didn't you know her to always carry a hundred dollars or more on her person? A No, sir.

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

Q This was one one hundred dollar bill; you saw it?
A From what I could see, it looked like a hundred dollar bill.

Q But there was only one bill that she destroyed?
A One.

Q You know that Miss DeLong has heart trouble, that she is a very nervous girl, don't you?

MR. McDONALD: I object to that.

THE COURT: How is that material?

MR. FERRIS: Only to explain her conduct in destroying a hundred dollar bill, that she is a nervous woman, never having been arrested before, it quite

CASE #2442

naturally might be that she would do things that perhaps another woman would not.

THE COURT: Very well. I will allow it.

Q You know she is a very nervous woman ?

MR. McDONALD: I object to that. I don't see how this woman can tell whether the other woman is nervous, or not.

THE COURT: She can tell whether she acted nervously, or not.

BY THE COURT.

Q Anything specially nervous about her ? A I don't know. She has told me she was very nervous, but I couldn't see it.

Q You have never seen anything specially nervous about her ? A No, sir.

BY MR. FERRIS.

Q Do you remember a few days after the hearing in the Magistrate's Court there was a girl named Mildred who tried to induce you to accuse this defendant and her mother of having stolen the money ? Do you remember that ? A What did you say ?

Q (Question read by Stenographer, as follows: "Do you remember a few days after the hearing in the Magistrate's Court there was a girl named Mildred who tried to induce you to accuse this defendant and her mother of having stolen the

CASE #2442

money? Do you remember that?"?)? A No, sir, I do not.

Q Do you remember signing a statement in my office, on April 28th, 1917? A I had some statement.

Q Don't you remember making a statement in that paper that you signed that a girl by the name of Mildred had approached you and was trying to induce you to tell this story about the destruction of a hundred dollar bill, and that you had refused? Do you remember that? A I don't remember that.

Q You read that paper before you signed it? A I did not. No, positively.

Q You didn't read it? A I did not. You told me it was just the case.

Q You signed your name on each page, did you not?
A I did, the three of us.

MR. McDONALD: I object to counsel speaking from a paper unless it is identified in some way, either by mark or identification or something like that.

THE COURT: I will allow it for the time being. You can offer it for identification at any time.

Q Do you recall, Mrs. Weed, that I called in a stenographer to my office and in your presence and in the presence of the other two defendants I dictated to the stenographer what was subsequently written on this paper which was signed

CASE #2442

by you ? Do you remember that ? A No, I do not remember that part, no, I do not.

Q How long were you in my office at that time ? A At that time ?

Q Yes ? A We had waited for you for some time, about an hour or so.

Q And when I came in how long afterwards did you remain ? A About half an hour or three quarters of an hour.

Q What ? A Between half and three quarters of an hour.

Q And you were waiting in order for this paper to be prepared ? A I did not, no; it was brought in to me.

Q What were you waiting for in my office ? A What was I waiting for ?

Q Yes. A You were just questioning the three of us, and then you asked your typewriter to come in.

Q And then I dictated something to the typewriter ? A You did.

Q And you heard what was dictated ? A I did not. I don't remember that part.

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

Q You remember that all three of you signed this statement at the end and also on each page ? A Yes, sir.

Q You remember that ? A Yes, sir, I do.

Q And that is -

CASE #2442

MR. McDONALD: I object to this, unless the witness is shown what she said she signed. I can't see what she signed.

THE WITNESS: He said it was all -

THE COURT: One at a time. Objection overruled.

MR. FERRIS: If your Honor pleases, I was just about to offer it.

Q I show you these three papers and ask you to look at the three signatures thereon and state whether or not your signature appears on each of those pages (handing papers to witness) ? A Yes, and I -

Q That is all. That is your signature ? A Yes, it is; I admit to that.

MR. FERRIS: I offer these three pages in evidence.

(Three sheets of paper received in evidence and marked "Defendant's Exhibit B", of this date.)

Q That is the only time you came to my office ?

A No, I was there a few times afterwards.

Q After that ? A Yes, sir; you told me to come there with my new address, because I had moved.

Q You came a second time when you moved, and you brought me your new address ? A Yes, and you addressed me a letter back.

Q Notifying you as to when the case might come on for trial ? A No, you had written me a letter, if I didn't

CASE #2442

send you my address that you would do uble my bond, that you would raise my bond to two thousand dollars.

BY MR. McDONALD.

Q What is that ? A That he would put me under double bond, or bail.

Q Who was this ? A Mr. Ferris.

BY MR. FERRIS.

Q You have got that original letter here, have you ?

A No, I have it home.

Q You read it recently ? A No, I have not.

Q Well, I will show you this copy, dated July 16th, 1917, and ask you if that is not the letter of which you received the original (handing paper to witness) ? A (After examining paper) No, sir.

Q No ? A No, sir.

Q You are positive that the letter which you now have at home is not an exact duplicate of this ? A No, it is not, it hasn't got anything about Florence in; just two or three lines.

Q You have that letter at home ? A Yes, sir.

Q And if this trial is not finished today you will have it here Monday ? A Yes, sir.

Q When did you see that letter last ? A I will try to get it. It is home in my house, it is.

Q Positive, that is right ? A Well, I am going

CASE #2442

to get it if it is home.

Q But you are positive it is home ? A I did not destroy it, because I have it home.

Q And when did you see it last ? A I don't know when I seen it last, but it is home.

Q How long ago did you see it last ? A A couple of months ago.

Q Do you know where it is in your home ? A Yes, sir.

Q Where ? A It is in one of my drawers.

Q In your bureau drawer ? A Yes, sir.

Q And will you positively have it here ? A Yes, sir.

Q And you will now state, under oath, that that letter which you have is not a copy of this ? A I will not state under oath, no, that that is not like that.

Q You know you are under oath ? A Yes, but it hasn't got "Florence" in; it hasn't got "Florence" in.

Q It hasn't got it ? You will promise to get that letter here ?

THE COURT: She has already said so.

Q Did you receive more than one letter from my office ?

A I don't remember that, but I can look, anyway.

MR. FERRIS: I ask that this copy of a letter, dated July 16th, 1917, be marked for identification at this time.

(Same marked "Defendant's Ex. C, for Iden.", of this

CASE #2442

date.)

MR. FERRIS: That is all. I will read that to the jury later, unless you want it read now.

MR. McDONALD: Yes, I ask that it be read now.

MR. FERRIS: Gentlemen of the jury, this statement reads as follows:

"Statement of Elinore Weed made this 28th day of April, 1917, at the office of Ferris, Dannenberg & Mansbacher.

"I reside at 32 Lewis Place, in the Borough of Brooklyn, city of New York, and am one of the defendants in the case of People vs. DeLong, et al.

"On or about April 10th, 1917, in the company of Mrs. Harara and Mrs. Florence" -- I might state they are the defendants correct names -- "as we came out of Macys, at 34th Street and Broadway, as we were walking up Broadway, a man came up from behind and addressed us, stating 'hello girls' and then addressing me and said, 'don't you remember me, I know you from Cables Wire Lfg. Co., my name is Mr. Williams.' I then said, 'yes, I think I remember you'. He then asked us where we were going and after having introduced him to Mrs. Harara and Mrs. Florence, he suggested that he take us for something to eat and we accompanied him to the Herald's Square Hotel, where the three of us had something to eat and he ordered beer. While walking up Broadway and while arriving at

CASE #2442

"the Walkover Shore Store at 39th Street & Broadway, he
"stated that he desired to buy us stockings. We went in
"there and he bought us each a pair of stockings and gave
"a \$10 bill in payment. I did not notice how much money he
"pulled out but remembered that \$10 was paid for the stock-
"ings. While we were waiting for the change he stated
"to us that we could have the change to buy candy, with and
"when the change came, Mrs. Florence grabbed for it, and a
"few seconds thereafter he asked Mrs. Florence for the
"money and said he would buy the candy himself and Mrs.
"Florence handed him the money back.

"He thereupon proposed that we go to his rooms
"so that we could put the stockings on and we told him
"that we were not that kind and left him. Then we declined
"to do so and we left him.

"Some days later, after Mrs. Harara and Mrs. Florence
"had been arrested, detectives called at my home.

"I had an appointment to meet Mrs. Florence and
"Mrs. Harara at the Knickerbocker Hotel at 9 o'clock and
"the detectives accompanied by my two friends met me there
"and placed me under arrest as well.

"I have known Mrs. Mildred Mc Neff whose maiden
"name is Minnie Coffey and who is now known as Mildred
"Owens since last September and have met her only infre-
"quently since that period.

CASE #2442

"After that we were arrested she had been notified
"of our arrest.

Q On Sunday, April 22nd, 1917, this Mildred came
"to my home and talked to me to induce me to sign a
"paper accusing Mrs. Harara and Mrs. Florence of the crime
"charged. I told her that I would not do any such thing,
"it was not the truth, that none of them had taken the
"money at all or the pin. She repeatedly on different
"occasions asked me to do the same thing to which I made the
"same reply.

"On Tuesday, April 24th, this Mildred called at
"my house and I accompanied her for the purpose of going
"up to the lawyers office as well as the bondsmen office.
"She took me to the Jefferson St. Market Court where we met
"Mr. Beecher, the bondsman.

"We talked together there and he requested me
"to sign an affidavit charging Mrs. Harara and Mrs. Florence
"stating that they had torn up the \$100 bill in the Police
"Station after the arrest. I declined to do so. He urged
"me to do so and I told him that I couldn't do it and he
"suggested my coming tomorrow to sign such an affidavit.

"On Thursday as I came home she met me at the
"elevator station near my home and told me that she was
"through with the Hararas. She again urged me to come
"to the lawyers office to sign some papers and urged me to

CASE #2442

"find out of the Hararas had any lawyers as, in that case, "Busch would not go ahead with the case. That is the last "time that I have seen her.

Q On numerous occasions, this Mildred told me that she "would break Mrs. Florence and Mrs. Harara and that she "would see that the Thousand Dollars that was deposited would "be drained away so that she would not receive a single cent" - the thousand dollars being the bail bond, money deposited.

Q Now, isn't that Mildred McNeff, or whatever her name is, Mildred McNeff, right here in court with you? A She is.

Q And she is a friend of yours, is she not? A A friend of mine?

Q Yes. A Not more than she is to anybody else.

Q How long have you know this Mildred McNeff? A How long?

Q Yes. A She was introduced to me.

Q When? A When? Last September or October.

Q Last September or October? A A year ago.

Q Didn't you know her in April, 1917? A I knew her before then. I don't mean this last September. A year ago.

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

Q Under what circumstances did you meet her? A I was introduced to her.

Q By whom? A By these two people .

Q The defendant Harara? A Yes, sir.

Q Weren't you induced by this Mildred McNeff -- A No.

Q What was I going to ask you? A I answered it for a

1759

CASE #2442

quip, when you said, was I introduced. Where was I introduced?

THE COURT: Wait until he finishes his question.

Q Weren't you induced by Mildred McNeff to come and voluntarily testify against your two friends? A No, sir, no, sir.

Q She had nothing to do with it? A She did not.

Q Does she know anything at all about the case? A Not as I know of.

Q She has never talked to you about the case? A No, sir.

Q Never at any time? A No, sir.

Q What has she been doing in court all day yesterday and all day today? A She has my thousand dollars bail up, and she is here to receive that.

Q You say she put up a thousand dollars bail for you? A She did, cash money.

Q And yet you never talked to her about the case? A I did not.

Q Do you remember stating to me at my office, on April 28, 1917, what I read to the jury in this paper? A I do not remember.

Q Did you state anything at all to me about the destruction of any hundred-dollar bill on that day? Did you mention that fact? A I do not remember.

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

Q Then, you do not remember that what is written on this paper is what you told me, do you? A I do not remember.

Q You don't remember? A No.

CASE #2442

Q Did Mildred McNeff ever tell you to state that this defendant destroyed a hundred-dollar bill in the station house?

A No, sir.

MR. FERRIS: That is all.

REDIRECT EXAMINATION BY MR. McDONALD:

Q What is the real name of the defendant? A Mrs. Florence and Mrs. Harara.

Q Of this defendant? A Mrs. Florence.

Q Mrs. Florence? A Yes, sir.

Q What is your name? A Mrs. Weed.

Q Was Mr. Ferris your attorney at the time that you made this affidavit? A I didn't make no affidavit.

Q Well, you signed this thing? A I signed it, but he told me it was concerning the case.

BY THE COURT:

Q The question is, was he your lawyer at that time?

A Yes, sir.

BY MR. McDONALD:

Q He was your lawyer at that time? A Yes, sir.

CASE #2442

BY MR. McDONALD:

Q He was your lawyer at that time? A Yes, sir.

MR. McDONALD: That is all.

BY THE COURT:

Q How did you come to sign this affidavit, or this paper? A This paper, he told me it was concerning this case.

Q Speak up? A You told me it was concerning this case. He said "it is all right, you can read it if you wish; the other two people didn't read it; they signed", and I signed too.

Q But didn't you tell him what went into that?

A Did I tell him? No, sir.

Q How did he get the name of Mrs. McNeff, or whatever it is? Who told him that name? A I didn't tell him, your Honor.

Q Well, did Mrs. Coffee, or Mrs. Florence, while you were there? How did he know that name? He didn't know her.

A Well, these two people knew; they introduced me.

Q Who told him the name? A I didn't tell him the names.

Q Who did? A I don't know.

Q Did you hear either of the others tell him?

A No, sir.

Q You don't know how he got that name? A No, sir.

THE COURT: That is all.

CASE #2442

BY MR. McDONALD:

Q This statement is dated the 28th day of April; is that right? Is that the date you signed it? A I don't remember.

Q Do you remember when you were arrested? Do you remember the date? A Yes, sir, I think I do. I think it was on this little one's birthday, Miss DeLong's birthday, the 13th day of April.

Q When was it that the defendant DeLong was bailed, do you know? A I think the three of us were bailed out of a Saturday, the next day, Miss McNeff had bailed the three of us out.

Q Miss McNeff? A Yes, the lady here.

Q The same one that bailed you out? A Yes, sir.

Q Bailed Miss DeLong and Mrs. Coffee? A Yes, sir.

Q She bailed the three of you out? A Yes, sir.

Q And this affidavit, at least this statement, is dated the 28th day of April? A Yes, sir.

BY MR. FERRIS:

Q You first got a bondsman for all three of you, didn't you? Isn't that right? A No, sir.

Q Didn't you first get some one to bond the three of you? A No, sir.

Q Immediately after your arrest? A No, sir.

Q Who was it got the first bondsman? A The first bondsman?

1751

CASE #2442

Q Yes. A They had addressed a letter to Mrs. Coffee, at 3 Johnson--

Q Who was it got the bond? A This lady had sent for Mrs. Coffee, at 3 Johnson to come to help us to get our bail and get us out, and she had done so.

Q And you knew afterwards this lady, Mrs. Coffee, or Mildred, or whatever her name is, continued on your bond, and that Miss DeLong deposited a thousand dollars of her own money for her and her mother, you know that, do you not?

A No.

BY MR. McDONALD:

Q Were you there when this money was turned over?

MR. FERRIS: I object to that. This is the people's case.

THE COURT: Yes, one at a time.

MR. FERRIS: I object, unless she knows.

THE COURT: If she does not know, she can say so.

The question is, does she know?

THE WITNESS: You had said the thousand dollars was paid for the three of us.

Q I ask you whether or not you know whether Mrs. Florence, the defendant in this case here, afterwards deposited a thousand dollars as collateral security with a surety company for her and her mother's bond, do you know that? A I remember her saying she put up a thousand dollars.

MR. FERRIS: Now, I object to that, sir. She

CASE #2442

doesn't know it. It is only hearsay.

THE COURT: Yes, objection sustained.

MR. FERRIS: I move it be stricken from the record, her answer.

THE COURT: Yes, motion granted.

BY MR. FERRIS:

Q You said that I appeared as your lawyer at any time. Do you say that I was your lawyer at some time during this case? A Did I say it?

Q Yes. A You said you were taking the case for the three of us.

Q When was that said? A When was that said?

Q Yes. A I don't remember. These two people have taken me over to your office.

Q And the only time you were to my office was when you signed this statement and when you brought in your new address in response to the letter that I sent you, isn't that right?

A No, I had been there before.

Q Before April 28th, when this paper was signed?

A April 28th.

Q Yes. A I think I was over one morning with these people once before.

Q And that is all? A That is all.

Q Did I ever say anything to you that I appeared for you as your attorney? A You said you were going to appear for me, for the three of us.

CASE #2442

Q When did you retain Mr. O'Reilly as your attorney in this case? A I have had him since Thanksgiving.

Q Since Thanksgiving? A Yes, sir.

Q Did you have any other lawyer before that time?

A I did not.

Q Did you ever pay me any money? A Did I?

Q Yes. A No, sir.

Q Did I ever send you any notification that the case was coming up for trial? A Not as I remember.

Q And did you ever receive any bill for services rendered by me? A I have the one letter you sent me.

Q Did you ever receive a bill for services that I claimed I rendered for you as your attorney? A I don't understand that.

Q Did you ever receive a bill from me claiming money from you for services rendered as your attorney? A Why, no.

MR. FERRIS: That is all.

THE COURT: Gentlemen of the Jury, please do not form or express any opinion as to the defendant's guilt or innocence until the case is finally submitted to you. We will take a recess until Monday morning at 10:30.

(The Court then accordingly took a recess until Monday, April 22nd, 1918, at 10:30 A. M)

CASE #2442

1757

THE PEOPLE, ETC., -AGAINST- MARY DeLONG

New York, Monday, April 22, 1918.

TRIAL CONTINUED

ELIZABETH WEED, resumes the stand.

CROSS-EXAMINATION (CONTINUED) BY MR. FERRIS:

Q Mrs. Weed, did you find the letter that I wrote to you? A I did.

Q You did not? A I did.

Q You have it here? A Yes, sir.

Q Will you produce it, please? A (Witness produces letter and hands same to counsel.

Q Now, I ask you to compare this letter which you produce with the copy and state whether or not the copy that I showed you on Friday is an exact copy of the letter which you now produce (handing two papers to witness). A Yes.

Q What is your answer? A It is.

Q Why was it that on Friday you were so sure that I had not written in the letter that I addressed to you anything of Mrs. Florence? A I did not remember, it is such a long time ago, but the other part was right, raising my bail.

MR. FERRIS: I offer this letter produced by the defendant in evidence.

(Same received in evidence and marked People's Exhibit "D", of this date.)

Q This letter is the only letter that you received from me at any time, is it not? A It is.

CASE #2442

MR. FERRIS: With your Honor's permission, I will read this letter to the jury. Gentlemen, this is a letter on the letterhead of my firm, Ferris, Dannenberg & Ansbacher, 2 Rector Street, dated July 16, 1917: "Mrs. Eleanor Weed, 32 Lewis Place, Brooklyn, New York. Dear Madam: Mrs. Florence informs me that you intend moving. Of course, you realize that it is important that you let me know the new address, as if the case should suddenly come up for trial and I be unable to locate you, not only would your bond be forfeited, but you would also immediately be placed under arrest as soon as you are found, and should you require a new bail it would be placed in a very much higher amount than it is at present. You will, therefore, please advise me of your new address, in order that I may have the same among my files, and so as to let you know within a sufficient time when to appear, so as to adequately prepare for trial. Very truly yours, George A. Ferris."

That is all.

THE PEOPLE REST

MR. FERRIS: If your Honor pleases, I move to dismiss the second count of the indictment, which is one for receiving stolen goods or money.

THE COURT: Motion granted.

CASE #2442

MR. FERRIS: I likewise move to dismiss the first count of the indictment, which is a count in Common Law, taking and carrying away. The evidence in this case, if your Honor please, fails wholly to prove the crime charged. There is no direct evidence of the taking of either the money or the pin whatsoever, and there has not even been exclusive opportunity shown on the part of the defendant to take. The evidence, in my opinion is entirely insufficient to sustain the indictment.

THE COURT: That motion I will deny.

MR. FERRIS: I respectfully take an exception.

THE DEFENDANT'S CASE

GEORGE A. FERRIS, called as a witness on behalf of the defendant, being first duly sworn, testified as follows:

(The witness states that he resides at No. 420 Riverside Drive, N.Y. City.)

THE WITNESS: Do you want me to make a statement, or shall I put it in question and answer form?

MR. McDONALD: Your associate counsel is here.

DIRECT EXAMINATION BY MR. SIEGEL:

Q Mr. Ferris, you are a practicing attorney and counsellor-at-law? A I am.

Q And how long have you been admitted to practice?

A About nine years.

CASE #2442

Q You are the attorney for the defendant, Miss DeLong?

A I am.

Q Did you ever at any time represent the last witness for the People, Miss Weed, as her attorney in this case?

A I did not.

Q Now, do you recall Miss Weed coming to your office at the time the statement -- A April 28th is the date.

Q Defendant's Exhibit "B" was prepared in your office?

A It was.

Q The statement that consists of the three sheets signed by the three women? A I recall the incident distinctly.

Q Will you be good enough to tell the Court and jury under what circumstances those three pages of that statement were prepared in your office? A The defendant in this action and her mother, Mrs. Harara, came to my office with Mrs. Weed, and I had a conversation with Mrs. Weed and questioned her regarding the incident mentioned in the statement, as well as the circumstances surrounding the charge made in this case. I sent for an outside man stenographer, as I had no male stenographers in my office and didn't wish to dictate what was dictated in that paper to my regular stenographer, and in the presence of this stenographer I again questioned Mrs. Weed, as well as the other witness, as I recall, and in her presence dictated every word that is set forth in this exhibit. After it was written, they waited there

CASE #2442

while it was being written, and Mrs. Weed read each page; I think I also read each page to her; and she stated that she didn't care to sign the paper unless the other two signed it as well. I informed her that there was no objection to that, it being the truth, and she thereupon signed the last page. I then requested her, in order that there might be no question about it, to sign each of the pages, and that was done; each of the pages were signed by Mrs. Weed and by the other two defendants.

Q The statements contained in Defendant's Exhibit "B" with reference to the \$100 bill, from whom did you get the information by which you incorporated that in the statement?

A Well, originally the present defendant in this case told me that Mrs. Weed had related to her that some one was trying to get her to sign this affidavit. In fact, I was informed that the bondsman, a man named Beecher, was the one who was active in procuring such an affidavit, and it was after I was so informed that Mrs. Weed was brought in, and I questioned her, and she stated what is set forth in that paper.

Q And that statement you got directly from Mrs. Weed?

A Directly from Mrs. Weed, after I had first learned it from the defendant in this case.

MR. SIEGEL: That is all.

CROSS-EXAMINATION BY MR. McDONALD:

Q Did Mrs. Weed come over with the defendant, DeLong, to

CASE #2442

your office? A As I recall it, either all came together or just Mrs. Florence and Mrs. Harara came over together and were joined later by Mrs. Weed. That I don't recall.

Q Did you have an appointment with them -- with Mrs. Weed? A No, not with Mrs. Weed. I suggested that they bring Mrs. Weed in. That was the first time I saw Mrs. Weed. I had never seen her up to that time.

Q Did you at the same time take a statement from Mrs. DeLong, or Mrs. Florence? A They all signed that statement. I had taken a statement in longhand of Mrs. Florence prior to that date, when I was first retained. That was, I think, only about three or four days before the signing of this statement.

Q Have you that, too, with you? A I think I have, yes. I can look and see. I am quite sure, I have, in fact.

Q This statement was really taken from Mrs. Weed? A Yes, it was drawn up for Mrs. Weed to sign alone, but she wanted the other two to sign with her. I told her there was no objection to that, and they signed. I drew it up in her name alone.

Q And your explanation of the three signatures is that she would not sign it unless the other two did? A Well, she didn't put it that way. She requested the other two to sign it, and I said there was no objection, because practically they are joint statements in so far as it applied to each one.

CASE #2442

Q You say you were not the attorney for this defendant Weed at that time? A No, I never was the attorney for Mrs. Weed. As I recall it, that is the only time I saw her. I don't remember seeing her at any other time until this case came up.

Q Did you ask her if she had an attorney? A I don't remember whether I did, or not. To the best of my recollection I think Mr. Bush, who represented all three in the magistrate's court, was still her attorney, as far as I recollect. I am not sure, though.

Q You didn't call him up? A I called up Mr. Bush, yes. Not at that time.

Q At the time you had this defendant Weed over to your office, did you call up Mr. Bush? A I don't remember whether I did, or not.

Q You say that you had been told about the incident of the hundred dollar bill previous to Mrs. Weed telling you about it? A I had not been told as to any incident of a hundred dollar bill. On the contrary, Mrs. Florence said that no such incident had ever taken place.

Q Well, she did talk about a hundred dollar bill, didn't she? A No, she did not. She told me what Mrs. Weed had told her, that the man who had gone on the bond, with whom the collateral had been deposited, a man named Beecher, and a girl named Mildred had been to Mrs. Weed's house, and I think

CASE #2442

1768

they wrote me letters which are here, in which the bondsman asked Mrs. Weed to come over; that she went over there and they wanted her to sign an affidavit that Mrs. Florence had destroyed a hundred dollar bill in the station house.

Q That is what Mrs. DeLong told you? A That is what Mrs. DeLong told me, and that is what Mrs. Weed subsequently told me, which I put in writing.

Q I say, that is what Mrs. DeLong told you? A Yes, that is correct. I answered you.

Q I didn't think you did, because you went off on to some thing else. I asked you a very simple question. A Yes.

Q Mrs. DeLong told you that? A Yes, sir.

Q And that was before Mrs. Weed told you? A Yes, that is correct.

Q Now, if you had answered my first question it would have saved all this. A All right.

Q Was that all Mrs. DeLong said about the incident of the hundred dollar bill? A No, she said something more.

Q Of course, she said it never happened? A She said something more, and she said it never happened, yes.

MR. McDONALD: That is all.

M A Y F L O R E N C E, the defendant herein, called as a witness in her own behalf, being first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. FERRIS:

CASE #2442

Q You are the defendant in this case, Mrs. Florence?

A Yes.

BY THE COURT:

Q Is Mrs. Florence your real name? A Yes, sir.

Q Your husband's name? A Yes, sir.

BY MR. FERRIS:

Q And at the time of your arrest you gave the name of Mary DeLong? A Yes, sir.

Q Do you recall the 10th day of April, 1917? A Yes, sir.

Q The day that you met the complaining witness? A Yes.

Q At that time, were you living in Brooklyn? A Yes, sir.

Q Where did you go in the afternoon of that day? A I went to Macy's. Mother and I went to Macy's, to meet Mrs. Weed.

Q And did you meet Mrs. Weed there? A Yes.

Q And about what time did you meet her, Mrs. Florence?

A I think it was around between two and three o'clock.

Q And where did you go after you met her? A We went shopping.

Q Did you buy anything that afternoon? A Yes.

Q What did you buy? A I bought a dress for mother.

Q You say you bought a dress for your mother? A Yes, sir.

Q Did you buy one also for yourself? A I did.

Q How long did you stay shopping that afternoon? A I think it was until around a quarter to six or so.

Q Where were you at about a quarter to six? A We were

CASE #2442

were walking up Broadway.

Q Near what street, approximately? A We were walking to the subway, mother and I and Mrs. Weed.

Q Up to the Times Square Subway station? A Yes, sir.

Q And on which side of the street were you walking up, on the west, or east, side? A I think it was the righthand side.

Q Now, with whom were you walking? A I was walking with mother and Mrs. Weed.

Q Where was Mrs. Weed with relation to you and your mother? A Mrs. Weed was kind of in the back of us.

Q A little behind you? A Yes.

Q Did anything happen about that time? What did you observe happen? A Yes, Mrs. Weed, she walked back to this man and she says - she went over and spoke to him.

Q Could you hear what she said? A I couldn't hear.

Q What attracted your attention to Mrs. Weed walking back as you were walking in front of her? Did she say anything, or explain, or anything of that sort? A No.

Q How long did she continue talking to this man? A She just talked a few minutes.

Q And then what happened? A Then Mrs. Weed - we waited for Mrs. Weed, mother and I, and Mrs. Weed introduced us to this man, and she says, "Let me introduce you to Mr. Williams. I have known him from the Cables Company for seven years".

Q Seven years, or seven years ago? A Seven years ago, yes.

CASE #2442

Q And did you then talk with the - I withdraw that. The Mr. Williams who was introduced to you, is he the same man who testified on this stand? A Yes.

Q And who gave his name as Thompson? A Yes.

Q What did this Mr. Williams or Mr. Thompson say after you were introduced to him? A Mr. Williams says, "Come on, ladies, won't you have dinner with me?", and I says, "No, I got to get home to my husband," so he insisted upon us coming.

Q You were married at the time and are still married?

A Yes.

Q Living with your husband? A Yes, sir.

Q Still living with him? A Yes, sir.

Q Your mother lives with you also? A Yes, sir.

Q What did he say after you said that you had to go home? A He says, "Come on, come on, I will treat you to dinner, girls".

Q Yes; did you finally go? A Yes.

Q And had dinner with him? A Yes, we did.

Q Where did you go? A He took us to the Herald Square Restaurant.

Q Who went with you? A Mrs. Weed and mother.

Q What sort of a restaurant is this Herald Square Restaurant? A They have a cabaret and dancing.

Q That is, dancing for the guests? A Yes, sir.

Q How long were you in the Herald Square Restaurant?

A I should judge around a couple of hours.

CASE #2442

Q And during that time did you all eat? A Yes, sir.

Q Did you or your mother or Mrs. Weed have anything to drink? A No.

Q Did you have anything soft to drink? A We drank lemonade.

Q You drank lemonade before dinner? A Yes, sir.

Q What did the complaining witness, Thompson, or Williams, drink, if anything, that you noticed? A Mr. Thompson, he drank about four or five highballs and beers for chasers.

Q In between? A Yes.

Q When you first met him on Broadway, did you notice anything peculiar about his condition or appearance? A No.

Q Did he appear to be intoxicated to you? A No.

Q While you were in the restaurant, did you observe what his condition was? A Oh, yes.

Q Well, what did you see about him? A He acted very jolly.

Q Well, did he appear to be getting intoxicated? A Yes, he did.

Q About what time - before you left the restaurant, what, if anything, happened? What did you say to Williams, or Thompson? A I said, "Mother, we better be getting home; you know my husband is waiting; you know Charley is waiting for me." Mr. Thompson didn't want us to leave.

Q What did he say? A He says, "The evening is long, and I have no place to go. Won't you stay with me?"

CASE #2442

Q Did he say that to all three of you? A Yes, sir.

Q Did you notice how much the amount of the check was at the Herald Square Hotel? A No.

Q Did you notice how much he paid for it, or where the money came from? A No, sir.

Q You didn't notice that at all? A No, sir, I didn't notice.

Q After you left the Herald Square Restaurant, in what direction did you walk? A We walked up Broadway.

Q Toward the subway station? A We were going to Times Square subway, to go home.

Q How were you walking up? A Mother and I were walking together, and Mrs. Weed was walking in the back of us.

Q In the back? A Yes, sir.

Q Did you hear any conversation between Mrs. Weed and Thompson at any time while you were walking up Broadway? A Yes, I heard Mrs. Weed ask him for a pair of shoes.

Q What did Mr. Thompson say? A Mr. Thompson says, "Yes."

Q And where were you at that time? Were you near the Walkover shoe store? A Yes, sir.

Q And when you got there did you all walk in there? A Yes.

Q Where did you go in the Walkover shoe store? A We walked in the shoe store and we took an elevator upstairs.

Q Now, during this time from the Herald Square Hotel to the Walkover shoe store, did you observe the condition of Thomp-

CASE #2442

son? A Yes.

Q Did he still appear to be under the influence of liquor?

A Yes, he did.

Q When you got upstairs, will you tell the Court and jury everything that happened as near as you can recollect it in your own way? A Yes, sir.

Q What happened when you got upstairs in the second floor of the Walkover shoe store? A Well, Mr. Williams said he would buy us a pair of stockings, and Mrs. Weed wanted a pair of shoes and gaiters and so he says, "I won't buy any shoes or gaiters; I will just buy stockings".

Q And did you thereupon examine some stockings and select some? A Yes, we selected each a pair of stockings.

Q After the stockings were selected, did you see how much money was given for the stockings by Thompson? A Yes, he give ten dollars.

Q While you were waiting for the change what, if anything, did Thompson say with reference to the change? A He said, "Girls, you can keep the change for candy".

Q And when the change came up, what happened? A He said -

Q No, what did you and Mrs. Weed do, if anything? A Mrs. Weed and I went over to get the change, because he said we could keep it for candy, and so he says, "Never mind, girls, don't argue about the change; I will take the change and buy the candy when we go outside".

CASE #2442

Q Did both you and Mrs. Weed reach for the change?

A Yes, we did.

Q And were you laughing at the time? A Yes.

Q He took the change, did he? A Yes.

Q Did you notice what he did with it? A No.

Q Up to that time, or prior to that time, had you noticed whether or not the complaining witness, Thompson, had been wearing a pin of any sort? A I didn't notice.

Q Did you see anything in his tie at any time that you recall now? A I didn't notice.

Q Did you at any time that you were in that shoe store upstairs do any dancing? A No.

Q About how many clerks were there on that floor while you and the other two defendants and Thompson were there? A I didn't notice.

Q Do you know whether there was more than one? A I did not take notice, really.

Q You remember that the salesman who waited on you and sold you the stockings was a witness in the Magistrate's Court, do you not? A Yes.

Q The same man that waited upon you? A Yes.

Q He is the one that is now in California? A In California he is.

Q Goldberg? A Yes, sir.

Q Were you present in the Magistrate's Court when he testified? A Yes.

CASE #2442

Q Do you remember whether or not he answered, in response to a question of the District Attorney as to whether or not there was dancing there, that he answered, "no"?

MR. McDONALD: I object to that as getting in evidence -

THE COURT: Objection sustained.

MR. FERRIS: I take an exception.

Q How did the complaining witness act while you were in that shoe store? A He put his arm - went to put his arm around Mrs. Weed and I, and we pushed him away.

Q What did he say? A And he says, "Papa -" "come kiss papa now, girls".

Q What did you say to him when he said that? A We pushed him away, Mrs. Weed and I.

Q Do you recall his testifying that you took a scarf pin from his tie? A What is that?

Q And that he took it away from you, and he saw it in your hand? A No.

Q Was there any such incident? A No.

Q Now, did you see or did you notice in what pocket he put the change or the change wallet? A I didn't notice.

Q Did you notice from where he got the ten dollars, whether from his pocket or from his wallet, or anywhere else?

A I didn't notice

Q About how long in all was it that you were there? A I should judge around ten or fifteen minutes.

Q After you were through with the purchase, where did

CASE #2442

you go? Did you take the elevator? A We took the elevator.

Q Went downstairs? A Went downstairs.

Q And then where did you go? A And we walked up towards the subway.

Q Before you started walking up to the subway, did you engage in conversation with Mr. Thompson? A No, Mother and I were walking in the front and Mrs. Weed was in the back with Mr. Williams.

Q Before you started walking in that manner, did the complainant, Thompson, say anything to you with reference to going to the Martinique Hotel? A Yes, sir.

Q What did he say? A He said, "Girls, come up to my room; I have a room in the Martinique Hotel, and let me put the stockings on you and see how they look".

Q What did you say when he made that statement? A And I said, "No, mother, we have got to get home to my husband".

Q And after you said that you started walking uptown?
A Yes, and Mr. Williams was very angry because we wouldn't go with him.

Q You started walking uptown, you and your mother in front?
A Yes.

Q And Mrs. Weed and the complaining witness behind? A Yes.

Q When you got to the next corner above the Walkover shoe store what, if anything, happened there? What conversation did you have? A Mr. Williams suggested - he wanted to walk down to the Martinique, he wanted us to go to his room, and I said,

CASE #2442

"No"; I says, "mother, we have got to get home".

Q What further did he say? A And he says, "The evening is young, and let's all - the evening is young, and let's all go up to my room and have a good time," he says.

Q What did you say to that? A I says, "No", and he was very angry because we wouldn't go.

Q Did he say anything about your being good sports and that you should stay, that he would be lonely? A Yes, sir.

Q When he said that, what did you say? A I said, "I can't help it, we have got to go home.

Q Is that all that you remember saying? Did you advise him to go home himself? A Oh, yes, I did; I said, "Mr. Williams you are not feeling very good; you better go home yourself".

BY MR. McDONALD:

Q You are not what? A I says, "You are not feeling very good; you better go home".

BY MR. FERRIS:

Q Now, Mrs. Florence, did you take any money from the complaining witness at all? A No.

Q Did you see his scarf pin or ever have his scarf pin in your hand? A No.

Q Did you see either Mrs. Weed or your mother, Mrs. Harara, take any money at all from the complaining witness? A I didn't see nobody take it.

Q Did you ever have anything to do with any money owned or possessed by the complaining witness at any time? A No.

CASE #2442

Q And this is the only time that you saw him except in court? A Yes, sir.

Q This was on a Tuesday, was it not? A Yes, sir.

Q Now, the following Friday, did you and your mother go back to the Walkover shoe store? A Yes, we did.

Q What did you go there for? A Mother's stockings were too small, and we went back to change them.

Q And did the same salesman who sold you them wait on you? A Yes, sir.

Q Mr. Goldberg? A Yes, sir, I think he did; I wasn't sure which one; I think it was him.

Q And how long were you in the Walkover shoe store changing these stockings? A We were there just a few minutes.

Q You changed the stockings? A Yes, sir.

Q And then went out? A Yes, sir.

Q And a few minutes afterwards you were arrested, were you not? A Yes, we was.

Q Now, do you recall that afterwards Mrs. Weed was arrested? A Yes.

Q The officer asked you who the third lady was that was with you? A Yes.

Q And you told him, didn't you? A We told him.

Q And you told him you had an appointment with her? A An appointment with Mrs. Weed.

Q And he took you over there and arrested her? A Yes, he did.

CASE #2442

Q At first, you were placed in different cells? A Yes.

Q Later on, were you placed in the same cell with Mrs Weed? A Yes, sir.

Q Now, she has testified as to a certain conversation that you had with her wherein you told ^{her} you had a hundred-dollar-bill, and that you destroyed that hundred-dollar-bill. Did any such conversation ever take place? A No.

Q Did you have a hundred-dollar-bill with you at the time? A No, all I had was ten dollars with me.

Q Prior to your arrest, were you searched by the matron? I with draw that. After you were arrested and before you were put in the cell, were you searched by the matron at the station house? A Yes, sir.

Q How many times were you searched? A We were searched twice, thoroughly.

Q And all your person was examined, your clothes and everything else? A Yes, sir.

Q What conversation did you have with Mrs. Weed in the cell that night? A I said, "Oh, if my husband finds this out, that I am here, what will he do? I will kill myself," and I says, "I have my name and address here, and my husband will surely find this out, and if he finds it out he will leave me".

Q You say you had your name and address with you? A And I had my name and address there.

Q What paper did you have bearing your name and address? A It was a receipt for a suit that I had purchased.

CASE #2442

Q And what did you do with that receipt? A I tore it up and put it in the lavatory.

Q Did you tear up any hundred-dollar-bill at all? A I did not.

Q Mrs. Florence, you recall a few days. I withdraw that question. I was not your attorney in the Magistrate's Court, was I? A No.

Q A man named Bush? A Yes, sir.

Q Was I your attorney in the police court? A No.

Q And when did I become your attorney? After the Magistrate's court? A Yes, sir.

Q Do you recall a few days after I became your attorney your bringing Mrs. Weed to my office? A Yes.

Q Who was there besides Mrs. Weed and yourself? A There was my mother.

Q Were you present during the time that I talked with Mrs. Weed? A Yes, I was.

Q Do you recall whether or not in your presence and your mother and Mrs. Weed's I called in a man stenographer from outside? A Yes, I do.

Q And do you remember my dictating to the stenographer the contents of this paper which was read on Friday? A Yes, sir, I do.

Q And was Mrs. Weed there during all that time? A Yes.

Q That I was dictating this statement? A Yes, she told you all about it.

CASE #2442

Q And while I was dictating the statement was I constantly asking her questions? A Yes, sir.

Q Do you recall whether you all waited until the statement was written? A Yes, sir.

Q Did you see Mrs. Weed reading this paper marked Defendant's Exhibit "B"? A Yes, I did, and mother did.

Q Did you also read the paper with her? A Yes, sir, we did.

Q Before she signed it, did she say anything? A She said, "I don't like to sign anything," that her husband told her not to sign nothing, and she said, "I won't sign unless you girls sign, too".

Q And did you and your mother thereupon sign the paper? A And then we signed.

Q And then you signed? A Yes.

Q And you saw her sign? A Yes.

Q Mrs. Florence, the elevator man was here on Friday and testified that he heard Thompson say, "Where is my pin?", and that one of you three said, "It is in your vest pocket," and that he thereupon looked in his vest pocket and looked at something. Do you recall any such incident at all? A No.

Q Did you hear any conversation about a pin between Thompson and anybody else? A No, I did not.

Q Did you have any such conversation? A No.

Q Did you at any time take his pin or any pin belonging to him that night in your hand? A No.

CASE #2442

Q Or see it? A No.

Q Or have anything to do with it at all? A No, I didn't notice any pin.

Q You didn't see it in his tie, even that night, did you? A No.

MR. FERRIS: That is all.

CROSS-EXAMINATION BY MR. McDONALD:

Q When were you searched? A We were searched as soon as we went into the station house, the matron searched us.

Q And -- A And in another place, too, two places.

Q When you were searched, the matron didn't find this name and address of yours, did she? A She saw it, but she didn't touch it; she saw it, but she didn't take it.

Q And the second time did she see it and didn't touch it? A Yes.

Q So, what were you afraid of then, as far as tearing up the name and address? A I thought as long as she didn't bother with it that some one - that they would see it, anyway.

Q What? A Somebody would see it. She saw it. She must have seen it.

Q Then, what were you afraid of? A I didn't want my husband to know it.

Q But you had given a wrong name, hadn't you? A Yes.

Q So that there was no reason for you to be afraid of your receipt with your name and address on it, was there?

A What is that?

CASE #2442

Q There was no reason for you to be afraid after it had not been taken from you? A Well, I was afraid they would see it. I didn't want my husband to know about it.

BY THE COURT:

Q What he means is this: If the matron had seen it and had not taken it, why did you think somebody else would take it? A I didn't know. That is what I thought.

Q Where were you carrying it? A In my pocketbook.

Q She hadn't taken it from you? A No, sir.

Q Why did you think somebody else would take it? A Well, I didn't know. I thought so.

BY MR. McDONALD:

Q The second time you were searched, where were you searched then? A I was searched in some other station.

Q Another station house? A Yes, sir.

Q By a different matron? A Yes, sir.

Q And did she find this receipt, too? A They saw the paper in my pocketbook.

Q The receipt? A Yes, the receipt.

Q That is what you call it? A Yes, sir.

Q And she didn't take it, did she? A No.

Q Did she ask you anything about it? A No.

Q Why were you afraid?

MR. FERRIS: I object to that, on the ground the witness has already answered that question.

THE COURT: I will allow it.

CASE #2442

A I was afraid my husband would find this out.

Q But nobody could search you? A I thought some one would take it.

MR. FERRIS: I object to the question as argumentative.

THE COURT: There is no question pending now.

Q Why were you afraid of your husband? A Because my husband didn't know anything wrong.

Q What do you mean? A He didn't know I was in the station house.

Q Didn't know anything was wrong? A He didn't know I had been ~~was~~/arrested.

Q You hadn't done anything wrong, had you? A No, sir.

Q Why did you give a wrong name, then? A Because I didn't want my husband to hear of this. If he heard my right name, he would leave me.

Q But you hadn't done anything, had you? A No.

Q Then why give a wrong name? A Because my husband might leave me.

Q Did you ever go under any other name? A No.

Q Were you ever known as Ella Harara? A That is my mother's name.

Q Your mother's name? A Yes.

Q And your name is what? A My marriage name is Mrs. Florence.

Q And what were you known as before? A My maiden name was Harara.

CASE #2442

Q Ella? A May.

Q May Harara? A Yes, sir.

Q Were you known under the name of Moralis? A No.

Q Sure about that? A Positive.

Q Didn't you ever take the name of Moralis? A No.

Q You say that you met this fellow, at least, Mrs. Weed, met this fellow Thompson where? A We were walking up Broadway towards the subway, and -- mother and I was in the front, and Mrs. Weed was walking kind of in the back.

Q She was behind you two? A Yes, she was behind us two, and she walked back to this man.

Q How did you know she walked back? You two were walking ahead of her? A Mother and I was looking around for her, mother and I was.

Q You mean that you were looking around for her? A For her, yes.

Q How far ahead had you gotten from Mrs. Weed? A We were just a few steps in front of her and she met this man, she walked over towards this man.

Q Did you see her walking over to this man? A Yes, sir.

Q You just happened to be looking back at that time?

A Yes, we kept looking for Mrs. Weed.

Q And she was only a step or two behind you? A Yes.

Q Where was this man? A This man - Mrs. Weed walked toward this man.

Q Where was this man? A I think it was around Fortieth

CASE #2442

or Forty-first Street, and Mrs. Weed walked to him.

Q Fortieth and Forty-first? A Yes, I think it was around there.

Q This was at what time? A This was around, I should judge, around six o'clock.

Q At night? A Yes.

Q Yes, go on. A And Mrs. Weed brought the man over to us.

Q You waited there? A Yes, we waited for Mrs. Weed.

Q This fellow was pretty drunk at that time, wasn't he?
A I didn't notice.

Q You didn't notice? A No, didn't notice.

Q Go on? A So Mrs. Weed brought this man over and introduced him to us.

Q How far away were you from Mrs. Weed when you saw her talk to Thompson? A From about here to there (indicating); I don't know how many feet that is.

Q Just the distance that Mrs. Weed walked? A Yes.

Q To Thompson? A Yes.

Q And he was standing where, near the building line, or near the curb? A I don't know; I think it was near the curb.

Q Was he doing anything at that time? Was he staggering in any way? A I didn't notice.

Q Did you then go back to Mrs. Weed? A We waited there, and Mrs. Weed brought Mrs. Williams over; she said his name was Mr. Williams, and she says, "Let me introduce you to my friends".

CASE #2442

Q Who did she say that to? A To mother and I.

Q I see. A And she said, "Let me introduce you to Mr. Williams; I have known him for over seven years, in the Cables Company; he used to work with me".

Q You remained there some time, did you? A No, this man says, "Come, ladies, and have dinner with me," and I says, "Mother, it is getting late, I have to be home for Charley, you know".

Q Charley, you mean your husband? A My husband, yes.

Q That was at six o'clock? A Yes. So, he says, "Come on, girls, come on and just ^{for a little while and} have a little bite to eat," so he took us to the Herald Square Restaurant, and we had some thing to eat.

Q Yes; what did you have? Did you have anything to drink? A We had lemonade and Mr. Thompson - his name is supposed to be Mr. Williams - he said - he ordered four or five cocktails, I mean highballs, and he wanted beer for chasers, so we come out - we were there --

Q Did you have anything to eat there? A Yes.

Q You had your dinner there? A Yes, sir.

Q What was happening to your husband? A Well, I had to be home - and I told Mr. Williams that I had to be home. He said --

Q Didn't you tell your mother you had to be home at six o'clock? A Yes, I did. No, I didn't have to be home until about seven or eight o'clock..

CASE #2442

Q Then, why did you tell your mother, when you met Williams and he suggested going to some place to get something to eat, "Mother, we better go home"? A I said to my mother, "We got to get home".

Q That was at six o'clock? A Yes.

Q Why didn't you go home? A I had to be home around eight o'clock for my husband.

Q Why did you tell your mother, "I have to go home," at six o'clock, if you didn't have to go home before eight?

A Well, I wanted to go home anyway, because I always went home early.

Q Why didn't you go home early that night? A Mr. Williams says, "Come on, girls, just for a little while," and I didn't think it was going to take so long to be in there eating all that time, you see.

Q What time did you come out? A We met between three and four in Macy's.

Q What time did you come out of the Herald Square Restaurant? A Oh, we come out, it must have been around eight o'clock or so.

Q Well, what did you do then? Why didn't you go straight home then? A I said to Mr. Williams, I said, "Mr. Williams, mother and I have to get home, I have to get home for my husband."

Q You kept telling Mr. Williams that you had to get home to your husband? A Yes, and he told us, he said, "Don't

CASE #2442

leave me this way; the evening is young, and stay with me," he says.

BY THE COURT:

Q The question is, Why didn't you go home? A Because I didn't think it was getting so late, I didn't think.

Q You saw this man was drunk? A Yes, and I told --

Q Did you want to go around the streets with an intoxicated man? A No, I did not.

Q Why didn't you leave him then and go home? A I says to him, "I am going home, and you better go home, too."

BY MR. McDONALD:

Q To whom? A To Mr. Williams; so we were walking up toward the subway.

Q Why didn't you leave him when you got him outside the Herald Square Hotel? A We were going to leave him; we were walking up toward the subway.

BY THE COURT:

Q Why didn't you leave him? Not what you were going to do? Why didn't you leave him and go home? A We were walking up toward the subway; we were going to get the subway to go home.

Q Why didn't you? A I don't know. This man suggested. He said, "Girls, I want to buy you a present for being so sociable", so he took us to the Walkover shoe store.

BY MR. McDONALD:

Q And then out of a clear sky, he went into the Walkover

CASE #2442

She Company? You didn't suggest it? A No.

Q As you were passing? A No.

Q That is true, is it? A Yes, that is true. He said he would buy us a present, so we all went in.

Q Did anybody suggest the Walkover Shoe Company? A We passed by there and the man suggested it.

Q Did you pass any other stores that were open between the time that you left the Herald Square and the Walkover Shoe Company? A I didn't notice any other stores.

Q Were you walking along? A Yes, we were walking up toward the subway.

Q Were you walking alongside of Thompson? A Mother and I were walking together and Mrs. Weed and Mr. Williams were walking in the back.

Q In the back of you? A Yes.

Q How far behind? A Just a couple of feet behind, I should judge something like this (indicating.)

Q The same distance as he was from you when Mrs. Weed met him for the first time - now, if you don't wait until I finish my question you may answer wrong. Just wait, now. You say that Mrs. Weed and Thompson were walking behind you, and -

A And I heard Mrs. Weed suggest about shoes.

Q Wait a minute. You and your mother? A Yes.

Q And you heard Mrs. Weed, what? A Suggest about shoes, she would like a pair of shoes.

Q And it was not Thompson that suggested this? A I think

CASE #2442

Mr. Thompson said, "Come on in, girls, I will buy you all a pair of stockings".

Q He said that outside? A Yes, sir.

Q What did he do when he got you inside? Did he dance with you? A No.

Q Just tell us what he tried to do? A He tried to put his arms around Mrs. Weed and I.

Q What? A He tried - he put his arms around Mrs. Weed and I.

Q What do you mean by that? A He put his arms around us.

Q One around each waist? A Yes, and we pushed him away.

Q Did he try to dance with you? A No, he said, "Come on-".

Q Did he try to dance with you? A No.

Q He did not try? A No.

Q And you didn't push him away then when he was trying to dance with you? A He put his arms around us, and we pushed him away.

Q I said, "you"; I don't say "us", or more than one; I am talking to you. A I pushed him away.

Q Did he put his arms around you? A Yes.

Q Did he try to dance with you? A No.

Q Are you sure about that? A No, positive.

Q Sure about that? A Yes, sure.

Q He didn't try to dance with you? A He said, "Come girls, kiss papa".

Q Are you sure he didn't try to dance with you? A Yes.

CASE #2442

Q You are positive about that? A Yes.

Q Eh? A Yes.

Q Did he ask you anything about a dance? A (No answer.)

Q Did he? A Not as I remember.

Q Do you remember being asked this question in the magistrate's court and making this reply: "Q. Did you dance with the complaining witness up at the Walkover shoe store?", and you replying, "He wanted me to dance, and I pushed him away from me". Do you remember that? A I might have said it, but I don't remember.

Q Well, did he want to dance with you, and did you push him away? A Yes, I pushed him away.

Q Why did you push him away? A Because he was putting his arms around me.

Q Did he ask you to dance? A He might have, but I do not remember.

Q When were you married? A I have been married five years.

Q Where did you get the name of May DeLong - Mary DeLong?
A Well, I thought of that name because I used to know a doctor, a physician, I heard of, of that name, and that name come to me, and I didn't like to give my right name, because I was afraid my husband would hear about it.

Q And you took this doctor's name? A Yes, sir; there used to be a doctor in Brooklyn, and I thought of his name.

Q On the spur of the moment? A Yes, sir.

CASE #2442

Q It was not because that you had used this name before?

A No, never.

Q Did your mother take the same name? A No.

Q Or think of some other name on the spur of the moment, too? A No, she said her name was Elenore Coffee, because she didn't like to give her name, because we have lots of friends and we didn't like this notoriety. What would our friends think of us?

Q Well, did you tell your friends the truth?

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

THE COURT: Yes, objection sustained.

BY THE COURT:

Q How was it that the other defendant gave her real name?

A I don't know.

MR. FERRIS: I object to that question also.

THE COURT: Objection overruled. If you know.

MR. FERRIS: I take an exception.

Q Do you know how she came to give her real name? A No.

Q Did you tell what her name was when you took the officers over there? A No, I told the officer that we had an appointment with Mrs. Weed.

BY MR. McDONALD:

Q What is that? A I told the officer we had an appointment with Mrs. Weed.

BY THE COURT:

CASE #2442

Q Did you say, "Mrs. Weed?" A Yes, sir.

Q Then, you told her name to the officers? A Yes, sir.

BY MR. McDONALD:

Q Why did you tell Mrs. Weed's real name to the officers?

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

THE COURT: I will allow it.

MR. FERRIS: I take an exception.

Q Why did you tell Mrs. Weed's real name to the officer?

A I said, "We have to meet a friend of ours," and he says, "What is her name?", and I said, "Mrs. Weed."

Q Why did you tell him that? A I didn't think of anything then.

Q You didn't think? A I didn't think.

Q You knew that she was married, too, didn't you? A Yes.

Q Now, just tell us about the incident about tearing up this receipt? A I said to Mrs. Weed, "Here is my real name and address, and if my husband finds out about this what will he do?", and I was afraid he would leave me, because my husband thinks the world of me.

Q And you do of your husband? A I certainly do.

Q Surely, you do. About what time was it that you tore up this receipt? A I don't remember.

Q Was it when you were shifted from the first cell into the cell where Mrs. Weed was? A Yes.

Q Why didn't you tear it up before? A Because I didn't think about it.

CASE #2442

Q When did you think about this Mary Florence receipt?

A I thought about it when I went in with Mrs. Weed.

Q You first - A What is that?

Q Had you finished? A Yes.

Q You first were sent to one cell, separate? A Yes.

Q You had the receipt at that time, didn't you? A Yes.

Q Why didn't you tear it up then? A I didn't think about it.

Q Mrs. Weed didn't suggest tearing up anything of yours, did she? A No.

Q So that you kept this receipt until how long after you were changed from the - I withdraw that. Do you remember when it was you were put in the cell separate from Mrs. Weed?

A Well, I don't remember, because I was awake all that night with the chills and fever, and I was cold, and I had chills and fever.

Q You were there all night in this cell alone? A Yes, sir.

Q And early in the morning you were taken over to Mrs. Weed's cell? A Yes.

Q And that is the time you thought about tearing up this thing? A I was afraid if my husband found it out, I was afraid my husband would leave me.

Q The suit that you bought, where did you buy it? A I bought it in Bernstein's, a dress house.

Q Is that Fanny Bernstein's? A No, that is Bennie Bernstein.

CASE #2442

Q When did you buy that suit? A When? I bought it just before this thing happened.

Q When did you buy it? A Let me see when I bought it. I was thinking about buying a suit for my birthday; my husband wanted me to get a suit for my birthday, so I purchased one.

THE COURT: When was it?

Q When did you buy that suit? A I don't remember the date.

Q How long before the 10th of April? A This is the suit on me.

Q That is the suit? A Yes, sir.

Q How long before the 10th of April? A Well, I should judge it was a week before then.

Q A week before the 10th? A Yes.

BY THE COURT:

Q When is your birthday? A My birthday was the 13th of April.

BY MR. McDONALD:

Q And when did you get the suit? A Well, I went to Bernstein's the night that I was arrested, and I was going - I had the receipt, and I was going to see if it was ready, they were altering it, you see, so it was not ready, at least, I think the store was closed when I went there.

Q Did you go up there first? A Yes, I was going there.

Q What time did you go up there? A I don't remember. It was early.

CASE #2442

Q. Why weren't you home at the time you were placed under arrest, taking care of your husband, cooking his dinner, or whatever it is? A I didn't have to get dinner ready.

Q. You were arrested between what time? A I think it was around - I don't know Between six and seven, I think.

Q. At night? A Yes, mother and I were just going to get something to eat when we were arrested, you see.

Q. Don't you have to be home at eight o'clock? A I didn't have to prepare any dinner for my husband, because he wasn't coming home until later.

BY THE COURT:

Q. What time was your appointment with Mrs. Weed at the Knickerbocker Hotel? A At nine o'clock.

Q. At nine o'clock? A Yes.

Q. What were you going to do with her? A We were going to the moving pictures, to the Strand Theatre.

BY MR. McDONALD:

Q. In New York? A Yes, sir.

Q. And your husband was coming home at what time? A He was coming home around 11:30, he said he would be home.

Q. Who did you send for?

MR. WERRIS: I object to that, if your Honor please, as incompetent, irrelevant and immaterial and not proper cross-examination.

THE COURT: The objection is overruled.

MR. WERRIS: I take an exception.

CASE #2442

Q Who did you send for? A I sent ~~xxx~~ a telegram to Mildred, this Mildred Coffee? She told me -

MR. FERRIS: Never mind what she told you. Stop there.

Q That was the 10th - that was the 14th of April? A Yes.

Q Is that right? A I think it was.

Q You say you sent a telegram to whom? A To Mildred Coffee.

Q To Mildred Coffee? A Yes.

Q And what did you say?

MR. FERRIS: Just a minute. I object to that as calling for the contents of a written paper and as incompetent, irrelevant and immaterial.

THE COURT: The objection is sustained.

Q After that telegram -

MR. McDONALD: I think I have a right to get what this defendant said in the telegram which was sent out.

THE COURT: Objection sustained.

Q Now, then, did you see the Coffee woman? A I saw her -

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

THE COURT: Yes, I don't see that that is material.

MR. McDONALD: Well, it is material in this way, sir: That on the 28th day of April this other defendant, Weed, is brought over to the attorney for the defendant in this case, and made there to state something, either by influence or suggestion of some kind or other, that this

CASE #2442

Mildred Coffee influenced her to make a statement. Now, that was only ten or twelve days before the defendant sent for her to bail her out.

MR. FERRIS: Now, if your Honor please, I object to the District Attorney saying that either by suggestion or influence the witness Weed was made to sign a paper, as not fair not courteous to the other side.

THE COURT: I am just ruling on this matter now. I will sustain the objection. You can go into any hostility that Mrs. Coffee had against this defendant, but any quarrel they had with -

MR. McDONALD: In order to bring that out, I should be permitted to bring out the fact that they were certainly friendly enough on the day this defendant was arrested for this defendant to ask her to go bail for her, and then show if there were not some animus between them that arose after that time.

THE COURT: Well, it already appears that she did go her bail, as I remember. Did she go your bail, Mrs. Coffee?

THE WITNESS: She got me a bondsman, and I went the bail.

MR. FERRIS: You put up cash collateral?

THE WITNESS: I put up cash.

Q Now, then, you say that you put up cash bail? A Yes.

Q That was after you got out? A Yes.

CASE # 2442

1793

Q You were held in what bail? A A thousand dollars.

Q When was it you realized that Thompson was drunk?

A After we come out of the Herald Square Restaurant.

Q Was he staggering then? A Yes, he was.

Q He was staggering? A Yes.

Q Did you and Mrs. Weed help him to walk up Broadway?

A No; mother and I walked in the front, and Mr. Williams walked with Mrs. Weed in the back.

Q And do you know whether Mrs. Weed was helping him in any way? A I didn't notice.

Q Did he insist upon you - what did he do when he got up to the Walkover Shoe Store Company?

MR. FERRIS: I object to that as already answered, if your Honor please, gone over already on cross.

MR. McDONALD: On direct examination.

MR. FERRIS: No, on cross-examination, it has been gone over.

THE COURT: She says she heard Mrs. Weed ask him to buy her a pair of shoes.

Q Did he insist on you going in? A He did.

Q You and Elenore Coffee? A Yes, sir.

Q And you went in? A Yes.

Q And you say that - just tell us about the change, what happened about the change? A Mrs. Weed and I were fooling; this man said we could keep the change, you see, to buy candy.

CASE #2442

Q When did he say that? A Upstairs, in the shoe store, he said, "Girls, you can keep the change of the ten dollars to buy candy with," and we said - Mrs. Weed and I were going towards the change, you know, just fooling like.

Q What do you mean, fooling like? A I says, "Oh, I will take the change, and Mrs. Weed says, "I will take the change," and then Mrs. Williams says, "No," he says, "never mind, I will buy the candy when we get outside."

Q Did you know how much change there was? A I didn't notice.

Q You said a ten-dollar-bill? A Yes, sir.

Q You saw that, didn't you? A Yes.

Q You knew what you were paying for the stockings? A The clerk give the man the change.

Q You knew what you were paying for the stockings? A Yes, they were \$1.10 apiece.

Q And when he said you could keep the change you knew what was coming, didn't you? A It was the balance of the ten dollars.

Q Where did you go? You walked over to where? A We were walking up towards the subway.

Q But when you saw this change coming back in this carry-all, did you walk over to it, or what, or did you and Mrs. Weed fight for it? A No, Mrs. Weed and I were going after it, so he says, "Never mind, girls, don't argue about the change".

Q Was there an argument about it? A No, that is what he said then, he said, "Never mind, girls, don't talk about

CASE #2442

PAGES

199

NOT

IN ORIGINAL

200

the change; I will buy the candy when we get outside".

Q Then, he did what? A Then we went downstairs.

Q Did he get the change? A The clerk give him the change.

Q The clerk took it out? A Yes, sir.

Q You didn't get near it at all, did you? A No, sir.

Q Do you remember Macauley coming up there, the manager of the shoe store, one of the witnesses that testified here?
A I don't remember.

Q Do you mean you don't remember him, or that you don't remember Macauley coming up there? A I don't remember him coming up.

Q You don't remember? A No.

Q You hadn't been drinking, had you? A No, I never drink, only lemonade.

Q What? A I never drink anything only lemonade.

BY THE COURT:

Q Did you hear any talk between Thompson and your mother about this pin? A No, sir; my mother didn't mention nothing about it.

Q This elevator boy, Grover Cronin, has testified that he heard Thompson ask for his pin, and that your mother told him it was in his pocket, and he took it out, and it was in a small wallet? A No, sir, mother didn't see no pin. Why should mother say anything about the pin?

Q You didn't hear that at all? A No, sir, I didn't hear

CASE #2442

nothing.

MR. McDONALD: That is all.

REDIRECT EXAMINATION BY MR. FERRIS:

Q Mrs. Weed, at that time - I beg your pardon, Mrs. Florence, had your husband at that time, what business was he in?

A He was in the restaurant business.

Q Manager of one of the Bristol Restaurants? A Yes, sir.

Q And what time was he in the habit of coming home?

A He generally come home around nine o'clock.

Q You didn't have to prepare any dinner for him, did you?

A No.

Q He had his dinner at the restaurant before he came home? A Yes.

Q You were asked by the District Attorney if you ever drink anything. Is it a fact that you have a weak heart? A Yes, sir, I have a weak heart; the doctor said so.

BY MR. McDONALD:

Q Was it Dr. DeLong that told you that? A No, that is Dr. Schulte; that is my family physician.

Q You always like to be home, though, when your husband comes home, don't you? A Of course.

MR. FERRIS: If your Honor please, the District Attorney has stipulated that the stenographer's minutes of the Magistrate's Court are a correct transcript of the testimony, and I would like to offer in evidence all those questions and answers that were read by me to the various

CASE #2442

witnesses from the record. They appear in the record in each instance.

MR. McDONALD: Just the questions and answers.

MR. FERRIS: The questions and answers that were read by me. If you want to offer them, you may.

MR. McDONALD: Offer all except Goldberg's testimony.

MR. FERRIS: No, I don't want to do that.

THE COURT: I will only take in evidence the questions and answers that were read to the complaining witness, not the evidence of any other witness.

MR. FERRIS: Yes, there were no questions asked as to any other witness.

(Same received in evidence, not marked.)

THE DEFENDANT RESTS

TESTIMONY CLOSED

(Mr. Ferris then sums up the case to the jury on behalf of the defendant.)

(Mr. McDonald sums up the case to the jury on behalf of the People.)

MR. FERRIS: I object to the counsel stating to the jury in his summing up that the night Thompson complained of having lost his money and jewelry, that he complained

EXHIBIT
CASE # 2442

to the house detective of the Martinique Hotel.

MR. McDONALD: I said the Herald Square Hotel.

MR. FERRIS: Well, the Herald Square Hotel.

THE COURT: That is a question for the jury, as to what their recollection is of the evidence.

Gentlemen of the jury, please do not form or express any opinion as to the defendant's guilt or innocence until the case is finally submitted. Recess until two o'clock.

(The Court then accordingly took a recess until 2 p.m.)

CASE #2442