

START

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CASE

0502 2046

Friday, March 12, 1915

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DIRECT CROSS REDIR. REGR.

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Nicholas Iacovino	7	26	47	48
Catherine Pumillo	48	55	59	
Benjamin Nager	60	67		

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Monday March 15th, 1915.

I N D E X

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Felix B. De Martini	85	89		
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COURT OF GENERAL SESSIONS OF THE PEACE
IN AND FOR THE COUNTY OF NEW YORK
PART THREE.

2517

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

- against -

B e f o r e :-

SALIVARE LAMANTIA, indicted with
Benjamin Nager, Nicola Iacovino,
Sam Scianti, Calogero Pumillo and
Candilaro Gatto.

HON. CHARLES C. NOTT, Jr., J.
and a jury.

-----X
New York, Friday, March 12th, 1915.

THE DEFENDANT IS INDICTED FOR BLACKMAIL.

INDICTMENT FILED DECEMBER 18th, 1914.

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

CHARLES F. BOSTWICK, Esq., Assistant District Attorney,
For the People.

C. B. F. BARRA, Esq.,
For the Defendant.

-----X
(A jury is duly empanelled and sworn.)

MR. BARRA: If your Honor please, before the Dis-
trict Attorney opens, I respectfully move that the
witnesses on both sides be excluded from the courtroom.

(so ordered).

THE PEOPLE'S CASE

(Mr. Bostwick opens the case to the jury on behalf
of the People.)

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THE COURT: Gentlemen of the jury, please do not form or express any opinion as to the guilt or the innocence of the defendant until the case is finally submitted to you. You are excused until two o'clock.

(The Court then accordingly took a recess until 2 P.M.)

A F T E R R E C E S S

MR. BARRA: If your Honor please, before the District Attorney calls his first witness, I desire to move that your Honor dismiss the indictment and advise the jury to acquit the defendant on the indictment, on the ground the facts alleged therein do not constitute blackmail, or attempted blackmail, or any crime.

THE COURT: What are the grounds?

MR. BARRA: That the facts are insufficient as matter of law.

THE COURT: I fail to see that the indictment is deficient. If you point out any particular item in which it is deficient, I will consider it.

MR. BARRA: I make the general application on the ground of the insufficiency of the allegations contained in the indictment.

THE COURT: Motion denied.

MR. BARRA: I take an exception.

A B R A H A M J A R E T, of No. 60 Catherine street,
called as a witness on behalf of the People, being first
duly sworn, testified as follows:-

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DIRECT EXAMINATION BY MR. BOSTWICK:

Q Where is your place of business, Mr. Jaret? A 60 Catherine street.

MR. BOSTWICK: It is conceded that the diagram offered in evidence and marked People's Exhibit No. 1 is a correct diagram of the premises as indicated?

MR. BARRA: Yes.

MR. BOSTWICK: And that the streets are as indicated, and the stores and buildings are as indicated thereon?

MR. BARRA: All that is conceded.

MR. BOSTWICK: And that the distances are correct, and that it is a true diagram of what it purports to show, and on the scale it is drawn?

MR. BARRA: That is conceded.

(Same received in evidence and marked People's Exhibit No. 1, of this date.)

MR. BOSTWICK: It is conceded that People's Exhibit marked No. 2 and offered in evidence is a true and accurate photograph of the premises No. 60 Catherine street and the adjoining buildings?

MR. BARRA: That is conceded.

(Same received in evidence and marked People's Exhibit No. 2, of this date.)

Q What is your business, Mr. Jaret? A Grocery.

Q How long have you been engaged in that business? A About a year.

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Q Did you at any time in October, 1914, receive a letter?

A Yes, sir.

Q I show you an envelope and letter contained therein and ask you if that is the letter that you received (handing letter and envelope to witness)? A Yes, sir.

MR. BOSTWICK: I ask that these be marked for identification.

(Envelope is marked People's Exhibit No. 3 for identification; letter is marked People's Exhibit No. 4, for identification, of this date.)

Q Can you state when you received that letter? A October 24th.

Q And how did you receive it? A Through the mail.

THE COURT: Last October?

Q 1914? A Yes, sir.

Q After you received that letter, what did you do?

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

THE COURT: The objection is overruled.

MR. BARRA: I take an exception.

A I reported the letter in the station house.

MR. BARRA: I move that the answer be stricken out as incompetent, irrelevant and immaterial.

THE COURT: I don't understand the answer exactly. He says he reported the letter in the station house. I don't know what he means.

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THE WITNESS: I brought the letter over to the stationhouse.

Q You took the letter to the station house? A Yes, sir.

Q Subsequent to that time, did you receive any other letters? A A week after.

MR. BARRA: I object to that. If your Honor please the witness answers a little too fast for me. I desire to have my objection noted to that question, on the ground it is incompetent irrelevant and immaterial, as it has a tendency to prove a crime not mentioned in the indictment, for which we are not on trial.

THE COURT: The objection is overruled.

MR. BARRA: I take an exception.

Q And what became of that other letter?

MR. BARRA: The same objection, if your Honor please, upon the same grounds, not germane to the issue, not within the issues.

THE COURT: The objection is overruled.

MR. BARRA: I take an exception.

A My wife destroyed it, not to make me worried.

Q Your store 60 Catherine street is in the County of New York? A Yes, sir.

MR. BOSTWICK: You may examine.

MR. BARRA: No questions.

MR. BOSTWICK: Just one other question.

BY MR. BOSTWICK:

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Q Do you know who is the owner of the building 60 Catherine street? A Yes, sir.

MR. BARRA: Objected to, if your Honor please, as incompetent, irrelevant and immaterial, not the proper way of proving the ownership.

THE COURT: I will sustain the objection. I will allow him to answer, "Yes", or "no".

THE WITNESS: Yes, sir.

Q Did you have a lease of 60 Catherine street? A I had no lease, I paid by the month.

Q Was your lease an oral lease, or a written lease? A No, written lease.

MR. BARRA: It was a monthly tenancy.

Q You were a monthly tenant? A Yes, sir.

Q Who did you pay your rent to?

MR. BARRA: I object to that as immaterial.

THE COURT: The objection is overruled.

MR. BARRA: I take an exception.

A To the landlord.

Q What is the name of the landlord? A M. Friend.

Q Do you know where Mr. Friend lives? A No, sir.

Q And it is in the building 60 Catherine street that you had your store? A Yes, sir.

Q And in what part of the place did you live? A In the part coming down from Chatham Square.

Q What part of the building did you live in? Did you

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live in the store, the back of the store, or upstairs? Where did you live? A In the store.

BY THE COURT:

Q You were the proprietor of this store? A Yes, sir.

Q You owned the business? A Yes, sir.

MR. BOSTWICK: That is all.

N I C H O L A S I A C O V I N O, called as a witness on behalf of the People, being first duly sworn, testified as follows:-

(The witness states that he resides at No. 305 East One hundred and Fourth street.)

DIRECT EXAMINATION BY MR. BOSTWICK:

Q You are one of the defendants in this case, Nicholas?

A Yes, sir.

Q And you have pleaded guilty to attempted blackmail?

A Yes, sir.

Q Awaiting sentence with the Court? A Yes, sir.

Q Do you know a man named Candilaro Gatto? A Gatto, yes.

Q And when did you first meet him? A I met him in October,

Q What year? A 1914.

Q Can you state what part of October it was, first part, middle part, or last part? A The middle part.

Q Where were you going at that time? A I was going to Water street, to my godfather, that night.

Q And in doing so do you pass 84 Catherine street? A Yes.

Q At that time, when you say you met Candilaro Gatto,

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was he talking to anybody? A Yes, sir, he was talking to a man who keeps a grocery store in 84 Catherine street.

Q What does he make? A Macaroni business, macaroni shop.

Q Who is that man? A He is not here.

Q Not in this room? A No.

Q You would know him if you saw him? A Sure.

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

Q Was anybody with you at that time? A Yes, sir.

Q Who was with you? A Lamantia.

Q You mean the defendant? A Yes, sir.

Q Now, you saw Gatto and the spaghetti man talking? A Yes.

Q Where were they talking? A They were talking in front of the grocery store, in front of the macaroni shop, 84.

Q Keep your voice up? A In front of 84 Catherine street.

Q In which direction were you and Lamantina walking? A I left Lamantina corner of Monroe street and Catherine.

Q Monroe and Catherine? A Yes, sir.

Q And then where did you go? A I went in Water street, to my godfather.

Q About how long were you there? A I was there about half an hour.

Q And then what did you do? A Then I go right back.

Q Then what happened when you came back? A After I came right back this Mazone -

Q That is the macaroni man? A Yes, he calls me and he

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says to me a man who keeps a grocery store No. 60 Catherine street -

MR. BARRA: Objected to as incompetent, irrelevant and immaterial. This is a statement made prior to the charge of conspiracy, and, therefore, not binding on this defendant.

MR. BOSTWICK: I will consent that the portion of the conversation between Mazone and this defendant not in the presence of the defendant be not given.

Q You had a conversation with the spaghetti man you call Mazone? A Yes, sir.

Q After that conversation, where did you go? A I went on the corner of Monroe and Catherine, and I met Lamantia there; he was waiting for me there.

Q After you joined the defendant, where did you go? A No, Lamantia and Mazone we went to - and another fellow by the name of Don Vincenzo, he was on the corner of Oak street and Catherine.

Q The four of you went where? A We went in a saloon.

Q As a result of a talk in the saloon, what did you do?

A This Mazone, he says I had to go across the street from the saloon.

MR. BARRA: I object to that, on the ground it is prior to the formation of any conspiracy, and not binding on the defendant.

THE COURT: I understand the defendant was present at

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this time.

MR. BARRA: He says he had a conversation with Mazone and the defendant was on the corner.

THE COURT: I understood him to say they all went to a saloon.

BY THE COURT:

Q Is that what you said? A Yes, sir.

Q You and Lamantia and Mazone? A Mazone and the fellow by the name of Don Vincenze.

Q You all went in the saloon together? A Yes, sir.

MR. BARRA: I object, on the ground it is a statement made by this witness prior to the formation of any conspiracy, and not binding on the defendant.

THE COURT: I don't see how they can prove conspiracy without proving the facts that led up to it.

MR. BARRA: I take an exception.

BY MR. BOSTWICK:

Q (Question read by stenographer, as follows: "Q. As a result of a talk in the saloon, what did you do? A. This Mazone, he says I had to go across the street from the saloon.")?

A To call a fellow by the name of Gatto.

Q Who was to go across the street? A I went.

Q You were? A Yes, sir.

Q And did you go across the street? A Yes, sir.

Q And did you see Gatto? A Yes, sir.

Q And did you get Gatto? A Yes, sir.

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Q And did you bring Gatto back to the saloon? A Yes, sir.

Q When you got Gatto back to the saloon there was you and the defendant and the two other men? A Yes, sir.

Q How many in all were there? Five, or four? A There was me, Gatto, this fellow Lamantia and Don Vincenzo and this fellow Mazone.

Q Tell us what conversation then and there took place?

A Well, they started talking; they said they was going to try to make move Abraham Jaret, that man over there, to make him move out of the grocery sixty Monroe street - sixty Catherine street, and he was going to give us \$125.00 to let him move out of there.

Q Who did you have this talk with? A We all talked.

Q Who was the one who was going to pay the money? A Gatto, the man who owns the grocery store, No. 6 Monroe street.

Q And who was he to pay the money to? A He was going to pay the money to us.

Q And when you say, "us", you mean yourself and what other person or persons? A Me, him and this Don Vincenzo, too.

Q What were you to do? What was said that you were to do? A They said we are to try to put a bomb there, and write a letter, to let him move out of the place.

Q Well, now, after that, when you left that place in Monroe street, where did you go? A Me and Lamantia went home; we went in Chatham Square; we took the train and we went uptown to One hundred and Fiftieth street, to Second avenue.

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Q When is the next time you saw Lamantia? A I saw Lamantia about a week later.

Q And what did he have to say to you then? A I asked him, I says, "How did you make out?", and he says to me he did wrote a letter to Abraham Jaret already.

Q That letters had already been written to Jaret? A Yes.

Q And at this time had you and Lamantia gone to telephone to anybody, or was it after that? A After.

Q Now, when was the next time after the first meeting that you had with Gatto that you next saw Gatto? A I don't understand.

Q You saw Gatto at the saloon? A Yes, sir.

Q When did you next see Gatto? A I saw Gatto next time about a couple of weeks after.

Q Where was that? A In his grocery.

Q And who was with you? A At that time I was alone; at that time I was alone.

Q What conversation did you have with Gatto at that time? A I told him if he was willing to give us some money.

MR. BARRA: This is objected to as incompetent, irrelevant and immaterial, in the absence of the defendant.

THE COURT: The objection is overruled.

MR. BARRA: I take an exception.

Q And did he give you any money? A No, sir.

Q What did he say after you asked for money?

MR. BARRA: Same objection, upon the same grounds.

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THE COURT: The objection is overruled.

MR. BARRA: I take an exception.

Q What did he say? A Well, he said we had to go back again, we had to go back, and I says, "All right", and he gives the telephone number and the address.

MR. BARRA: This entire conversation is under my objection and exception, on the ground it is hearsay, in the absence of the defendant, and not binding on the defendant.

THE COURT: Same ruling.

MR. BARRA: I Take an exception.

Q Was it that time that he gave you the address? A (No answer).

Q You tell me Gatto wrote something on paper and gave it to you - the address? A Yes.

Q Who was present when he did that? A Myself.

Q Yourself? A Yes.

Q And what did you do with that paper? A I give it to Lamantia.

Q What was on that paper? A The telephone number and the street where the man lived that owns the building.

Q What was his name? A Fred.

Q Friend? A Some name like that; on Madison avenue, he lives, and One hundred and Sixteenth street; I don't know the number.

Q What kind of place did you go to telephone? A We went

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to One hundred and Sixth street, in a drug store, on Second avenue.

Q And who did the talking at the telephone? A Me and Lamantia was there.

Q Which one did the actual talking? A Me.

Q And did Lamantia have any part in the conversation?

A Yes, sir.

Q Tell us what Lamantia told you to say, if anything? A He said I had to say we was good friends, but he had to let him move, that man there; if he don't let that man move out of there he will feel sorry, and he give me the money.

MR. BARRA: I object to this, on the ground it is an attempt to prove a crime not mentioned in the indictment, not germane to the issues not within the issues.

THE COURT: The objection is overruled.

MR. BARRA: I take an exception.

Q And who paid for the telephone call? A Lamantia give me the money, give me five cents.

Q And when was the next time that you saw Lamantia? A A few days after; I can't tell you exactly.

Q Where was that? A That was on the corner of Second avenue and One hundred and Fifth street, down at the station.

Q And who was with you and who was with him, if anybody?

A Nobody.

Q You were alone, and he was alone? A Yes, sir.

Q And did you join him or did he join you? A No, we both

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met.

Q Did you have any conversation with him at that time? A Yes.

Q What was that? A We had to go downtown and try to get some money off Gatto.

Q Then where did you go? A We went downtown.

Q You and Lamantia went downtown? A Yes, sir.

Q About when was this? A This is about two weeks and a half after all this; about two or three weeks, something like that.

Q And you and Lamantia went down to Gatto's place? A Yes.

Q Did you find Gatto there? A Yes, sir.

Q Did you have any talk with Gatto? A Yes, sir.

Q Tell us all the talk you had with Gatto and Gatto had with Lamantia and you? A Well, we talked, if he was willing to give us some money ahead of time, because we had expenses to buy the bomb and this and that, and he goes to work and gives us twenty dollars. Of that twenty dollars I got six dollars and some cents out of it.

Q You got six dollars and some cents? A Yes, sir.

Q And what became of the balance? A He took it.

Q Lamantia? A Yes, and Don Vincenzo, he got some, too.

Q Was anything said about any more money at that time?

A No, sir.

Q Then you left Gatto's place? A Yes, sir.

Q And then where did you go? A We went home.

Q When did you next see Lamantia? A I saw him about the

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beginning of November.

Q Where was that? A I saw him in Calogero Pumillo's house.

Q Where did Calogero Pumillo live? A 2,004 Second avenue.

Q Now, upon that occasion tell us all the people that were in Calogero Pumillo's house that day? A It was in the night, evening.

Q That evening? A Me, Lamantia, Calogero Pumillo, his wife, a little Jew boy, Nager, Benny Nager, and Sam Scianti and Calogero's wife and his children.

Q Was there any bomb there at that time?

MR. BARRA: Objected to as incompetent, irrelevant and immaterial.

THE COURT: The objection is overruled.

MR. BARRA: I take an exception.

Q Was there any bomb there at that time? A I saw Scianti he had something like a ball with cord all around, but I am not experienced in those things and I don't know if it is a bomb or a ball.

Q Who had it first when you saw it? A I saw Calogero, and Calogero called him in his front room.

Q Who did he call? A Sam Scianti and a little Jew boy, Benny Nager.

Q And where was Lamantia? A He was standing outside, with the feet on his stove, like this (illustrating), and I was

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standing alongside the washboard.

Q What was done with the bomb?

MR. BARRA: I object to this being called a bomb.

THE COURT: Objection sustained.

Q What was done with this article which you have described that was bound around with cord? A So we went downtown.

Q No, I mean before you went downtown, who had it when you left the house? A Who had it?

Q Yes. A The Jew boy.

Q Benny Nager? A Yes, sir.

Q Who left the house? A We, Sam Scianti, the Jew boy and Calogero Pumillo.

Q The defendant did not go? A No.

Q He remained at the house of Calogero Pumillo? A Yes.

Q In Second avenue? A Yes, sir.

Q And you four boarded what kind of a car or train? A We went on One hundred and Fifth street to the Second avenue elevated station, and we took the El, and we went down; we got off at Chatham Square.

Q Did anyone of the parties stop to get anything on the way to the station? A I don't know what you mean.

Q You all left the house together? A Yes, sir.

Q Did anybody stop anywhere on the way to the station for anything? A Yes, sir.

MR. BARRA: I submit that is leading and suggesting to the witness.

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THE COURT: No, I will allow it.

MR. BARRA: I take an exception.

Q Who was it that stopped, and where did they stop?

A He stopped, Sam Scianti stopped on the corner of One hundred and Seventh street and Second avenue; he went over in his house to took his coat home.

Q Then you all got on the elevated railroad? A Yes.

Q And got off at what station? A Chatham Square.

Q Going down in the train, who had this article that was wrapped up and finally wound around with cord? A The little Jew boy, Nager.

Q Had that been in the possession of the defendant at any time at all? Had the defendant had it in his possession at any time? A (Through the Official Interpreter, Mr. George DeVille) I never saw it in his possession.

Q Did the defendant in your presence see it in the possession either of Pumillo or of Nager? A Yes, he see it.

Q Was it called by any name in the presence of the defendant? What did they call it? A A bomb.

Q And the defendant was there when they called it a bomb, wasn't he? A Yes; I say that.

Q Who had a talk going down to Catherine street?

MR. BARRA: I object to it, if your Honor please.

THE COURT: It is perfectly evident what article is and referred to, There is no use of taking the time up by

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constantly referring to it as the article called a bomb. I will allow it to be referred to as that, and the jury will have in mind the circumstances of the case, as to whether there is any proof, beyond the name applied to it, that it was a bomb.

MR. BARRA: Your Honor will note my exception.

Q. Who had this article that had been called a bomb in the presence of the defendant? Is there any objection to that question?

MR. BARRA: I object to the remarks of the District Attorney, if your Honor please, as being entirely uncalled for. If I deem it proper to make an objection, no comment should be made on it.

MR. BOSTWICK: I did not mean it in any improper sense. Answer the question.

A. Nager.

Q. When you got down in the neighborhood of Catherine and Monroe streets, how did you split up, if you did split up? A. Sam Scianti and Nager went together, and me and this Pumillo we walked to Monroe street.

Q. So, you left Sam and Benny in Catherine street, and you and Pumillo went around in Monroe street? A. Yes, sir.

Q. You did not go in Gatto's store? did you, or did you not, go in Gatto's store? I don't know. A. No, I didn't went there.

Q. You did not go in Gatto's store? A. No; he went over

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to Gatto's store, because Gatto seen me -

MR. BARRA: I object to that and ask it be stricken out.

MR. BOSTWICK: I consent that it be stricken out after, "because".

Q When did you next see Benny and Sam after you had left them? A I saw them about half an hour or an hour after.

Q And what was the matter with Benny at that time, if anything?

MR. BARRA: Objected to as incompetent, irrelevant and immaterial, not binding on this defendant. I object to the form of the question, what was the matter with him.

MR. BOSTWICK: I withdraw the question.

Q When you saw Benny, about half an hour after the time you had left him, was there anything that attracted your attention?

MR. BARRA: Objected to, on the same ground, as incompetent irrelevant and immaterial.

THE COURT: I will allow it. Objection overruled.

MR. BARRA: I take an exception.

A I saw Benny Nager and Scianti coming our way; I think it was No. 3, or No. 2, some low number like that, on Monroe street, coming our way, and Sam Scianti explained to us that Benny Nager -

MR. BARRA: This is under my objection and exception.

THE COURT: That is not responsive to the question.

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Was there anything about Benny that you noticed when he came back that attracted your attention?

THE WITNESS: Yes, he claims -

Q Not what he claimed. What did you see? A I saw he had a cut.

Q Where? A Right here (indicating chin).

Q Did you see blood? A Yes.

Q So, after you had found the blood on Benny, what was said?

MR. BARRA: I object to that, if your Honor please, as this has no tendency to prove anything in furtherance of the conspiracy. I object to it as incompetent, irrelevant and immaterial. It is a narration of a past event.

MR. BOSTWICK: I will withdraw the question. It is wholly immaterial for the purposes of my case.

Q Where did you go then? A After we saw Benny Nager was cut we got kind of afraid, and we went home.

MR. BARRA: I ask that be stricken out.

THE COURT: I will let it stand.

MR. BARRA: I take an exception.

Q You went home? A Yes, sir, we went to Calogero Pumillo's house, in Second avenue.

Q When you returned to that place, was the defendant still there? A Sure, yes, sir.

Q And what conversation, if any, was had while the defendant was there? A Well, we told him all about it, what happened

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to us.

MR. BARRA: I object to that, if your Honor please, upon the ground it is the narration of a past event, notwithstanding it was in the presence of the defendant, it is not binding on him.

THE COURT: I will sustain the objection, on the ground he said he told him all about it. I will allow him to tell what he said.

Q Tell us exactly what you told Lamantia after you got back to the house? A Well, we told him the boy the time he went over there two boys came out of Abraham's store and he stabbed this Nager, this boy, and we see all of this, and we was kind of afraid, and so we came back home again; we don't want to do nothing.

Q You said two boys came out of this place? A Yes, sir.

Q Out of what place?

MR. BARRA: Now, this witness says he was told this. Therefore, he is not competent to testify about these two boys.

THE COURT: No, as I understand it, this is what they told the defendant.

MR. BARRA: I press the objection.

THE COURT: The objection is overruled.

MR. BARRA: I take an exception.

Q You told the defendant that two boys came out of this place? A Yes, sir.

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Q What place did you tell him they came out of? A From 60 Catherine street.

Q That is, Jaret's place? A Yes, sir.

Q And that these two boys had then stabbed Nager? A Yes.

Q And you got afraid and came home? A Yes, sir.

Q What else was said then, if anything? A They said we had to go back in the morning again, to go over to 66 Monroe street and tell this Candilare that we got arrested that night, that we were going to try to get fifty dollars off him.

Q Who said that? A He said that.

Q The defendant, Lamantia? A Yes, sir.

Q When was the last time that you saw Don Vincenzo? A The last time I saw him was when we telephoned.

Q Do you know whether he is in this country or not?

MR. BARRA: Objected to as incompetent, irrelevant and immaterial.

THE COURT: He can state if he knows.

Q Have you seen him in this country since that time?

"Yes", or "no". A No.

Q You didn't see him sail? A No, sir.

MR. BARRA: One moment. I object to that, if your Honor please.

THE COURT: I will sustain the objection.

Q Now, you have told us of the persons who were present at Calogero's house. Have you named them all? A There was me, Lamantia, Nager, Scianti and a fellow they called Malloy;

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I don't know the name exactly.

Q Nuffio? A Yes, Nuffio.

Q Where was it that you had this conversation with Lamantia in which he told you that the letters had been sent, in answer to your inquiry as to how things were getting along, or what had been done?

MR. BARRA: I object to the form of that question as assuming a state of facts not proven. There is no such proof in the case.

THE COURT: He said a letter had been sent.

MR. BOSTWICK: What is your recollection of it?

MR. BARRA: My recollection is you asked a question about a letter.

Q Where was it that conversation took place? A One hundred and Fifth street.

Q One hundred and Fifth street? A Yes, and Second avenue.

Q Can you tell us any better than you have the exact date when you had that conversation? A I know it was October, October 15th or 18th, something like that.

Q Can you tell us the date that you all four went down to Catherine street? A In November.

Q You don't remember the date? A No, I can't tell you the date. I know it was in the month of November.

Q Now, did you ever get any money from Gatto other than the twenty dollars which was divided up between you, Lamantia and the other man?

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MR. BARRA: Objected to as incompetent, irrelevant and immaterial.

THE COURT: Objection overruled.

MR. BARRA: I take an exception.

BY THE COURT

Q Was that twenty dollars that you testified to, was that the only money you got from Gatto? A Yes. Then I got about a dollar over here, when I was over here.

BY MR. BOSTWICK: QI mean, before you were arrested? A Yes, that is all.

Q That is all you got? A Yes sir.

Q Where were you when you gave any of this twenty dollars to Lamantia? A I was in Gatto's store, and he was there, too.

BY THE COURT:

Q Where is Gatto's store? A No. 6 Monroe street.

BY MR. BOSTWICK:

Q Was it in the store, at the door of the store, or outside the store? A The door of the store; it was a kind of warm day, too, I remember it was on a Sunday.

Q Now, can you fix the day that you went down to Catherine street, having in mind the day of Thanksgiving Day?

MR. BARRA: Objected to as leading and suggesting to the witness, if your Honor please.

THE COURT: The objection is overruled.

MR. BARRA: I take an exception.

Q Was it before, or after, Thanksgiving Day? A One day

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before Thanksgiving, I remember; like today, and tomorrow is Thanksgiving.

BY MR. BARRA:

Q The day before? A Yes.

MR. BOSTWICK: That is all.

CROSS-EXAMINATION BY MR. BARRA:

Q Iacovino, you say that sometime in October you and the defendant came from Harlem to Catherine street? A Yes, sir.

Q Sometime in October, the beginning of October, is that right? A All right.

Q Is that right? A Yes.

Q And you were going to visit your godfather? A Yes.

Q Does this defendant know your godfather? A No, sir.

Q You asked the defendant to come along with you; is that right? A Yes, he came along with me.

Q You asked him to come along with you, that you were going down to see your godfather? A Yes.

Q Is that right? A Yes.

Q You met the defendant up in Harlem? A Yes, I met my friend up in Harlem.

Q The defendant? A Yes, sir.

Q And when you got to Monroe street and Catherine street you told the defendant to wait there, and that you were going to your godfather's house? A Yes.

Q You did not ask the defendant to come along with you to your godfather's house, did you? A No; he didn't want to

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come; he says, "I will wait here".

Q And where is your godfather? Where does he live?

A Water street.

Q What number? A Right on the corner, near the Catholic church; I don't know the number exactly.

Q And on what floor does he live? A First floor, front.

Q And what is his name? A His name is Mino Milatzo.

Q How do you spell that? A I can't spell it.

Q And you say it is on the corner of Oak street? A No.

Q Where? A Water street and Catherine.

Q Water and Catherine? A Yes.

Q Is it on the corner? A Yes.

Q Is it on the corner? A On the side.

Q Do you know where north, south, east and west is? A On the righthand side corner.

Q Does Water street run the same as Centre street, north and south? A It runs like that (indicating) and Catherine st. runs like this (indicating).

Q Water street runs - does it run parallel -

THE COURT: I think it will be conceded that Water street runs north and south.

MR. BARRA: I don't know whether it does, or not, your Honor.

THE COURT: It does. It runs at rightangles to Wall street.

Q And you say on the corner of Water and Catherine street

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next to the Catholic church, your godfather lives, on the first floor? A Yes, sir.

Q And he lived there in October? A Yes, sir.

Q What business is he in? A He works for the Jersey Central, on the dock.

Q Does he live there with his wife? A Sure.

Q Children? A Yes, sir.

Q And how far away is Monroe and Catherine from Water and Catherine? A How far away?

Q Yes. A. It is about three small blocks.

Q You did not ask the defendant to come down in front of the building, did you? A He knows that I was going there.

Q He knew you were going there? A He didn't want to come down.

Q And he said, "I will wait for you here?" A Yes.

Q How long did you remain in Milatzo's house? A About half an hour, something like that.

Q When you came back, you saw the defendant still standing on the corner of Catherine and Monroe streets? A Yes, sir.

Q Then it was that some one called you? A Yes.

Q That you met some one? A Yes.

Q This man Mazone, and Mazone spoke something to you, told you something? A Yes.

Q At that time the defendant was not near you? A No.

Q He was not? A No.

Q He was not near you? A No.

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Q And after you spoke with the macaroni man - A I left him with Mazone, and Mazone came after me, and as soon as I went on the corner I told Lamantia.

Q You called Lamantia? A Yes, I told him.

Q And you told him what the Macaroni man had spoken to you? A Yes, what he said to me.

Q And then you went into the saloon with the defendant, Lamantia? A Yes, sir, and Don Vincenzo.

Q Where did you meet Don Vincenzo? A On the corner of Oak street and Monroe - Catherine.

Q And you asked Don Vincenzo to come along with you? A He came along with us.

Q Do you know where Don Vincenzo lives? A I don't know where he lives.

Q You met him just by accident, just by chance? A Yes, he lives in Harlem, too. He knows it all.

Q Then you, Don Vincenzo, this defendant, the macaroni man and Gatto went into a saloon? A Yes.

Q And there you spoke? A We spoke.

Q You, Don Vincenzo, the macaroni man and Gatto spoke about this man Jaret; is that right, spoke about Jaret? A (No answer).

Q All of you spoke about Jaret? A Yes.

Q Is that right? A Yes.

Q Then did you say, "Yes, we will do it", at that time?

A We all consented.

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Q Did you say that - "yes, we will do it"? A Yes.

Q You did say that? A Yes.

Q You didn't say, "Well, I don't know, I will think it over"? Did you say anything like that? A I didn't say a word.

Q When this proposition was made to you and to the defendant, Lamantia, by Gatto and the macaroni man, did you say, you and this defendant, "Yes, we will do that"? A Yes.

Q You did say that? A Yes, sir.

Q Did you get any money from Gatto at that time? A No.

Q So you and this defendant and Don Vincenzo then left the saloon? A Yes, sir.

Q And did the three of you go back to Harlem, you, Don Vincenzo and the defendant? A No.

Q You and the defendant? A Yes, sir.

Q Don Vincenzo remained downtown? A Yes.

Q And you didn't mention - you didn't speak to the defendant, Lamantia, about what had been spoken in the saloon until a week later? A (No answer).

Q You went home, didn't you? A Yes.

Q Lamantia went to his house, and you went to your house? A Yes, sir.

Q And then, about a week later, you saw the defendant, and you spoke to him about what had been said downtown in the saloon? A We spoke on the train.

Q In the train? A Yes, sir.

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Q And after that you had not said anything to the defendant Lamantia, until a week later, after you separated, when you got up in Harlem? A Yes, sir.

Q A week later? A Yes.

Q Tell us what you said to the defendant, Lamantia, and what he said to you? A What do you mean?

Q After you left Gatto, the macaroni man and Don Vincenzo, and you went up in Harlem, where you lived, you say you went home and this defendant went home? A Yes, sir.

Q The first night? A Yes, sir.

Q Then you didn't speak about what was to be done downtown to this defendant, Lamantia, until a week later, about a week later? A A week later.

Q And what did you say to the defendant, and what did he say to you? A We meet together

Q You met him in the street, and what did he say? A He says he wrote a letter to 60 Catherine street.

Q He what? A He wrote a letter to 60 Catherine street.

Q He wrote a letter to 60 Catherine street? A Yes, sir.

Q Sure he said that? A He said that.

Q You had not given the defendant the address 60 Catherine street, had you? A What?

Q Did you give this defendant the address? A Yes.

Q When? A I did.

Q When? When? A When?

Q Yes. A When I was downtown.

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Q When you were downtown, the first day? A No, when we came back.

Q What do you mean, when you came back? A The same day when we come back, when we saw Gatto, I took the number.

Q Who took the number? A I did.

Q Did you mark it down? A Yes, on his window.

Q You marked it down yourself? A Yes, and I give it to him.

Q And you gave it to the defendant? A Yes, sir.

Q When did you give it to him? A I give it to him on the same night when we talked in the saloon.

Q You know how to read and write, don't you? A Yes.

Q And you know that this defendant does not know how to read or write? A I don't know about that.

Q Don't you know he does not know how to write? A I don't know it.

Q You don't know that? A No, I don't know about that.

Q But you are sure you know how to read and write? A Yes.

Q Did you at any time write any letter - have an envelope in your hand upon which was the name Abraham Jarst, 60 Catherine street? Did you ever have an envelope? A No, sir.

Q Or letter? A No, sir.

Q Did you at any time write, either in pencil or with ink, Abraham Jarst, 60 Catherine street, New York City? A No.

Q Did you at any time have in your possession an envelope - do you know what an envelope is? A Yes, sir.

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Q - with the name of Abraham Jaret, 60 Catherine street, New York, in your possession? A No, sir.

Q Did you ever write the name Abraham Jaret, 60 Catherine street, up in Harlem? A No, sir.

Q Never? A No.

Q You never did? A I never wrote it.

Q When you wrote 60 Catherine street, where did you write that? A On a piece of paper.

Q A small piece of paper? A Yes, sir.

Q Did you write the name also? A Yes, I write the name.

Q What name did you write? A - Abraham Jaret, 60 Catherine street.

Q And you put down 60 Catherine street? A Yes, sir.

Q And you had that piece of paper and you gave it to this defendant? A Yes, sir.

Q Sure about that? A Sure.

Q The same night that you went home? A Yes.

Q And the first time that you met Gatto? A Yes.

Q And a week later you spoke to the defendant, and he said "I wrote that letter to 60 Catherine street"? A Yes, sir.

Q Sure about that? A Yes.

Q Then what did you say? A I said, "All right".

Q When did you next see the defendant? A When did I see the defendant?

Q yes. A I saw him a couple of days afterwards.

Q Did you speak again about Faret? A Yes, I spoke again.

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Q What did you say? A I say, "I will go downtown and see if he moved".

Q Go downtown to see if he had moved? A Yes.

Q And you and this defendant did go downtown? A Yes.

Q And did he move? A No.

Q Then you went where, after you got downtown? A We went to No. 6 Monroe street.

Q You went to Gatto's place of business? A Yes, sir.

Q You went there personally? A He and him.

Q Did the defendant go into the store with you? A Outside the store.

Q He did not go into the store? A We didn't went into the store.

Q Did you go into the store? A (Through Interpreter DeVille) How could I answer you when he was outside and I went in?

Q You met Gatto outside of the store? A Yes.

Q Was the defendant, Lamantia, present at that time? A Yes.

Q Now, tell us what you said and what the defendant said to Gatto? A I talked to Gatto.

Q You spoke? A Yes, sir.

Q What did you say? A I said we wanted some money for the expense, the way if he wants this bomb thrown, we have to pay money to get this bomb.

Q And you got twenty dollars? A Yes, sir.

Q Out of that twenty dollars you kept six? A Yes, sir.

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Q And the defendant kept fourteen? A Yes, sir.

Q Is that right? A Yes, sir.

Q And you say he gave a part of that fourteen to Don Vincenzo? A Yes.

Q Was Don Vincenzo there at the time? A No, sir.

Q Well, after that did you go back to Harlem? A Yes, sir.

Q You were supposed to buy something with these twenty dollars; is that right? A Yes, sir.

Q Supposed to use that for expenses? A Yes, sir.

Q Then, you got to Harlem, and when did you next see the defendant, Lamantia? A When I see him?

Q Yes. A I saw him the night when I went to Pumillo's house.

Q That is the day before Thanksgiving? A I saw him.

Q Tomorrow would be Thanksgiving, and the day before that?

A I say it was like that. I am not sure of the day.

Q You told us before you remembered it was the day before? A I aint got any mind like you.

Q Was that on the day before Thanksgiving you met the defendant at Pumillo's house? A Yes, sir.

MR. BOSTWICK: I object to the question, and I ask that the answer be stricken out. The witness has distinctly said he cannot remember exactly that ^{it} was the day before Thanksgiving, and immediately after that counsel says, "Then it was the day before Thanksgiving you met him".

MR. BARRA: I submit, in answer to Mr. Bostwick's

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question, the witness said "I remember", making a gesture, "that tomorrow would be Thanksgiving, and the day before", and he made a gesture with his hands.

MR. BOSTWICK: That is quite true, but subsequently in the witness's testimony he says he cannot remember.

THE COURT: Well, it is for the jury to say whether he is accurate on the facts, or not.

Q Now, the next time you saw the defendant was the day before Thanksgiving, in Pumillo's house? A Mr. Barra, you know it is three months now, and I am half crazy; I can't tell the minute, or the day.

Q The next time it was in Pumillo's house? A Yes, sir.

Q And that was the only time you met? A Yes, sir.

Q In Pumillo's house? A Yes, sir.

Q This defendant lives in the same building that Pumillo lives? A Yes, third floor, right in front.

Q And on that occasion this defendant did not go with you downtown, did he? A No.

Q When did you first meet Pumillo about this Jarot affair? A I met Pumillo -

Q How long before the night you met this defendant in his home? A In November.

Q How many days, more or less, I don't want to know exactly, but about how long before the night that this defendant was in Pumillo's house and you went downtown and he remained there? A About a couple of weeks.

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Q A couple of weeks before? A Yes, sir.

Q And you asked Pumillo to take a hand and participate in this blackmailing scheme, didn't you? "Yes", or "no". Did you ask him? A Yes, I asked him.

Q And Pumillo then introduced you to Nager and Scianti; is that right? A Yes, sir.

Q Or did you know Nager before Pumillo introduced you to him? A No, sir.

Q That was the first time you met Nager? A Yes, sir.

Q A couple of weeks before you met the defendant in Pumillo's house you met Nager, ^{and} Scianti for the first time? A Yes.

Q And you and Pumillo got together and made up your minds to send little Nager and the Scianti boy, is that right, to use them in going downtown with you? A Yes, sir.

Q Is that right? A Yes, sir.

Q On the occasion - the last time that you met this defendant in Pumillo's house, the night that you and Nager and Scianti and Pumillo went downtown, when you returned, you say that this defendant was still in Pumillo's house? A Yes, sir.

Q Was Donobrio there? A Yes, sir.

Q And he was there when you left? A Yes, sir.

Q They call him the lawyer? A Yes, sir.

Q And where did you first see this ball tied with the cord? A I saw it at Calogero's house.

Q Did Calogero make it? A I don't know.

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Q You had gotten the money for the expenses? A Yes, sir.

Q You didn't use any of that money for expenses, did you?

A No, sir.

Q You don't know what was in that ball, do you? A No, sir.

BY THE COURT:

Q When you say Calogero do you mean Pumillo? A Yes, sir.

BY MR. BARRA:

Q Pumillo was the one who had this ball? A Yes.

Q And you don't know whether he had made that ball, do you? A No, sir.

Q But you saw him in Pumillo's house for the first time, the night that you met the defendant in Pumillo's house, when you came downtown, that is the first time you saw this ball?

A Yes.

Q That was the first time? A Yes, sir.

Q And you saw Pumillo give that ball to Nager? A Yes, sir.

Q He called him in another room? A Yes.

Q And did you actually - A No, he didn't give it to Nager. He give it to Scianti, and Scianti give it to Nager.

Q Did you see Scianti give it to Nager? A Yes, sir.

Q Where was the defendant at that time? A He was in the house.

Q In Pumillo's house? A Yes, sir.

Q But in another room? A Yes, sir.

Q You and the defendant were in another room? A Yes, sir.

Q Pumillo called Scianti and Nager in a second room? A In

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a second room.

Q But it was in another room? A Yes.

Q He did not give him this ball in the room where you and the defendant was? A No, sir.

Q He called him in and her room, and he gave this ball to Nager? A Yes, sir.

Q Did you have any quarrel with this defendant in Pumillo's house? Did you have any fight with him? A When? That night?

Q Yes. A No.

Q Did you ask the defendant, Lamantia, to come downtown with you? A On that night?

Q Yes. A The same night?

Q The night that you went down with Nager. A No, I didn't ask him.

Q You didn't ask him to come down? A No.

Q Did anyone ask Lamantia to go downtown with you? A I didn't hear them.

Q No one? A I didn't hear them.

Q You didn't need him, did you? A I don't know if he wanted to come, or not. I know nobody told him.

Q You took Pumillo in the defendant's place? You wanted to take Pumillo, didn't you? You didn't want this defendant to have anything more to do with it? Isn't that so? A I took Pumillo?

Q Yes, you asked Pumillo to help you with these other two

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boys; isn't that right? A Pumillo came.

Q But you asked Pumillo, didn't you, to help you, and he got these other two boys, Scianti and Nager? A Still he knew what was going on.

Q I didn't ask you that. You didn't ask this defendant to come down with you any more, did you? A No.

Q You took Pumillo? A Pumillo came.

Q And Pumillo got the other two boys, didn't he? A Yes, sir.

Q And this defendant remained uptown, in Harlem? A Yes.

Q Did Pumillo and this defendant have any quarrel up in Pumillo's house? A (Through Interpreter DeVille) Not that evening. Two or three nights before the defendant and I had a few words together.

Q You and this defendant had some trouble? A Yes, sir.

Q In Pumillo's house? A In the hallway.

Q Who told you it was the hallway? - reminded you it was the hallway? Did anyone in the District Attorney's office remind you that it was in the hallway? A No, I never went to the District Attorney's office in over a month.

Q You had some trouble with this defendant in the hallway? A Just talking.

Q And who was there at that time? A Calogero Pumillo was present.

Q And who else? A Nobody else. Afterwards his wife came.

Q At the time you had the quarrel with this defendant,

there was nobody there but Pumillo? A Yes.

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

Q Then you say you went downtown, and you got back to Harlem? A Yes.

Q And when you got back to Harlem you saw the defendant - you met this defendant in Pumillo's house? A Yes, sir.

Q How long did you remain there, all of you remain there? A Oh, a short while.

Q And then you all went home? A Yes, sir.

Q And how long after that were you arrested? A I was arrested about two or three weeks after.

Q Where was it that you were arrested? A In my house.

Q In your house? A Yes.

Q Now, you pleaded guilty to the crime of attempted blackmail; is that right? A Yes.

Q When you were arraigned for pleading the first time, you pleaded not guilty; is that right? A Yes, sir.

Q Later on, you were indicted by the Grand Jury for the crime of blackmail, as a second offence? A Yes, sir.

Q You knew at that time, did you not, that the maximum penalty for blackmail, as a second offense, was thirty years in prison; isn't that so? A I heard that.

Q You heard so? A Yes, sir.

Q You heard also that if you were found guilty of blackmail, as a second offense, that the Judge before whom you were tried was, under - it was the Court's duty to give you at least

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fifteen years imprisonment - it couldn't give you less than fifteen years? A I heard that.

Q That there was no discretion; that the Court must give you at least fifteen years in prison; is that right? A Yes.

Q After learning that you could not get away with a less sentence than fifteen years, you spoke to the District Attorney, and made overtures to him; you spoke to him about pleading guilty? A Plead guilty; yes, I plead guilty.

Q Then the District Attorney accepted your plea of guilty of an attempt to commit blackmail, as a first offense? A Yes.

Q Cutting the maximum penalty to seven years and a half; you knew that? A No, I didn't know that.

Q Don't you know that, by pleading guilty to an attempt to commit blackmail as a first offense, that the Court can't give you more than seven years and a half? A I know that.

Q So that, after you were indicted as a second offender, you pleaded guilty; is that right? A Yes, sir.

Q Now, Iacovino, will you please tell the Court and jury how many times you have been convicted of crime, and what the crimes were? When was the first time you were ever convicted of crime? A One year, for passing counterfeit money.

Q When was that? A In 1907.

Q Is that the first time you were ever convicted of crime? A Yes, sir.

Q In 1907? A Yes, sir.

Q Under what name? A Iacovino.

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Q Nicolas Iacovino? A Yes, sir.

Q And you were sentenced to one year in Sing Sing? A Yes.

Q And to pay a fine of one dollar? A Yes, sir.

Q Weren't you convicted in 1906? A 1906?

Q Yes, the year before that, for burglary? A Never was convicted.

Q Pardon me. Weren't you convicted in 1903, in the District of Columbia, for grand larceny, and served one year and one day in the Trenton State Prison? A No, sir.

Q Under the name of Nicolas Iacobucci? A No.

Q Were you ever known as Nicolas Apavone? A No.

Q Were you ever known as Esposito? A Yes, sir.

Q Were you ever known as Sylvestra? A Yes, sir.

Q Never under the name of Apavone? A No.

Q Were you ever known under the name of Iacobucci? A No.

Q After your conviction in 1907, were you convicted of any other crime? A For receiving stolen goods; that is all.

Q And you were sent to Sing Sing for four years and eight months? A Yes.

Q Did you not attempt to commit a burglary in Brooklyn in 1910? A I was arrested on suspicion.

Q You were arrested? A On suspicion.

Q They discharged you? A Yes, sir.

Q But you were not guilty of an attempt to commit the crime of burglary? You did not attempt to commit that crime? A No.

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Q Were you convicted of any other crime? A Two misdemeanors; that is all.

Q What were the misdemeanors? A One for unlawful entry.

Q One was for unlawful entry? A Yes, sir.

Q That was after you got the four years and six months?

A Yes, sir.

Q After you came out of Sing Sing, you were convicted of unlawful entry? A Unlawful entry.

Q And you were sent to the Penitentiary for one year?

A Yes.

Q By Judge Swann, of this Court? A Yes, sir.

Q And what was the charge against you?

MR. BOSTWICK: I object to that.

THE COURT: The objection is sustained.

MR. BARRA: I have a right to show what the original charge was.

THE COURT: I sustain the objection. You may ask him what he did.

Q Did you plead guilty to the crime of unlawful entry, or were you tried? A I pleaded guilty.

Q You pleaded guilty? A Yes, sir.

Q What did you do? What was the charge against you?

MR. BOSTWICK: I object to the question.

THE COURT: I sustain the objection to the latter part of the question. You can ask him what he did.

MR. BARRA: I take an exception.

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Q What did you do when you pleaded guilty to the crime of unlawful entry? A I was standing corner of Carmine and Mott streets; a fellow came out of the house, and he ran away, and a woman ran after him, and the detective knew me; his name is Carvel, and he picked me up.

Q You were innocent, weren't you? A Yes.

Q But still you pleaded guilty to the crime of unlawful entry? A Yes, sir.

Q Standing on a corner, minding your own business, when this police officer grabbed hold of you? A He passed by.

Q He locked you up, and you pleaded guilty because you had done nothing; is that right? A Because of my record.

Q Because of your record you pleaded guilty? A Yes, sir.

Q On the 24th day of June, 1903, weren't you convicted of the crime of burglary? A No, sir.

Q Did you serve six months in the Penitentiary? A 1903?

Q 1913. A Yes, sir.

Q After the unlawful entry charge? A Yes.

Q You committed burglary, or were you standing on a corner and a policeman again picked you up and charged you with some crime you had not committed?

MR. BOSTWICK: I object to the form of the question.

MR. BARRA: I press the question.

THE COURT: I will allow it.

Q In 1913 were you guilty of the crime of burglary? A No, sir, I never was guilty of that.

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Q But you got six months in the Penitentiary for that?

A Yes, sir.

Q And who sentenced you to the Penitentiary? A Judge Crain.

Q Judge Crain, of this Court, General Sessions? A No, Judge Mulqueen.

Q You pleaded guilty to the crime of burglary? A No, no.

Q See if you can't remember. Wasn't it burglary? A I was standing in a hallway, waiting for a girl, and I had two keys in my pocket, and they locked me up on that.

Q And they charged you with burglary, is that right?

A They charged me with attempted burglary.

Q And do you remember it was officer Murphy who arrested you of the 12th Precinct? A Yes, sir.

Q And you got six months because you were waiting for a girl? A Yes, sir.

Q Is that right? A Yes, because I had two keys in my pocket.

Q And you pleaded guilty to attempted blackmail in this case? A Yes.

MR. BARRA: That is all.

REDIRECT EXAMINATION BY MR. BOSTWICK:

Q You have been asked a great deal about your knowledge of the law as to sentences. Who was your lawyer in this case?

MR. BARRA: Objected to as incompetent irrelevant and

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immaterial.

A Mr. Barra was my lawyer.

THE COURT: I will allow it.

MR. BARRA: I take an exception.

Q Who? A Mr. Barra.

Q This gentleman here? A Yes, sir.

MR. BOSTWICK: That is all.

RECROSS-EXAMINATION BY MR. BARRA:

Q I was assigned by the Court to defend you and to defend this defendant and to defend all of you, isn't that so, in Part One of General Sessions? A Yes, sir. I didn't give him no money.

MR. BARRA: That is all.

CATHERINE PUMILLO, called as a witness on behalf of the People, being first duly sworn and examined through the Official Interpreter, Mr. George N. DeVille, testified as follows:-

(The witness states that she lives at No. 225 East One hundred and Fifth street).

DIRECT EXAMINATION BY MR. BOSTWICK:

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

Q And how long have you known him? A Since I became housekeeper at 2,004 Second avenue.

Q How many weeks before the arrest was that? Fix it any way you can? A Three months before the arrest in this case.

Q Do you know Nicolas Iacovino? A Yes, sir.

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Q And Sam Scianti? A Yes.

Q And Benny Nager? A Yes, sir.

Q And your husband is Calogero Pumillo? A Yes, sir.

Q And do you know a man named Nuffio? A I know him by his coming once to my house.

Q Who was present when he was at your house?

MR. BARRA: I submit a time should be fixed.

MR. BOSTWICK: That is what I am trying to do.

Q Do you remember all these people being in your house at once? A It was on a Saturday evening.

Q Do you know what date it was? A I know it was on a Saturday. I can't tell the date. I know on that Saturday evening Iacovino, the defendant, Lamantia, Scianti and a Sheeney came to the house.

Q How many times were all those people in your house together? A One Sunday.

Q When these people were in your house, was it morning, afternoon, or evening? A It was in the evening, about six or seven in the evening.

Q Do you remember anything that Lamantia said at that time? A Iacovino and the defendant, Lamantia, were talking together.

Q And what did Lamantia say? A Iacovino spoke to Lamantia about a job downtown.

Q And what did Lamantia say? A Iacovino said to Lamantia on that occasion, "You know there is a job downtown, and it is

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• about throwing a bomb, and it is a job that will bring in money, and good money, it is about throwing a bomb somewhere."

Q Tell us everything that was said that you can remember?

A He said, "Now, we are about to go downtown and place this bomb in the store and blow the store." Then the defendant, Lamantia, and Iacovino had a fight or a quarrel between them, and the defendant said to Iacovino, "Why did you give this job, Calogero", meaning my husband.

Q And what did he say? A He said to the defendant, "This is a job that we two couldn't have done. I think I did well in placing it in the hands of Pumillo", and talking to him.

Q What else was said? A The defendant, Lamantia, said to my husband then, "Well, it is your luck. I think you better go downtown on this job, and you will be able to get a pair of shoes out of it".

Q Go ahead and tell us the rest of the conversation?

A Then they went downtown.

Q Is that all you remember of the conversation? A Yes, that is all. The conversation was to the effect that they were going downtown to do this job and place the bomb.

Q Do you remember Lamantia saying anything about whose job it was?

MR. BARRA: I object to that as leading and suggesting to the witness.

THE COURT: First exhaust her recollection, and ask her if she remembers anything more. I will allow the

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question.

MR. BARRA: Your Honor will note my exception.

A The job in question was the job downtown.

Q Did Lamantia say whose job it was?

MR. BARRA: That is objected to as leading and suggesting to the witness.

THE COURT: I will allow it.

MR. BARRA: I take an exception.

A I know it was Lamantia's and Iacovino's job.

MR. BARRA: I ask that that be stricken out.

THE COURT: Strike it out.

Q I repeat the question. Did Lamantia say, "This was my job"?

MR. BARRA: I object to that as leading and suggesting to the witness.

THE COURT: The objection is sustained.

Q Was anything said by Lamantia as to whose job it was?

MR. BARRA: The same objection, upon the same grounds.

THE COURT: That I will allow.

MR. BARRA: I take an exception.

A Lamantia and Iacovino were talking amongst themselves in regards to whose job it was, because my husband is innocent of this. Up to that time he knew nothing.

BY THE COURT:

Q What did they say when they were talking among themselves? A They said nothing. They went downtown, my husband

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and Iacovino and the little Italian boy and the sheeney boy went downtown, and then when they went downtown the sheeney boy got a licking.

MR. BARRA: I ask that be stricken out. That is purely hearsay.

THE COURT: Yes, motion granted.

MR. BOSTWICK: I ask the Court to repeat the ^{original} question, to which we have really no response yet, the Court's question.

Q When you heard them talking about whose job it was, what did they say? A They said that this job was to be perpetrated downtown, and the job was the old Italian man's job downtown; he was paid for it.

BY MR. BOSTWICK:

Q Was anything said as to whose job it was, as between Calogero Pumillo, your husband, and the defendant, Lamantia?

MR. BARRA: That is objected to as leading and suggesting to the witness.

THE COURT: The objection is overruled.

MR. BARRA: I take an exception.

A This job was Iacovino's and Lamantia's.

MR. BARRA: I ask that be stricken out.

THE COURT: Motion granted.

Q Was anything said? I want to know this? Did Lamantia say anything, by words out of his mouth, as to whose job it was, as between himself and your husband? A It was Lamantia's

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job.

MR. BARRA: Now, I ask that be stricken out, and that your Honor instruct the jury to disregard it.

THE COURT: Motion granted.

THE WITNESS: They were talking between themselves, that this job was to be done. Then the defendant, Laman-tia, said, "It is my job".

Q When these four persons left your house, did anyone of them have any ball with him? A Yes, they had a ball that they were to throw downtown.

MR. BARRA: I ask that "that they were to throw downtown" be stricken from the record.

THE COURT: Yes, motion granted.

Q Did they have anything else with them besides this ball?

MR. BARRA: Objected to as incompetent, irrelevant and immaterial.

THE COURT: I will allow it.

MR. BARRA: I take an exception.

A No, nothing else; that is all.

Q Did they come back with the ball?

MR. BARRA: I make the same objection, if your Honor please, as incompetent, irrelevant and immaterial.

THE COURT: The objection is overruled.

MR. BARRA: I take an exception.

A They returned with it, yes, they returned with the ball,

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because they were not able to do the job.

MR. BARRA: I ask that that be stricken out as not responsive.

THE COURT: The latter part may be stricken out.

THE WITNESS: The sheeney had had a fight.

MR. BARRA: I ask that that be stricken out, and the jury instructed to disregard it.

THE COURT: Yes, motion granted.

Q About how long were they away from your house? A Two to three hours.

Q Did any of them state to your husband before starting - state to Lamantia where they were going?

MR. BARRA: I object to that, if your Honor please, as leading and suggesting to the witness.

THE COURT: I will allow it.

MR. BARRA: I take an exception.

A Only the conversation I mentioned, that they had to go downtown. He remained in the house.

Q Who came back? A My husband, Iacovino, Sam Scianti and the sheeney.

Q And when they came back was Lamantia there, or had he gone? A Yes, he was in my house when they returned.

Q Was anything said by Lamantia as to where these four persons were going when they left the house?

MR. BARRA: I object to that as having been already answered two or three times, and on the further ground it

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is suggesting and leading.

THE COURT: Yes, all she knows she said, is, that they were going downtown.

A No, he did not speak to me about this matter, or anything akin to it. We weretalking about other matters.

MR. BOSTWICK: You may examine.

CROSS-EXAMINATION BY MR. BARRA:

Q Mrs. Pumillo, the night you saw Lamantia and Iacovino and Nager, the little Jewish boy, and Scianti, was that the first time you saw them all together in your house? A Yes, sir.

Q That was the only time? A The only time.

Q The defendant, Lamantia, lived in the same building where you were the janitress; is that right? A Yes.

Q And you know the defendant's wife? A Yes.

Q And you say that on that night the first time you saw the defendant and your husband and Iacovino and the other two, will you tell us who came into your apartment first? A Lamantia came first and Iacovino afterwards, and they were talking together.

Q And how long after Iacovino and the defendant came to your house did the others come in, Nager and Scianti?

A While the defendant and Iacovino were talking and disputing, the sheeney boy and the Italian boy came in.

Q Who came in first? This defendant, or Iacovino? A Both together.

Q And immediately after Iacovino and the defendant came

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into your house you say that Nager and Scianti came into the room? A Yes, sir.

Q And then it was that you heard Iacovino say to this defendant, "We are going downtown"? A Yes.

Q You heard Iacovino say, "We have got a job downtown about throwing a bomb; we are going to go downtown and throw a bomb". Iacovino said that to this defendant in your house? A Yes, sir.

Q You are sure Iacovino said that to this defendant? A Yes, he was talking to him.

Q And told him that? A Between themselves.

Q And your husband went along with Iacovino to do this job; isn't that so? "Yes", or "no". A Yes, sir.

Q This defendant said to your husband, "You are lucky because you can get some money and buy a pair of shoes"; isn't that so? A Yes, sir, he said, "Go and have a pair of shoes made for yourself".

Q And this quarrel that you spoke about, that was in the room, wasn't it, in your room? A Yes.

Q And you can't be mistaken about that? A No.

Q Now, do you remember testifying in the case of The People vs Patti, in this court, last month? A Yes.

Q Do you remember that Mr. Bostwick asked you some questions in that case? A Yes.

Q Do you remember Mr. Bostwick asking you if you had ever seen Lamantia in your house, or Nager in your house, or Scianti

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and this defendant in your house, and you answered, "No"? Do you remember that? "Yes", or "no". A Yes, sir.

Q Don't you remember Mr. Bostwick asked you whether you had ever seen Nager or Scianti before, and you said, "No"? A Yes, I replied, "No".

Q After that you were arrested, weren't you, after you testified in that case? A Sure, I was arrested.

Q You wanted to help your husband, didn't you, who was charged with blackmail? "Yes", or "no". A Yes, sir.

Q And you believed that by testifying here under oath and telling the Court and jury that you did not know Nager and did not know Scianti and had never seen them in your house that that would help your husband; isn't that so? "Yes", or "no". A Yes, sir.

Q And for that reason you committed perjury? A Well, yes, I did that, but his Honor and the District Attorney must forgive me, because I didn't know that that didn't help my husband.

Q And when the District Attorney told you that your husband had pleaded guilty, then it was that you agreed to say in this court that you did know Nager and that you did know Scianti, and that you did see this defendant in your house? A Well, I didn't know what you are saying now about pleading guilty - I didn't know it then.

Q But you know it now, don't you, that your husband pleaded guilty of the crime of attempted blackmail, and is

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awaiting sentence? A Yes, I know it, but how could I help what the Judge is going to give him? I am trying to help him.

Q You were told, weren't you, that if you testified in this case against Lamantia, that that would help your husband; isn't that so? A No; no one said that.

Q Now, when you were brought upstairs in the District Attorney's office, who was present when you were examined? A Mr. Bostwick, my husband and the man that arrested my husband.

Q Officer Cassetti? A Yes, sir.

Q And while you were waiting to be examined your husband was brought over from the Tombs into the room where you and the District Attorney and the officer were seated? A Yes, my husband came in, and he was listening to what I said.

Q And you spoke to your husband, didn't you? "Yes", or "no". A Yes, sir.

Q And you remained in the District Attorney's office for how long? A About two hours - three hours.

Q Didn't a detective tell you that you must say that Lamantia was in your house? A There was no necessity on the part of Cassetti to tell me that.

Q Didn't he tell you you must say that Lamantia was in your house that night? A Did he have to tell me that? I told that to the District Attorney.

Q But did the police officer, Cassetti, say to you in the District Attorney's office "You must say that Lamantia was in your house"? A No, sir.

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Q Do you remember testifying in this court room before his Honor Judge Crain last month in this case? A Yes, sir.

Q Do you remember that I asked you some questions, and you made some answers? A Yes, I replied to every question you asked me.

Q Don't you remember testifying before his Honor Judge Crain that when you were up in the District Attorney's office Officer Cassetti said to you, "You must tell the truth and say that Lamantia was in your house"? Didn't you testify to that before his Honor Judge Crain and a jury last month in this case? A No; he was in my house; certainly, he was in my house.

Q (The Interpreter repeats the question to witness)

A Yes.

MR. BARRA: You did so testify. That is all.

REDIRECT EXAMINATION BY MR. BOSTWICK:

Q Now, tell us what Cassetti told you?

MR. BARRA: I object to that.

THE COURT: I will allow her to testify to that. You asked her for the conversation with Cassetti.

MR. BARRA: No, I did not ask for the conversation. I asked the direct question, if she had not said so and so, and she said, "No".

THE COURT: I will allow it.

MR. BARRA: I take an exception.

Q Tell us all that Cassetti said? A He didn't say any-

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thing to me. He told me, "Talk, tell the truth, all you know about it".

Q And those are the exact words -

MR. BARRA: Wait a moment. Let her finish.

A (Continuing) Then I told the truth, that it was the job of both of them.

Q Are those the words that Cassetti said to you? A No, Cassetti didn't talk to me at all. I told the truth.

Q What did Cassetti tell you to tell? A Nothing.

Q What did Cassetti say? A I want to tell you, Mr. Bostwick, that this lawyer over there is trying to mix me up.

MR. BOSTWICK: I will excuse you, then.

THE WITNESS: I can't argue and reason with him.

MR. BOSTWICK: All right; then I will excuse you.

B E N J A M I N N A G E R, called as a witness on behalf of the People, being first duly sworn, testified as follows:-

(The witness states that he lives at No. 3719 Third avenue).

DIRECT EXAMINATION BY MR. BOSTWICK:

Q Nager, do you know the defendant, Lamantia? A Yes, sir.

BY THE COURT:

Q How old are you? A Eighteen.

BY MR. BOSTWICK:

Q And how long have you known him? A Since November 18th, 1914.

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Q And how long have you known Nicolas Iacovine? A Since November 18th, 1914.

Q And how long have you known Sam Scianti? A Since Election Day.

Q And how long have you known Calogero Pumillo? A November 18th, 1914.

Q Now, do you remember the 18th of November, 1914? A Yes.

Q Were you at any time on that day in the house of Calogero Pumillo? A Yes, sir.

Q State who was in that house at that time? A Calogero Pumillo, Nicolas Iacovino, Mrs. Pumillo, with the two children, Salivare Bamantia, some man named Nuffio, Sam Scianti and myself.

Q Was there any other time in your life when those persons were in that house all together?

MR. BARRA: Objected to as incompetent, irrelevant and immaterial.

THE COURT: I will allow it; that is, if they were there in his presence.

MR. BOSTWICK: I say, "those people". That includes himself.

A On the same day when we come back?

Q On any other day of the year. A No, sir.

MR. BARRA: Objected to as incompetent, irrelevant and immaterial.

THE COURT: I will allow it.

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MR. BARRA: I take an exception.

Q How is this apartment arranged? A Three rooms.

Q When you arrived at that apartment, did you arrive alone, or in the company with some other person? A With somebody else.

Q Who else was it? A Sam Scianti.

Q When you and Sam arrived, who was already there - who were already there? A Calogero Pumillo, Nicolas Iacovino, Mrs. Pumillo, with the two children, Salivare Lamantia and Nuffio.

Q And tell us just what happened while you were there?

A I was in the kitchen with Sam Scianti and Salivare Lamantia and Nuffio and Nicolas Iacovino. Pumillo walks in the parlor room; then he calls in Salivare Lamantia and speaks to him, and he calls in Nicolas Iacovino. Then he calls in Sam Scianti and myself, and he said, "You should go downtown".

MR. BARRA: I object to what was done and said there, upon the ground it is incompetent, irrelevant and immaterial and sometime after the date mentioned in the indictment, when the crime was consummated, the sending of the letter.

THE COURT: I will allow it.

MR. BARRA: I take an exception.

A We should go downtown in company -

BY MR. BARRA:

Q Who told you that? A Calogero Pumillo, in company with

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Nicolas Iacovino, Pumillo, Scianti, and myself.

BY MR. BOSTWICK:

Q Go ahead? A Then we started for One hundred and Fifth street and Second avenue.

Q Is that all that happened while you were there? A They handed me something, what they called the bomb.

MR. BARRA: I object to that and ask it be stricken out.

THE COURT: When you say they handed, who handed?

THE WITNESS: Calogero Pumillo.

THE COURT: I will allow it.

MR. BARRA: I take an exception.

THE WITNESS: And handed Sam Scianti a revolver.

MR. BARRA: Objected to as incompetent, irrelevant and immaterial, and I ask that be stricken out.

THE COURT: Motion denied.

MR. BARRA: I take an exception.

THE WITNESS: After handing Scianti the revolver, we started to go outside. Then, at One hundred and Seventh street, Scianti says, "I am going in for my overcoat".

MR. BARRA: Objected to as incompetent, irrelevant and immaterial.

MR. BOSTWICK: We will consent that what Sam Scianti said upon this occasion in the street be stricken from the record, and I will put the question in this form:

Q What, if anything, at that point, did Sam Scianti do?

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A Went in for his overcoat, at One hundred and Seventh street and Second avenue.

Q And did he come out with his overcoat? A Yes, sir.

Q Was this a cold day, a warm day, or a hot day? A I don't remember.

Q Well, after he came out, where did you four go? A Went down to Catherine street, took a Second avenue elevated train at One hundred and Fifth street, and got off at Chatham Square.

Q Who carried the thing that has been called a bomb in the house of Calogero Pumillo down to that place?

MR. BARRA: Objected to as incompetent, irrelevant and immaterial.

THE COURT: The objection is overruled.

MR. BARRA: I take an exception.

A I did.

Q And when you got down to Catherine street how did you split up, if you did split up? A Nicolas Iacovino and I was walking together, and Sam Scianti and Pumillo were walking together.

Q And what position did you take? Where did you stand?

A I stood at 53 Catherine street.

Q Was that opposite 60 Catherine street? A Yes, sir.

Q Where did Sam Scianti stand? A On the corner of Monroe and Catherine.

Q And where did Nicolas and Calogero Pumillo go? A They were walking down Monroe street.

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Q While you were there, what happened to you, if anything?

MR. BARRA: Objected to as incompetent, irrelevant and immaterial, not binding on this defendant.

THE COURT: I will allow it.

MR. BARRA: I take an exception.

A I was stabbed by two fellows under the chin.

Q Did you see from what direction those men came?

MR. BARRA: Same objection, upon the same ground.

THE COURT: The objection is overruled.

MR. BARRA: I take an exception.

A On the other side.

Q After you were stabbed, did you meet Calogero Pumillo and Nicola Iacovino? A yes, sir.

Q And where did you four go, if you all went together anywhere? A Back to 2104 Second avenue.

Q When you got back there, was the defendant there? A Yes.

Q Was anything said about what had been done, said in the presence of this defendant? A He come over and asked me -

MR. BARRA: This is objected to as incompetent, irrelevant and immaterial.

THE COURT: I will allow it.

MR. BARRA: I submit, there is nothing to show that it was something in the furtherance of the conspiracy, and even if it was said in the presence of the defendant it is not binding on him.

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THE COURT: I will allow what was said to him in order that what he said in reply may be elicited.

MR. BARRA: I take an exception.

A (Continuing): Salivare Lamantia said, "Who cut you?" I said, "Two boys", and he asked me if I threw the bomb. Then Calogero Pumillo came over and spoke to him in Italian. I didn't understand what they said.

Q That was on the 18th day of November? A Yes, sir.

Q And you have that date well fixed in your mind? A Yes.

Q Do you remember when you first met Officer Kahn? A Yes, sir.

Q When was that? A On Thanksgiving night.

Q And where did you meet him?

MR. BARRA: Objected to as incompetent, irrelevant and immaterial.

THE COURT: I will allow him to say where.

Q Just where? A In the hospital.

Q Now, you have pleaded guilty to this case?

MR. BARRA: I object to that. It is a matter for cross-examination.

THE COURT: Well, I think that is technically correct, yes.

MR. BARRA: Your Honor will note my exception.

THE COURT: I sustain the objection.

MR. BARRA: I thought your Honor overruled it.

Q Was anything else said that night after you returned by

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Lamantia? A Not to me. They were speaking in Italian. I didn't understand what they were talking about.

Q Was anything said before you went down by Lamantia?

A He spoke to Sam Scianti about that.

Q But that was Italian? A In Italian.

Q And you didn't understand it? A No, sir.

Q Do you know where post office station U is? A Yes, sir.

Q Where? A One hundred and Third street and Third avenue.

MR. BOSTWICK: I now offer in evidence People's Exhibit No. 3 for Identification.

MR. BARRA: Objected to as incompetent, irrelevant and immaterial, no proper foundation laid for the introduction of that exhibit.

THE COURT: I will allow it.

MR. BARRA: I take an exception.

(Same received in evidence and marked People's Exhibit No. 3, of this date.)

MR. BOSTWICK: "New York, October 23rd, 1914.

Dear Sir. We write you these few lines to let you know that you must move from this store as soon as you can. If not, you will feel sorry. So not forget, or we will blow you up. Your truly. Bad Gang"; and there is the envelope. That is all.

CROSS-EXAMINATION BY MR. BARRA:

Q You say that you saw this defendant, Lamantia, in Mrs.

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Pumillo's house - in Pumillo's house? A Yes, sir.

Q And you spoke with this defendant in English? A At the time I come back.

Q At the time you come back? A Yes, sir.

Q But before you left - that is, when you went into the apartment, Pumillo's apartment, you had no conversation with this defendant? A No, sir.

Q You did speak with others there, but not with this defendant; is that right? A Yes, sir.

Q You went into another room? A Yes, sir.

Q And did you speak to Pumillo in English? A No, sir.

Q In Italian? A It was translated for me.

Q Some one spoke - acted as interpreter? A Yes, sir.

Q Who was it, your friend Scianti? A It was Iacovino.

Q Did Iacovino and this defendant have any quarrel?

A No, sir.

Q Then, you say after you got into that house, Pumillo's house, you and all the rest with the exception of this defendant and Donobrio went out; is that right? A No, sir.

Q Donobrio, this defendant and Mrs. Pumillo? A And two children.

Q And the two children. All the rest of you went out?

A The four of us went out.

Q You, Scianti, Iacovino and Pumillo; is that right?

A yes, sir.

Q What was said in Italian, of course you don't know? A I

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don't know.

Q When you came back the defendant said, "Well, what is the matter, you have been cut"? A yes, sir.

Q Had the other three spoken to this defendant? A Yes.

Q So, after they spoke to this defendant in Italian, he asked you, "How did you get your cut"? A Before he spoke to them.

Q Before he spoke to them? A Yes, sir.

Q Were you bleeding? A Yes, sir.

Q Hadn't you wiped the blood off your chin? A I was still bleeding.

Q And the first thing the defendant said was, "What is the matter"? A "What is the matter?" He asked me, "What is the matter?" He didn't say, "You are bleeding".

Q And then Iacovino, Pumillo and Scianti spoke to him in Italian? A Pumillo spoke to him first.

Q And then you all disbanded, you went home, and the defendant left and went downstairs in his house? A I left the defendant there.

Q You left the defendant in Pumillo's house? A Yes, sir.

Q Did Scianti go out with you? A Yes, sir.

Q And did Iacovino go out with you? A No, sir.

Q He remained there? A They all remained there.

Q And then, sometime later, about two or three weeks later, you were arrested? A yes, sir.

Q And you were charged with blackmail; is that right?

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A Yes, sir.

Q And in consideration of your pleading guilty and testifying in this case, your bail was reduced, wasn't it?

A Yes, sir.

Q From ten thousand to two thousand? A Two thousand.

Q And your bail was continued after you pleaded guilty; you were not sent to jail to await sentence, were you? A No.

Q And you were examined by the District Attorney, upstairs?

A Yes, sir.

Q And asked to testify in this case; is that right? A Yes, sir.

MR. BARRA: That is all.

THE COURT: I think we will take an adjournment now. Gentlemen of the jury, we are about to take an adjournment until Monday morning. In the meantime, please do not form or express any opinion as to this defendant's guilt or innocence until that question is finally submitted to you, and during the adjournment, gentlemen, please do not converse with anybody about the case, and do not let any person converse with you or speak of it in your presence, and we will take an adjournment until ten-thirty o'clock Monday.

(The Court then accordingly took a recess until Monday, March 15th, 1915, at 10:30 A.M.)

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THE PEOPLE, Etc., vs- SALIVARE LAMANTIA

New York, Monday, March 15th, 1915.

TRIAL CONTINUED

CALOGERO PUMILLO, called as a witness on behalf of the People, being first duly sworn and examined through the Official Interpreter, Mr. George Deville, testified as follows:-

DIRECT EXAMINATION BY MR. ECSTWICK:

Q Where do you live? A 325 East One hundred and Fifth street.

Q What is your business? A Painter.

Q And how long have you known the defendant, Lamantia? A I know him from the old country.

Q And how long is that? A Since childhood.

Q How long have you known Nicholas Iacovino? A About two months before I was arrested.

Q And how long have you known Sam Scianti? A One year.

Q And how long have you known Benjamin Nager? A About three weeks before I was arrested.

Q How long have you known Candilano Gatto? A About fifteen days before I was arrested.

Q And how long have you known Nufrio? A Three years.

Q What is his business? A Butcher.

Q Do you remember the occasion when there was in your house your wife, the two children, Benjamin Nager, Sam Scianti, Nicholas Iacovino, Nufrio and yourself? A Yes, I can recall the day, but

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I don't remember the date.

Q Was that the same day that the four of you went down to Catherine street? A Yes, the same day; we went downtown in the evening.

Q Now, before that day, had you ever seen Candilaro Gatto?

A Yes, a week before that Nick brought him down there and showed me.

MR. BARRA: I ask that that be stricken out, that Nick brought him down, on the ground it is not responsive.

THE COURT: I will allow it to stand.

MR. BARRA: I take an exception.

Q When was the first time that Nicholas spoke to you about this matter? A Before going downtown with him on the first occasion, Nick spoke to me about it.

Q Where did you have that conversation? A At One hundred and Seventh street and Second avenue.

Q And about how long was it before you went down with Nick to see Gatto? A About two weeks before the first time I went down.

Q Now, tell us the conversation that you had with Nick and Nick had with you?

MR. BARRA: Objected to as incompetent, irrelevant and immaterial, hearsay, in the absence of the defendant.

THE COURT: The objection is overruled.

MR. BARRA: I take an exception.

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A The first time he spoke to me about it, he said to me, "What are you doing? Are you working?" I said to him, "No, I am not actually working now. Next week I am going to the factory, to see whether they need any men, because I think they are short of workmen." Then he said to me, "Downtown there is a guy who gave me and the defendant, Lamantia, twenty dollars to blow up a bomb - to fire a bomb, and if you want, come down and replace it, and then we can make fifty dollars together".

Q After that conversation, did you go down with Nicholas to Gatto's place?

MR. BARRA: That is objected to upon the same grounds, your Honor, as incompetent, irrelevant and immaterial.

THE COURT: The objection is overruled.

MR. BARRA: I take an exception.

A I went down that very day that he spoke to me.

Q And where did you go to? A Monroe street.

Q Do you know the number? A I believe it is No. 6.

Q And was Gatto there when you got there?

MR. BARRA: Objected to, if your Honor pleases, upon the same grounds.

THE COURT: Same ruling.

MR. BARRA: I take an exception.

A Yes.

Q Where was Gatto? A He was inside the grocery store.

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He took Nick to the rear of his grocery store.

Q And then what happened after that? A I followed them in the rear, and then Nick had a talk with Gatto, in my presence. Then Gatto said to us -

MR. BARRA: Objected to as incompetent, irrelevant and immaterial and hearsay.

THE COURT: I will allow it.

MR. BARRA: I take an exception.

A (Continuing) Gatto said to us, "I have given you twenty dollars, and up to the present moment you have not done anything. I wouldn't give you even a dime until something is accomplished".

Q What else was said?

MR. BARRA: This is also under my objection and exception on the same grounds.

A He again said that he didn't want to give up any more money, and Nick Iacovino said to him, "All right, there will be results soon; I am going to go ahead and hustle".

Q Well, do you remember any more of that conversation?

MR. BARRA: The same objection, if your Honor please, upon the same grounds.

THE COURT: The objection is overruled.

MR. BARRA: I take an exception.

A No, I can't recall anything else.

Q Was anything said as to who should occupy the store in case it was vacated?

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MR. BARRA: Objected to as leading and suggesting to the witness, as incompetent irrelevant and immaterial and hearsay.

THE COURT: I will allow it.

MR. BARRA: I take an exception.

A Gatto said he would occupy the store.

Q After that conversation, did you leave Gatto's store together? A Yes, we went away.

Q And where did you separate from Nicholas? A At One hundred and Fifth street, when we came down from the elevator, he went to his home and I went to my home.

Q When is the next time that you saw Nicholas? A When we all went downtown together.

Q What time that day did you first see Nicholas, and where? A He came to my home in the evening.

Q And who was there? A There was the defendant, Lamantia, the Jew boy, Scianti, Nufrio, my wife, the two children and myself.

Q Tell us all that transpired at that time? A When they came in, the defendant said, "What are these kids here for?" Then I said, "I don't know." Then the defendant and I took Scianti, the boy into an adjoining room, and talked to him, and Scianti said, "All right, I will go with you. Give me ten minutes' time, and I will be back in ten minutes and go with you."

BY MR. BARRA:

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Q Was that said to the defendant? A Well, he said it to the defendant and myself, in the front room.

Q That is, Lamantia? A Lamantia and myself, in the front room.

BY MR. BOSTWICK:

Q Now, what happened after that? A Then Scianti and the Jew boy went out to have something to eat. Then the defendant went up to his rooms, upstairs, three flights up, and brought the bomb down, and left it, and put it in his pocket.

Q Now, tell us what was said by the defendant, if anything at that time? A Afterwards the kids came back, then the defendant called Sdianti into the front room, and I went in with him, and then he called in the Jew boy, and in their presence the defendant handed me the bomb, and I handed it to the Jew boy.

MR. BARRA: I move that that part of the answer where he speaks of the bomb be stricken from the record - the use of the word "bomb".

THE COURT: I will allow it to stand.

MR. BARRA: Your Honor will note my exception.

Q What did he do with it? A Well, as I told you, he handed me the bomb, and I handed it to the Jew boy, and then he said, "Well, you will be apt to make a pair of shoes out of it"

BY THE COURT:

Q Who said that? A Lamantia, the defendant.

BY MR. BOSTWICK:

Q Do you remember anything else that the defendant said at

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that time? A After that we went downtown, Nick, Scianti, Benny and I.

Q Before you went downtown, do you remember anything more that the defendant said? A No.

Q Do you remember his saying anything as to whose job it was?

MR. BARRA: Objected to as leading and suggesting to the witness, if your Honor pleases.

THE COURT: I will allow it.

MR. BARRA: I take an exception.

A The defendant said it was his job, and Nick said it was his job, and that I was with him.

Q Where was the defendant when he said this? A When they were talking together, Nick remonstrated with the defendant and said to him that he had received money, and he refused to do anything.

BY MR. BARRA:

Who refused? A That the defendant had received money and had refused to do anything.

BY MR. BOSTWICK:

Q Do you recollect in what portion of the room or the hall this conversation took place?

MR. BARRA: I object to that, if your Honor pleases, as leading and suggesting to the witness.

THE COURT: I will allow it.

MR. BARRA: I take an exception.

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A It was in the hall, near my door. Then, after that, I let him come inside. I didn't want him to talk in the hall. I told him to come in and argue inside.

Q Now, all four of you went down to Catherine street?

A Four of us. The defendant did not come.

Q And after you returned from Catherine street, did you go to your house? A Yes; all four.

Q And was the defendant present at that time? A Yes.

Q And who else? A My wife and children.

Q And what was done with the bomb in your house, if anything?

MR. BARRA: I object to the use of the word "bomb", if your Honor please. There is no proof that it was a bomb.

THE COURT: I will allow it. It will be understood the word appertains to this object which has already been described.

MR. BARRA: Your Honor will note my exception.

A I don't know. The defendant took it. I don't know what he did with it - that same evening.

Q Did you ever see the defendant and Benjamin Nasser together on any other occasion?

MR. BARRA: Objected to as incompetent, irrelevant and immaterial, not within the issues, and not germane to the issues.

THE COURT: I will allow it.

MR. BARRA: I take an exception.

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A Once before we went to Eighty-fifth street. The Jew boy, Scienti and I went down to Eighty-fifth street, and the defendant came with us.

Q How did you go from your house down to Catherine street?

A We took the elevated train at One hundred and Fifth street.

Q And where did you get off? A I can't recall the name of the station. Chatham Square.

Q When you returned to your house, you say the defendant was there? A Yes, he was there.

Q Did he say anything in your presence after you returned from 60 Catherine street? A He said, "Tomorrow you go down to Gatto's place and tell him that I was arrested, and get him to give you fifty dollars. You may get fifty dollars from him." After that he did not come back again. I did not see him again.

Q Did you the next day go and see Gatto?

MR. BARRA: Objected to as incompetent, irrelevant and immaterial, not germane to the issues, not within the issues.

THE COURT: I will allow it.

MR. BARRA: I take an exception.

A No.

Q Did you ever see Gatto after the time the four of you went to Catherine street?

MR. BARRA: Same objection, upon the same grounds.

THE COURT: The objection is overruled.

MR. BARRA: I take an exception.

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A I only saw him when he was arrested, and I saw him at One hundred and Sixteenth street.

Q Then, you did not go to Gatto's store the day after the four of you went to Catherine street?

MR. BARRA: Same objection, on the same ground.

THE COURT: I understand he has already said he did not.

MR. ECSTWICK: I wanted to be sure. It is really a repetition of the question.

THE COURT: I will allow it.

MR. BARRA: I take an exception.

A After we came back with the bomb we didn't return to that place again.

MR. ECSTWICK: You may examine.

CROSS-EXAMINATION BY MR. BARRA:

Q How long have you been in this country? A Eight years. Five years in New York and three years in New Orleans.

Q Who spoke to you for the first time about Catherine street

A Nick.

Q Iscovine? A Yes.

Q And when was that? A Two weeks before.

Q Two weeks before you went down to Catherine street? A Yes.

Q And when did you go to Catherine street? A When he spoke to me, he said, "Well, we have had already twenty dollars"

Q I didn't ask you that. When did you go to Catherine street? A Two weeks before we all went down.

Q When was it that you all went to Catherine street, you,

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Nager, Scianti and Iacovino? What month? A It was in November.

Q What part of November? Beginning, middle or latter part?

A Before Thanksgiving it was.

Q And how long before Thanksgiving? A I can't think.

Q The first one to speak to you about Catherine street was Nicholas Iacovino, and you saw the defendant for the first time in your house a short while before you, Nager and Scianti went down to Catherine street, some time before Thanksgiving Day; is that right? A Yes, and I saw the defendant in my house a few days before the holiday, when we all went downtown that day.

Q Who came to your house first on that day, the day you all went downtown? A The defendant, Lamantia, came first; he was in my apartment when the others came.

Q Who came first of the others? A The Jew boy, Scianti, and later Nick came in.

Q You got the two boys to help you on this job; isn't that so? A Yes.

Q You engaged the two boys, and when you and the two boys and Iacovino and the defendants met in your house, you say that this defendant had a quarrel with Iacovino? A Two days before they had the quarrel.

Q I am asking you, did the defendant quarrel with Iacovino in your house just a short time before you and the others went down to Catherine street the last time? A Yes, sir, two days before, in the hallway.

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Q And you are sure now, are you, that this defendant did not have any quarrel or dispute with Tacovino in your house a few minutes or half an hour before you all left to go downtown to Catherine street the last time - I am talking about the last time? A Certainly, I am certain. I am telling you what is a fact.

Q When was it the defendant told you you can make a pair of shoes out of this? A The evening that we all four went downtown.

Q And at that time did this defendant have any quarrel with Tacovino? A That evening, no.

Q Did Tacovino say, when he came into your apartment, in the presence of the defendant, Lemantia, Nager and Scianti, the last time you went down to Catherine street, "I have got a job downtown to throw a bomb"; did he say that to this defendant?

A No, he did not use those words. Two weeks before he said it.

MR. BARRA: I ask that that be stricken out as not responsive - "Two weeks before".

THE COURT: Yes, that may be stricken out.

Q You say that the defendant got this ball and gave it to you in your house? A Yes.

Q Are you sure about that? A Yes.

Q Did you tell us that last month, when the defendant was tried in this part? A No, I have not said that on the last trial.

Q And this is the first time you are telling it in public? "Yes", or "no". A I think I said it on the last trial.

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Q Didn't you say at the last trial that you threw the bomb away - the ball away? A No, I did not say that.

Q Didn't you say you threw the ball away in the river? A No, I did not.

Q Didn't you tell us that the ball was a piece of iron and tape and cord around it? A I said that at One hundred and Sixteenth street, because they scared me and they made me say things that I didn't mean to say.

Q Who scared you? A Well, I was scared by the detectives, and I told them it was a bomb.

Q That it was a what? A It was a bomb.

Q You told them it was a bomb because you were afraid of the police, when, as a matter of fact, it was a small piece of iron with tape and cord around it? A I did not say it was a bomb. I said it was a piece of iron, and that it was tied with twine or rope around it, and they asked me what it was, and I said I threw it on the street.

Q You told them that you threw it in the street. Now, when were you arrested? A The 5th of December.

Q About how long after you went to Catherine street for the 1st time? A About ten or twelve days later; about that.

Q The 5th of December you were arrested; is that right? A Yes, sir.

Q And where were you arrested? A One hundred and Seventeenth street.

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Q In your home? A No, outside, in the middle of the street, at One hundred and Seventh street.

Q Do you remember seeing your wife in the District Attorney's office a few days before the first trial of this case?

A I did not see her before that.

Q You did not see your wife in the District Attorney's office last month? A When I made my statement, yes, I did see her.

Q And how long were you alone with your wife? A We were alone together about ten minutes, or a little over. Then DeMartini, the detective, and several other detectives, came in and took us into the room of the District Attorney.

Q And you spoke to your wife there? A Yes, I spoke to her, but I didn't speak about this case.

Q But you didn't speak about this case when you met your wife in the District Attorney's office? A No, about this case, no.

Q You knew, didn't you, at that time, that your wife had sworn in court, in the case of The People vs. Patti, that she did not know Nager, Scianti and Iacovino, and that they had never been in your home? A I did not know it. Nick Iacovino told me that.

Q Iacovino told you that your wife had sworn, in the case of The People vs. Patti, that she did not know Nager, Scianti and Iacovino and this defendant, and that the defendant, Scianti, was never in your house?

MR. POSTER: I object to that question.

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MR. BARRA: I press the question.

THE COURT: I will allow it.

A The only thing he told me is that my wife swore that she didn't know any of them.

Q And after you spoke to your wife in the District Attorney's office she swore that she did know this defendant and di know Nager and did know Scianti; isn't that so? A Yes, sir.

Q You pleaded guilty to the crime of attempted blackmail, and you are awaiting sentence now before Judge Crain of this court? A Yes, sir.

Q And you hope to be discharged, don't you? "Yes", or "no". A I really hope for nothing.

Q You hope for nothing. Did any one tell you that if you testified in this case that the Court will take that into consideration on the question of your sentence? A No.

Q Sure about that? A Sure.

Q Did your wife tell you that if she testified in this case against the defendant that would help you? A No, sir.

Q Never heard of that? A Never.

Q You did not ask your wife to testify in the Patti case that she had never seen Iacovino, Nager, Scianti and the defendant, Lemantia, in your house, did you? A No, sir, I did not request that.

MR. BARRA: That is all.

FELIX B. De MARTINI, police officer, attached

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to the Detective Bureau, Third Branch, called as a witness on behalf of the People, being first duly sworn, testified as follows:-

DIRECT EXAMINATION BY MR. BOSTWICK:

Q You have been for some period of time connected with the Municipal Police Force of the City of New York? A Yes.

Q Do you remember the occasion of the arrest of the defendants in this case? A I do.

Q Where were they taken? A They were taken to the Third Branch Detective Bureau.

Q Now, do you remember the morning of December 6th, 1914? A I do.

Q In what room was that? A That was in the Captain's room.

Q Of the third branch? A Of the Third Branch Detective Bureau.

Q Who was present at that time? A I was present, Detective Cassetti, Detective Kahn, Detective Grossman and a number of other detectives.

Q Do you know whether Fogarty and Marino were there? A Fogarty and Marino were there also.

Q At that time was the defendant questioned? A He was.

Q And did he make a statement? A He did.

Q And was that taken down by a stenographer? A Yes, sir.

Q And who was that stenographer? A George Lynch.

Q And do you remember the questions that were put to the defendant at that time? A I remember some of them.

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Q Can you remember them accurately? A No, sir.

Q Do you think if I showed you what purports to be a transcript of that testimony you could refresh your memory? A Yes, sir.

Q And could you without that memorandum state accurately what was testified to at that time by the defendant? A No, sir.

Q I ask you to look at this paper and state whether the first question on that paper was put to the defendant, and whether he made that answer (handing paper to witness)?

MR. BARRA: Objected to as incompetent, irrelevant and immaterial.

THE COURT: I won't allow him to testify to that, question and answer. He can read the statement over, and if it refreshes his recollection, then he can testify from his recollection.

Q After reading that paper, does it in any way refresh your memory as to what the defendant said at that time and place?

A Yes, sir.

Q Now, state to us in substance what it was that the defendant said?

MR. BARRA: Objected to as incompetent, irrelevant and immaterial.

THE COURT: Objection overruled.

MR. BARRA: I take an exception.

A I asked him for his name, his age and where he lived. He gave his age, he gave his name, and told us where he lived. I asked him what did he know regarding going down to Jaret's

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grocery store and attempting to blow the place up, and also what he knew the writing of the letter, and he said he knew nothing.

MR. BARRA: This is all under my objection and exception.

A (Continuing) - I asked him if he was there, or if he was in the room while the conference took place. He said, "No as soon as I came in they stopped talking." Later on I asked him why - "Who do you refer to when you say 'they'?" -

MR. BARRA: This is all under my objection and exception.

A (Continuing) - he said, "Nick, Sam, the Jew boy, and Calogero Pumillo." He said he had nothing to do with it. I asked him, "How is it they say you were concerned in this?"

MR. BARRA: Objected to as incompetent, irrelevant and immaterial.

THE COURT: I have given you an exception to the conversation. You don't need to take separate exceptions to each part of it.

MR. BARRA: Your Honor will note my exception.

A (Continuing) - And he says, "After this that they are telling about me, if I knew something about them I would tell it." That is practically all I can remember.

Q Did he say whether or not he went to Calogero's house?

A Yes, he says he went to Calogero's house, and as soon as he went in there they stopped talking.

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Q Did he say who was there? A Yes, he said that Sam was there, the Jewish boy was there, and another one he mentioned.

Q And that examination took place in the presence of many of these detectives? A Yes, sir, they were coming in and going from the room. Sometimes they would remain there a while, and at times they would walk out.

Q You conducted this examination yourself? A I did.

Q In the Italian language? A I did.

Q And did you truthfully translate it into the English language? A I did.

MR. BOSTWICK: That is all.

CROSS-EXAMINATION BY MR. BARRA:

Q You say this defendant denied having anything to do with the blackmailing of Jaret's? A That is what he told me.

Q And he said that on one occasion when he went into Pummillo's house he saw Nager, Scianti, Pummillo and Iacovino, and when they saw him they stopped talking? A That is what he said.

Q And that he did not know what they were talking about, because they had stopped talking? A He said they stopped talking.

Q And that he knew nothing about it, and was in no way implicated in this blackmailing scheme, the blackmailing, of this Jaret, he told you that? A That is what he said.

MR. BARRA: That is all.

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J O H N C A S S E T T I, Police Officer, attached to the Detective Bureau, called as a witness on behalf of the People, being first duly sworn, testified as follows:-

DIRECT EXAMINATION BY MR. BCSTWICK:

Q Were you present on the morning of December 6th, in the Third Branch, Captain's room, when the defendant was examined? A I was some time.

Q You were in and out, as I understand it? A Yes, sir.

Q Did you see whether his testimony was taken down by a stenographer? A It was.

Q Do you know who that stenographer was? A George Lynch.

MR. BCSTWICK: You may examine.

CROSS EXAMINATION BY MR. BARRA:

Q You were present when Mr. Pumillo was being examined upstairs in the District Attorney's office, weren't you? A Yes.

Q And she remained in the District Attorney's office for how long? A For the whole afternoon, I think.

Q Her husband were there? A Yes, sir.

Q You were there and De Martini was there? A I don't think so.

Q You don't think De Martini was there? A No, sir.

Q You were there all the time? A I was there, but I went out a couple of times.

Q You took her into the District Attorney's office, didn't you? A No, sir, she was there when I got there.

Q And that was about two o'clock in the afternoon? A Be-

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fore two o'clock.

Q And she remained there until about five? A Yes, about five o'clock.

Q And her husband was there all that time? A Yes, sir.

MR. BARRA: That is all.

THE PEOPLE REST

MR. BARRA: If your Honor please, the defendant respectfully moves that your Honor take the case from the jury, and advise an acquittal, upon the following grounds:

First, that the indictment does not set forth facts sufficient to constitute a crime.

Second, that the facts as alleged in the indictment do not constitute the crime charged in the indictment.

Third, upon the ground that the People have failed to establish the allegations in the indictment beyond a reasonable doubt.

Fourth, upon the ground there is a lack of the corroboration required under Section 399 of the Code of Criminal Procedure of the State of New York in reference to the testimony of accomplices.

Fifth, upon the ground that there is not sufficient evidence to show the corpus delicti.

THE COURT: The motion is denied.

MR. BARRA: Exception, upon each and every ground.

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Your Honor denies it upon each and every ground, and we except.

THE DEFENDANT'S CASE

(Mr. Barra then opened the case to the jury on behalf of the defendant.)

LEONARD PONDOLLO, called as a witness on behalf of the defendant, being first duly sworn, testified as follows:-

DIRECT EXAMINATION BY MR. BARRA:

Q Where do you live? A 217 East One hundred and Seventh street.

Q What is your business? A Piano polisher.

Q Where do you work now? A The Universal Piano Company.

Q And where is their place of business? A One hundred and Forty-fourth street and Southern Boulevard.

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

Q Where did you work before? A Stultz Brothers.

Q And where was their place of business? A One hundred and Forty-first street and Canal place.

Q Did this defendant ever work there in that place? A Yes.

Q You were a foreman, were you? A Yes, sir.

Q And the defendant worked under you? A Yes, sir.

Q How long did the defendant work there? A Five or six months.

Q What work was he doing? A Polisher.

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Q Do you know other people that know him? A Yes.

Q Do you know his friends and acquaintances? A Yes.

Q Do you know what his reputation is for peace and quiet?

A Yes, sir.

Q Is he a good man, or a bad man? A Good.

Q Did you ever hear any one say anything against his reputation? A No, sir.

MR. BARRA: You may inquire.

CROSS-EXAMINATION BY MR. BOSTWICK:

Q Had you ever heard that he had committed burglaries?

A No, sir.

MR. BARRA: Objected to as incompetent, irrelevant and immaterial.

THE COURT: The objection is overruled.

MR. BARRA: Your Honor will note my question.

Q Never heard about that? A No, sir.

Q Did you hear that he was engaged in a robbery and a burglary in Eighty-fifth street on the 19th day of November, 1914? A No, sir.

MR. BARRA: Objected to as incompetent irrelevant and immaterial.

THE COURT: I will allow it.

MR. BARRA: I take an exception.

Q You have not heard that? A No, sir.

Q Do you know Calogero Fumillo? A No.

Q Do you know Sam Scianti? A No.

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Q Do you know Benjamin Wager? A No, sir.

Q You don't know any of those persons? A No, sir; I work in my business.

Q Did you know he was associating with those persons?

MR. BARRA: Objected to as incompetent, irrelevant and immaterial and assuming a fact not proven.

THE COURT: I will allow it.

MR. BARRA: I take an exception.

BY THE COURT:

Q Did you know he was going with those people? A No.

Q Or with Iacovino? A No, sir.

BY MR. BOSTWICK:

Q Who did you think he was going with?

MR. BARRA: Objected to as incompetent, irrelevant and immaterial.

THE COURT: I will allow it.

MR. BARRA: Note my exception.

Q Who did you think he was associating with? A I don't think anything about it.

Q All you know about this man is that he worked in a place where you worked? A Yes.

Q That is all you know? A Yes.

MR. BOSTWICK: That is all.

RE DIRECT EXAMINATION BY MR. BARRA:

Q When did he stop working for you? A October 8th.

Q And why did he stop working there? A Because the

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shop was bankrupt.

Q The shop failed? A Yes, sir.

Q The firm failed? A Yes, sir.

Q And you got a job in some other place, and the defendant was without work? A Yes, he worked in another business.

Q On October 8th? A Yes, sir.

G I C V A N N I R I C A B U T T O, called as a witness on behalf of the defendant, being first duly sworn and examined through the official interpreter, Mr. George Deville, testified as follows:-

(The witness states that he resides at No. 328 East One hundred and Seventh street).

DIRECT EXAMINATION BY MR. BARRA:

Q What is your business? A Butcher.

Q How long have you been in this country? A Four years.

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

Q Was he ever associated with you in business? A Yes, two years ago he was in partnership with me, in the butcher business.

Q And how long was he your partner? A Six months.

Q After that, do you know what work he did? A Yes, he went to work for a plasterer and contractor.

Q Do you know other people that know him? A Yes, I know all of them.

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Q Do you know what his reputation is for peace and quiet?

A I know and others know that he is an exemplary young man.

MR. BARRA: You may inquire.

CROSS-EXAMINATION BY MR. BOSTWICK:

Q Do you know Nicholas Iacovino? A No, sir.

Q Do you know Sam Scianti? A No, sir.

Q Do you know Calogero Pumillo? A No, sir.

Q Did you ever visit the defendant in the house where he lived? A Yes, sir, I have been there.

Q Did you ever meet the janitor of that house? A No, sir.

Q So, you don't know Calogero Pumillo? A No, sir.

Q Do you know who the defendant was associating with?

A No, sir.

Q So, all you know about him is you were in business with him as a butcher? A Yes, sir, and he was an honest partner.

Q And he didn't steal anything? A No, sir; we had everything in common and never anything was missing.

BY THE COURT:

Q When was it you were a partner? A Two years ago, your Honor.

BY THE THIRD JUROR:

Q How long were you in partnership? A Six months.

P I E T R O C A S T R O, called as a witness on behalf of the defendant, being first duly sworn, testified as follows:-

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(The states states that he resides at No. 175 East One hundred and Twelfth street).

DIRECT EXAMINATION BY MR. BARRA:

Q What is your business? A Plasterer.

Q You are a boss plasterer? A Yes, sir.

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

Q How long have you known him? A I knew him when he was a little bit of a boy, on the other side, and then I know him since he came here.

Q And how long have you known him since he has been in this country, how many years? A About two years and a half or three years, something like that.

Q Do you know other people that know him? A Yes, sir.

Q Did he ever work for you? A Yes, sir.

Q How long did he work for you? A Well, a couple of years ago, two years and a half.

Q A couple of years ago? A Yes, sir.

Q When he first came from Italy? A Yes, sir.

Q And he worked as a plasterer? A As a laborer.

Q Do you know what other business he was in? Did you ever know that he was a butcher? A Oh, yes, I knew that he worked in some butcher place before he came in my place.

Q He came to your place after working as a butcher? A Yes.

Q Do you know other people who know him? A Yes.

Q Do you know what his reputation is for peace and quiet? Is he a good man, or a bad man? A A good man.

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Q What is that? A A good man.

MR. BARRA: You may inquire.

CROSS-EXAMINATION BY MR. BOSTWICK:

Q What makes you think he is a good man?

MR. BARRA: I object to the form of that question, if your Honor please.

THE COURT: I will allow it.

MR. BARRA: I take an exception.

A He had been working for me satisfactorily.

Q The first time he worked for you was over two years ago, wasn't it? A A couple of years ago.

Q And he worked for one week, didn't he? A One week on one job, another week on another job.

Q So, he worked on two jobs, one week on one job and about two weeks on another job? A No, he worked for me on more than one job.

Q Is he a friend of yours? A Yes, sir.

Q Do you go out with him? A No.

Q Never been out with him? A No.

Q Do you know who he associates with? A Well, people that I know.

Q Do you know Sam Scianti? A No, sir.

Q Do you know Benjamin Lager? A No, sir.

Q Do you know Nicholas Iacovino? A No, sir.

Q Do you know Calogero Iunillo? A No, sir.

Q You don't know any of those people? A No, sir.

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Q How many times have you seen him in the last year? A Well nearly every week.

Q Where? A Around Onehundred and Sixth street.

Q What doing? A Doing nothing; I see him around the neighborhood.

Q You saw him around the neighborhood? A Yes, sir.

Q Is that the reason you think he is a good man? A Well, I don't know anything else.

Q That is all you know about him? A Yes, sir.

MR. BOSTWICK: That is all.

RE DIRECT EXAMINATION BY MR. BARRA:

Q You know people that you know that know him? A Yes.

Q Did you ever any of these people say anything against his reputation for peace and quiet? A No, sir.

Q Ever heard anyone say anything bad about him? A Nothing at all.

Q You saw him about once a week? A Yes, sir.

Q Do you see him on Sundays? A Yes, sir, especially on Sundays.

MR. BARRA: That is all.

JAMES C CONFORTI called as a witness on behalf of the defendant, being first duly sworn, testified as follows:

(The witness states that he resides at No. 428 East One hundred and Sixteenth street).

MR. BOSTWICK: If this evidence is character evidence,

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I ask the Court to limit to some extent cumulative evidence upon this point.

THE COURT: We will hear this witness.

DIRECT EXAMINATION BY MR. BARRA:

Q What is your business? A Plasterer contractor.

Q How long have you been in this country? A Nine years.

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

Q How long have you known him? A He has worked about seven or eight months with me.

Q He has worked with you for seven or eight months? A Yes.

Q As a laborer? A As a laborer, yes, sir.

Q Do you know other people that know him? A I know the other laborers, his friends.

Q Did you see Lamantia very often within the last year?

A Well, I saw him sometimes on Sunday.

Q Did you see his friends that worked with him? A Yes.

Q Do you know what his reputation is for peace and quiet?

A For my part it is the best reputation, because I send for him to work for me, because he is a very good boy.

Q And did you ever hear anyone say anything against his reputation? A No, sir, nothing at all.

MR. BARRA: You may inquire.

MR. BOSTWICK: That is all.

S A L I V A R E L A M A N T I A, the defendant herein,
called as a witness in his own behalf, being first duly

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sworn and examined through the Official Interpreter, Mr. George DeVille, testified as follows:-

(The witness states that he resides at No. 2104 Second avenue).

DIRECT EXAMINATION BY MR. BARRA:

Q How old are you? A Twenty-three.

Q How long have you been in this country? A Three years; about a month less.

Q Are you married? A Yes, sir.

Q Just tell us when you came to this country where you worked, the first place you worked? A With a butcher.

Q And after that? A Then I got a job as a laborer.

Q What kind of work? A I was carrying stuff, plastering work.

Q And how long did you work at plastering work? A Over a year and a half.

Q And after that where did you go to work? A Piano polisher.

Q And where? A East One hundred and Forty-first street.

Q The Stultz Piano Company? A Yes.

Q How long did you work there? A Seven months.

Q And you say you were with the butcher for about six or seven months? A Yes, sir.

Q When did you stop work for the Stultz Piano firm? A In the month of October, when the firm failed.

Q And did you look for other work? A Sure, I did, but I

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was not able to get any. The factory was going to be started over again and move to new premises, and I was going to work immediately.

Q When were you arrested? A I don't remember whether it was the 5th or 6th of December.

Q Does your wife work? A Yes.

Q You have no children? A No.

Q Now, Iacovino, Nicholas Iacovino, do you know him? A Yes.

Q How long did you know him before your arrest? A I saw him on a few occasions, and I knew him by sight; that is all.

Q Were you ever intimate with him? A No, sir.

Q Did you some time in October, the beginning of October, go downtown to Catherine street with Nicholas Iacovino? A No.

Q Did you ever receive any money from Iacovino, some time in the month of October? A No, sir, I did not.

Q Did you agree with him to blackmail a man named Jaret, on Catherine street? A No, sir, I never spoke to him about it at all.

Q Do you know - question withdrawn. Have you in any way participated or taken part or in any way interested in the blackmailing of Jaret, on Catherine street? A No, sir, I know nothing at all about it.

Q Sam Scianti, do you know him? A Yes.

Q Where is he now, do you know? A He is in jail.

Q How long have you known Scianti? A Well, I know him because I used to go to his father's grocery store and purchase

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groceries, and he was there very often.

Q Were you ever intimate with him? A No, sir.

Q And Pumillo, how long have you known Pumillo? A I knew him when I was a child, in Italy; then I didn't see him again until a year and a half ago, over here in New York.

Q And you lived in the same building in which his wife was the janitress? A Yes, about two or three months only that I was living there.

Q Did you at any time go into his house, and especially some time before Thanksgiving Day, and see a man named Iacovino, Scianti and Pumillo, Donofrio, or a young man named Nager?

A No, sir.

Q Did you at any time quarrel with Iacovino or Pumillo about the blackmailing of Jarst on Catherine street? A I told you I know nothing at all about this.

Q I know that, but I am putting questions so as to have it on record. A No, sir.

Q Did you at any time say to Iacovino, some time in the beginning of October, "Yes, I sent the letter to Jarst"? A No.

Q Do you know how to read or write? A No, sir.

Q Did you at any time receive a piece of paper from Nicholas Iacovino, upon which was a name and address? A No, sir.

Q Did you at any time suggest to Iacovino to telephone to any person? A No, sir, I don't remember ever telephoning in my life.

Q Did you at any time in Pumillo's house say to Pumillo,

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"You are a lucky man; you can make some money", or "you can make a pair of shoes out of the job"? A No, sir, I know nothing about it.

Q Did you say to Iacovino at any time in Pumillo's house, "Why did you give the job to Pumillo?"? A No, sir.

MR. BARRA: You may inquire.

CROSS EXAMINATION BY MR. ECSTWICK:

Q Who is the Jew boy? A I don't know.

Q Would you know him if you saw him? A No, sir.

Q Can you read and write Italian? A No, sir.

BY THE COURT:

Q Can you write your name? A Only my signature; that is all.

BY MR. ECSTWICK:

Q Do you know this boy (indicating Benjamin Nager)?

A I saw him at One hundred and Sixteenth street; in the Detective Bureau, when I was arrested.

Q Did you see him in Calogero's house? A No, sir.

Q Was there any other Jew boy there besides this one?

A I never was in Calogero's house.

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

Q Didn't you commit a burglary with him on the 19th of November, in Eighty-fifth street?

MR. BARRA: Objected to as incompetent, irrelevant and immaterial.

THE COURT: I will allow it.

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MR. BARRA: I take an exception.

A How could you put such a question to me? I never saw him before.

Q Don't you know you and Sam Scianti and Benny Nager went down and stuck-up a shoe man's place in Eighty-fifth street?

MR. BARRA: Objected to as incompetent, irrelevant and immaterial.

THE COURT: I will allow it.

MR. BARRA: I take an exception.

A No, sir.

Q Do you remember being in the Captain's room of the Third Detective Bureau on the morning of December 6th, 1914? A Yes.

Q What time in the morning was it? A I don't remember.

Q About half past four? A I couldn't tell you.

Q De Martini was there, wasn't he? A I don't know what their names are.

Q Well, you know De Martini by sight, don't you? A I could tell you the detectives that arrested me, but I don't know their names.

BY THE COURT:

Q Were they the two officers who were on the stand here?

A Yes, they are the ones that arrested me.

BY MR. BOSTWICK:

Q And didn't you make a statement which was taken down by a stenographer at that time and place? A No, sir.

Q Wasn't there a man taking notes down, just like this

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man is taking notes down (indicating court stenographer)? A. We were all in a room, and there was a man who was writing there, but I was not interrogated.

Q. Wasn't this question put to you, and didn't you make this answer: "Q. Do you know anything about the bomb? A. I went to Calogero's house, and when I went into his house they all said, 'shut up'"? A. No, sir, this was never said.

Q. And wasn't this question put to you, and didn't you make this answer: "Q. Who was there? A. This fellow I saw here, Sam, Cologero and the young Jew boy."? A. No, sir.

Q. And wasn't this question put to you at that time and place, and didn't you make this answer: "Q. Do you know anything to tell about it? A. I do not know anything regarding this affair, because they are mixing me up in this matter, I will certainly mix them up."? A. No, sir, they did not interrogate me.

Q. And wasn't this question put to you at that time and place, and did you not make this answer - A. The Captain never said anything to me.

Q. "Q. Who do you mean by saying, 'they'? A. Cologero, Sam, Nick, and the Jew"? A. Yes, this is the man that arrested me, (indicating Detective De Martini).

Q. (Question read by stenographer)? A. No, sir.

Q. And wasn't each one of those questions put to you by that man standing up there, and did you not make your answers to that man? A. There was more than one; there was four.

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or five detectives standing there.

Q And isn't he the one who put the questions to you and to whom you made the answers? A He was there, and the other man who was here, Cassetti, was there also.

Q And didn't he put the questions to you that were taken down by the stenographer? A I don't know whether he was the one that was interrogating. There were five or six of them putting questions.

Q Didn't you say several times in that examination in the Captain's room before all those officers that you knew the Jew boy? A No, sir, they didn't ask me anything of the sort.

Q Hadn't you been out on other occasions with the Jew boy as early as November?

MR. BARRA: Objected to as incompetent, irrelevant and immaterial.

THE COURT: I will allow it.

MR. BARRA: I take an exception.

A No, sir. I want to state a few words.

Q No. Now, were you in Calogero Pumillo's house on November 18th, 1914?

MR. BARRA: I object to that, if your Honor please. No date has been fixed by anyone.

THE COURT: I will allow it.

MR. BARRA: I take an exception.

A No, sir, I never was in his apartment.

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Q .You never were in Calogero Pumillo's apartment in your life? A No, sir.

MR. BCSTWICK: That is all.

THE DEFENDANT RESTS

REBUTTAL TESTIMONY

BENJAMIN NAGER, being recalled on behalf of the People, in rebuttal, testified as follows:-

DIRECT EXAMINATION BY MR. BCSTWICK:

Q Did you see this defendant on November 19th, 1914?

MR. BARRA: Objected to as not in rebuttal and as having already been testified to on direct examination.

THE COURT: I will allow the People to prove that he ^{not} knew the defendant before the occasion, but/as to specific dates, or as to the commission of any other act.

MR. BARRA: Your Honor will note my exception.

A I did.

Q Were you in his company? A Yes, sir.

MR. BARRA: Objected to upon the same ground.

BY THE COURT:

Q How long have you known this defendant? A From November 17th, 1914.

MR. BARRA: This is also under my objection and exception.

Q Before your arrest, during that period, how many times

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have you seen the defendant?

MR. BARRA: May I have an objection to that, and an exception?

THE COURT: Yes.

A Three times.

BY MR. BOSTWICK:

Q That was before your arrest? A Yes, sir.

Q Before you were taken to Onehundred and Sixteenth street?

A Yes, sir.

BY THE COURT:

Q Three times including the times at Pumillo's house, or three times besides that? A Including Pumillo's.

Q And twice you have seen him other than at Pumillo's? A Yes

BY THE FOREMAN OF THE JURY:

Q Did you receive any money? A No, sir.

Q For this job going downtown? A No, sir.

Q Nobody paid you anything? A No, sir.

Q Who paid your carfare? A I paid my own carfare.

BY THE COURT:

Q Were you to get any money? A They didn't tell me anything about money until the following day.

CROSS EXAMINATION BY MR. BARRA:

Q Pumillo engaged you, didn't he? A Yes, sir.

BY THE FOREMAN OF THE JURY:

Q Did you ever get any money? A No, sir.

BY MR. BARRA:

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Q And you were arrested how many days after the time you went downtown? A About three weeks after.

G E O R G E L. L Y N C H, police officer, attached to the Detective Bureau, Third Branch, called as a witness on behalf of the People, in rebuttal, being first duly sworn, testified as follows:-

DIRECT EXAMINATION BY MR. BOSTWICK:

Q Were you in the Captain's room of the Third Branch Detective Bureau at 4:30 A.M. on December 6th, 1914? A Yes, sir.

Q Can you state who was present there? A There was Detectives De Martini, Fogarty, Kahn and Grossman and the defendants in their turn, Lamantia, Scianti and Nager.

Q Did you take notes at that time? A Yes, sir.

Q Have you those notes with you? A Yes, sir.

Q Will you turn to them please, especially to the testimony of the defendant? A Yes, sir (producing note-book).

Q Half way down, will you state whether this question was put to him, and whether this answer was taken down by you: "Q Do you know anything about the bomb - "

MR. BARRA: I object to that as incompetent irrelevant and immaterial, not in rebuttal, and already testified to.

THE COURT: I will allow it, if it is confined to the questions that were specifically called to the defendant's attention.

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MR. BARRA: This was already testified to as part of their case-in-chief.

THE COURT: I will allow it.

MR. BARRA: I take an exception.

A "Q. Do you know anything about the bomb? A I went to Calogero's house; when I went into his house they all said, 'Shut up'".

Q What was the next question and answer?

MR. BARRA: Same objection, on the same grounds.

THE COURT: Same ruling.

MR. BARRA: I take an exception.

A "Q. Who was there? A. This fellow I saw in here, Sam, Calogero and a young Jew boy".

Q Three questions below, beginning with the words, "You do not know anything to tell about it", what answer was made to that? A "I do not know anything regarding this affair, because they are mixing me up in this matter; I would certainly mix them up".

Q Now, the next question and answer? "Q. Who do you mean by saying, 'they'? A. Calogero, Sam, Nick and the Jew."

MR. BOSTWICK: That is all.

MR. BARRA: No questions. I move to strike out this testimony, on the ground it is incompetent, irrelevant and immaterial, and not in rebuttal.

THE COURT: Motion denied.

MR. BARRA: I take an exception.

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MR. BOSTWICK: The People rest.

MR. BARRA: If your Honor pleases, the defendant renews the motion made upon all the grounds stated upon the close of the People's case.

THE COURT: Motion denied.

MR. BARRA: I take an exception.

THE COURT: You can sum up after lunch. Gentlemen of the Jury, please do not form or express any opinion as to the guilt or the innocence of this defendant 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 two P.M.).

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