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October 1st, 1915.

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I N D E X.

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CASE # 2104

COURT OF GENERAL SESSIONS OF THE PEACE,
CITY AND COUNTY OF NEW YORK, PART 2.

2572

PEOPLE OF THE STATE OF NEW YORK

Against

ALEXANDER HECHT.

Before

HON. JOSEPH F. MULQUEEN,
Judge.

New York, September 30th, 1915.

DEFENDANT IS INDICTED FOR CRIMINALLY RECEIVING STOLEN PROPERTY.

INDICTMENT FILED MAY 24th, 1915.

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

For the People, ROBERT McCORMICK, ESQ.,

Asst. District Attorney.

For the Defendant, MESSRS. JEROME, RAND & KRESEL,
(Mr. Kresel, of Counsel)

Attorneys for the Defendant.

A jury is duly impanelled and sworn.

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Mr. McCormick opens to the jury.

MR. KRESEL: Now, if your Honor please, upon the opening of the District Attorney thus far, I move that your Honor dismiss this indictment, on the ground that it now appears from the opening of the District Attorney that the merchandise charged to have been bought by the defendant was bought not from the thief, but from the receiver of the thief. We claim under the authorities a man cannot be convicted of criminally receiving stolen property who receives it not from the thief, but from a person who had previously received it from the thief.

THE COURT: I will deny your motion.

MR. KRESEL: I take an exception.

THE COURT: I do not think the legal proposition applies to the facts in this case, and furthermore I do not regard the opening as a part of the case. The jury will decide the case on evidence given by witnesses, and they will not pay any attention to statements of counsel, whether in the opening or summing up, or at any other time. That applies to counsel on both sides, unless those statements are supported by the evidence of witnesses and whose testimony in their opinion is entitled to credence.

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THE PEOPLE'S CASE.

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J A C O B M E Y E R, (418 East 79th street) called as a witness on behalf of the People, being first duly sworn, testifies as follows: (Through the official interpreter, Mr. Fisher.)

DIRECT EXAMINATION BY MR. McCORMICK:

Q Did you work for the Bosch Magneto Company? A Yes.

Q Where is their place of business? A 223 West 46th street.

Q When did you begin to work for them? A October, 1910.

Q When did you stop working for them? A May 24th, 1914.

Q When was the first time that you ever saw the defendant Alexander Hecht? A November 14th, 1914.

Q Where did you see him? A I saw him in his place of business.

Q At that time, what were your duties at the Bosch Magneto Company? A I was a mechanic.

Q Did you have anything to do with the stock room? A I received the magneto parts from the stock room.

MR. KRESEL: I submit we ought to have a responsive answer to that.

BY THE COURT:

Q Tell us what work you did there. A I changed the apparatus from one type to another type.

BY MR. McCORMICK:

Q What apparatus? A Magnetos.

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Q Did you know a man named Gieshow? A Yes.

Q How long have you known him? A Three years, between two and three years.

Q On the 14th of November, 1914, where did you see Hecht?

A I saw him in his place of business.

Q Who else was there at that time? A A lady, a miss was sitting at the table, at the desk.

Q Did you have a talk with Hecht? A Yes.

Q What did he say and what did you say? A I came in and I said, "Gieshow sends me here."

Q What did he say? A Then he said to me, "Are you Meyer?" I said, "Yes."

Q And then what did he say? A Then he told me that Gieshow had brought him parts of magnetos and he had said that he had received them from me.

Q Gieshow said he got them from you? A Mr. Hecht told me that Gieshow had told him that.

MR. KRESEL: Object to this testimony at this time.

The only theory upon which it would be admissible, perhaps, would be as a similar transaction.

THE COURT: It is simply a question of the order of proof. I think the jury are entitled to have all the transactions between this witness and the defendant, so that they may be able to pass on the questions of the defendant's knowledge and his intent.

MR. KRESEL: Before your Honor can properly and in-

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telligently rule as to the admissibility of this testimony,
I think you should know whether it is a similar transaction
under the rules. The damage would be done to admit it with-
out first knowing just what the charge is.

THE COURT: The charge is stated in the indictment,
and unless that charge is proved, that, on the 12th of
March, a crime was committed, the defendant will be dis-
charged, no matter what other testimony there may be in the
case.

MR. KRESEL: But I think in your discretion, you should
require the District Attorney first to put in the proof as
to the crime charged in the indictment.

THE COURT: That would be the better practice, but I
do not see that it really makes much difference. However,
if the District Attorney can put in the evidence of the
transaction of March 12th, he may do so, and then go back.

Q Did you see Hecht on the 12th of March, 1915?

MR. KRESEL: I object to that as leading. The date
is important, and I think the District Attorney should not
put the date in the witness's mouth.

MR. McCORMICK: Question withdrawn.

Q When was the last time that you took any goods to Hecht?

MR. KRESEL: I object to that.

THE COURT: That question is leading; the objection
is sustained.

MR. McCORMICK: Question withdrawn.

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Q How many times did you see Hecht all together? A About ten times.

Q Do you remember when the last time was? A It was on the 12th day of March, 1915.

Q Where did you see him? A I saw him on Broadway and 50th street.

Q What time of the day? A Evening, at 6 o'clock.

Q Did you have anything with you at that time? A Yes.

Q What? A I had five contact-breakers, and one condenser.

Q Did you say anything to Hecht at that time? A He knew that I would come.

MR. KRESEL: I move to strike that out.

THE COURT: Strike it out.

BY THE COURT:

Q What did you say to him, or he say to you? A I said, "Here, I have the parts which you have requested."

BY MR. McCORMICK:

Q Where did you get those? A I took them from the premises of the Bosch Magneto Company.

Q Did you have consent to take them? A No.

Q Did you steal them? A Yes.

Q Tell us all that happened when you met him at 50th street. A Then he took those articles; they were in a box. Then he asked me how much I would ask for it, I said \$8.

Q Well, what else? A Then he said, "I have no money now, come tomorrow." And then he told me to come Saturday at 1

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o'clock.

BY THE COURT:

Q Where did this conversation take place? A On Broadway and 50th street.

Q On the street, or in a store? A On the sidewalk.

Q Had you ever seen Hecht before at that place? A In the saloon opposite, I saw him.

Q Where is the saloon? A I did not see him in the saloon but he told me to come in the saloon opposite.

Q Did you go into the saloon? A Yes, I was there.

Q Was he there? A He was not there.

Q Then you never saw him in the saloon? A No.

Q Did you ever see him any other place besides on the street? A I saw him in his place of business.

Q Where was that? A 49th street.

Q What part of 49th street? A I don't know the address; I don't know the number; I think it was something about 200.

Q Near what avenue was it? A Between Broadway and Eighth avenue.

Q Was it on the uptown side of the street, or the downtown side? A Downtown.

BY MR. McCORMICK:

Q Now, tell us about the first time you talked to him on the 14th of November, 1914.

MR. KRESEL: To that I object as incompetent, immaterial and irrelevant.

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THE COURT: I will allow it.

MR. KRESSEL: I except. I direct your Honor's attention to the decision of the Court of Appeals in the case of the People against ^{DOTY} ~~Milton~~, where it was held that unless the transaction was so intimately connected in point of circumstance and time with the time charged in the indictment, no similar transactions are admissible.

THE COURT: Allowed.

MR. KRESSEL: Exception.

THE COURT: If the District Attorney fails to connect it with the transaction, I will instruct the jury to disregard it. The District Attorney must prove guilty knowledge, and I am going to allow him to prove, if he can, that this transaction was a crime, and not a legitimate one, and this is one of the ways that the law permits it to be proved, by proving similar transactions between the same thief and the same owner, or an agreement like that in the Weissberger case, where a man agreed to take everything of a certain kind that the thief brought. I will rule that this is close enough in point of time to the 12th of March to be admissible for that purpose.

MR. KRESSEL: I take an exception.

(The previous question repeated.)

A I came in, I said, "Gieshow has sent me here."

Q Where did you come in? A In that business; in the store.

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Q Whose store? A Alexander Hecht's store.

Q Where was his store? A West 49th street.

Q What kind of a store has he got? A Magneto parts and magnetos.

Q Now, tell us what he said, and what you said at that time. A I came in and I said, "Gieshow has sent me here."; he said to me, "Are you Meyer?"; I said, "Yes."; then he said that Gieshow had received parts from me, and I was to keep on bringing them further. Then he asked me what I wanted for them.

Q For what? A For the parts which I had given him.

BY THE COURT:

Q Did you have any parts with you on this 14th day of November? A Yes.

Q What did you have? A I had two contact-breakers and three timing-levers.

Q Where did you get that property? A I took them from the business.

BY MR. McCORMICK:

Q Did you steal them from the Bosch Magneto Company? A Yes.

Q How were you holding them when you went into this store?

A I had them in my pocket.

Q What did you do? A I wanted to place it on the bench, and he motioned with the hand and said I should not give it to him that way.

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MR. KRESEL: I move that be stricken out as a conclusion of the witness.

THE COURT: Strike out the answer.

BY THE COURT:

Q Tell us what he said. A Then he said, "How much do you want for those parts?"

BY MR. McCORMICK:

Q What did you say; go on with the conversation. A Then I said, "I don't know what it is worth.". Then he gave me \$5.

Q Did he say anything? A He said to bring what I got.

Q Did he tell you what he needed or what he wanted? A Yes, when I was there the second time.

Q I am talking now about the 14th of November only. A Then he told me to bring the parts which he requires most, levers and such things.

Q What were the things, did he tell you what? A That is all.

Q Did he mention any other parts that he wanted you to bring him? A Everything which was required for magnetos, but mostly these parts.

BY THE COURT:

Q Did he take these parts you had on the 14th of November?

A Yes. Then he brought me over; he led me over. There was a box on the table, and he led me to the table, and then I gave them to him through the box, so that no one could see it.

MR. KRESEL: I ask to have stricken out "So that no

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one could see it."

THE COURT: Strike it out.

BY THE COURT:

Q Explain that, what you mean by "through the box". A I first wanted to give it to him freely.

THE COURT: Strike that out.

Q How large a box was it? A About that high. (Witness indicates.)

THE COURT: Can you agree on that?

MR. McCORMICK: That is about 15 inches.

MR. KRESEL: Yes.

Q How long? A About that long. (Indicating.)

MR. McCORMICK: Indicating about 1 foot wide and 1 foot long.

Q Was the box open or shut? A I could not remember now.

Q What did you do with the box? A I did not do anything with the box. I simply handed him those parts through the box; behind the box.

BY MR. McCORMICK:

Q The box was in there; you did not bring it in, did you?

A The box was there.

Q On the counter? A Yes.

Q Is that all you had to do with him on the 14th of November? A Yes.

BY THE COURT:

Q Didn't you get any money? A Yes.

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Q How much? A \$5.

Q From whom did you get it? A Mr. Hecht.

BY MR. McCORMICK:

Q When was the next time you saw him? A On the 28th day of November, 1914.

Q Where? A In his shop, in his place of business.

BY THE COURT:

Q Was that the same place? A Yes.

BY MR. McCORMICK:

Q Did you have anything with you at that time?

A Yes.

MR. KRESSEL: I raise the same objection to this transaction, if your Honor please.

THE COURT: Overruled.

MR. KRESSEL: Exception.

THE COURT: Of course, the jury understand that this is not offered as proof that he was in that place on the 12th of March, but if you find from the other evidence that he did have a transaction with the defendant on the 12th of March, it is evidence that is intended to show you the nature of that transaction, throwing some light on the question as to the intent of the defendant dealing with him on the 12th of March, if you find that he did deal with him on the 12th of March.

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It is to show his knowledge.

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Q Tell us what happened on the 28th of November? A
Then I came in and I had the part with me.

Q Come in where? A In Hecht's store.

Q What did you have with you? A Three contact breakers
and three distributor discs.

Q What else? A Two timing levers.

Q Where did you get them? A I took them from the Bosch
Magneto Company.

Q Did you steal them? A Yes.

Q Tell us what happened with them? A Then he took me
outside in the work shop and I had to give it to him there, and
I gave it to him there.

Q Did he give you anything? A It was afterwards.

Q Tell us all that happened there; did he give you any
money? A Yes, he gave me eight dollars that day.

Q What did he say? A There are some magnetos which
were unscrewed in the work shop and he showed me he must have
others to fit this and that.

Q Were these things you gave him the distributors, the
contact breakers and levers new or old? A It was used
once in the business for testing purposes.

Q Was it new or old? A It was new.

Q When was the next time that you saw him? A The 14th of
December, 1914.

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Q Did you take to him any property that day?

MR. KRESEL: Same objection.

MR. McCORMICK: Question withdrawn.

Q On the 14th day of December did you see Mr. Hecht? A Yes.

Q Where did you see him? A In his place of business.

BY THE COURT:

Q Where? A West Forty-ninth street.

Q In the same place? A Yes.

BY MR. McCORMICK:

Q Did you have anything with you that day? A Yes.

Q What? A An armature.

Q What kind of an armature? A Type D-4-dual.

Q What else? A And similar parts.

Q Where did you get them?

MR. KRESEL: I raise the same objection. If your Honor will grant me an exception to your Honor's ruling as to the admission of all these similar transactions I will not interrupt again.

THE COURT: Yes, I think you have taken exceptions enough to protect your rights. It is all taken subject to Mr. Kresel's objection, which is overruled and to which ruling he takes an exception.

Q Where did you get that property? A In the business of the Bosch Magneto Company.

Q How did you get it? A I had to change the magnetos, and in that way I always received those articles from the stock.

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Q What did you do with them? A One part I had to take away and the other part I had to put back, and those parts which I had taken off and which Hecht wanted, I kept.

Q Did you steal them? A I did not place it back in the stock, and took it away.

Q Did you steal them? A Yes.

Q Did Hecht say anything to you that day? A He only asked me how I got those articles and I told him.

Q What did you tell him? A We took them away from Bosch.

Q Did he say anything about being careful?

MR. KRESEL: Isn't that leading?

MR. McCORMICK: Question withdrawn.

Q Did he say anything else? A Then he told me to be careful that I would not be caught, because he might get in trouble.

Q Was there any other occasions? A What I can remember, I was there on the 27th day of February.

Q Were there any other times between the 14th of December and the 27th of February? A Yes.

Q How many? A That I don't know any more.

Q About how many times? A I don't know that exactly.

BY THE COURT:

Q Well, tell us as near as you can remember; was it five times? A I cannot remember. I was there various times when he gave me parts along to be repaired and I brought them back to him, and so I was there various times and I don't know how many

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times.

Q You say this defendant gave you parts to be repaired?

A Yes.

Q Where did he give you them? A He gave them to me in his store.

Q Where did you repair them? A By the Bosch Magneto Company; I repaired them there.

BY MR. McCORMICK:

Q You were doing his work in Bosch's place? A I did not want to do it but he said I had to do it. He said he must have it and he could not make them there.

BY THE COURT:

Q Did he pay you for that? A For that he did not pay me.

BY MR. McCORMICK:

Q These times between the 14th of December and the 27th of February, did you take the goods from the Bosch Magneto Company?

A Yes; I brought him also.

Q Every time? A Not every time.

Q How many times did you take them? A That I could not tell.

BY THE COURT:

Q More than once? A Yes, it was more than once.

BY MR. McCORMICK:

Q Was it more than twice? A I don't know exactly about that.

Q Now, tell us all about the 27th of February? A I met

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him on that day in front of his place.

Q What did he say? A Then he said, "Have you got the parts?" I said yes. Then he said to bring them in that saloon on Fiftieth street and Broadway and he would be there at three o'clock, between three and half past three.

Q What did he tell you to bring? A I had fifteen of those contact breakers and five timing levers and five rear armature discs, and four distributors.

Q And independent contact breakers? A There were ten, and five duals.

Q What else was there? A Five timing levers.

Q What kind of timing levers? A Dual.

Q How many rear armature discs? A Five.

Q Were there any contact breakers? A Fifteen.

BY THE COURT:

Q This was on the 27th of February? A Yes.

BY MR. McCORMICK:

Q What time of the day was it you had these goods? A At three o'clock I brought them there.

Q But it was one o'clock when you met him first, is that right? A Yes, and he said to bring it there.

Q Did he say anything about to whom to deliver them?

A In the beginning he said that; a man named Husor was sitting there.

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

THE COURT: Strike out about the man sitting there.

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BY THE COURT:

Q What did he say that day? A He told me to be in the saloon on Fiftieth street between three and half past three.

Q He told you that at one o'clock? A Yes.

BY MR. McCORMICK:

Q Tell all that he said to you? A That at Saturdays there are so many people in the store he did not want me to come there, and therefore he sent me there ---

MR. KRESEL: I move to strike that out and ask your Honor to instruct the jury to disregard that.

THE COURT: The jury will disregard it.

BY THE COURT:

Q At one o'clock on the 27th of February you said you saw the defendant and had a talk with him; is that true? A Yes.

Q Tell us all you said to him at that time and what answers if any he made to you? A He only asked me, "Have you got something?" I said, "Yes". Then he said to bring it over in that saloon on Fiftieth street and roadway, and that was all.

BY MR. McCORMICK:

Q Did he tell you what to do with it when you got to the saloon? A He said he would come and bring me the money. He asked me also what I had and I told him. Then he noted it down and he said, "For this I will give you \$35." He said to come to that saloon and he would give me the money there.

Q Did you go to the saloon? A Yes.

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Q At three o'clock? A Yes.

BY THE COURT:

Q What did you do with the armatures you had; did you give them back; did you have those things at one o'clock? A No, I did not have them.

BY MR. McCORMICK:

Q When you left his store at one o'clock where did you go? A I went and had my shoes shined and I had a glass of beer and took until three o'clock.

Q Did you go back to your place of work? A Yes.

Q What did you do then there? A Then I took those articles along.

Q What articles; you mean the fifteen dual contact breakers? A Yes.

Q And ten independent contact breakers? A Yes.

Q And five dual timing levers? A Yes.

Q Five rear armature discs? A Yes.

Q And four distributors? A Yes.

Q Where did you get them? A Also in the place of business.

Q Did you steal them? A Yes.

Q Who from? A From the Bosch Magneto Company.

Q Then after you stole them where did you go with them?

A Then I brought them to Hecht.

Q Where? A In that saloon.

Q Did you give them to him? A He did not come himself.

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

THE COURT: Strike it out.

Q Who did you meet in that saloon?

MR. KRESEL: I object to that as immaterial. He has already testified that the defendant was not there.

THE COURT: Question allowed.

MR. KRESEL: Exception.

A Mr. Husor came.

MR. KRESEL: I ask that the answer be stricken out.

THE COURT: Motion denied.

MR. KRESEL: Exception.

THE COURT: If it is not connected with the defendant the jury will disregard it.

Q Who was the man that you met there, this Husor? A Mr. Hecht told me he was his brother-in-law, I could give it to him just the same as to himself.

MR. KRESEL: I ask that the answer be stricken out as not responsive.

THE COURT: I will deny your motion.

MR. KRESEL: Exception.

BY THE COURT:

Q When did he tell you that? A He told me that in the beginning.

Q What do you mean by in the beginning? A The second time when I was there.

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Q Then what happened in the saloon when you gave those articles to him the defendant's brother-in-law. Please state what you did with those articles in the saloon? A I gave them to Mr. Husor.

Q Where? A In that saloon, Fiftieth street.

Q And what time? A Between three and half past three.

MR. KRESEL: Will your Honor permit me to ask you to strike out the answer to the last three questions on the ground that the testimony is not binding on the defendant. I did not wish to interrupt your Honor at the time.

THE COURT: Motion denied.

MR. KRESEL: Exception.

THE COURT: The claim of the People is that this Husor was the agent of the defendant, the receiver, and if that be believed by the jury it is the same thing in law as if the defendant received them himself.

BY MR. MCCORMICK:

Q Then what happened? A Then he gave me the thirty-five dollars.

Q Who? A Mr. Husor.

MR. KRESEL: Same objection.

THE COURT: Same ruling.

MR. KRESEL: Exception.

THE COURT: The witness says all this was done pursuant to an agreement with the defendant. If so it is

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binding on the defendant. If the defendant did not authorize Husor to receive or direct the witness to give them to him, then it is not binding on the defendant.

BY MR. McCORMICK:

Q Now, between that day, the 27th of February and the 12th of March how many times did you see Hecht? A I don't know.

Q Well, did you see him at all between that time? A I could not remember.

Q You don't know whether you saw him once during that time? A No, I could not remember.

Q Didn't you tell me up in my office that you saw him on various occasions between the 27th of February and the 12th of March?

MR. KRESEL: I object to that as grossly improper.

THE COURT: It is merely intended to refresh his recollection.

MR. KRESEL: This witness is by no means unfriendly to the People.

THE COURT: I know, but his memory may be bad. It is intended for the purpose of refreshing his recollection.

I will overrule the objection.

MR. KRESEL: Exception.

A I could not remember.

Q Did he tell you at any other times to bring him parts of magnetos?

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MR. KRESEL: Objected to as leading.

MR. McCORMICK: Question withdrawn.

BY THE COURT:

Q You did see him on the 12th of March, you say? A Yes.

Q You have testified to what happened on the 12th of March?

A Yes.

BY MR. McCORMICK:

Q Now, before you first went to Hecht's store with goods had you stolen any goods from the stock room and given them to Gieshow?

MR. KRESEL: I object to that; how is that binding upon us?

THE COURT: He says that the defendant told him, "I have received things from Geishow, and Gieshow told me you had given them to him". If the jury believes that, it is offered for the purpose of showing the relations that existed between this confessed thief and the defendant.

MR. KRESEL: He is now asked about a transaction prior to the 14th of November, 1914, which is the date that this witness gives as the first time when he met the defendant. It is conceded that that transaction took place in the absence of this defendant.

THE COURT: He has stated that this defendant told him that Gieshow had gone there with goods.

All transactions between the same thief and the same receiver, and this is the property of the same owner, are

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admissible in evidence provided there is a continuity shown. This is a part of a continuous plan of stealing; that is the contention of the People as I understand it, and I will allow them to prove that if they can.

MR. KRESEL: ~~Exception.~~

Q (Previous question repeated) A Yes.

Q How long had you been doing that? A A half a year.

BY THE COURT:

Q What kind of things do you speak of? A Gieshow also worked on the magnetos and the same kind of parts, levers and contact breakers.

BY MR. McCORMICK:

Q Where you got them? A I also took them away from my place.

Q And gave them to whom? A And gave them to Gieshow. I did not know what Gieshow wanted them for. I thought that Gieshow needed them for his work, and I wanted to help him. I did not know that he was selling them. I never would have gone to Hecht, but I thought if I did not continue doing so, I had a nice place there and I did not want to lose my job.

MR. KRESEL: I move that be stricken out, what he thought.

THE COURT: Strike it out.

MR. KRESEL: I ask your Honor to instruct the jury to disregard that.

THE COURT: The jury will disregard that; that has not anything to do with this case.

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MR. KRESEL: The witness having now testified that he did not know what Gieshow was doing with the things, which he admits now he stole and gave to Gieshow, I submit that that testimony is absolutely inadmissible. Your Honor said you would admit it upon the theory ---

THE COURT: I will sustain your objection on the state of facts. Gieshow was a receiver himself as to those articles.

MR. KRESEL: I ask your Honor to instruct this jury to disregard every word of the testimony of this witness from the time when he began to testify that he stole and gave the things to Gieshow.

THE COURT: So far as his testimony refers to the things that he is alleged to have given to Gieshow, but not as to any other part of his testimony.

MR. KRESEL: I consider that that testimony was so prejudicial to this defendant that I ask that your Honor withdraw a juror and declare a mistrial in this action.

THE COURT: I will deny that motion. The jury will disregard that and I will instruct them, and you may have the privilege of requesting such instructions as you think proper. The jury will be able to disregard that testimony. I have admitted it on the witness' testimony as I understood it, that the defendant told him that Gieshow had told him about it, and that Gieshow was delivering them pursuant to

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an agreement with him. Now he says he did not know what Gieshow was doing with them, and therefore the Gieshow transaction is not between this thief and that defendant at all, and it is only transactions between them, similar transactions between the same thief, the same owner and the same character of property that are admissible in evidence to show the knowledge of the defendant and the intent of the defendant on the 12th of March when he received these goods, if you find he did receive them.

BY MR. McCORMICK:

Q When did you first hear of Hecht?

MR. KRESEL: That is rather indefinite.

THE COURT: I do not think it is strictly material but still I will allow it.

A When Gieshow left, that week, up to the 14th day of November.

Q When did you first hear of Hecht; how long before the 14th of November? A A week previous.

Q I want to know what Hecht said to you the first time you met him at his store, in addition to what you have already testified to, if anything; did he say anything about Gieshow? A Yes; I said, "Gieshow sends me here".

Q What did he say then? A He said then, "Are you Meyer?".

MR. KRESEL: We have been over all that.

Q What else was said; what did the defendant say about Gieshow to you? A Hecht says, "Gieshow has brought me those

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articles and you must continue bringing them."

MR. McCORMICK: Your witness.

CROSS-EXAMINATION BY MR. KRESEL:

Q How old are you? A Twenty-nine years old.

Q Where were you born? A In Germany.

Q Do you remember the day of your birthday? A Yes, 25th of March, 1886.

Q When did you come to the United States? A October, 1910.

Q When was the first time you ever stole anything? A Here when I met Gieshow.

Q When? A In the year 1914.

Q What day in the year 1914? A I don't know.

Q What month in the year 1914 did you first steal?

A January.

Q January, 1914? A Yes, sir.

Q That was a very important step in your life, wasn't it, when you first became a thief? A I did not steal at all; Gieshow asked for it.

Q Well, you stole it, didn't you? A Yes, I had it in my place and I gave it to him.

Q Didn't you steal it? A Yes, it was stolen.

Q Now, did you make a note of the date when you first met Hecht? A No, I did not make a note of it.

Q Did you keep book of what you were stealing and what you were selling to Hecht? A I knew it, but I didn't keep book.

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Q Did you make any memorandum in writing anywhere? A No.

Q Then all these dates that you are giving us of the articles you have described you are giving us from your memory, are you? A Yes, the detectives found it out also.

Q Well, then you are not telling us what you know? A That I know exactly.

Q Well, what detective is it that found all this out?

A Mr. Monroe is his name. I don't know how to spell it; I think it is Monroe.

Q Have you been talking to Detective Monroe before you testified here? A No, not today.

Q Well, not today; before today? A Yes, during those times when he found out these matters; that is about three months ago.

Q When did you last talk to detective Monroe? A In the beginning when the matter came to Mr. Gates.

Q Do you know the month? A It was in May or June.

Q Do you know what date of the month? A No; that I don't know.

Q What did Mr. Monroe say to you when you and he discussed this case? A First I had to go down into the office of the business.

Q You mean the Bosch Company office? A Yes.

Q Is Mr. Monroe a police officer or a private detective?

A I don't know.

Q Well, was he in court this morning? A I didn't see him.

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Q Have you seen him since last May or June? A No, I did not see him again.

Q Well, now, will you tell the jury how you remember that the first time you saw Mr. Hecht was on the 14th of November, 1914? A Gieshow had left the place of business eight days previous to that, and the last Saturday when he was in the place of business he told me to go to Mr. Hecht, the following Saturday; he gave me the address and told me and described to me how he looked, and that was on the 14th of November.

Q On the day that Gieshow left? A Gieshow had left eight days previous to that.

Q How do you know it was a week before that Gieshow left? A He told me the Saturday when he left, that I should go there next Saturday.

Q How do you know that was a week before the 14th of November? A Because Gieshow left on the 8th of November. I know that.

Q How do you know that? A Because he worked with me.

Q How long had you worked with him? A Two or three years.

Q What work did he do? A He was also a mechanic.

Q So that before the 14th of November, 1914 you never had any talk or communication with Mr. Hecht did you? A No.

Q But you had been stealing for six months before that, had you? A I had given it as a matter of friendship to Gieshow.

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Q Hadn't you been stealing from the Bosch Company for six months before the 14th of November? A Yes, I took for Gieshow, not for myself.

Q I will put the question to you again, because I am entitled to a direct answer; didn't you steal from the Bosch Company for six months before you ever met Hecht? A It was not directly stealing what I did then, because I thought Gieshow needed it for his work, and that he would then use it again for the business. He was working next to me, and I did not want him to come into any trouble. I wanted to help him out.

Q Then you swear now you did not steal before the 14th of November, 1914, did you? A If you call that stealing, then I was stealing.

Q Did the Bosch Company know that you were taking these parts and giving them to Gieshow? A No they didn't know it.

Q Did you pay the Bosch Company for the parts you took?
A No.

Q Now, before the 14th of November, 1914, had you ever been in Hecht's place of business? A No.

Q Had he ever asked you to bring anything to him? A Yes.

Q When did he ask you before the 14th of November? A Not before the 14th of November.

Q What do you say you brought to him on the 14th of November? A I brought contact breakers and three levers.

Q Was that the only time you ever brought him contact breakers? A No.

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Q Was that the only time you ever brought him levers? A No.

Q Well, now how can you swear to this jury then that on the 14th of November, 1914 you brought Hecht two contact breakers and three levers? A Because I had nothing else in work. The only thing I had in work was contact breakers and levers and distributors.

Q How do you know you did not bring the distributors on the 14th of November? A I know that exactly because I had that in my pocket, and the others you could not put in your pocket so easily.

Q Is that the only time you ever brought anything to Hecht in your pocket? A No.

Q Did Detective Monroe find out that on the 14th of November you brought to him two contact breakers and three levers? A I told him, yes.

Q Now, you told us that you left the Bosch Company on the 24th of May, 1914; is that right? A 1915.

Q You testified that it was May 24th, 1914; do you want to change that? A That is not correct; I did not say that.

Q You don't remember saying it was 1914? A That could not be possible because I know exactly I left in 1915.

(At this point stenographer reads back witness' previous answer on this point.)

Q The stenographer has just read that you testified that you stopped working for the Bosch Company on May 24th, 1914; do you remember testifying to that, A It must be a great mis-

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take them of mine.

BY THE COURT:

Q Which did you mean, 1914 or 1915? A 1915.

BY MR. KRESSEL:

Q Now, when you were stealing these articles, how did you take them out of the place of the Bosch Company without being detected? A I had them part in a box, and part of them in my pocket.

Q You never carried a package out of there did you with those things in? A Yes.

Q Openly? A I had it wrapped up in paper.

Q Did you put them in your clothes or under your clothes?

A No.

Q Just carried them out? A Yes.

Q Now, did you ever go to Hecht's place in the company with anybody? A No.

Q Did you ever talk to Hecht in the presence of Gieshow?

A No.

Q Now, what day was it that you last saw Hecht? A 12th of March, 1915.

Q Now, tell us how you fix that day, A I know that from the 27th of February, because I went there fourteen days later.

Q How do you know that you went there fourteen days later; why wasn't it fifteen days or twelve days? A The days I didn't count but I know it was on a Friday the 12th day of March; I know it exactly. On the 27th of February I paid something out

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of the \$35. which Hecht had given me, and I received a receipt and therefore I know exactly that I went there on the 12th of March.

Q What day in the week was the 12th of March? A Friday.

Q You have looked it up in the calendar, have you? A Yes, it was a Friday.

Q Who told you to look at the calendar on that? A Nobody told me that.

Q To whom have you talked about your testifying in this case? A To nobody.

Q And that is as true as everything that you have testified to here? A Yes.

Q Have you been arrested for stealing from the Bosch Company? A No; we were only thrown out of the place.

BY THE COURT:

Q You were dismissed? A Yes; we were told to stop.

Q "We were told"? A Gieshow and myself were told to get out.

BY MR. KRESSEL:

Q When did Gieshow leave; at the same time you did? A Yes.

Q What have you been doing since then? A I worked here in New York and in Brooklyn.

Q Where in New York? A Hertz & Company.

Q What were you doing by Hertz & Company? A Experimental work.

Q What kind of experimental work? A Also on Automo-

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biles.

Q When did you go to work for Hertz & Company? A (Looking at paper) July 7th.

Q Without that paper you did not remember the date, did you? A Yes, I could remember.

Q When did you leave Hertz & Company? A The first Saturday in September.

Q What day of September, was that? A I think the 3rd.

Q Did you also work in Brooklyn? A Yes.

Q For whom? A Taylor Die Casting Company.

Q Where is their place of business? A Ninth and Court street.

Q When did you go to work for them? A Fourteen days or three weeks after I left Bosch.

Q How long did you stay there? A Three weeks.

Q What did you do for them? A Tool-making.

BY THE COURT:

Q Are you still in their employ? A No.

BY MR. KESSEL:

Q What did you sell Necht on the 12th of March? A Five contact breakers, one condenser and one distributing disc.

Q You are sure that is what you sold him, is it? A Yes.

Q And that is the last time you ever sold him anything?

A Yes.

Q And that is the last time you saw him? A Yes.

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Q Now, there are different kinds of contact breakers, aren't there? A Yes.

Q What kind were these five you say you sold him? A Independent.

Q You mean there are two kinds of breakers, independent and dual? A Yes.

Q These were five independent? A Yes.

Q Did you steal any dual contact breakers? A Yes.

Q Did you ever sell any dual contact breakers to Hecht?

A Yes.

Q But you are sure that those you sold him on the 12th of March were independent? A Yes, that I am very sure of.

Q What makes you so sure? A I know it exactly, because I had nothing else in work.

Q Didn't you have anything else in work in the 12th of March? A No, only independents.

Q Independent what? A Magnetos.

Q You did not have any dual magnetos that you were working on? A No.

Q Did you have any dual magnetos on the 11th of March you were working on? A No.

Q Or on the 13th of March? A No.

Q On the 14th of March? A No.

Q Did you have any in March? A In the latter part, the last week I had dual.

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Q Did you keep track in writing in any way when you were working on independents and when you were working on dual magnetos? A That we always had to put down while we were in the business.

Q Put down on what? A On cards, on the working cards.

Q Have you those cards? A No.

Q When did you last see the cards? A The day I turned it over.

Q When was that, A The 12th of March, 1915.

Q Now, these five contact breakers, what number were they?

A They have no number.

Q Well, for what number magneto were they? A That I don't know.

Q There are different kinds of Bosch magnetos, aren't there? A Yes.

Q Well, there is D U-4 ? A Yes.

Q And D U-6? A Yes, and Z R-6.

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Q The contact-breakers in each of these models vary in price, don't they? A Yes.

Q But what kind of contact-breakers these were that you say you sold to the defendant on the 12th of March, 1915, you don't know? A They were Z R.

Q Didn't you just a minute ago tell us that you could not tell what kind of model these were? A I did not say what model it was, I said I don't know the number.

Q The number of what? A Of the magnetos, that I don't know.

Q Didn't I ask you whether you could tell the number of these contact-breakers that you sold to him? A Yes.

Q Now you remember they were Z R 6, were they? A Z R.

Q And those are the most expensive of the contact-breakers, aren't they? A That I don't know.

Q Well, do you know the price of contact-breakers? A No.

Q Will you tell the jury how you remember they were Z R?

A Because that week I had mostly Z R.

Q Did you have any other that week? A Not five.

Q Well, 4, or 97, I don't care what number? A That I don't know, what I had in the beginning of that week.

Q But you are willing to swear that those that you gave to him on the 12th of March, were the Z R? A Yes; that I can swear to.

Q What kind were these condensers that you sold him on the 12th of March? A D 4.

Q You remember that? A Hecht asked for these particular;

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he could not use any others.

Q When did he ask you that? A The last time I was there he asked for them. The last time before I was there the last time.

Q That is, on the occasion of your second visit before the 12th of March, is that right? A It was before the 12th of March.

Q Was it on the 27th of February? A I was there; I was in that saloon then.

Q Was it on that occasion that he asked you to bring these particular things? A Yes.

Q So, we have it now that on the 27th of February, 1915, in the County of New York, this defendant asked you to steal from your employers, the Bosch Company, five Z.R contact-breakers, and one D U condenser, and also one lever, is that right? A One condenser disc. He always told me every time that he needs that, and I should bring him that and that.

Q And did he, on the 27th of February, tell you to steal these very things that you say you brought to him on the 12th of March, 1915? A He did not tell me the numbers. He told me what he used, what he needed.

Q He told you then to steal five contact-breakers and this distributor disc and the levers, is that right? A He always told me to take as much as I can.

Q Did he tell you to steal these five contact-breakers and one disc and one lever? A He did not tell me the number,

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how many to steal, but he only told me he needed them.

Q Did he tell you you should steal contact-breakers and discs and condensers and bring them to him? A Yes.

Q And that he would buy them from you? A Yes.

Q And that you should steal them from the Bosch Company?

A Yes.

Q And that you should bring them to him after stealing them? A Yes.

Q And was it pursuant to that request of the defendant, that you brought to him these articles on the 12th of March, 1915? A Yes, I brought them there.

Q Have you summed up all the money that you have received from Hecht? A Not all.

Q Can you tell the jury now, how many contact-breakers all together you brought to Hecht and sold him? A No, I could not.

Q After talking to Mr. Monroe? A The day that I brought them I knew them exactly, and the number I knew; but, what I brought there between the time, I did not mention, because I want to be sure of what I say.

Q Did not mention to whom? A To the detective.

Q Now, when was it that you were first approached by a detective? A I don't know the date exactly.

Q Had you ever before been approached by a detective and accused of stealing? A No. I was never punished before.

Q That was an important event in your life, wasn't it?

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A Yes.

Q And that was after the last time that you ever sold anything to Hecht, wasn't it? A Yes.

Q But you cannot tell the jury what date that was, can you? A 12th of March; that I know exactly.

Q I ask you whether you can tell the jury the date when the detective first approached you and asked you whether you had been stealing? A That I could not say. That I don't need to put down. I only remember the date which I have stated and of which I am sure.

Q What do you mean by saying that you did not need to put down; did you put down any of these dates you have told us about? A Those I remembered.

Q Did you write them down anyway? A No.

Q Well, after seeing this detective Monroe, who was the next person that spoke to you and that you spoke to about stealing from Bosch? A Gieshow.

Q Where did you meet Gieshow? A He was brought down in the office where we were with the detective.

Q What office? A Bosch Magneto Company.

Q Was anybody else present besides Gieshow, yourself and the detective? A Yes.

Q Who else? A Mr. John.

Q Who is he? A The treasurer of the Bosch Magneto Company.

Q What is his name, did you say? A Mr. John.

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Q When did you first have any talk with anybody connected with the District Attorney's office? A That I have here.

(Witness produces papers.)

Q Well, do you remember without looking at that paper?

A I had the subpoena.

Q Do you remember the date without looking at that paper?

A No, I don't remember that.

Q Now then, you can look at your paper and tell us.

(Witness refers to paper.)

A According to the notice I have here, it was May 6th.

Q May 6th, 1915? A Yes.

Q Who made that notice? A The detective came to the place of business and brought us in the court house here.

Q On that date? A Yes.

Q Now, before that date, had you confessed that you had been stealing? A Yes.

Q You had told the treasurer of the Bosch Company that you had been a thief for a year before that, hadn't you? A Yes.

Q And you had told them that you had stolen from them, the Bosch Magneto Company? A The detective wanted to know that. Mr. John did not want to know anything.

Q Didn't you tell in Mr. John's presence that you had been stealing all these things? A Yes.

Q Yet you continued to work for the Bosch Company until the 24th of May? A Yes.

Q They kept you on for over a month after you told them

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you had been stealing, did they? A Yes.

Q Did you get the same salary from the Bosch Company after you told them that you had been a thief, as before?

A I always received the same.

Q By the way, what salary were you getting? A \$20.80 a week.

Q Who asked you to testify against Hecht? A Mr. Monroe.

Q The detective? A Yes.

Q Was Mr. John present at the time? A No.

Q When Mr. John was present and Mr. Gieshow was present, did you tell Mr. John that you would testify against Hecht?

A No.

Q Whom did you tell of the Bosch Company that you would testify against Hecht? A Nobody.

Q Who told them, if you didn't? A That I don't know.

Q Well, you knew, didn't you, that you could be sent to State Prison for stealing these things? A Well, I don't know.

Q Do you really mean to tell the jury under oath, that when you confessed to this detective, that you didn't know that you could be sent away to prison for stealing? A Yes, they could have had me arrested.

Q But they said they would not have you arrested, didn't they? A Nobody said that to us.

Q I don't care anything about "us"; didn't somebody tell you when you promised to testify against Hecht, that if you

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did so, you would not be arrested and prosecuted? A No, nobody said that.

Q You are afraid now, are you, of being sent to prison for stealing? A Yes; I never liked that matter.

Q You understand, don't you, that these gentlemen expect to hear the truth from you; do you mean to tell them that you haven't got an understanding with the Bosch Company that if you testify against Hecht, that they would make no complaint against you? A Nobody said that, nobody.

Q And that is as true as everything you said? A Yes.

Q Do you expect to be prosecuted for your thieving? A I don't know that.

Q Did the District Attorney tell you whether you would or would not be prosecuted? A Nobody said anything further to us.

Q I don't mean that in so many words. I mean the substance of it; do not let us have any mistake about it. Don't you understand now as you are sitting there that as a result of your testifying against this man, you are to escape without any punishment whatsoever? A I don't know that.

Q Didn't the detective Monroe tell you, not in so many words, but in substance, that you can be sent away to prison, but if you testify against Hecht, that you will get off. Now, tell the truth about that, will you? A No.

Q At all events, you have not been arrested or charged with this stealing, have you? A That is a fact.

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Q You have not been indicted for the crime, have you?

A No.

Q Was there anybody else in Hecht's office that you ever saw there besides Hecht and the girl that you say was at the typewriter? A There used to come chauffeurs once in a while, but I didn't know them.

Q Was the door to his store open when you were there?

A Yes.

Q Did you ever go there at night? A After the close of business.

Q What is the latest that you ever were to Hecht's place at night? A 6 o'clock.

Q You said something about having taken magnetos or parts to repair for Hecht, didn't you? A (In English.) Yes.

Q You understand English, do you? A (In English.) Not everything.

Q What? A Not much.

Q You understood that question, didn't you? A I understood something about repairs.

Q Did you repair magnetos for Hecht? A No.

Q What was it you said about repairing for Hecht? A Parts. especially these distributing discs.

Q When was the last time that you took any distributing discs from Hecht to have repaired? A That was between the 28th of November, and the 14th of December.

Q Did you write that down? A That I know exactly.

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Q How do you know that it was just between those two dates? A During that time he had given to me, I say on the 14th of December, that was on a Monday. There was a hall there where weapons are being kept, and during that time, from the 28th until the day I mentioned, I was there.

Q What has that got to do with the time you repaired distributing discs? A I had been asked whether I am sure that those are the days.

Q Did Hecht always pay you what you wanted for the things?
A I never asked anything.

Q Didn't you testify that on the 12th of March, , 1915, when you brought these things, Hecht asked you how much you wanted, and that you said \$8? A Yes, he asked me what I wanted, and I said yes, but that was the only time.

Q It was the only time he asked you how much you wanted, is that it? A He always asked, and I also replied, "I don't know what it is worth."

Q But this time, the last time, the 12th of March, you did ask him for \$8? A Yes, we agreed upon that.

Q Well, you asked him for \$8? A Not directly.

Q Didn't you testify that he asked you how much you wanted and that you said \$8? A Yes, I said so.

Q Now, you are sure you brought him on the 12th of March, 1915, five contact-breakers, a distributor disc and a lever?

A Five contact-breakers, one condenser and one distributor disc.

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Q You appeared as a witness before the Grand Jury, didn't you? A Yes.

Q And you testified there against Hecht, didn't you?

A Yes.

Q And you did testify to the truth there? A Yes.

Q Just as true as you are telling these gentlemen? A Yes.

Q Did you tell the Grand Jury there what you had sold to Hecht on the 12th of March, 1915?

MR. McCORMICK: I object to that; nothing to show he was asked anything about it.

THE COURT: Allowed.

A Mr. Gates had that put down and everything. He laid it before them. I did not directly testify to the amount.

Q That is, you did not testify before the Grand Jury as to what you sold Hecht on the 12th of March, 1915, did you?

A No; I was not asked.

Q And nobody else was present with you when you sold these articles to Hecht on the 12th of March, 1915? A That is correct.

Q February 27th, 1915, was a Saturday, wasn't it; you looked it up, and you saw Hecht at what time? A 1 o'clock.

Q And then you went out and had your shoes shined and had a glass of beer? A Yes.

Q And then you went back to the Bosch Company? A Yes.

Q And got the things? A Yes.

Q Did the Bosch Company's place close at 12 o'clock Satur-

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days? A Yes.

Q Where did you have these things concealed while you were talking to Hecht and getting your shoes shined? A I had them upstairs in my place.

Q What do you mean by your place? A Where I was working. The man who worked next to me had to work that Saturday, and I said downstairs I wanted to talk to him; and that I wanted to go up, and that is how I was permitted to go upstairs.

Q Now, you told the jury that the way you got the things that you sold to Hecht was that you made a requisition for them upon the stock room, and represented to the stock room that you were going to use them in repairing magnetos, isn't that right? A That is correct.

Q In repairing Bosch Magnetos, did you often replace old parts with new parts? A No, that I was not allowed to do. I only made changes from one part to another.

Q Well, you did not understand me. You took a contact-breaker; didn't it often happen that in repairing a magneto, you would replace the contact-breaker in that magneto with a new one? A That cannot be done. I must take the one which fits to it.

Q Well, when you found the contact-breaker had to be replaced, didn't you make requisition upon the stock room for that kind of a contact-breaker? A We always had it done.

Q Now, what did you do with the old one that you took out of the magneto? A That I sent down in stock.

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Q That is, if you did not steal it? A Yes.

Q And upon the time sheet showing the work that you did upon a particular magneto, was the new part that you requisitioned from the stock room charged against the customer?

A I don't know that.

Q Well, did you keep track of the time you spent in repairing magnetos? A Yes. I did not repair any magnetos. I only made changes, alterations. Most of the times they came back in stock again, and were not sold.

Q Now, which parts did you steal; did you steal the new parts, that you requisitioned, or the old parts that you took out of the magnetos? A Those I took out.

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Q¹ And those are the parts that you sold to Hecht? A Yes.

MR. KRESSEL: That is all.

BY MR. McCORMICK:

Q Did you sometimes sell new parts to Hecht? A Those were all new parts. They were simply tested; used once or twice.

Q I am speaking of the parts that you gave him on the 14th of December; were they new or old? A New, but they were all used in testing to see whether the apparatus was correct.

Q When did you first learn that Gieshow was delivering stolen goods to Hecht?

MR. KRESSEL: Although I object, your Honor has already ruled that that testimony was inadmissible, as now appearing this witness states he did not know what Gieshow was doing with them.

MR. McCORMICK: I contend this witness did know about that before, that the goods were being delivered to Hecht, or he might know. There might have been an agreement between him and Gieshow to steal the goods and send them to Hecht.

THE COURT: That would be hearsay. Anything that he knows of his own knowledge he can state. If the jury believe he sold these goods to him as he says, on the 12th of March, they might consider those transactions that you put in back to the 14th of November, if they believe they had any transactions showing the character of their dealings. He said he and Gieshow had been stealing things before that; if

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he has any knowledge he may state it, but not hearsay. I will allow any transaction that he ever had with Hecht, but what he heard about Hecht is entirely immaterial.

MR. McCORMICK: Just prior to the 14th of November this man and Gieshow knew that the goods were going to Hecht, and Hecht knew they were coming from this man, I think I can show ---

THE COURT: I will sustain the objection to the question. If he ever saw any goods go there before the 14th of November I will let him testify to it, but he cannot testify to what some one else told him before the 14th of November, that is not binding on the defendant.

Q Did you ever steal anything from any other people?

MR. KRESEL: That is objected to.

THE COURT: Allowed.

A No.

MR. KRESEL: It now appears from the testimony of this witness Meyer that he did not testify before the Grand Jury as to what things he stole and sold to this defendant on the 12th of March, 1915. Now, I hold in my hand a copy of the indictment in this case upon which we are trying this defendant. On the back of it there are the names of two witnesses, one is Kurt Reiss and the other Jacob Meyer. The District Attorney will tell your Honor, I know, that Kurt Reiss knew absolutely nothing about the Bosch Company.

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3 Now, if Jacob Meyer did not testify to what was stolen and 49
sold to this defendant on the 12th of March, 1915, the Grand
Jury had no evidence upon which to base this indictment,
and it is without evidence, and I therefore move to dis-
miss.

THE COURT: Whether they had or not, the indictment
is before us and if the people can prove that defendant
is guilty of the crime charged in indictment, we will try
him on the indictment.

MR. KRESEL: It appears before the Court that there
was no evidence upon which to base the indictment.

THE COURT: That does not appear before the Court at
all, and even if it did appear before the Court *this is not the*
time to discuss the validity of this indictment. Motion
denied.

MR. KRESEL: I take an exception.

THE COURT: The jury will understand of course that
that is purely a legal matter which does not concern
them in any way. You will be the judges of the facts
and take the law from the Court, and when the time comes
you will make up your minds, and not before.

We will adjourn now. You must remember that during
recess you must not talk about this case among yourselves
and you must not permit anyone to talk to you about it and
you must not form any conclusion as to the guilt or the
innocence of the defendant until you hear both sides and un-
til the matter is submitted to you for your decision. You

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must keep your minds open.

(Court takes recess till 10:30 A.M. Tomorrow, October
1st, 1915.)

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THE PEOPLE vs. ALEXANDER HECHT.

New York, October 1st, 1915.

TRIAL CONTINUED.

J A C O B M E Y E R, recalled for further cross examination, testifies through the Official Interpreter, Mr. Fisher, as follows:

CROSS EXAMINATION BY MR. KRESEL: (Continued)

Q Meyer, between the 12th of March, 1915, when you say was the last time that you saw Hecht, and the 24th of May when you say you left the Bosch Company, did you continue to steal? A No.

Q Well, why did you stop stealing on the 12th of March?

A Hecht returned the articles which I had given to him, and he only wanted to give me \$5. Then I said, "Now, I am through with you, I have enough of you, I am glad." I could not sleep on account of this matter. It did not leave me any rest, and then I stopped; I was glad the matter was over.

Q But you took the eight dollars, didn't you? A No.

Q Did you get any money for the articles on the 12th of March? A No. He said on Friday that he had no money with him, and he said I should come tomorrow, and I said eight dollars. Then he came back with the box on Saturday and said, "I only want to give you \$5." Then I said, "No, now I am glad I am through with you."

Q Did you take back the things? A Yes, and returned them

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in the place of business on Monday.

Q You are speaking now of the 12th of March, 1915?

MR. KRESEL: Now, if your Honor please, apparently there is no receiving here at all on the 12th of March, because the things were returned.

MR. McCORMICK: Returned on the 13th.

THE COURT: That does not change the status of the act, if it were a criminal act on the 12th of March, the subsequent return of the property would not change it. It is a circumstance that may be considered by the jury.

MR. KRESEL: In order to make my point and save my exception, I move that your Honor now dismiss the indictment charging a receiving on the 12th of March, 1915, on the ground that it now appears from the testimony of this witness that the articles alleged to have been received were not taken by the defendant, but returned to this man.

THE COURT: The motion is denied.

MR. KRESEL: I except.

THE COURT: I will instruct the jury that it is a crime to receive stolen property with guilty knowledge that the property has been stolen, and that the intent of the person who received it, must be determined as of the time of the receipt of the property. If the property were received by a person for the purpose of determining the true owner, that would not be a crime.

MR. KRESEL: Your Honor will grant me an exception to

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your Honor's remarks in the presence and hearing of the jury?

THE COURT: Yes.

Q Now, Meyer, did Gischow know that the things that you gave him, you had stolen? A Yes, he knew it, because I took them away from my place.

Q Do you know a man named George Meder? A I only became acquainted with him here. I saw him perhaps once in the workshop of Mr. Hecht's store, but I did not know him. I became acquainted with him here.

Q Will you swear now that you ever saw him in Mr. Hecht's place? A I saw him there.

Q When? A The date I could not tell.

Q On which of those dates that you specified to the jury yesterday did you see Meder in Hecht's place? A That I do not know.

Q When you received new parts from the stockroom did you sign for them? Did you give a receipt for them? A I had a clerk to make out an order.

Q Now, when was it your duty to return all used parts which you took out of the magnetos and put the new parts in? A When the work was finished.

Q As a rule how long did it take you to make the change? A As many pieces as I had, sometimes two days, sometimes three days.

Q And at the end of two or three days, it was your duty to

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return the used parts, wasn't it? A Yes.

Q Now, Meyer, you have been in trouble about some thieving from the Eiseman Magneto Company, haven't you? A Never. I never worked there.

Q Didn't you buy some stuff which it is claimed was stolen from the Eiseman Magneto Company? A I did not supply any magnetos, never, and I never was in trouble with such matters; this is the first time.

Q But, isn't it claimed that a man now locked up in the Tombs, charged with stealing parts from the Eiseman Magneto company, sold those parts to you?

MR. McCORMICK: I object to that. He said he never had anything to do with it.

THE COURT: I will allow it on cross examination.

A That is not true; I did not do it; never.

Q I didn't ask you whether you did it. I asked you whether that has not been charged against you?

MR. McCORMICK: I object to that.

THE COURT: I will allow it.

A That I don't know; in fact, I don't know who you mean.

No one can say that about me, because I never had anything to do with Eiseman; not with parts nor with anything else.

MR. KRESDEL: That is all.

MR. McCORMICK: That is all.

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O T T O G I S C H O W, (1846 Anthony avenue, Bronx), a witness called on behalf of the People, being first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. McCORMICK:

Q What is your business? A Mechanic.

BY THE COURT:

Q What kind of a mechanic? A A machinist.

Q Any special line? A No, special line.

BY MR. McCORMICK:

Q Do you know Alexander Hecht, the defendant? A Yes.

Q How long have you known him? A Since 1911.

Q Did you have any talk with him about your business at that time? A No, not that time.

Q Well, did you afterwards? A Well, in 1912 I met Hecht again.

Q When did you first talk with Hecht? A I met him on Broadway.

Q When did you first talk with him?

MR. KRESEL: That is objected to.

THE COURT: Allowed.

A In 1912.

Q Did you ever work for Hecht? A Yes.

Q During what period of time? A Well, I began in 1912 to work for him.

Q And were you employed at any other place at that time?

A Yes, at the Bosch Magneto company.

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Q How long did you work for the Bosch Magneto Company?

BY THE COURT:

Q How long did you work for Hecht? A I worked for Hecht until --

BY MR. McCORMICK:

Q How long? A About three years.

Q What kind of work did you do for him? A I made repairs for him.

Q Where was his place of business during that time? A In 49th street.

BY THE COURT:

Q What number in 49th street? A Well, I don't know the exact number; between Broadway and Eighth avenue.

BY MR. McCORMICK:

Q Did he ever say anything to you about bringing him parts?

THE COURT: Why not bring out about the work, what hours he had there.

Q What hours did you work for Hecht? A I worked there Saturday afternoon, and in the evening, at night.

BY THE COURT:

Q At the same time did you have any other employment? A Yes, sir; I worked for Bosch.

Q When did you go to work for Bosch? A I worked for Bosch at different times. I worked there in 1912, and 1913.

Q What were your duties there? A Repairing magnetos, and assembling new magnetos; doing work on starting and lighting

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systems.

Q What were your hours there? A They were half past seven to half past five.

Q When did you leave the Bosch place? A I left about in May.

Q May of what year? A 1915.

Q This year? A Yes.

Q You worked continuously? A No.

Q Or were you laid off from time to time? A I was not laid off, but I worked for the Eiseman Company in 1914.

BY MR. McCORMICK:

Q Were you working for Bosch in November, 1914? A No. Then I just left Bosch.

Q Then you were mistaken when you say you quit in May 1915, weren't you? A I started at Bosch again.

Q Were you working for Bosch in October?

BY THE COURT:

Q I asked you if you worked continuously for Bosch to May 1915? A No, not continuously.

Q Well, tell us the periods of your employment.

A I left Bosch in October, 1914, and went back to Bosch about February, 1915, and then left Bosch again in May 1915.

Q you said you worked for Eiseman: When did you work for Eiseman? A I worked for Eiseman in 1911, and then I worked for Eiseman from October, 1914, to February 1915.

BY MR. McCORMICK: Q Now, about the time you left the Bosch

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Magneto Company did you have a talk with Hecht? A In 1914.

Q About the time you left in October or November, 1914, did you have a talk with Alexander Hecht? A Yes.

Q Where was that talk? A About what?

Q About Meyer? A Yes, I did.

Q Where was that conversation? A In his place.

Q In whose place? A In Hecht's place.

Q Can you fix the date; I don't mean the exact date?

A That was in October.

Q What part of October? A The end of October and beginning of November.

Q Now, I want you to tell everything that you said and everything that Hecht said about Meyer?

MR. KRESEL: I object to that question as immaterial, irrelevant and inadmissible. It appears that the first time Meyer had anything to do with this defendant was in november, after this man had left Bosch.

This conversation had nothing to do with it and is by no means binding upon the defendant. It does not relate to the charge in the indictment which is as of March 1915. Your honor has already held, you will recall, that there can be no relation between this witness and the defendant Hecht, which could be considered to be a similar transaction, admissible under this indictment.

THE COURT: I have not held that. I held that proof that Mr. McCormick offered was not proper proof, not com-

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petent evidence. I said he might prove similar transactions, but that he could not prove them in the way Mr. McCormick stated. I said that the testimony he offered was hearsay.

MR. KRESEL: On page 25, of the minutes, if you will permit me to refresh your recollection, the witness Meyer stated that he did not know what Gishow was doing with the things that he gave him, and thereupon your Honor struck out the testimony of Meyer.

THE COURT: But Meyer could not testify that Hecht received them because it would be only hearsay. He had no personal knowledge of that. That was the point I impressed upon Mr. McCormick, and that is what I understood was the contention. I did not intend to leave you under the impression that I held that he could not prove similar transactions. He can prove them by competent testimony, but not by hearsay.

MR. KRESEL: On page 25 it says, The Witness (Referring to Meyer) he did not know what Gischow was doing with them, and therefore the Gischow transaction is not between this thief and that defendant at all; is not a similar transaction between them.

THE COURT: Between Meyer and him. My ruling was based on the objection I thought you made that the evidence was incompetent.

MR. KRESEL: I did.

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THE COURT: You will remember the testimony that Meyer gave, that when he went to Hecht for the first time he said, "Gischow sent me", and that Hecht said "Are you Meyer?" Now, he may testify to whatever he said to Gischow about this matter and about similar transactions, and you have your exceptions.

I meant to rule that the People may prove similar transactions. Certainly there is no objection to proving them when they are between the same thief and the same owner, and the same receiver. Now we have the same receiver, the same owner and accomplice of the thief. I am going to allow that testimony.

MR. KRESEL: I take my exception.

(Previous question read by the stenographer.)

Q That was in the latter part of October or the first of November? A Hecht asked me who gave me the part that I delivered to him.

Q What parts? A The parts belonging to Magnetos.

Q That you delivered to him when? A During all the time in which I worked for him.

Q When was it that Hecht first said that to you? A That was in October.

Q What did you say? A Well, I first did not tell him, but later I told him that it was a mechanic by the name of Meyer.

Q What did he say then? A He said I should introduce

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Meyer to him.

Q What did you say? A I did not want to do that.

Q No, what did you say? A I said that I did not want to do it.

Q What did he say? A He left it go then. A couple of days later he asked me again.

Q Where were all those conversations? A At his place?

A Yes.

Q Then a couple of days later what was the conversation?

A After I knew that I would leave the Bosch Company, I told him that it was Meyer, and that I might send him over.

Q What did he say to that? A He said that was all right.

Q Did you send Meyer over?

MR. KRESEL: That certainly is hearsay.

THE COURT: Sustained.

Q What was the next conversation between you and Hecht?

A Hecht told me that when I leave Bosch it would not be possible for me any more to bring him part, and he would like to get them through Meyer.

Q What did you say to that? A I don't know what I answered to that.

Q Now, that last conversation that you last spoke of was about when? A About the beginning of November.

Q Well, now, after that conversation did you have a talk with Meyer? A Yes, sir.

Q Don't answer this question until the Court tells you

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you may: What did you say to Meyer and what did he say to you?

MR. KRESEL: I object to that.

MR. McCORMICK: Now, having been told to deliver a message to Meyer, it seems to me what he said to Meyer is admissible.

THE COURT: I think I will limit his testimony to the statement he had a talk with Meyer. I will sustain the objection to the talk he had with Meyer.

Q Then you say you went to work where? A Then I left Bosch and went to Eiseman's.

Q You worked with Eiseman until when? A Until about February.

Q During that time that you were working at Eiseman's did you see Hecht? A No.

Q When was the next time you saw Hecht? A I saw him about February 29th.

Q Now what did he say to you on that day, and what did you say to him? A He said that he wanted me back again and do the same work for him, and also would like me to bring him small parts again.

Q What did you say to that? A I said I would not bring parts any more.

Q Is that all the conversation? A Then he said that Meyer did not come there any more. He had sent Meyer away.

Q Did he say why? A No.

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Q Was that all the conversation? A That is all I remember.

Q Well, then, that was the 29th of February; what day was it you stopped working for Eiseman? A I don't know exactly the date.

Q Then after that you had another talk with Hecht, didn't you?

A Yes, sir, that was Saturday, April 24th.

Q Where? A In his place.

Q What time of the day? A After twelve o'clock.

Q Noon? A Yes, sir.

Q What did he say to you that day and what did you say to him? A He told me that he thought he was going to be arrested, that George Meder, his employee was arrested.

Q You mean Meder who worked for him? A Yes; he also told me that I should not tell anybody about what dealings I had with him.

Q What did you say to that? A Well, I said I wouldn't.

Q Did he say anything about lawyers? A Yes, he said that he thought nothing would come of the case, because he had a very competent lawyer.

Q He said he had the best criminal lawyer in New York? A Yes, something on that style.

Q Well, now, when did Meyer begin to give you goods to take away?

MR. KRESEL: I object to that, if your Honor please, as not binding on this defendant, and immaterial.

THE COURT: I will sustain the objection in that form.

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You may state the first time when you brought goods to Hecht.

Q When was the first time you ever took goods to Hecht that you got from Meyer?

MR. KRESEL: Objected to on the same grounds I have hereto urged. It now appears that this transaction sought to be proved by the District Attorney is not between the same thief and the same receiver, but two different thieves and the receiver, and I claim under the authorities it is not admissible. I further claim it is too remote in point of time and not connected to the circumstance.

THE COURT: I will overrule the objection.

MR. KRESEL: Exception.

(Previous question read by the stenographer.)

A The first time I got from Meyer that was about, I cannot say exactly; in 1914.

BY THE COURT:

Q In the spring, summer or fall? A In the spring, I think.

Q In the spring of 1914? A Yes.

BY MR. McCORMICK:

Q What goods were they? A They were distributor plates.

BY THE COURT:

Q First, whose goods were they? A Bosch's.

Q You and Meyer were both working for Bosch at that time?

A Yes.

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BY MR. McCORMICK:

Q How much did you get for them; first tell us what they were? A They were distributor plates, contact breakers, and timing levers.

Q Take them one at a time: How many distributor plates?

A About eighteen, I think.

Q In the first lot? A I did not give them all at one time, but I think altogether it is about eighteen distributor plates I gave him.

BY MR. McCORMICK:

Q How much did you get for them from Hecht? A He would pay me about \$1.25 or \$2.50 apiece.

Q What else? A Contact breakers.

Q How many? A About fourteen.

Q How much did he give you for them? A About a dollar and a quarter to two dollars and a half.

Q What else? A Battery timing levers.

Q How many? A About eight.

Q How much did you get for them? A The same, a dollar and a quarter to two and a half.

Q What else? A I brought him windings, armature windings.

Q I am talking about the property you got from Meyer; not any property before that. A This is not all from Meyer.

Q Well, I simply want the stuff you got from Meyer.

MR. KRESEL: Your Honor can see the difficulty I am laboring under. The District Attorney knows what this

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witness can tell, and I do not. He did not confine him to that, although he tried to, and the witness misunderstood him. I ask that your Honor direct that this testimony of the witness thus far be stricken out, I mean as to the deliveries by him.

THE COURT: strike it out.

MR. McCORMICK: That is consented to.

MR. KRESEL: I ask your Honor to instruct the jury to disregard that.

THE COURT: The jury will disregard that testimony given by the witness, as to the goods delivered.

Q What I want are the goods you got from Meyer and took to Hecht; give me that list of goods. Any distributor plates?

A Yes, about eight.

Q Any armatures; what else? A I think about five.

Q Five what? A Armatures.

Q How much did you get for them? A About two to three dollars.

Q Each? A Yes.

Q Were they old or new? A They were new.

Q Were those distributor plates old or new? A Some of them were old and some were new.

Q How much did you get for them? A The distributor plates?

Q Yes. A \$1.25 to \$2.50.

Q What else? A Some contact breakers.

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Q Do you know how many? A About five.

Q Were they old or new? A They were new.

Q How much did you get for them? A A dollar twenty-five to two and a half.

Q Anything else? A Well, I got a lot of small parts.

MR. McCORMICK: Well, now, will your Honor permit me to refresh his recollection?

THE COURT: You have not exhausted his recollection, yet.

Q Can you tell us what the small things were? A Battery timing levers, I forgot to say.

Q How many? A About five.

Q How much did you get for them? A A dollar and a quarter to two and a half.

Q Were they old or new? A They were new.

Q Do you know the value of those things? A Yes.

Q What were the eight distributor plates worth, apiece?

MR. KRESEL: I object to that.

THE COURT: You have not qualified him as yet. He may know.

Q What experience have you had in buying and selling, if any, these articles of that kind? A I took interest in the business, and that is how I knew just how much they were worth.

Q You knew what they were worth, having sold them at that time to the public by the Bosch Magneto Company? A Yes.

Q You bought them yourself from time to time? A Well, no, not exactly.

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Q How long have you been in that business? A It is the sixth year.

Q During those six years have you ever bought any of those appliances? A Lately yes, but before that I knew the prices only by seeing them in price lists.

Q Knowing what they were sold for?

BY THE COURT:

Q You kept yourself informed as to the prices? A Yes.

Q Was it a fluctuating price, varying from day to day? A No.

Q What did the price list contain, the price to the trade?

A Just to the public, the list price.

THE COURT: I do not think he is qualified.

MR. McCORMICK: Well, I have a witness who will testify to that. I will withdraw that.

BY MR. McCORMICK:

Q What did you do with the money you got from Hecht?

MR. KRESEL: I object to that as immaterial and not binding on this defendant.

THE COURT: I will allow that.

MR. KRESEL: I except.

MR. KRESEL: I direct your Honor's attention that there is no testimony in the case that this defendant knew anything about what the money was to be used for.

THE COURT: Allowed.

MR. KRESEL: Exception.

A I used the money to pay the doctor.

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Q Did you give any of it to any other person? A Yes.

MR. KRESEL: same objection.

THE COURT: Allowed.

MR. KRESEL: Exception.

A I gave to Meyer some of it.

Q How much? A Half of what I got from Hecht.

BY THE COURT:

Q And you kept the other half? A Yes.

BY MR. McCORMICK:

Q Did Hecht ever during this time talk to you about this business?

MR. KRESEL: What business? That is rather indefinite.

THE COURT: What time?

BY THE COURT:

Q While you were delivering goods to Hecht did he talk to you about the matter? A Why, yes, he always told me to bring as much as I could.

BY MR. McCORMICK:

Q Did he ever tell you anything about being careful?

MR. KRESEL: Now, Judge, isn't that very prejudicial?

THE COURT: The jury will disregard that question altogether. It is grossly leading.

MR. McCORMICK: I will apologize to your Honor.

BY THE COURT:

Q Tell us all you said to Hecht about this transaction that you had with him, and all that he said to you, as well

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as you can remember? A Hecht used to tell me he could always make use of these parts, and that I had to be careful not to let the Bosch Company know about it, because I and he would get into trouble; but he said I need not worry, that this would not be detected, because he would not enter it in his books, and the part would not be identified very well.

BY MR. McCORMICK:

Q How were these conversations, over the telephone, or where were they? A No, they were in the place.

Q Did he ever talk to you over the telephone? A Not that I remember; he talked to me over the telephone on the Saturday he got arrested, April 24th, and he told me not to tell anything about this.

MR. McCORMICK: That is all.

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CROSS EXAMINATION BY MR. KRESEL:

Q You did not steal these parts which you sold to Hecht, did you? A Yes, some of them.

Q Which of them did you steal? A Well, about half of them.

Q Now, you told us that you sold him about eight distributor plates; how many of those did you steal? A Of those eight, none of them.

Q Were those the eight that you got from Meyer? A Yes.

Q Did you know that Meyer had stolen them? A Yes.

Q You knew that before you sold them to Hecht? A Yes.

Q And is that true with reference to the five armatures and five contact breakers and five timing levers that you sold to Hecht? A Yes.

MR. McCORMICK: Battery levers, he said.

Q Battery timing levers, is that right? A Yes.

Q Where did you meet Hecht first? A The very first time I met him in Brooklyn, at the Eiseman Company.

Q You and he were working together there? A No, I had charge of the inspection room, and I had to instruct him how to repair magnetos.

Q He was learning the business? A Yes.

Q And that was in 1911? A Yes.

Q Did Hecht leave Eiseman's there soon thereafter? A Yes; he only was there two weeks.

Q Then when was the next time you saw Hecht? A In 1912.

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Q What part of the year 1912? A The beginning of the year, spring.

Q The spring of 1912? A Yes.

Q Are you sure that it was in 1912? A Yes.

Q Absolutely positive about it? A It was in 1912, yes.

Q And are you absolutely positive that it was the spring of 1912? A I am not so absolutely positive about the spring part of it, but I am positive about 1912.

Q How did you happen to meet Hecht after this lapse of time when you saw him last at Eiseman's; did you go to him, or did he come to you? A I was walking to the Bosch Magneto Company from 50th street. I got off at 50th street subway station and met him at 49th street and Broadway.

BY THE COURT:

Q Do you mean accidentally, or by arrangement? A By no arrangement on my side.

Q You just met him? A Yes.

BY MR. KRESEL:

Q And then did you have a talk with him then? A He asked me to come to see him in his place and do some work for him.

Q What kind of work? A Repairs.

Q Did you tell him where you were then working? A Yes.

Q Did you tell him that you were working for the Bosch Company? A Yes.

Q Did you tell him what position you had with the Bosch Company? A Yes.

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Q What did you tell him about that? A I told him that I did work in the laboratory, also did work in the garage and in the repair shop.

Q Well now, let us dispose first of your working for Hecht; is it a fact that you worked for him during the hours that belonged to you and not to the Bosch Company? A I worked during the hours that belonged to me, and during hours that really belonged to the Bosch Company.

Q Did you work for him when you should have been working for the Bosch Company? A I asked for leave. I asked to get off for a time, for which time, of course, I did not get paid, and then I worked for Hecht.

Q Then the time you worked for Hecht, you were not paid for by the Bosch Company? A Yes, in some ways I was, because I made some tools for him, and I made them at the Bosch Company.

THE COURT: I do not think that is very material. Of course, if you wish to show moral delinquency on the part of the witness in stealing the time of his employers, I will allow you.

MR. KRESEL: He has already told enough, I will not pursue that line any further.

Q You worked for Hecht quite often, didn't you? A Yes.

Q Almost every day? A No; but almost every Saturday.

Q From the time in 1912 that you again resumed acquaintance with him, until when? A Until October, 1914.

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Q Well, didn't you work for him after that? A Yes, after he wrote me the letter to come back to him.

Q That was in February, was it? A Yes.

BY THE COURT:

Q Of what year? A 1915.

BY MR. KRESEL:

Q Then did you resume working for him? A What?

Q Did you start working for him again? A Yes, until April 24th.

Q And were you working for him on April 24th? A Yes.

Q That was a Saturday? A Yes.

Q You were working right in his shop on that day, weren't you? A Yes.

Q Now, the work that you did for Hecht, was repairing magnetos, wasn't it? A Yes.

Q And repairing parts that go into magnetos? A Well, parts that usually you don't repair, that cannot be repaired.

Q Didn't you repair some parts for him? A Yes, sometimes I did.

Q Did you ever have any talk with Hecht during this time about your being able to get Bosch parts at a greater discount than he, Hecht, could get them? A You mean buy them?

Q Did you ever have any talk with Hecht during this time about your being able to get Bosch parts at a greater discount than he, Hecht, could get them? A I don't know what that question means.

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BY THE COURT:

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Q Did you ever tell him you could buy them cheaper than he could? A No; he never told me.

Q Did you ever tell him that you could buy these parts cheaper, get a better price than he could? A No.

Q There was a list price, was there not, for all these articles? A Yes.

Q Anyone could get that list? A Yes.

Q The articles were sold at a discount from that list, weren't they? A To some people, yes.

Q Did you ever tell him that you were one of the favored people, that you could get a bigger discount than he could?
A No.

BY MR. KRESEL:

Q Did you ever discuss with him the question of buying Bosch parts at a discount? A No.

Q Did he ever tell you whether he was getting a discount for Bosch parts? A Yes.

Q He did tell you that? A Yes.

Q Did he tell you that he was buying Bosch parts direct from the Bosch Company? A I knew he was, when he was in need of them.

Q Did he tell you what discount he was getting? A He did not tell me, but I knew.

Q Didn't he tell you what discount he was getting? A No.

Q And didn't you tell him that you could get a better dis-

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count than he could? A No.

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Q Now, all the parts that you got from Meyer and sold to Hecht were new parts, were they? A Yes; they were all new; that I got from Meyer.

Q You hesitated a bit, is there any doubt in your mind about that? A No.

Q Did you ever make any machine in Hecht's place of business? A Yes, I started to.

Q What machine was it you started to make? A I was working out an arrangement for an electric lamp on an automobile.

BY THE COURT:

Q An automobile lamp? A Yes.

BY MR. KRESEL:

Q Did you make a machine for re-winding armatures? A Yes.

Q And did you also make a new duplex coil? A No.

Q Were you working on a new duplex coil in Hecht's place of business? A I was not.

Q Right after you left the Bosch Company in October or November, 1914, didn't you stay in Hecht's place for a period of two weeks making a new duplex coil? A No.

Q Did you work there for a period of about two weeks after you left the Bosch Company? A For about one week.

Q And you and Hecht had some disagreement about that at that time, didn't you? A Yes.

BY THE COURT:

Q You mean you worked there every day? A Yes.

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Q For hire? A No, he said he would allow me to use his machines in order to work out the arrangement for an automobile lamp.

Q And you were doing that on your own account? A Yes.

BY MR. KRESEL:

Q I do not think we got that quite straight, Mr. Gischow; you did work for Hecht on other days than Saturdays, didn't you? A Yes, at night.

Q You used to come in after your working hours at the Bosch Company, and work there? A Yes.

Q Fairly regularly? A Yes.

Q Were you paid for that by Hecht? A Yes.

Q Hecht paid you for that work? A Yes.

Q Did he pay you in cash or by check? A Usually in cash.

Q Did he sometimes pay you by check? A He loaned me some money once, and he gave me a check.

Q Is that the only time he gave you a check? A Yes.

Q How much was it he loaned you? A At one time he loaned me about \$40. Another time he loaned me some \$25.

Q Are you sure of the amounts? A Not exactly sure, but about.

Q Once about \$40, and another time about \$25? A Yes.

Q When was it he loaned you the \$40? A That was in 1913.

Q What month? A About June.

Q When did he loan you the \$25? A I don't know exactly when that was; a little before that time.

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Q Before June, 1913? A Yes.

Q So along about October or the end of November, 1914, after you had worked for about a week, you and Hecht had a little disagreement, did you? A Yes.

Q And then you left? A Yes.

Q How long did you stay away? A Until he wrote me a letter in February, the 27th.

Q February of what year? A 1915.

Q Have you got the letter? A I gave it to the detective.

Q What detective? A Mr. Monroe, of the Burns Agency.

Q Is that a copy of it? (Handing paper to witness.) A Yes.

MR. KRESEL: I offer it for identification.

MR. McCORMICK: I consent it be put in evidence.

MR. KRESEL: I offer it in evidence.

(Letter received in evidence and marked Defendant's Exhibit No. 1.)

(The letter, Defendant's Exhibit No. 1, is read to the jury.)

Q Did you go to Hecht in response to this letter? A Yes.

Q And you said you went there on the 29th of February, didn't you? A About the 29th.

Q Well, you went there then a day or two after the 27th of February, is that right? A Yes.

Q I think you said on your direct, that Hecht told you he wanted you to come back to him? A Yes.

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Q What else did he tell you on that occasion? A I asked him what it was, the important part that he wanted to talk over with me, and he said it was not really anything, but he would like to have me come back again and make repairs for him, and also bring him parts.

Q At that time you were working for whom? A That was just about the time I left Eiseman and went to Bosch again.

Q Then you were not working for anyone? A Yes, I was working for somebody.

Q For whom? A I think I did go back to the Bosch Company again.

BY THE COURT:

Q It was either Eiseman or Bosch? A Yes.

Q Was there any gap between your service with those people?

A No.

BY MR. KRESEL:

Q Did Hecht make any proposition to you that you should come and work for him steadily then? A Oh yes, he did that.

Q Didn't he tell you he would like to have you come and work for him at \$25 a week and 2 per cent of the profits of the business? A Yes.

Q You are very friendly with Mr. Hecht, aren't you, Mr. Gischow? A I have never been friendly with him, not very friendly.

Q You have called at his house, haven't you? A Yes, I did that once.

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W Q You and your wife called at his house? A Yes.

Q He loaned you money, didn't he? A Yes.

Q This \$40 that he loaned you, you told him you needed it to pay your mother-in-law's taxes? A No.

Q What was it for? A Because I did not have enough money to go over to Europe.

Q He loaned you money to go to Europe with? A Yes.

Q That was in 1913? A Yes.

BY THE COURT:

Q Well, did you go? A I did.

BY MR. KRESEL:

Q You are still a friend of Hecht's, aren't you? A Well, I have not really been exactly a friend, because I only went to Hecht because I made money there.

Q Now you don't feel kindly toward him, do you? A I feel sorry for him, and I feel sorry for myself, too.

Q Have you been indicted? A No, not yet.

Q Have you been arrested? A Not yet.

Q Were you told what would happen to you if you testified here as a witness?

MR. McCORMICK: I object to that; no evidence he was told anything.

THE COURT: I will allow it.

A What?

Q What were you told would happen to you if you testified here as a witness? A Nothing.

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BY THE COURT:

Q Well, what were you told would happen to you if you did not testify as a witness? A Nothing was told to me.

Q What was said to you about testifying? A The District Attorney told me to tell all I knew.

Q What did the detective say to you, Mr. Monroe; you have interviewed him, haven't you? A Yes.

Q What did he say to you? A He said I should tell all I knew, and I should not tell anything but the truth.

Q Did you ask him how he knew that you knew? A He seemed to know everything.

Q How did he know; did you tell him? A Yes.

Q You told him? A Yes.

Q Well, tell us all about it. A I first tried to tell him nothing about it, but finally I thought I could not do that, I could not get away with that, and thought it might be best to tell him all I knew about it.

Q Best for you to save your own skin? A Yes.

Q Did not the detective tell you that? A Well, he told me if I did not tell everything and it would be found out later, that things might look worse for me than they would if I told the things. That is all he told me.

Q How did you come to meet the detective? A I met him in Mr. John's office at the Bosch Magneto Company.

Q While you were working for the Bosch Company? A Yes.

BY MR. KRESEL: Q Do you remember when that was, Mr. Gischow?

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A I don't know exactly the date, but it was about three or four days after April 24th.

Q And you stayed and continued working for the Bosch Company until what date? A Some time in May.

BY THE COURT:

Q For whom are you working now? A With the Ignition Specialties Company.

Q When did you go to work for them? A When I left Bosch.

Q In May? A About the beginning of June; I think it was either the end of May or beginning of June.

BY MR. KRESEL:

Q On the 29th of February you told us that Hecht told you that he sent Meyer away? A Yes.

Q He would not buy any more from him? A He would not buy any more from him, he said.

Q Do you remember what day of the week that was? A No.

Q Now, have you told us all the conversations that you had with Hecht about Meyer, as far as you can recall? A Well, when I came back on the 29th of February to Hecht's, he told me that Meyer had been bringing him parts of magnetos during the time I was not there.

Q Anything else? A That is all I know at present.

Q You have told us of all the property that you sold to Hecht, have you, that you got from Meyer? A Yes.

Q You haven't given us the dates when you made these

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sales to Hecht; can you fix those in any way? A Some of them.

Q Well, suppose you give us what you remember. A On August 13th, 1912, I sold him five distributor plates and some small parts for which he gave me \$18.

Q Do you understand that I am asking you about the sales that you made of parts that you got from Meyer? A No, these parts I took myself.

Q I did not ask you anything about that.

THE COURT: I will allow this witness to testify to any transaction he had with this defendant wherein he sold property to Hecht that he stole from his employer.

MR. KRESEL: And with which Meyer had nothing to do?

THE COURT: With which Meyer had nothing to do.

MR. KRESEL: I except to your Honor's ruling.

THE COURT: If the District Attorney refrained from examining him by reason of any misunderstanding of my ruling, he may examine him, but I understood this witness to say distinctly that he had had transactions with this defendant, delivering goods that Meyer gave him, and also goods that he stole himself.

MR. KRESEL: And with which Meyer had nothing to do?

THE COURT: Yes.

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MR. KRESEL: And your Honor rules that it is admissible.

THE COURT: Certainly.

MR. KRESEL: And I except.

Q Now, I am asking you to tell me the date when you sold Hecht any parts that you received from Meyer? A I don't know any dates in connection with Meyer.

Q Can you fix the month in the year when you first sold to Hecht any goods that you got from Meyer? A It was about, well, I am sure of the period beginning half a year before I left Bosch in 1914.

Q That is half a year before October, 1914? A Yes.

Q That would be about the beginning about May, 1914? A Yes. I am sure about that; it may have started sooner.

Q It may have started before that? A Yes.

Q Now, can you fix the date of any particular sale of stuff that you got from Meyer, or is that all you can say that you were selling it about six months before you left Bosch?

BY THE COURT:

Q Do you recollect any particular date? A Not of the things that I got from Meyer.

BY MR. KRESEL:

Q Or what any particular sale consisted of, as to the stuff that you got from Meyer? A I can tell the number of parts, maybe, but I could not tell the date.

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Q Can you tell what you sold him the last time that you did sell any part that you got from Meyer? A That was in October I sold him the last.

Q What was it, what did you sell him? A Distributor plates and contact breakers.

Q How many? A I don't know the number. I don't know how many.

Q How much did you get from him at that time? A About six or seven dollars.

Q Can you really swear how much you got, or are you just guessing at it? A I can swear that it is seven dollars.

It may have been about 50 cents more or 50 cents less, but it is just around seven dollars; that was the last time.

Q What makes you so sure? A I can recollect that the day I left Hecht he gave me seven dollars. I know it was seven dollars and maybe some cents.

Q When you left Hecht that was in April of this year, wasn't it? A No, that was November last year.

Q You mean when you left, before you came back in February, is that what you mean? A Yes.

Q Now, do you remember how much you got from him the first time you sold him any goods that you got from Meyer? A No.

Q Did you get this check from him, from Hecht? A (Witness looks at check)

Q Can't you tell by looking at the back of it and say whether you endorsed it? A Yes.

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Q Did you get it on or about the 9th day of May, 1914, when it is dated? A Yes, I got it the same day.

Q Did you get the cash on it? A I did not get it myself.

Q Did you get the money for it? A Yes.

Q What was that for? What did you get that check for?

A I don't know.

Q Was that a loan, too? A I don't think so; I don't know.

MR. KRESEL: I offer the check in evidence.

MR. McCORMICK: No objection.

(Check marked in evidence Defendant's Exhibit 2.)

(Check, Defendant's Exhibit 2, read to the jury.)

Q Now, look at this check: Did you get that check from Hecht (handing check to the witness)? A Yes.

Q Was that a loan? A That was part of the loan of \$40; yes, I think that was.

Q When did you go to Europe? A In 1913.

Q In what month? A June 14th.

BY THE COURT:

Q You sailed from this country on June 14th? A Yes, 1913.

MR. KRESEL: I offer this in evidence.

MR. KRESEL: No objection.

(Marked in evidence as defendant's Exhibit 3.)

(Exhibit 3 is read to the jury.)

BY MR. KRESEL:

Q So you say that in December, 1912, he loaned you \$15 that you might go to Europe with it in June, 1913? A No, I thought that check was made out around May.

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Q But now that you see that it was made out in December,
I ask you was that a loan? A I could not say exactly, whether
it was a loan; it may have been a loan, and it may have been
for payment of goods.

MR. KRESEL: That is all.

THE COURT: Now, there is no misunderstanding in my
ruling, Mr. McCormick?

MR. McCORMICK: No, I think his testimony has all been
brought out.

THE COURT: I will allow proof of similar transactions,
either between the original thief and this defendant, or
Meyer and this defendant, so far as it affects the property
of the Bosch Magneto Company, but, so far as Meyer was con-
cerned in the transactions and the reason I excluded Meyer
from testifying on that, was because he had no knowledge of
the delivery of the goods to the defendant; that must be
proved; otherwise, it would be hearsay.

BY MR. McCORMICK:

Q What was your first conversation with Hecht about steal-
ing goods from Bosch? A When I first came there.

MR. KRESEL: I raise the same objection to that.

MR. McCORMICK: I left that out because I thought
under your ruling I could not get it in.

THE COURT: I will allow him to testify.

MR. KRESEL: My objection is that this testimony is
~~inadmissible in that it appears that with these sales~~

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which are about to be brought out, the thief Meyer had absolutely nothing to do, were not goods sold by Meyer, but goods stolen by this man, and in which Meyer had absolutely no part.

THE COURT: Objection overruled.

MR. KRESEL: Exception.

Q Go ahead. A When I met Hecht on Broadway, after I had gone to his place, he asked me several times to bring him --

MR. KRESEL: Let us have the time. That is the question.

Q When was it? A In 1912.

Q What month about? A I could not tell you the month.

Q Well, it was in 1912?

BY THE COURT:

Q Can you tell the season? A In the spring.

Q In the spring of 1912? A Yes.

Q Where was it? A I met him in his place then.

BY MR. McCORMICK:

Q What did he say?

MR. KRESEL: I raise a further objection. Not only is this not a similar transaction, because it is not the same thief, but that it is too remote, two years and a half before the time charged in the indictment.

THE COURT: I will allow the People to prove it as a part of a continuing transaction; that is their claim. I will allow all the relations between this witness and the defendant to be brought out.

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MR. KRESEL: Exception.

Q Go ahead. A When I first went to Hecht's place, in order to work there as he had asked me to do, when he met me on Broadway, he also asked me whether I could not bring him parts of the Bosch Company. I at first did not like to do that.

Q What did you say? A I said I did not want to do it.

Q Tell us all those conversations along that line; how many of them were there? A There were about eight.

Q Were they all the same? A All about the same subject.

BY THE COURT:

Q All on the same day? A No.

Q Then you said you did not care to bring him anything, is that the time? A No.

Q When did you see him again? A I saw him a couple of days later, or maybe the next day, and he kept on asking me to bring the parts.

Q You mean you went back to his place? A Yes.

Q He did not come after you? A No, sir.

Q You went back the next day? A Yes, sir.

Q Or two days later? A Yes.

Q Tell us what he said then? A He again asked me to bring him parts and finally I did.

Q How many times now did he ask you before you brought him anything? A I don't know exactly how many time, about five times or eight times.

Q You told him you were working for the Bosch Company? A Yes.

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Q And the parts referred to were the property of the Bosch Company? A Yes.

BY MR. McCORMICK:

Q During those conversations were you working for him at any time? A Yes, I was doing repairs for him.

BY THE COURT:

Q At night? A Yes, sir.

BY MR. McCORMICK:

Q You did repair work where? A At his place.

MR. McCORMICK: That is all.

BY MR. KRESSEL:

Q At this time you had all those conversations and you finally succumbed, did you? A Yes.

Q Meyer had nothing to do with that, did he? A No.

Q Either in 1912 or 1913? A No.

MR. KRESSEL: I move to strike out the testimony of this witness in so far as he testified to conversations between himself and Hecht and as to sales by him to Hecht prior to the time when he said that he received the merchandise from Meyer.

THE COURT: Your motion is denied.

MR. KRESSEL: Exception.

C O R T R I E S, (1150 Teller avenue, Bronx) a witness called on behalf of the People, being first duly sworn, testified as follows, through the Official Interpreter, Mr. Fisher:

DIRECT EXAMINATION BY MR. McCORMICK:

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Q What is your business? A Mechanic.

Q What kind of a mechanic? A Electrical mechanic.

Q Where are you employed now? A Marburg Brothers.

Q How long have you worked there? A Since May 1st, 1914.

Q What is the nature of your work? A I am foreman there.

Q Do you know Alexander Hecht? A Yes.

Q What business are Marburg Brothers in? A Importers.

Q Importers of what? A Magnetos.

Q Do you know Alexander Hecht, the defendant? A Yes.

Q How long have you known the defendant Hecht? A About October 1911, from that time on.

Q Where did you meet him? A I worked together with him in the Eiseman Magneto Company.

Q Did you have a talk with him on the 9th of June, 1914?

A No, I did not speak to him.

Q Did you speak to him about that time? A Yes, at that time I spoke to him.

Q I thought you said you did not? A I talked to him after the 9th of June, in the week of the 9th of June, 1914.

Q Where was this talk? A In his place of business.

Q Did he say anything to you about a man named Gischow?

MR. KRESEL: I object to the question on the ground that the charge in the indictment does not refer to any thefts by Gischow, and that any talk between the defendant and this witness as to Gischow therefore is absolutely immaterial and irrelevant; it cannot be an admission as to

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any purchase from Meyer, because, according to Meyer's own statement the first purchase was in November, 1914. The conversation now is as to a week about June 9th, 1914.

THE COURT: I will allow it. Not for the purpose of proving that he received the goods from Meyer, but for the purpose of showing his guilty knowledge of intent.

MR. McCORMICK: I am afraid he will get that in.

MR. KRESEL: Then you should not have put him on the stand, if you are afraid of him.

THE COURT: The jury will remember that they must determine this case on the evidence as it is admitted to be by the Court, and not consider anything else that is rejected, and not consider the remarks of counsel unless they are supported by the evidence.

Q What did he say to you then? A In the same week, in the month of June?

Q Yes. A He needs an armature.

THE COURT: strike that out. The jury will disregard that.

MR. KRESEL: I ask your Honor to withdraw a juror in this case and declare this action a mistrial upon the ground that the testimony just given by this witness under examination of the District Attorney is highly prejudicial to this defendant.

THE COURT: I will deny your motion. There is no prejudice in that. There is nothing to show that it was

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not a perfectly legitimate transaction between him and Hecht, and the jury must disregard that. They must not consider that this witness has testified to any criminal act whatever up to this present time on the part of Hecht, or made any statement or any admission which will bear any interpretation which might impute to him connection with any alleged crime.

BY THE COURT:

Q What did he tell you about Gishow in the month of June, 1914?

MR. KRESEL: I object to that question on the ground it is leading.

THE COURT: I will allow the question.

MR. KRESEL: Exception.

A He told me that he had paid Gishow no more than \$3 for armatures.

MR. KRESEL: I ask that that testimony be stricken out as absolutely immaterial and inadmissible. It does not bear upon the issues.

THE COURT: I will strike it out.

MR. McCORMICK: It certainly corroborates Gishow. This defendant may not have told him the truth as to what he was getting. He may have lied to him.

MR. KRESEL: I think the District Attorney should confine himself to the evidence in the case.

THE COURT: I think I will allow this statement, that one statement will stand.

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MR. KRESEL: In other words, you deny my motion to strike out all the testimony?

THE COURT: Yes.

MR. KRESEL: Exception.

MR. KRESEL: No cross examination.

GEORGE MEDER (990 First avenue) a witness called in behalf of the People, being first duly sworn, testifies as follows:

DIRECT EXAMINATION BY MR. McCORMICK:

Q What is your business? A Mechanic.

Q What kind of a mechanic? A Magneto mechanic.

Q Did you ever work for Alexander Hecht, the defendant?

A Yes, sir.

Q Where? A 230 West 49th street.

Q When did you begin to work for him? A November 5, 1912.

Q How long did you work for him? A About three years.

Q When did you stop working for him? A About April 24th, 1915.

Q Did you ever see Meyer in that place? A Yes, sir.

Q What was he doing there when you saw him?? A Speaking to Mr. Hecht.

Q Did you ever see Gischow in that place?

MR. KRESEL: I object to that question on the ground it is immaterial, irrelevant and inadmissible.

THE COURT: I will sustain that objection on the ground it is immaterial at present.

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MR. KRESEL: I ask that the answer to the last question be stricken out.

THE COURT: Strike it out.

BY THE COURT:

Q What time did you see Meyer there? A Between twelve and one.

Q At night, in the morning or noon? A Lunch time.

BY MR. McCORMICK:

Q What was he doing? A Speaking to Mr. Hecht.

Q You did not see him do anything else? A No, sir.

BY THE COURT:

Q What times did you see him there? A I only seen him in there once.

Q You only saw him once? A Yes, sir.

Q What time was that? A I could not remember; I don't know the exact date.

Q Did Hecht ever talk to you about Gischow or Meyer?

MR. KRESEL: I object to that question whether he talked to him about Gischow. No objection to asking about Meyer.

THE COURT: Allowed.

MR. KRESEL: Exception.

A He just said --

Q Yes or no? A Yes, sir.

Q What did he say?

MR. KRESEL: Objected to on the same ground I have hitherto urged.

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THE COURT: Objection overruled.

MR. KRESSEL: Exception.

Q What did he say? A He just said if I could not do the work he would have Mr. Gishow come in the evening and do it.

Q Is that all he said? A Yes, sir.

Q Did he say anything about buying parts? A No, sir.

MR. KRESSEL: That is objected to.

THE COURT: The question should not have been asked, but since it has been answered, I think you profit by the question and the answer, Mr. Kresel.

MR. MCCORMICK: That is all.

MR. KRESSEL: No question.

A L F R E D J. P O O L E; (223 West 46th street) a witness called on behalf of the People, being first duly sworn, testified as follows:

BY MR. MCCORMICK:

Q Mr. Poole, what is your occupation? A I am the New York manager of the Bosch Magneto Company.

Q How long have you been in that business? A I have been with the Bosch Magneto five years.

Q What is your profession? A Well, I am sales engineer.

Q Have you had any experience in buying and selling magnetos? A That is my business.

Q How long have you been doing that? A Two years.

Q And during that time have you had experience in buying and selling parts of magnetos? A Yes, sir.

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BY THE COURT:

Q Have you kept yourself informed as to the market price?

A Absolutely.

Q For two years, you say? A Yes.

BY MR. McCORMICK:

Q Before that you had experience with magnetos? A Yes.

I was in touch with the prices continually.

Q For how many years? A For five years.

Q From now? A Yes.

BY THE COURT:

Q Do you fix the prices at which the articles are sold by the Bosch company? A I do not do the fixing, I am instructed as to what prices those things are sold at.

BY MR. McCORMICK:

Q In selling to the public generally, you sell at the regular price list? A At the list price.

Q And if you sell to a man in the trade he gets a discount? A Yes.

Q How much is that discount? A 20 per cent.

Q Are you able to state the value of the distributor plates?

MR. KRESSEL: I claim the witness upon the ground as to whether he is competent to testify.

MR. KRESSEL: All right.

BY MR. KRESSEL:

Q Mr. Poole, did you ever buy a magneto? A Yes.

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Q When? A About three years ago.

Q Is that the only time you ever bought a magneto? A Do you mean since I have been with the Bosch Magneto Company?

Q At any time. A I bought a lot of magnetos previous to my connection with the Bosch Company.

Q I mean Bosch Magnetos? A Yes, Bosch magnetos.

Q When did you buy any Bosch magnetos? You said you bought one three years ago? A Yes.

Q Have you bought any since? A No.

Q Did you ever buy any parts of Bosch magnetos? A No.

MR. KRESEL: That is all on that.

BY MR. McCORMICK:

Q Do you know the value of contact breakers?

MR. KRESEL: That should be confined to a particular date.

Q On the 12th of March, 1915?

MR. KRESEL: I object to the question on the ground this witness has not been qualified as a person having knowledge of the value of the market price of parts.

THE COURT: Objection overruled.

MR. KRESEL: Exception.

BY THE COURT:

Q You have sold them, have you not? A Yes.

THE COURT: It is not necessary to buy them in order to know the price. He may testify to the fair market value of Bosch contact breakers.

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A \$6.

Q Is that the list price? A That is the list price.

Q The discount would reduce it how much? A To \$4.80.

Q That discount is allowed to every man in the trade?

A Everybody who is a genuine dealer.

BY MR. McCORMICK:

Q What was the condenser worth? What was the fair market value of it?

BY THE COURT:

Q You are speaking of the value of new articles? A Yes.

BY MR. McCORMICK:

Q Do you know what a condenser is? A Yes.

Q What is it? A A condenser is made up of mica and tin-foil. It is simply a series of layers.

Q What was the fair market value of it on that day, March 12th, 1915? A \$3.

BY THE COURT:

Q You mean gross or net price? A Gross price.

Q Well, give us the net price; the gross price is never intended for any one, is it? A Yes, sir, absolutely. We never quote net price.

Q You are wholesalers? A Not necessarily; we sell to the consumer.

Q You sell to the shop keepers? A To anybody that comes along to buy.

Q If Hecht went to your place he could buy them for how

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much? A The list less 20.

Q Do you not give any special discounts? A To the manufacturer there is another price.

Q What is the manufacturer's price? A 30 per cent.

Q 30 per cent off the list price? A Yes.

Q What do you mean by a manufacturer? A The manufacturer is a man who makes and builds automobiles.

Q Not a man who makes repairs to magnetos? A No, sir, he is a dealer.

BY MR. McCORMICK:

Q What was the fair market value on that day of a distributor plate? A \$8 list.

Q What is the discount on that? A 20 per cent, to Hecht.

Q That would make the net price, the discount price of what?

THE COURT: We are speaking of value; it is for the jury to determine if they can, what the value of those articles were.

A \$6.40.

BY THE COURT:

Q That is the fair market value you say? A Yes.

BY MR. McCORMICK:

Q Now, on the 28th of November, 1914, what was the fair market value of a distributor plate?

MR. KRESEL: same objection to all these questions. I want to make it now so that it will cover everything so

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that I do not have to interrupt. My objection is that this testimony is immaterial, and irrelevant, that those were not similar transactions; that therefore the testimony as to the value of the articles on that day is immaterial.

THE COURT: I will allow the testimony.

MR. KRESEL: I take an exception.

Q Now, on the 28th of November, 1914, what was the fair market value of a distributor plate?

BY THE COURT:

Q Has there been any change in the value in the last two years? A Very little difference for the last five or six years.

Q And that applies generally to all these parts? A Yes, sir.

BY MR. McCORMICK:

Q What is the fair market value of the lever, what was the fair market value on the 28th of November, 1914, of a distributor plate? A \$6.40, that is net.

Q Well, gross? A Gross, \$8.

BY MR. KRESEL:

Q You mean a distributor plate? A A distributor disc, whatever you like to call it.

BY MR. McCORMICK:

Q What was the value of the contact breaker? A \$4.80 net.

BY MR. KRESEL:

Q List \$6? A Yes.

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BY MR. McCORMICK:

Q And the lever? A I could not answer that question without some more information. I do not know what kind of a lever you are talking about.

Q What is the value of the cheapest lever?

BY THE COURT:

Q Do the Bosch Company manufacture levers? A They manufacture a great many levers of different types.

Q What kind of a lever is described here? A I will have to give you the approximate price.

BY MR. KRESEL:

Q Well, the battery timing lever? A \$1.

Q Net? A Net.

BY MR. McCORMICK:

Q Now, on the 14th of December, 1914, what was the fair market value of a new D-4 dual armature? A Can't I refer to my notes?

THE COURT: If you have any memorandum that will refresh your recollection you may look at it.

A (Witness looking at papers) \$22.77.

BY THE COURT:

Q Of course you are not merely testifying from the price list; you are testifying from the experience gained in selling these or similar articles before you went with the Bosch company, and for the time you have been with them, and for the two years that you have been sales manager, as you say?

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A Yes.

Q From all the knowledge gained in that way? A \$22, approximately, list.

Q All the knowledge gained in that way is the basis of the testimony you are giving? A Yes, I understand that.

Q Your opinion is based on your experience and your knowledge, and the list price is only one element? A Yes.

BY MR. McCORMICK:

Q On the 27th of February, what was the market value of a dual contact breaker? A \$4.80 net.

Q And independent contact breaker? A Approximately the same.

Q A dual timing lever? A \$1.70.

Q Rear armature disc? A \$2.80 net.

Q Distributor? A \$6.40 net. A distributor disc, I suppose you mean?

MR. McCORMICK: Yes, a distributor disc.

Q In October, 1914, what was the value of a platinum point?

MR. KRESEL: I do not recall any testimony about any platinum point in this case.

THE COURT: I do not recall any.

Q Well, now, between the month of May, 1914, and the first of November, 1914, did the value of parts of magnetos change materially? A No, sir.

Q Are you able to state the fair market value during that period of time of distributor plates? A \$6.40 net.

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Q And complete armature? A \$16.84.

Q And contact breaker? A \$4.80.

Q Battery timing lever?

THE COURT: He said that it is the same, that there is no change.

BY THE COURT:

Q Is that so? A Yes.

MR. McCORMICK: Your wit ness.

CROSS EXAMINATION BY MR. KRESEL:

Q What did you say your position is with the Bosch Company?

A I am branch manager; branch sales manager, New York Branch.

Q And the prices that you have testified to before the jury are the prices which the Bosch Company charged for these articles? A To whom?

Q To the dealer? A Yes, where I have said net over the price.

Q And you mean to be understood that any person that is not a dealer and not a manufacturer would have to pay your concern the list price? A Exactly.

Q And you have no other knowledge, have you, as to the value of these articles? You see, I am putting the emphasis on the word "value". Not what they are sold for? A The actual cost.

Q I say, your only information as to the value of these articles is that which you derive from the fact that you know what the Bosch Magneto Company sells them for? A Exactly.

Q And you have no other information upon which you base your

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opinion, do you? A I have my price as given to me by my heads.

Q By the Bosch people? A Yes.

Q And you meant to be perfectly fair, don't you, to this defendant? A I have nothing against the defendant.

Q You were asked to give the price of a contact breaker, and you said the list price was \$6, and the net price to a dealer was \$4.80, is that right? A Yes.

Q Don't the Bosch Company manufacture and sell a contact breaker for less than \$6 list? A Not a "D."

Q Did the District Attorney ask you anything about a "D"? Didn't he simply ask you to give the price of a contact breaker? A He was talking about a D armature.

Q Didn't he ask you to give him the price of a contact breaker, without giving you any letter or figure? A No, he did not.

MR. KRESEL: I ask your Honor to please ask that the stenographer go back and read that question.

THE COURT: I do not think that there is any doubt about that.

MR. KRESEL: Your Honor's recollection agrees with mine?

THE COURT: Yes.

BY MR. KRESEL:

Q What is the cheapest contact breaker which the Bosch company manufactures and sells? A To the best of my knowledge \$6 list.

Q You are the branch manager of the salesmen, are you? A Yes.

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Q And don't you know so that you can positively swear as to whether \$6 list is the cheapest contact breaker, which your company sells? A I could not without referring to my prices.

Q Have you your prices with you? A Yes; here is the list. I could not tell you that because I have not got the price.

Q Well, I will supply it to you? A Of what type magneto.
(Mr. Kresel hands paper to the witness).

Q Just listen to the question: The cheapest contact breaker I am asking you about. I show you a Bosch price list, do you recognize it? A Yes.

Q Is that a Bosch price list? A It is.

Q Is there a contact breaker mentioned in that price list?

A There is no contact breaker mentioned here.

Q Is there a breaker mentioned there?

MR. McCORMICK: The paper speaks for itself.

A There is no contact breaker mentioned in this list here.

Q Is there any word for "breaker" used on the list, Mr. Poole? A I don't know.

Q Don't you know whether your price list names that article as a breaker or interrupter? A Interrupter.

Q Didn't you know that when I asked you before whether there was any name for a breaker? A Yes.

Q Now, looking at that list is there an interrupter mentioned there?

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BY THE COURT:

Q Is that the other name for it, interrupter? A Yes.

BY MR. KRESEL:

Q There is an interrupter on this price list? A Yes.

Q What is the list price? A \$4.98.

Q That is the list price? A Yes.

Q Now, I ask you again do the Bosch Magneto Company manufacture an interrupter or breaker which they sell even for less than \$4.98 list price? A Not to my knowledge.

Q And before I showed you this list price, you did not know that they had one that they sold at less than \$4.98? A Without looking at the list I would not know it.

MR. KRESEL: I move to strike out his testimony as to the value of these articles.

THE COURT: I will allow it to stand. I think his testimony is valueless. He poses as an expert, and I admitted his testimony on his statement that he was sales manager and kept himself informed of the value of these articles; on cross examination he has shown how much the jury may rely on that statement.

Q You know Mr. Hecht, don't you? You know this defendant?

A Yes.

Q He bought goods from your company, didn't he? A Yes.

Q Quite often? A Yes.

Q Indeed very often? A Yes.

Q Can you give this jury an idea of how often he has bought

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goods from your company? A About twice a week.

Q For a period of how long? A I could not answer that question.

BY THE COURT:

Q Why cannot you answer it? A I don't know.

Q Ever since you have been there? A For two years.

BY MR. KRESEL:

Q And he has paid his bills? A Yes, he is C. O. D.

Q Now, lately you have not been seling him any goods, have you? A If we haven't, we haven't had them in stock.

Q I want to show you this order. Was that order submitted to you on the 24th?

MR. McCORMICK: Objected to as improper cross examination. If he wants to call this man as his own witness, let him do so.

THE COURT: Mr. Kresel knows the rules, and I will allow it.

Q I show you this: Was this order submitted to you last June, and did you turn it down? A Yes.

Q And that order was from Mr. Hecht? A Yes.

Q And you knew it was from Mr. Hecht? A Yes.

Q And it calls for one distributor gear No. 107, with shaft, and one gear wheel for armature spindle No. 66? A Yes.

Q And you turned it down? A We had not got the goods.

BY THE COURT:

Q You mean you did not have them in stock? A Yes.

Q That is not your line, is it? A They are parts manufactured by us, but we do not have them in stock.

BY MR. KRESEL:

Q The writing there on this order, "Can't accept", with the initial "P", is your writing? A Yes.

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Q You were the one that turned this order down? A Yes.

Q Didn't you, as a matter of fact, have those things in stock? A If I said we could not accept, we had not got them in stock.

Q I ask you, as a matter of fact, didn't you have those things in stock at that time? A To the best of my knowledge, no.

Q Did you have them the next day? A I could not answer that question. I am not keeper of the stock room.

Q Did you get them in over night? A I could not answer that question.

Q But you sold those very things to another party, didn't you, on the very next day; do you remember? A No, I don't.

Q You don't remember that? A No.

Q Look at your own bills and see whether that is not a bill for exactly the articles which are called for in this order of Hecht's, and that bill was a bill sold by your concern on the very next day, the 25th of June? A It was sold the next day.

BY THE COURT:

Q Yes or no? A That was sold, yes.

Q Yes or no? A Yes.

BY MR. KRESEL:

Q Look at your own bills and see whether that is not a bill for exactly the articles which were called for in this order of Hecht's, and that bill was a bill sold by your con-

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cern, on the very next day, the 25th of June? A Yes.

MR. McCORMICK: I ask to have them marked for identification.

MR. KRESEL: I offer them in evidence.

MR. KRESEL: I offer the order which was turned down.

MR. McCORMICK: No objection.

(Paper marked in evidence as Defendant's Exhibit No. 4.)

MR. KRESEL: I offer the bill.

(Bill marked Defendant's Exhibit No. 5 in evidence.)

THE COURT: As to their admissibility, it does not appear that those bills are in any way material. The proper course is to mark them for identification.

MR. KRESEL: Well, Mr. McCormick has not objected to them.

Q Do you know of a concern named the Magneto Parts Company?

A I have heard of them.

Q When did you first hear of them? A About February or March of this year.

Q That was before any charge was made against Hecht, wasn't it? A I don't know anything about a charge against Hecht.

BY THE COURT:

Q Did you ever hear of a charge being made against Hecht?

A Not until a few days ago.

BY MR. KRESEL: Q Don't you know Hecht was indicted on the

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24th of May, charged with buying stolen property, which was
stolen from your company; didn't you know that until a few
days ago? A I did not know that he was indicted.

Q Nor that it was charged that he had bought stolen pro-
perty which was taken from your company; you did not know
that? A No.

Q But you heard about the Magneto Parts Company, about
February or March of this year? A Yes.

Q Did you hear that Hecht had organized that company?
A I never knew it.

Q Didn't you hear or know at all that Hecht was connected
with the Magneto Parts Company? A I did not.

Q Don't you know now? A No, I don't.

Q Haven't you been told about it? A No.

BY THE COURT:

Q You never heard that? A I didn't know that Hecht was
connected.

Q Did you ever hear that he was connected with it? A No.

BY MR. KRESEL:

Q Well, did you know, or did you hear, that this Magneto
Parts Company manufactured Bosch parts? A They don't manu-
facture Bosch parts.

BY THE COURT:

Q Did you ever hear that they did? A No.

Q Or that they claimed to? A That is something different.

Q Did you ever hear that? A Yes.

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Q When did you first hear that? A About February, of this year.

BY MR. KRESEL:

Q And did you ever happen to see their price list, a book like this; you are the sales manager? A Once.

Q When did you first see that? A March, of this year.

Q And did you examine it? A Not very closely.

BY THE COURT:

Q Did you examine it at all?

BY MR. KRESEL:

Q You were interested? A Yes.

Q Here was a concern that was holding itself up as the manufacturer of the very parts your company are selling?

A Yes.

Q Did you examine it? A Yes.

Q Did you notice that they listed parts, interchangeable parts, to repair Bosch D. U-4, -6, did you notice that? A I don't know what the D-U-4-6 is.

Q Did you notice that? A Yes, I noticed these parts.

Q Did you notice that they had a list of interchangeable parts to repair Bosch D-U-4, or D-U-6 independent magnetos?

A I could not recollect this word here. (Indicating.)

Q You could not recollect seeing "Bosch"? A No.

Q You think the one you saw did not have the word "Bosch" in, is that it? A Yes.

Q Well then, how did it interest you, if it was not the

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Bosch Company that was affected by this; how did it interest you to read this little leaflet, if it did not purport to advertise for sale parts for Bosch Magnetos? A I am interested in any list of parts.

Q And throughout this little book you saw, which you say is like that one, you did not see the word "Bosch" among them at all? A Not that I can recall.

Q You will swear now that you did not, will you? A I think I can truthfully swear that I did not see it.

Q Now, Mr. Poole, I want you to tell me from the price list which I show you, D-U-4, what the price is, the list price of the Bosch Company for 8-B bell crank lever. If it is not on that list, perhaps you can give it to me without the use of the list.

Question withdrawn.

Q This jury has not yet seen a breaker; is that a Bosch breaker? A Yes, that is a Bosch contact breaker.

Q Is there a part in that breaker called a crank lever?
A No.

Q Crank lever? A No; bell crank lever, if that is what you are talking about.

Q You did not understand. I A I am trying to answer your questions correctly.

Q There is a bell crank lever there? A Yes.

Q What is the price of that sold by the Bosch Company?

A \$1.05; may I see that interrupter?

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Q Yes. A I just want to get the type. Yes, \$1.05.

Q Are there three brass blocks that go in there to make that? A No, there is one brass block.

Q What is the price of that, list? A 18 cents.

Q Is there a disc which goes to make that? A You are holding the disc now.

Q Is that the disc, this top part? A Yes.

Q Which is the lever; is it that that moves up and down?
A That little steel lever.

Q What is the disc selling for; 78 cents, is it? Without using that list, I show you your own bill, 4-B disc, 78 cents, is that it? A Yes.

Q So that these three parts which go to make up this breaker or interrupter, list price, \$2.01, according to your own bill? A Yes.

Q And Hecht got a discount of 20 per cent? A Yes.

Q That is, 40 cents off? A Yes.

Q That leaves \$1.61? A Yes.

Q He bought those parts from your company, didn't he?
A Yes.

Q On June 21st, 1915? A Yes.

Q Now, I show you these bills, and I ask you whether those are the bills of merchandise bought by Hecht from your company. I show you first 123 bills dated in 1915. Without taking too much time, examine each one of them and just see whether they are the bills of your company.

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MR. McCORMICK: Objected to as immaterial and irrelevant.

THE COURT: I cannot see the materiality of them.

MR. KRESEL: It will become very material on the testimony of the defendant. I am asking him simply to identify them.

THE COURT: Any paper may be shown the witness.

Q Are they, Mr. Poole? A Apparently, yes.

Q Now, I show you 225 bills of the year 1914; are those Bosch Company bills? A Apparently, yes.

Q And here are 196, for 1913; are those Bosch bills?

A Yes.

Q And here are 121 of them, for 1912; are those Bosch bills? A Yes.

MR. KRESEL: May they be considered marked for identification?

THE COURT: Yes.

(Bills are marked Defendant's Exhibit No. 6 for identification, comprising four bundles of bills above referred to.)

Q Now, this Bosch interrupter; you have sold that? A Yes.

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

(The article is marked Defendant's Exhibit No. 7 for identification.)

Q Is that one, too? A Yes.

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

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(The article is marked Defendant's Exhibit No. 8 for identification.)

Q These two lists are both price lists, aren't they?

A Yes. One is one type, and the other is another type.

Q What dates? A Current lists.

Q Were they the same in 1914; is there any change?

A No, practically no. The prices will vary in these two lists, however.

Q They are two different types? A Yes.

MR. KRESEL: I offer them for identification.

(The papers are marked respectively, Defendant's Exhibits 9 and 10 for identification.)

THE COURT: We will now take a recess to ten minutes after 2. Meanwhile, be extremely careful, Gentlemen of the Jury, not to discuss this case among yourselves, and do not talk about it with any strangers. You must not form any conclusion on the question of the guilt or innocence of the defendant, until you hear all the evidence on both sides, and keep your minds open until the case is all in, and until the Court submits it to you for your decision.

(Court takes recess until 2:10 p. m.)

TRIAL RESUMED, 2:10 p. m.

ALFRED J. POOLE, recalled, testifies as follows:

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Q I believe you said that there were different kinds of contact breakers, is that right? A Yes, sir.

Q How many kinds are there manufactured by your company?
A About 60.

Q Well, will you tell us what Z-R independent contact breakers are; describe it. A What it is?

Q Yes. A It is a small brass disc with bell crank lever, which is operated by a spring, what we term a cam.

Q Are you able to state the value of a Z-R-4 independent contact breaker?

MR. KRESEL: If your Honor please, this is all taken subject to my objection, that this man is not qualified to give that. Your Honor very broadly intimated that yourself.

THE COURT: As an expert, I do not think he has been very well qualified, as I said this morning. Now, reading from a price list is not the way to prove values. A man to be an expert, must have knowledge gained on his own experience of buying and selling, and fixing prices. He does not fix prices; they are given to him, as I understand by his superiors.

BY THE COURT:

Q Is that so? A Yes.

THE COURT: He told Mr. Kresel he never bought any of these articles, although he has sold them. His main reliance is on the price list.

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BY THE COURT:

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Q Is that so? A Yes.

THE COURT: So that is what I meant when I said, as an expert his testimony is not of much value, and he repeats now he does not fix prices, but they are fixed by others who are experts, and he takes them from them.

BY THE COURT:

Q You do not wait on the customers that come in, do you?

A Yes.

Q How many salesmen have you there? A About eight.

Q Do they do the selling, or you? A I deal with the manufacturers.

BY MR. McCORMICK:

Q You have charge of all these salesmen? A Yes.

Q And the sales are made under your direction? A Yes.

Q The price list is made up under your direction, isn't it?

A The prices are not made under my direction.

THE COURT: He said they are made for him by others.

THE COURT: I have admitted the testimony. I have said that it is competent. Now it is a question for the jury to determine what weight they will give it. An expert's opinion is entitled to weight based upon his experience, largely, and his standing in the community, and his knowledge of the subject concerning which he testifies.

MR. McCORMICK: I intended to ask him his opinion on the value of several different articles, and I would like

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to ask him now.

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THE COURT: You may ask him; and it is all taken subject to Mr. Kresel's objection and exception. The weight of his testimony is to be determined by the jury and they will be guided by their own impression and their own judgment on that subject.

BY MR. McCORMICK:

Q What is the fair market value of a Z-R-4 independent contact breaker? A \$5.16.

Q Net? A List.

Q I mean, less 20 per cent. A \$4.12.

THE COURT: All his testimony amounts to is this, that is the price at which his company sells that.

Q What is the fair market value of a D-U dual contact breaker?

MR. KRESSEL: I would like to say this witness does not say what the fair market value is, which is just as his Honor has pointed out. All he says is what the Bosch Company charges for them.

THE COURT: That is some evidence of value. The jury can determine what weight they will give to it.

Q What, in your opinion, was the fair market value of D-U contact breakers on the 12th of March, 1915? A \$5, list.

Q Well, how much would that be? A \$4.

Q And a Z-R-4 dual contact breaker? A \$6.45, list; that is, \$5.24.

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Q What is the fair market value of a D-U-4 dual magneto?

A \$40, net.

MR. KRESEL: We have not had any evidence of this defendant having purchased any magnetos.

THE COURT: No.

Q What is the fair market value of a D-U condenser?

THE COURT: That is, the mica arrangement he spoke of this morning?

A Yes, sir; \$3.

Q And a condenser disc? A \$3.

BY THE COURT: Q Gross, or net? A That is net, sir.

BY MR. McCORMICK: Q I do not know whether I asked you this question or not; the fair market value of an independent contact breaker, model Z-R, on March 12th, 1915? A \$4.12, net.

Q Well, what is the other price? A \$5.16.

Q The Bosch Magneto Company, do they manufacture these parts you have been talking about? A In our Springfield factory.

Q Do you manufacture them? A Yes, sir.

Q You do not buy them? A No, sir.

MR. McCORMICK: That is all.

BY MR. KRESEL: Q Mr. Poole, with whom besides Mr. McCormick have you talked about your testimony here? A With Mr. Prager.

Q Who is Mr. Prager; do not hesitate; he is the attorney for the Bosch Company, isn't he? A As far as I know, yes.

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Q Why did you hesitate? A Because nobody had told me that.

Q That is the gentleman sitting over there now, isn't it?

A Yes.

MR. KRESEL: That is all.

MR. McCORMICK: The People rest.

MR. McCORMICK: It is conceded, I suppose that Hecht's place of business is in the County of New York, and the Bosch Magneto Company's place of business is in the County of New York?

MR. KRESEL: I do not know that, but I assume that is so, yes.

MR. KRESEL: Now, I have certain motions to direct to your Honor with reference to the dismissal of this indictment, and your Honor may hear me now in the presence of the jury, or in the absence of the jury, just as your Honor thinks best.

THE COURT: well, you and Mr. McCormick have agreed practically, to adjourn this hearing now until Monday morning at half past ten. I would not give the case to the jury tonight, anyway, because you have not put in your testimony. This case requires careful consideration, and I think the better way is to make that motion when the jury adjourns. You and Mr. McCormick may submit any memorandum today or Monday morning before the court opens.

MR. KRESEL: That is satisfactory to me.

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MR. McCORMICK: That is satisfactory to me.

THE COURT: Gentlemen of the Jury, the Court excuses you until half past ten Monday morning, and this case then will be taken up in the Part III court room; remember that and come there. In the meanwhile you must not talk about this case with any one; that means you must not only refrain from discussing it with strangers, but you must not talk about it yourselves, and you must not come to a conclusion as to the guilt or the innocence of the defendant, until you have heard everything, all the evidence on both sides, and until the matter is submitted to you by the Court for your decision. Keep your minds open until the end of the case. You may go now until half past ten Monday morning in Part III.

MR. KRESEL: If it please your Honor, our experience in these courts have shown that motions to dismiss indictments are usually made proforma, and unless the Court is absolutely convinced that the People have entirely failed to make out a case, those motions are pro forma denied. Now, I make this motion not pro forma. I feel that the People have absolutely failed to make out a case, and I want to submit to your Honor in extenso the reasons which permit me to take that position.

Now, I move to dismiss the indictment on the following grounds: First, that there is no evidence in this case to corroborate the testimony of the witness Meyer, who

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I claim under the authorities is an accomplice of the defendant in this crime. Now, I have submitted to your Honor the decisions in the People against Willard, 159 Appellate Division, and also the case of the People against Markus, which is in the advance sheets, and which your Honor has before you. In both of these cases the Appellate Division held this, that where it is made to appear upon a prosecution for the crime of receiving stolen property, that before the thief stole the property he had an agreement with the receiver that he, the thief should steal it for the purpose of selling it to the receiver, and that he did steal it, and then brought it to the receiver and sold it to him, -- that that makes the thief the accomplice of the receiver, and the receiver the accomplice of the thief.

Now, of course, there can be no dispute but if that is the law your Honor must be satisfied before you can put this defendant to a defense, that the People have corroborated the testimony of this accomplice. Now what testimony is there to corroborate. Gischow was called, but he is an accomplice. He cannot corroborate his own accomplice.

THE COURT: He knew nothing, as I understand it, about the transaction of March, 1915.

MR KRESEL: Yes, he was the one, according to his own story, and according to Meyer's story who told this defendant that Meyer would bring this stuff in, and he told Meyer to bring it in.

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THE COURT: But that referred to November.

MR. KRESEL: That referred to all the subsequent transactions; your Honor admitted them all upon the theory that they were all pursuant to a common design.

THE COURT: They were only intended to prove that if the People did prove he received stolen property on March 12th, that he received that with guilty knowledge of its character, and with the guilty purpose of receiving it feloniously. I do not recall that Gischow knew anything about the transaction of March 12th.

MR. KRESEL: He did not specifically refer to that particular transaction, but your Honor has not forgotten the testimony of Meyer, in which Gischow agreed with him this morning.

THE COURT: But Gischow could not tell. He is charged with receiving stolen property on the 12th of March. Gischow did not mention March 12th at all.

MR. KRESEL: No.

THE COURT: Then Gischow does not corroborate Meyer as to March 12th. It is only intended as corroboration of similar transactions.

MR. KRESEL: Yes, therefore you and I agree that Gischow does not corroborate. Therefore, what other corroboration is there in the case?

THE COURT: Gischow was not working for the company on March 12th.

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MR. KRESEL: He left them the previous November. Then what corroboration is there in the case? The only other witness that was called was this boy Meder who testified that on one occasion he saw Meyer in the place.

THE COURT: Well, that is no corroboration.

MR. KRESEL: so that this case, if I am right in my proposition, is absolutely destitute of any testimony corroborating the testimony of the thief Meyer.

THE COURT: As to what happened on the 12th of March, as to the actual receipt of property by the defendant on March 12th.

MR. KRESEL: Not only as to the actual receipt, because if you go with me to the length of holding, as I contend, that there has got to be corroboration, the corroboration has got to extend to every material element of the crime, namely, there has got to be corroboration that this property was stolen; there has got to be corroboration that this property was received by the defendant, and there has got to be corroboration that when he received it he knew it was stolen. Now, there is not a single word or line of testimony to corroborate the thief, even as to the fact of stealing. Surely, if this man stole from the Bosch company, somebody from the Bosch Company would have been here to say, "Yes, we found things missing." There is not even corroboration of the larceny, much less corroboration of whether this defendant received the property, or whether

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he knew that the property was stolen. I submit to your¹²⁴
Honor, you will agree with me. I know you could not help
agreeing with me, you are fair minded, and your experience
has shown you that testimony of that sort is most unre-
liable. You will agree with me that here is raised a very
important question and that it requires your very careful
consideration. Now, I leave that for the present.

THE COURT: I think you had better not leave that.
If you can satisfy me that the law requires corroboration
of the thief's testimony I will dismiss the case. There is
no corroboration of his story that there was a larceny, and
this man received it -- the jury will have to take his word
for it.

MR. KRESEL: well, your Honor has the two cases I
submitted.

MR. KRESEL: I also move to dismiss the indictment
on the ground there is no proof that the Bosch Magneto
company, charged in the indictment to be a corporation, is a
corporation.

THE COURT: Well, I will allow him to prove that if you
press that.

MR. KRESEL: I called the People's attention to that
so that they might supply it.

THE COURT: I think if you had not called attention to
it it would not be a very serious matter. It is suffi-
cient to prove that it is not his property.

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MR. KRESEL: I can point your Honor to a decision in the Court of Appeals which held that lack of proof of that sort in a larceny indictment, which is similar to this, would be fatal.

THE COURT: I think that decision was some time ago. I will allow them to re-open the case unless you concede that it was a corporation.

MR. KRESEL: No, I will not concede that it was a corporation, and I will not consent that your Honor re-open the case for that, but I know that your Honor has the power to do it, and that you will do it.

MR. KRESEL: Now, I want to call your Honor's attention to how this case differs in the essentials which go to show the usual criminal intent and knowledge that the property was stolen, how this differs from the ordinary criminal case. Your Honor has tried a great many of them, and when I was here in this office, that used to be one of the line of cases that was usually thrown at me, and I have tried a great many.

Usually you find in a case of criminally receiving stolen property the receipt of the property secretly at night. You will remember the only thing that Meyer said, that is, the thief, -- which would indicate at all that there was any secrecy, was when he first came in in November 1914, and he said there was some boxes on the counter, and that he slipped the things through an opening

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in the boxes. Your Honor did not quite get it. I got what he said. There were several boxes, and there was some space between two boxes, and that is where he slipped it in. But even then he testified that it was in the presence of a lady stenographer, or whoever she was. However, no goods were found in the possession of this defendant. Usually, you have a case where they find property. There was no concealment of the goods; this was an open store on a very busy thoroughfare. The latest time that the thief said he ever was there was six o'clock at night. There was a lady working there all the time who was always present there. There was no evidence that he knew the character of the thief. On the contrary, as appears, Gischow was a friend, a man that called at his house, a man to whom he loaned money.

THE COURT: You mean, there is no evidence other than the evidence of the thieves themselves.

MR. KRESEL: Exactly.

THE COURT: This case turns on the testimony of two thieves. If the law requires more evidence, if you can satisfy me of that, I will dismiss it; but as I understand the law, the thief and receiver are not accomplices.

MR. KRESEL: In the ordinary case.

THE COURT: Nor in this case.

THE COURT: This case is like the case where a pawn

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broker, or other receiver says to a thief, "Bring in everything you got." When the man came in and placed things on the counter, he got his pay and went away without saying a word. Here that pawnbroker, as Weissberger was, was held guilty of receiving stolen property knowing it was stolen. He knew his customer was a burglar or a thief, and made an agreement to bring the property, and he asked no questions, but he was convicted of criminally receiving stolen property, and conviction sustained. Of course, there was some corroboration there to show that the thief was in the place, but there was not any legal corroboration required. That is a question for the jury.

MR. KRESEL: Your Honor got the distinction that I tried to point out between that case and the case at Bar, the two cases which you have before you. I shall make a further search of the authorities, and if I find anything in addition to what I have submitted to your honor, I will submit it either tomorrow, or Monday morning.

THE COURT: One of the cases which you submitted seems to speak of two people who agreed to go and steal something and bring it to a receiver, and speaks of them as accomplices. Without knowing all the facts in that case I would not follow that case. These men here were thieves, according to their own confession, Meyer and Gischow, and they stole from Bosch, as they said, on an understanding that defendant would take whatever they stole. There was no

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agreement to steal any specified thing.

MR. KRESEL: No, your Honor, there is where you are wrong, and I will read to you from page 38 of the testimony as to that.

THE COURT: Well, he told ^{them} that he would buy five articles.

MR. KRESEL: Contact breakers and condensers.

THE COURT: That does not make them his accomplices in larceny. He was the receiver. As to what weight the jury will give their story, of course I cannot tell.

MR. KRESEL: Do you now state you will not follow those two cases?

THE COURT: It is my present view of the law that those facts would not make the alleged receiver the accomplice of the alleged thief.

MR. KRESEL: well, I have submitted the matter, and if I find anything in addition, I will submit it Monday morning.

THE COURT: I think there is a clear line of distinction between the thief and the receiver; that line may be more or less indistinct in certain cases, but it was never intended that this man should steal himself. He is charged with being an ordinary "fence". He had the thieves going out and bringing the stuff to him. If corroboration of the thieves' word is required, there is no corroboration

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that he received anything on the 12th of March.

MR. KRESEL: Or that the property was stolen.

THE COURT: or that the property was stolen, or that there was any transaction on that day. The existence of the other alleged crimes do not prove that. They are not intended to prove that; they are merely intended to prove that if he did receive property on the 12th of March, why he received it feloniously, with guilty knowledge of its character, receiving it as stolen property, knowing it to have been stolen. That is all that is offered for.

MR. KRESEL: That is all I have to say.

MR. McCORMICK: I have nothing to say at all.

THE COURT: If you have any authorities, Mr. McCormick, you had better submit them.

MR. McCORMICK: I would like to submit a number of authorities.

(The Court takes a recess until 10:30 a. m., Monday October 4th, in Part III.)

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THE PEOPLE vs. HECHT.

New York, October 4th, 1915.

TRIAL CONTINUED.

THE COURT: I have considered your motion, Mr. Kresel, and I will deny your motion.

MR. KRESEL: I take an exception.

MR. KRESEL: Did your Honor consider the ground that I urged with reference to the evidence showing that if the defendant is guilty at all, he is guilty of larceny, and not of criminally receiving?

THE COURT: I have considered all the points you have raised.

MR. KRESEL: That point was not especially raised in my motion, but I did put it in my memorandum.

THE COURT: Yes, and it was discussed from time to time during the trial.

MR. KRESEL: In order that the record might be clear I may state that another ground for moving to dismiss, and directing an acquittal is that the evidence shows that the defendant was a principal in the larceny, and that therefore under the cases he could not be convicted of criminally receiving stolen property.

THE COURT: I think under the evidence in this case the defendant may be convicted of the crime charged in the indictment notwithstanding in one aspect of the case he

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might be viewed as a constructive principal of the larceny.

MR. KRESEL: Your Honor denies my motion?

THE COURT: Yes.

MR. KRESEL: I now move to strike out the testimony of the witness Poole, the alleged expert, upon the ground that that testimony was inadmissible in that the defendant was not properly qualified, and upon cross examination showed that he was not testifying as to the market value of the property.

THE COURT: Well, he testified later that he had eight salesmen under him, and he knew the prices, and that he had charge of the sales department, and under those circumstances I think his testimony may be admissible. It is for the jury to say how much weight they will give his testimony. I will deny that motion.

MR. KRESEL: Exception.

THE COURT: I do not think the question of value is of much importance in this case any how.

MR. KRESEL: Then I am ready to proceed with my defense.

(Mr. Kresel opens to the jury.)

A L E X A N D E R H E C H T, (854 Intervale avenue, Bronx), the defendant, called as a witness in his own behalf, testified as follows:

DIRECT EXAMINATION BY MR. KRESEL:

Q How old are you? A Thirty-four.

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Q Are you married? A Yes, sir, two children.

Q What is your occupation? A Buying and selling and repairing magnetos.

Q Where were you born? A In Hungary, Budapest.

Q When did you come to this country? A Fourteen years ago.

Q What was your business abroad? A Instrument maker.

Q When you came here about fourteen years ago, when did you first go to work? A I worked by the New York Telephone Company.

Q As what? A As an instrument maker.

Q When you say "instrument maker" what do you mean by that?

A I was engaged by the New York Telephone Company and they repaired telephones and stations like Plaza and Harlem, station houses, and I equipped their station houses with instruments, and switchboards, like the operators use, and so forth.

Q How long were you working for the New York Telephone Company? A About eighteen months.

Q Well, with whom did you work after that? A Then I went to Kansas City with the Southern Pacific Company.

Q The Southern Pacific Railroad company? A Yes.

Q As what did you work there, with the southern Pacific?

A As machinist.

Q For how long a time were you there? A A period of two years.

Q Then where did you work? A Then I came back to New York City, and then I worked by the Westinghouse Electric Manufacturing company.

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Q As what? A As instrument maker again.

Q How long did you work for the Westinghouse? A Two and a half years.

Q Have you told us how long you worked for them? A Two and a half years.

Q After leaving the Westinghouse Company where did you go to work? A After I left the Westinghouse I worked for the Jones Spedometer Company.

Q Doing what? A Repairing spedometers on automobiles.

Q How long did you work for them? A I worked for them for a period of three years.

Q After that where did you work? A I worked by the American Taximeter Company.

Q What work did you do for them? A I started as a mechanic repairing taximeters. I worked about a year and a half they were satisfied and they made me a foreman there, and I stayed there about two and a half or three years, with the American Taximeter Company.

Q When did you first take up the business of repairing or dealing in magnetos? A In 1911.

Q Where did you learn the business? A I learned it by the Eiseman Magneto Company.

Q When you saw Eiseman Magneto Company do you mean the concern that manufactures the magento called the Eiseman Magneto?

A Yes.

Q Where was their place of business? A In Brooklyn, Bush

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Terminal.

Q How long did you stay with the Eisemann Magneto Company?

A I stayed with them about eight weeks.

Q What were you doing there? A They put me in every department to learn the business.

Q What was the idea of that? A They wanted to make me their representative to Detroit.

Q Did you get a salary while you were there? A Yes, sir.

Q While you were working for the Eisemann Magneto Company did you meet this man Gishow, who testified here? A Yes, sir, he taught me too on some instruments.

Q He taught you about this Magneto business? A Yes, sir.

Q Now, did you make an arrangement with the Eisemann Company to take their Detroit Agency? A Yes, sir, that is why I went there.

Q Did you perfect the arrangement? Did you finally conclude it? A No, sir, it was not finished before I left the place. They said I should work there and after, they see what kind of an arrangement they make with me when I am through.

Q Well, when you were through with your apprenticeship did you make the arrangement or not? A No, sir, I left.

Q Then what did you do? A Then I started in myself.

Q At first how did you start? A At first I went around between people and every time I got a magneto I took it home and fixed it.

Q You did your work at first at home? A Yes, I fixed it up

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in my place.

Q You say this was in 1911. What part of 1911? A It was around either July or August.

Q When you left the Eisemann? A Yes.

Q So you first started to work on Magnetos at your house?

A Yes.

Q And when did you first open a place of business outside of your house? A I took a little place in 1612 Broadway, just a part of a store, in 1911, September, around September.

Q You say you leased a part of the store? A Yes.

Q Where was it? A 1612 Broadway.

Q Whose store was this? Who had the lease? A Mr. Sanders.

Q A man named Sanders? A Yes.

Q Besides Sanders and yourself was there anybody else that occupied that store? A Yes, sir, that was a man named Lodwin, an electrician.

Q You had a small part of the store? A Yes, sir, just a few feet of it.

Q How long did you remain at 1612 Broadway? A I stayed about ten months.

Q What happened to the lease there? A They wanted to raise Mr. Sanders's lease, and we moved out. He would not stand for him, and we moved out.

Q The landlord wanted to raise the rent and you moved out?

A We moved out, all of us.

Q While you were in 1612 Broadway those ten months, what

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business did you do there? A I repaired magnetos, bought magnetos and sold them.

Q When you say you bought magnetos did you buy new ones or old ones? A I bought new ones and old ones.

Q And you repaired them? A Yes.

Q While you were at 1612 Broadway, during those ten months did you see Gishow? A No, sir.

Q Did you have any dealings with him? A No, sir.

Q Did you hear from him at all? A No, sir.

Q When was it you moved from 1612 Broadway? A It was around May, either April or May, 1912.

Q And to what place did you then move? A I moved into a larger place, 230 West 49th street.

Q Is that the place where you have been since? A Yes.

Q 230 West 49th street? A Yes.

Q You have been there since April or May, 1912? A Yes.

Q Did you take a lease yourself then? A Yes, sir, I was the lessee then.

Q Did you take Lodwin in with you? A Yes.

Q Has he since moved? A Yes.

Q You now occupy the whole place for your own business?

A Yes.

Q While we are on that where is this West 49th street place?

A Between Broadway and Eighth avenue.

Q Is it upon the street? A It is upon the street.

Q Is that store on a level with the sidewalk or below or

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above? A Below; you have to go three steps down.

Q It is a little lower than the sidewalk? A Yes.

Q Can the whole place be seen from the sidewalk? A Yes.

Q Is there a big show window there? A Yes, sir.

Q How is this store divided, if at all? A They got a big door there, and you go in, and you come right in the office.

After that there is gates around and you go in the shop.

Q You have a shop behind the selling place of the store?

A Yes.

Q Have you machinery in that shop? A Yes, sir.

Q Has your business increased right along? A Yes.

Q Have you been doing a good business? A Yes.

Q Have you ever had any trouble before this? A Never in my life.

Q Never been charged with any crime? A No.

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

Q Either in Hungary or here? A No, sir.

Q Have you had a clean record up to this time? A Yes, sir.

Q Now, when did you next meet Gishow after you left Eismann's? A I met Gishow the latter part of 1912, around September.

Q You cannot tell the exact date? A No, sir.

Q Where did you meet him? A I met him at my place 230 west 49th street.

Q Did you send for him? A No.

Q Did you know he was coming? A No, sir.

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Q When he came in did you have a talk with him? A Yes, sir.

Q Can you recall the exact words that he said or that you said? A Yes.

Q What did he say? A He said he was awfully surprised. He said to me, "How do you do? I am awfully surprised to see you; I thought you were in Detroit." I said, "I didn't go to Detroit, because I could not come to an understanding with the Wisemann Magneto Company. I started in business myself."

Q What else? A Then he said, "What are you doing?" I said, "Well, I repair magnetos; I buy and sell magnetos."

Q What did he say? A Then he said, "If you need any help, Mr. Hecht, I could help you out nights when I am through." I said "All right, I am just as pleased. If I am busy you can come around, and if I get something I let you repair it."

Q Did he do any work right away for you then? A Yes, sir.

Q That very day? A Not that very day, not the same day.

Q Did he subsequently come? A He came all the time.

Q Did he work in your place? A Yes, sir.

Q Did you pay him for it? A Yes, sir.

Q What magnetos would he repair for you? A He repaired Bosch magnetos, - all kinds. Every magneto that came in, everything that came in he repaired it, only when I had something left there for him.

Q Did you have other help there? A I had a little boy, Meder.

Q Did you have any other mechanics? A That time, no, I

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didn't have any.

Q Have you now? A I got now.

Q In 1912 or 1913 did you do your own repairing? A Yes, sir.

Q Did Gishow help you from timeto time? A Yes, sir.

Q Did you pay him for it? A Yes, sir.

Q On an average, Mr. Hecht, what did you use to get for repairing magnetos? A Around ten dollars, eight dollars.

Q What would you pay Gishow for his work if he repaired one?

A I paid him about four or five dollars.

Q Did you ever have any talk with Gishow about Bosch parts?

A Yes, sir.

Q Did you know that he was working for the Bosch Company?

A Yes, he told me he got a high position there.

Q What did he tell you his position was? A He said he is a foreman there in the instrumental department.

Q Did he tell you whether he has got a place in the office?

A He said, "Everything is free for him, he could go anywhere in the office or even in the president's room.

Q Did he say what his salary was? A Yes, he told me about what he was getting.

Q What did he tell you he was getting? A He said he gets about twenty-two dollars and fifty cents a week.

Q What talk did you have with him about parts? A He asked me where I bought my parts. I told him it depends what kind of magnetos I got in. Suppose I get in Bosch magneto, I buy by the Bosch Magneto Company. Then he asked me how much discount I

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get. I said "Twenty off". He said he could get a better discount for me. I asked him "How much you get for me?" He said "I could get 33-1/3". I said, "All right, and I tell you what I need. I have some magnetos, and I told him I need some parts, and he brought it along.

Q How many times did you buy any parts from Gishow? A Only once.

Q Do you remember what they were? A Yes, I could remember it now.

Q What were they? A It was two breakers and one distributor plate and one armature shaft. That is exactly what I bought from him.

Q Have you a magneto here? A Yes, sir.

Q Let us have it. A (Witness produces a D. R. magneto)

Q Is this a magneto, Mr. Hecht? A Yes, sir, that is a Bosch magneto.

Q Please come down here and tell this jury the name of this black iron part on top? A These are magnets.

Q Show them the distributor plate? A This whole rubber plate is (indicating red rubber plate).

Q Where is the breaker? A That is the breaker (indicating).

Q Let's have the other one. A Here (showing other one).

Q Take the distributor plate? A That is the distributor plate (indicating).

Q Show us the breaker now? A This is it (showing breaker).

Q Show us the shaft, the armature shaft? A This is the arma-

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DISC

ture shaft (indicating).

Q Now, show us the armature? A This is the armature (indicating armature).

Q You say you bought from Gishow a breaker, a distributor plate and a shaft? A Yes, sir.

Q How much did you pay? A I paid twelve dollars.

Q Is this the check by which you paid him (showing defendant's Exhibit 2 in evidence)? A Yes, sir.

Q Now, after buying those things from Gishow did you again talk with him about buying Bosch parts? A Yes, sir.

Q What was said? A Gishow came in. I could not recollect when. He said "Mr. Hecht, I could not get these discounts that I thought I could. I thought I get 33 and I could not get any 33 discount off".

Q Then did you ask him how much he could get? A He said "The only thing I get is 25." I told him, "Well, I bought 20 off and I might as well buy from the Bosch Magneto, and I could buy at any time I want to.

Q Besides working for you did Gishow also work for himself in your place? A Yes, sir. He done some work.

Q What work? A He made a duplex coil and then he made some lamp for some concern, and then he made an apparatus, testing apparatus, and so forth.

Q Did he use your machinery for that purpose? A Yes.

Q Did he pay you for it? A No, sir.

Q You allowed him to use it? A Yes, my machinery and tools.

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Q Some time along the end of 1914 did you have a little disagreement with Brother Gishow? A Yes.

Q What was it about? A Mr. Gishow came and said he took two weeks vacation from the Bosch Magneto Company. I asked for what purpose. He said he got some new patent, what he copied, he wants to finish that, and try it in my place, and I should allow him to use my machinery. I said, "All right, go ahead and do it." Finally I seen Mr. Gishow was working there about five or six days, he brought all his lunch along and eat his lunch and kept on interfering with my mechanics. Then I told him, "Mr. Gishow, if you want to do your work, do it, but leave my people alone." "And do not leave my machinery running, because that costs me money." Then he got sore and packed up his tools and walked out, and I didn't see him since.

Q Now, you say you did not see him since: do you really mean that? A No, I mean since I wrote him.

Q You wrote him, did you? A Yes, sir.

Q This letter of February 27th in evidence here? A Yes.

Q Did he make any response to that letter? A Yes, he wrote me back, or he called back, I don't know exactly but he came in my place and I seen him.

Q So he kept away how long, three or four months? A Yes, sir.

Q When he came back what did you say to him? A I asked him, "Mr. Gishow, you received my letter?" He said "Yes." Then he asked me what I want. I told him I know a mechanic there and he leaves my place, "And I like to get you, you should work for

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me." Then I offered him \$25 salary and two per cent for the business. Then he said he is sorry that he just left the Eise-
mann Company and goes back to the Bosch Company. He could not
accept my proposition, but might later on. He said he gets a
good position by the Bosch Magneto company, and that is why he
could not take my proposition.

Q Did he tell you what position he was going to have at
that time with the Bosch company? A Yes, he said he would be
in charge of the lighting and starting outfits, because the
Bosch Company bought some company up with some new device, some
new lighting outfit the Bosch Company bought out, and they wanted
to make Gishow the head man of this department.

Q After you resumed relations with Gishow, after you wrote
him this letter of February 27th, did you again become friendly?

A Yes, he always came in my place again.

Q Did he resume his visits to your place? A Yes.

Q And do any further work for you? A Yes.

Q He resumed doing odd jobs for you? A Yes, sir.

Q How long did he continue to work for you; when was the
last time that he worked for you? A About in 1915, since April.

Q Did you then have any trouble with him? A No, sir.

Q Can you tell this jury any reason why he should come here
and testify against you? A Well, because Gishow told me that
the district Attorney told him that he should tell everything;
nothing will happen to him, but the District Attorney wants to
put me away.

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Q Did Gishow tell you that he was told by the District attorney that you were the one that was wanted, and he would go scott free? A Yes.

Q How friendly were you with Gishow; was it just the relationship of employer and employee, or were you friendly? A No, I could call him my best friend.

Q Did he come to your house? A Yes, with his wife.

Q He visited at your house? A Yes.

Q Did you consider him one of your friends? A Yes, I took him out, even for automobile rides.

Q Did you loan him money? A I loaned him \$40.

Q Did he pay it back? A Yes, sir.

Q Now, you have seen this man Meyer who testified? A Yes, sir.

Q When did you first see him? A I saw him about 1915.

Q About when? A About January.

Q Of this year? A Of this year.

Q By the way, under what name are you conducting your business? A I am conducting my business under "Hecht's Magneto Exchange, Incorporated."

Q Hecht Magneto Company? A Yes, it is a corporation.

Q When was that incorporated? A That was incorporated 1914, November.

Q Up to that time under what name had you done your business? A. S. Hecht.

Q Your own name? A Yes.

Q You say you first saw Meyer the beginning of this year?
A 1915.

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Q Where did you see him? A I seen him in my place, 230 West 49th street.

Q Did you send for him? A No.

Q Did you know him before he came? A No, I never seen him.

Q Had you ever heard of him before? A No, sir.

Q Had Gishow told you anything about a man named Meyer?

A Yes, he told me, he said that he got a friend Meyer who repairs magnetos.

Q When this man Meyer came in what did he say to you? A Mr. Meyer said we should get some parts where he fixed up magnetos before, and these parts are left over and he likes to sell them to me.

Q Did you ask him what his name was? A I did not think it was necessary because he said he got some parts and Gischow sent him there.

Q Then he told you Gishow sent him? A Yes.

Q Then did he tell you, or did you ask him what his name was? A Yes, I told him "Who are you?" He said, "I am Mr. Meyer."

Q Then you knew who he was? A Yes. Then I know it was Mr. Meyer. I did not ask him any further.

Q Did you buy any parts from him at that time? A Yes, I did.

Q What parts were they and how much did you pay? A I bought two breakers D. U., four breakers similar to what I showed you gentlemen, and I think I bought a distributer plate, and I bought a shaft.

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Q How much did you pay him? A I paid him eight dollars.

Q Do you remember the exact date in January when you bought that? A I didn't remember it before, but I remember now.

Q How do you remember it now? A Because I looked up my book.

Q Is this the book you are speaking of (handing book to witness)? A Yes, sir.

Q What book is that? A This is the cash book.

Q Cash book of what? Hecht Magneto Exchange.

Q Show me the entry you have referred us to? A Here, this is it. (Witness points to entry on page 7 under date of January 9th, 1915) "Parts \$8."

Q Now, how do you know, Mr. Hecht, that that entry refers to the purchase of the parts from Mr. Meyer? A I know it exactly, because this company was incorporated, and I done only this one purchase in January month, and I didn't buy no parts only from Mr. Meyer.

Q That is the only \$8 entry that you find under date of January? A Yes.

Q You know it was January? A Yes.

Q Were there occasions when you bought parts from people that came into your place of business, I mean over the counter?

A Yes, sir.

Q And were those entered into your book as parts? A Yes.

Q Who kept this book? A Our bookkeeper.

Q What is her name? A Miss Case.

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Q After you bought these parts from Meyer, when was the next time you saw him? A I saw him about the latter part of March, 1915.

Q Where? A In 230 West 49th street, in my place.

Q What did he say there? A He came in and he wanted to sell me some parts again.

Q Did you buy them? A I did not.

Q What did you say to him when he wanted to sell you some more parts? A I told him I got a new company, I incorporated a new concern, I don't want no parts because I am making them up ourselves, and it costs me much cheaper than I pay you.

Q Then did he leave? A Yes, he left my place.

Q What concern had you reference to? A To the Magneto Parts Company, that we incorporated.

Q When did you incorporate the Magneto Parts Company? A In 1914 in November.

Q Were you one of the incorporators that time? A Yes, I was the president.

Q Were you the originator of it? A Yes, sir.

Q I show you this paper and ask you whether or not that is a certified copy of the certificate of incorporation of the Magneto Parts Company? A Yes, sir, the original paper.

MR. KRESEL: I offer this in evidence.

(Marked defendant's Exhibit 11 in evidence.)

Q Now, could you buy, and did you buy parts from the Magneto Parts Company very cheap? A Yes, sir.

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Q Did you have any arrangement with them for that purpose?

A Yes, sir, I got a contract with them to get fifty off from the purchase price.

Q Fifty per cent off? A Yes, from the purchase price.

Q And is this the contract? A Yes.

MR. KRESEL: I offer it in evidence.

No objection.

(Paper marked defendant's Exhibit 12 in evidence.)

Q Who were Emil Loy and Leo L. Loy? A They are the owners at the present time of the Magneto Parts Company.

Q Were they the incorporators with you? A Yes, sir.

Q Now, since the first of March, about the first of March of this year, have you been buying your parts from the Magneto Parts Company? A Yes, sir.

Q Have you been getting fifty per cent off the list price?

A Yes, sir.

Q Have you been getting Bosch parts from them? A From the Magneto Parts Company, yes, exactly the same thing that the Bosch Company sells me.

Q In other words, the Magneto Parts Company manufactures interchangeable parts for Bosch Magnetos? A Bosch Magnetos.

Q And is this the book which I now show you of the Magneto Parts Company, the book describing the parts that they manufacture? A Yes, sir, that is exactly the same as the Bosch.

MR. KRESEL: I offer it in evidence.

MR. McCORMICK: I object to that.

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THE COURT: When was it published.

BY MR. KRESEL:

Q When was it published? A It was published March 1st.

Q What year? A 1915, this year.

THE COURT: Allowed.

(Book marked in evidence as defendant's Exhibit 13.)

Q In the course of your business of repairing Bosch Magneto's, you testified that you bought from the Bosch Company parts as you needed them, is that right? A Yes, sir.

Q You say you got twenty per cent off, did you? A Twenty per cent off by the Bosch Company.

Q Now, here are four bundles of bills which were marked Defendant's Exhibit 6 for identification, without encumbering the record, Mr. Hecht, I want to ask you whether those are bills for parts that you bought for the Bosch Company? A Yes, they are the same bills.

Q How did you pay, cash? A I paid cash.

Q Did you buy from the Bosch Company any contact breakers?

A Yes, sir.

Q Did you buy from the Bosch company distributor plates?

A Yes, sir.

Q Did you pay them their list price, less twenty per cent?

A Less twenty per cent.

Q For instance, in the year 1914, how many distributor plates did you buy from the Bosch Company? A I have to look that up.

(Looking at paper) I bought around fifty.

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Q Fifty distributor plates? A Yes, sir.

Q You say you bought contact breakers? A Contact breakers also.

Q Did you buy the parts for contact breakers? A I bought parts; I made some of them up myself.

Q Just take that contact breaker, will you? You say you paid how much to Meyer for the two contact breakers? A For two contact breakers, one condenser and one shaft I paid him \$8.

Q What did you pay him for the contact breakers each? A \$2.60 I paid.

Q What kind of contact breakers were they? A They were D. U. four's.

Q Is that the kind you have now in your hand? A No, that is D-4. It is on the same principle.

Q Did you make up a D. U.-4 contact breaker? A Yes, sir.

Q I show you defendant's Exhibit 7 for identification which Mr. Poole testified was the Bosch contact breaker: is that all Bosch contact breaker? A No, sir.

Q Take it apart, if you will, and show the jury which are Bosch parts and where the other parts came from? A I am sorry I haven't got a little screw driver to take it apart.

Q Well, use a knife. A I cannot take it apart.

Q Well, show the jury which parts are Bosch parts and which are not?

MR. McCORMICK: I object to this. It does not make

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any difference which parts are Bosch parts or not.

THE COURT: Allowed.

A This is Bosch, this little brass thing, this is Bosch only, also this lever. These three items are Bosch Company.

Q Where were the other parts bought from? A Those platinum points I bought those from those from the Commercial Research Company and also from the American Platinum Works Company.

Q How much did you pay for those to the Commercial Research company? A 41-1/2 cents.

Q Did you get bills for that? A Yes, sir.

Q Look at this one, for instance, February 1915, is that a bill for platinum points from the Commercial Research Company?

A This is a bill from the Commercial Research company.

Q For what? A For platinum points.

Q How many? A 100.

Q At what rate? A At 41-1/2 cents.

MR. KRESEL: I offer this bill in evidence.

MR. McCORMICK: Objected to as immaterial and irrelevant.

THE COURT: Objection sustained.

MR. KRESEL: Does your Honor rule I cannot show the jury what it costs to make up one of these, and where he bought it from. I want to prove that this man bought articles which go to make up this contact breaker at a certain figure, and I want to show this jury, that a price,

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which it is alleged he paid to Meyer was not a low price.

I want to show what it costs to make up a new one like that.

THE COURT: I will allow it for that purpose.

(Marked defendant's Exhibit 14 in evidence.)

Q Take up that contact breaker again, what did you pay to the Bosch Company for the three parts that you say are Bosch parts that you bought from the Bosch? A I paid for this contact breaker, lever, D. U.-4, \$1.05, one contact breaker block 18 cents, and one brass disc 78 cents.

Q Is this a bill for it? A Yes, sir, less twenty off.

Q Did you get your twenty off? A Yes, sir.

Q So that the net amount of those three parts costs you how much? A \$1.61.

MR. KRESEL: I offer those in evidence.

MR. McCORMICK: I object to that as immaterial and irrelevant.

THE COURT: Allowed for the same purpose.

(Paper marked Defendant's Exhibit 15 in evidence.)

Q So that in order to make up that breaker you paid for the three parts to the Bosch Company \$1.61? A Yes, sir.

Q How many platinum points are there? A Two.

Q Those cost you how much? A 41-1/2 cents each.

Q That is 83 cents? A Yes.

Q What other parts go to make up that breaker? A Well, there is a little rubber insulations.

Q How much is that worth? A 1-1/2 cents. They are worth

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3 cents less 50.

Q You got them from what Company, Magneto parts Company?

A Yes.

Q The insulation 3 cents? A Yes.

Q Any springs? A 3 cents each.

Q How many springs? A 3 pairs.

Q That cost you 9 cents? A Less 50.

Q We will come to that: 3 springs list price 9 cents?

A Yes.

Q One insulation plate? A Yes.

Q Any bushings? A Yes, one bushing 3 cents.

Q Any screws? A Yes, three.

Q How much? A 9 cents for three..

Q Now, the total of all those parts is 21 cents? A Yes.

Q And you got 50 per cent off? A Yes.

Q Therefore those cost you from the Magneto Parts Company
how much? A 10-1/2 cents or 11 cents.

Q What else is there? A Ground brush.

Q Where did you buy them from? A Mitchell Rand Manufacturing
Company.

Q How much is that worth? A 2-1/2 cents.

Q What is the total that it cost you to make up this break?

A \$2.57.

Q It cost you that? A Yes.

Q But that does not include your labor in making it up?

A No.

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Q So that the breaker you paid Meyers \$2.50 for, buying from the Magneto Parts Company, and getting your discount, 50 per cent off, you can make it up for \$2.57? A Yes.

Q And you did make it up? A Yes.

Q When you bought these parts from Meyer in January of this year, did you know that they were stolen? A No, sir; of course I didn't know it, otherwise I didn't buy it from him.

Q Did you believe that they were parts that he had left over from fixing magnetos? A Yes, sir.

Q Did you believe what he told you that he was a friend of Gischow? A Yes.

Q Did you believe that Gischow would send anybody with stolen goods to you? A No, I would not believe that from Gischow at all.

Q Is this Magneto Parts Company the only concern that is a rival of the Bosch Magneto company, in the manufacture of Bosch parts? A It is the only concern in this country.

Q Did you have any talk with Mr. Poole, this expert who appeared here, about the Magneto Parts Company? A Yes.

Q When? A That was about the last year, 1914.

Q Was that before the Magneto Parts company was organized?
A Yes, sir.

Q Tell us what you said and what he said? A I made out an order for about \$200 worth of parts to the Bosch Magneto Company. They refused to give it to me, because the Bosch Company always was against me. They refused to give me those parts.

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I told them, I said, "Listen, Mr. Poole, if you don't give me those parts, I go and make up a company myself, and I sell you the parts. I sell parts of the Bosch Company much cheaper than I buy from you", then he laughed. Then I walked out. I could not do anything because they refused to give me the parts. Then I put up my money to make a corporation, to make up a business, the same business like the Bosch company got, and I did it, and since that time the Bosch Company is always against me.

Q You were indicted on this charge by the Grand Jury, weren't you? A I was.

Q Did you have any opportunity to appear there and tell your side of the story? A No, sir; they had indicted me without any hearing from my side.

Q Are you a citizen? A Yes, sir.

Q Do you deal with reputable houses? A Yes.

Q Tell the jury some of the houses you deal with? A I deal, one of the most reputable houses in New York City, for instance, the Automobile Club of America, and I deal with the Locomobile company and I deal with the City, and I deal with the Franklin Automobile, the Adams Express Company, and Burns Bros., the coalman.

Q When you say you are dealing with them, what do you mean?

A I sell parts to them, and I also repair all the magnetos that they got.

Q Did you buy these parts from Mr. Meyer, in the course of

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your business? A Yes, sir, I did.

Q Did you hear Meyer testify that on the 12th of March, 1915, he met you at Broadway and 50th street, and he showed you some parts, and that you and he agreed to pay him \$8, and that you took them and told him you did not have the money, and he should come around the next day, and that he came around the next day, and that you told him you would give him only five dollars, and that then he got mad, and took his parts back; did you hear him say that? A Yes.

Q Is there any truth in that? A No, sir, I never seen him.

Q Now, the parts that he said he offered to sell you for \$8 were 5 breakers, one distributor plate and one condenser, do you understand me? A Yes, sir.

Q Now, according to the evidence of Mr. Poole, the 5 contact breakers are worth at 4-A, \$24, one condenser is worth \$2.40, a distributor plate was worth \$6.40, that would make \$32.80 worth of stuff. Now, Meyer said that for that \$32.80 worth of stuff you would not even give him eight dollars; is there any truth in that? A No, sir.

Q If you had been buying stolen goods and knew they were stolen, and Meyer had offered you \$32.80 worth of stuff for \$8, wouldn't you have grabbed it? A I should say I would, of course I would.

Q Now, Gischow testified that he sold you on several occasions parts he could not specify when, and he could not specify what parts; did you buy any other parts from Gischow

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except on the one occasion when you bought \$12 worth from him?

A No, I did not.

Q Gischow testified that you had a talk with him on the 24th of April of this year, in which you paid me the compliment and said that I was the best criminal lawyer in the City, and that he should be careful, and that nothing would happen to you and him; did you have any such talk? A No, sir. Not regarding this thing.

Q As a matter of fact, on the 24th of April, 1915, was I your lawyer? A No, sir, you were not engaged by me, because I did not need any.

Q Meyer testified that on the 27th of February, 1915, you told him to go to the Bosch Company and steal breakers and condensers and distributor plates and bring them to him, and that you would buy them from him. Did you have any such conversation?

A No, sir.

Q Did you know that he was stealing? A No, sir, I did not.

Q Did you have any dealings with him on the 27th of February of this year at all? A No, sir.

Q He also testified that on the 27th day of February, 1915, you met him; you told him to go to a saloon and that you would meet him there at 3 o'clock, and that you would pay him \$35 for certain parts that he had there; now, did you meet him on the 27th of February at all? A I did not.

Q Did you send him to any saloon? A No.

Q Did you offer to meet him in the saloon? A No, sir.

Q He said that you did not meet him in the saloon, but that you told him to deliver the stuff to a man named Husor; did you

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tell him to deliver any stuff to a man named Husor? A No.

Q Did you buy any \$35 purchase from him? A No.

Q Is your book here and have you looked through it and can you find any record of any \$35 purchase? A I could not.

Q Is the District Attorney perfectly welcome to examine that book from beginning to end to see if there is any such purchase? A Yes, sir.

MR. KRESEL: That is all.

CROSS EXAMINATION BY MR. McCORMICK:

Q Now, you say you could buy Bosch parts at a discount of 50 per cent in the winter of 1915? A Yes, sir.

Q Look at these bills you brought yourself into this court room? A Yes.

Q Those are the bills of goods that you bought from the Bosch Magneto Company? A Yes.

Q In the month of January, February and March, 1915? A Yes, sir.

Q You didn't get 50 per cent discount on those transactions, did you? A No, sir.

Q Now, if you could buy Bosch parts from another company at a discount of 50 per cent, why did you buy those goods from the Bosch Company? A Because this time the Magneto Parts Company was not existing. The Magneto Parts Company was existing March 1st.

Q When was it organized? A It organized in 1914.

Q When were you first able to purchase Bosch parts at a discount of 50 per cent from some other company than the Bosch?

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A From the Magneto Parts Company, March 1st, 1915.

Q You went right on buying from the Bosch Company, to June, 1915. Do not those bills run to June? A No, I don't see any, - yes, there are some.

Q How much discount were you allowed on those transactions? A Twenty off.

Q So still you say you could buy all those things from another magneto company, and you went right on buying at 20 per cent discount from the Bosch Magneto Company, didn't you? A I didn't say that.

Q The bills show it? A Yes, but I want parts I bought by the Magneto Parts Company.

Q You are an expert on magnetos, are you not? A Yes.

Q Do you know the value of magneto parts? A I do.

Q Are there any contact breakers that cost \$4.12 with the discount off?

MR. KRESEL: I object to that on the ground it is not stated from whom they were to be bought at that cost.

THE COURT: Allowed. He is limited to the one company.

Q Are there contact breakers that cost about \$4.12 each? A It depends which ones.

Q Are there any such contact breakers which cost about \$4.12 a piece? A Yes.

Q Net? A Yes.

Q What is the D-4 condenser worth? A From where I buy it.

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Q Some cost about \$4? A It depends where you buy it.

Q Some cost about \$4? A No.

Q What is the lowest price? A I paid for the lowest \$75.

Q What is the highest price? A For the Bosch Company it depends where you buy it.

Q From the Bosch Company? A About \$3.

Q What is a timing lever worth? A About \$80.

Q What is the highest priced timing lever? A What kind?

Q The highest priced? A There is different kinds.

Q Bosch? A There is for 50 cents, one dollar, or one dollar fifty.

Q Do any of them cost as much as a dollar and seventy cents? A No.

Q There were none that cost that much? A No, not to my knowledge.

Q What is a distributor disc worth? A What type?

Q The best kind, the most expensive? A About \$12.

Q What is the lowest priced distributor? A About \$2.98.

Q What is a D-4 dual armature worth? A \$6.

Q Some cost as high as \$22? A Kindly look up the Bosch catalogue, you will find yourself it is listed \$6.

Q I say some of them cost as much as \$22? A No, sir.

BY THE COURT:

Q Are these new articles you are testifying to? A New.

BY MR. McCORMICK:

Q What is a rear armature disc worth? A \$1.80.

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Q For the best ones? A About three dollars.

Q You never gave Meyer any money at all? A Yes, I did.

Q I mean for stolen goods? A Of course not.

Q Goods that you knew were stolen? A Of course not; not for stolen goods.

Q Do you know a man named Kurt Reis? A I do.

Q You knew him when you worked for the Eisemann in 1911, is that right? A Yes, sir.

Q He afterwards left the Eisemann and became an employee of Marburg Company, is that right? A I don't know.

Q Do you know Marburg & Company? A I know.

Q Don't you know Reis was employed by them? A But not after he left Eisemann.

Q Don't you know? A No, I don't.

Q Didn't you meet him in October, 1912?

MR. KRESEL: I object to this, nothing to do with this case.

THE COURT: On the question of credibility.

MR. KRESEL: I assume he has a right to test his credibility in any particular way.

THE COURT: I suppose he is laying a foundation.

MR. McCORMICK: It is only preliminary.

Q Didn't you meet him in October, 1912, and ask him if he could not come down to your shop to do some work, and that he did go to your shop and you asked him if he could not steal some parts for you, and that he told you that he would not take

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the risk and did not care to get into trouble, and you said to him that no one would learn about it if he got some parts for you.

MR. KRESEL: I object.

THE COURT: I exclude that question.

THE COURT: You can ask this witness concerning any criminal, vicious, or immoral act in his career; you may ask him concerning any conviction, or concerning any alleged criminal, vicious or immoral act. You can ask the question point blank, without all that detail, whether or not he asked him to steal goods and bring to him.

Q Was he employed by Marburg? A Yes.

Q Didn't he bring you some goods that he brought from Marburg that you asked him to steal from Marburg, and then you gave him money equal to about one-fifth of their cost?

MR. KRESEL: I object to that question as highly prejudicial, and improper. The District Attorney ought to know better than that.

THE COURT: strike out what he paid as entirely immaterial. You can ask him first to tell you whether he did not tell Reis to steal, and did not purchase the stolen articles.

A Of course not, otherwise I would not buy from him if I would know he stole it.

THE COURT: Of course you are bound by his answers, and the jury also are bound by his answers.

Q Did you receive an armature from Reis on June 9th, 1914,

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that you had previously told him to steal from the Marburg company? A Yes, I did, but I received from him more armatures.

Q Did you tell him to steal an armature from the Marburg Company? A I did not.

Q Did you tell him that you would give him \$30, because that was the amount that you gave to Gischow for the armatures he stole? A No, sir, I did not.

Q You wrote a letter to Reis, didn't you? A Not to my knowledge.

Q On February 27th? A Not to Reis, I wrote to Gischow.

Q Did you write to Meyer? A No, sir, I did not.

Q Did you write to Gischow? A Yes.

Q And on February 27th you said you would like to see him, because there was something of importance you would like to talk over with him, is that right? A Yes, sir.

Q Why didn't you put down in black and white what it was that was so important? A Because we did not come to this point yet.

Q As a matter of fact in this letter you asked him to come and see you? A Yes.

Q When he did come to see you, didn't you ask him to go back to the Bosch Magneto company and steal some property for you? A I never made such a statement to anybody.

BY MR. KRESEL:

Q Well, you did not to Mr. Gischow? A No, I did not.

MR. McCORMICK: I offer this bundle of bills for

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identification separately.

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

BY MR. McCORMICK:

Q This book you brought here, that contained a record of the goods you received, all the parts? A Yes, sir, a record of what I buy.

Q When you buy something, and when it is delivered to your store, you write the article down in the book, and make a note of it? A Supposed to be. I do not write it myself; that is why I got somebody that does that; I got the bookkeeper.

Q Who writes them? A My bookkeeper.

Q What is her name? A Miss Case.

Q How long have you known Gischow? A Since I worked for Eisemann Company in 1911.

Q When did he begin to work for the Bosch Magneto company?

A I don't know that because I did not see him.

Q After you left Eisemann when was the first time you saw him?

A In 1912, around September.

Q When did he begin to work for you? A In September.

Q When he began to work for you you knew that he was regularly employed by the Bosch Magneto Company, didn't you? A I did.

Q The work that he did for you was outside of his hours there?

A Yes.

Q That is, he worked for you evenings? A Yes.

Q He sometimes did some work for you at the Bosch company,

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didn't he? A No, sir.

Q How many times, if ever, did he ever bring any parts to you and sell them to you? A Only once.

Q When was that? A That was when I produced that book here, I have to look that up.

BY MR. KRESEL

Q From May 9, 1914? A From 1914, from the 9th, January, I bought parts.

BY MR. McCORMICK:

Q How many times did Meyer bring goods to you? A Twice.

Q When was the first time you met Meyer? A January, 1914.

Q He said he met you on the 14th of November, 1914, I think?

A That is what he said. I said I saw him January 9th, 1915.

Q Was that the first time you ever saw him? A Yes.

Q Where was it? A In 230 West 49th street in my place.

Q What time of the day was it? A Half past five.

Q Did he have any property with him? A Yes, sir.

Q What was it? A That was two breakers; one condenser; and one shaft.

Q What was the value of that property? A They were used parts. It depends, I buy those parts sometimes for a dollar.

Q What did you pay? A I paid eight dollars.

BY MR. KRESEL:

Q Was that the value? A That was their value to me.

BY MR. McCORMICK:

Q How did he introduce himself to you? A He came in and

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said, "Mr. Gishow sent me around and I am Mr. Meyer". Then I said, "You are Meyer?" He said, "Gischow sent him around."

Q Did he say, "This is Meyer"? A He did not.

Q When was the last time before that that you saw Gischow?

A I did not see him since we had that scrap. We had an argument and he left. I did not see him since I wrote that letter. the first I saw him was February 27th, 1915.

Q When was the last time you saw him before you saw Meyer?

A 1914.

Q When, November? A I don't know exactly the month. I don't know exactly the date, but 1914.

Q Did you ask Meyer where he got those articles? A I did not.

Q You paid him money right then and there? A Yes, sir.

Q You gave him a check? A I paid him.

Q By check? A No, I gave him cash.

Q How many times from January, from the time you first met him until February 27th did you see Meyer? A Once more.

Q Did you buy some goods from him that time? A I did not.

Q How was it that you could get a fifty per cent discount on the goods you bought or were to buy from the company you organized? A Because even then they made about 300 per cent profit, even after they gave me fifty per cent off.

Q Who? A The Magneto Parts Company.

Q You own most of the stock of that company? A No, I did not.

Q Did they have a factory? A No.

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Q Did they have a factory at any time? A No, they did not at that time.

Q Where did they get the parts? A They are manufacturers.

Q The Bosch people are manufacturers? A Yes.

Q They could not buy them from the Bosch people? A They would not buy from the Bosch company, they got their own people.

Q How could they sell Bosch parts, if they did not buy them from the Bosch people? A Because they manufacture them. They manufacture their own parts like the Bosch Company manufactures their parts.

Q You said you could buy Bosch parts from the Magneto Parts company? A Same like Bosch, to fit to the Bosch Magnetos.

Q Then this new arrangement you entered into enabled you to buy the same kind of goods you had been buying at 20 per cent discount from the Bosch Company for 50 per cent discount from the Parts Company? A Yes, exactly.

MR. McCORMICK: That is all.

SAMUEL J. GOLDSMITH, called as a witness on behalf of the defendant, being first duly sworn, testified as follows:
(The witness gives his address as 652 West End avenue.)

DIRECT EXAMINATION BY MR. KRESEL:

Q Mr. Goldsmith, are you an attorney and counselor at law?

A Yes, sir.

Q Are you a member of the firm of Meyers and Goldsmith?

A Yes.

Q Do you represent Mr. Hecht, the defendant? A No, I repre-

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sent the other side, I represent the Loys.

Q I show you Defendant's Exhibit 12 in evidence, did you draw this contract? A Yes, sir, I dictated it.

Q Was it entered into on the day that it bears date, the 30th day of April, 1915? A It was dictated April 30th, signed that day and acknowledged on the 3rd day of May.

MR. KRESEL: That is all.

(No cross examination.)

GERARD J. KLUYSKENS? (New York Athletic Club)
a witness called on behalf of the defendant, being first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. KRESEL:

Q Mr. Kluyskens, do you know the defendant Hecht? A I do.

Q How long have you known him? A About five or six years.

Q Do you know other people that know him? A No, I do not.

Q You don't know any? A Mr. Hecht was employed by the company of which I was treasurer.

Q What company was that? A Franco-American Taximeter Company.

Q How long was he employed there? A Two or three years.

Q What is your connection with the company? A I was treasurer.

Q Have you since that time had dealings with him, with Mr. Hecht? A A few minor dealings, yes.

Q Have you sold him goods? A Yes, sir.

Q What is Mr. Hecht's reputation, as far as you know, for

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honesty and industry?

MR. McCORMICK: I object to that, not qualified.

THE COURT: Allowed.

A I know nothing against him.

Q Was it good? A Good as far as I know.

CROSS EXAMINATION BY MR. McCORMICK:

Q That is as far as you know? A Yes. I only had very little dealings with him.

Q What is your business? A I am in the importing and export business.

Q You don't know any people named Marburg? A I know them as Magneto people. I have no connection with them.

Q Do you know any people connected with the Bosch Magneto Company? A I knew the president.

Q You never talked to any of those men about this man's reputation, did you? A No.

LOUIS BURKHART (250 West 78th street) a witness called in behalf of the Defendant, being first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. KRESEL:

Q What is your business, Mr. Burkhardt? A Garage and repair shop.

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

Q How long have you known him? A For the last seven years.

Q Do you know his reputation for honesty and integrity? A Yes.

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Q What is it, - good or bad? A Very good.

CROSS EXAMINATION BY MR. McCORMICK:

Q How many people do you know who know him? A Well, about fifty.

Q You don't know any of the Bosch Magneto people, do you?

A I know some of them.

Q Did you ever talk to those men about him? A No.

Q Did you ever talk to any of the Marburg people about him?

A No.

FRANCIS X. O'CONNOR (14 Poplar Place, New Rochelle)
called as a witness on behalf of the defendant, being first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. KRESEL:

Q Mr. O'Connor, what business are you in? A Carpenter and builder.

Q Do you know the defendant Hecht? A I do; he is a tenant of mine.

Q Where? A 230 West 49th street, where my own place of business is.

Q How long have you known him? A Three years and a half.

Q What is his reputation for honesty and integrity? A Well, I have always found Mr. Hecht, honest and straightforward in my dealings with him.

CROSS EXAMINATION BY MR. McCORMICK:

Q About all you know about him is he pays his rent? A I have

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done a little work for him; he has paid me that also. I have
some dealings with him that way.

Q You don't know any other people who know him; you never
discussed his reputation with other people? A I don't know
anything outside my business dealings with him there.

E T H E L C A S E, (106 West 144th street) called as a witness
on behalf of the defendant, being first duly sworn, testified as
follows:

DIRECT EXAMINATION BY MR. KRESEL:

Q Miss Case, are you employed by the defendant, Alexander
Hecht? A I am.

Q As what? A Bookkeeper and stenographer.

Q You were not here when Mr. Hecht testified, were you? A
No, I was not.

Q You were outside? A Outside.

Q How long have you been employed by Mr. Hecht? A March 1st,
1914.

Q Do you keep his books? A I do.

Q Did you see around the corridor a man named Meyer? A I
did.

Q Well, he testified here, and now tell the jury whether you
ever saw Meyer before seeing him in the court room? A Yes, I
have seen him in Mr. Hecht's place.

Q Can you remember about when you first saw Mr. Meyer in Mr.
Hecht's place? A No, I don't remember exactly when.

Q Was it this year or last year? A I would not say; I don't

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remember exactly.

Q Well, at all events, did he speak to you when he came in?

A He did.

Q What did he ask? A He asked for Mr. Hecht.

Q Was Mr. Hecht there? A He was there, yes.

Q The first time when he came? A I believe so.

Q Then did you see Mr. Hecht and Meyer talk? A I did.

Q How is your desk located in that place? A Well, when I sit down, I face, I don't face the store, my back faces the counter.

Q In other words, the store is located on the south side of 43rd street? A Yes, sir.

Q And your desk faces the west, does it? A Yes.

Q And this counter ran north and south, or east and west?

A The counter runs east and west.

Q Now, on this occasion when Mr. Meyer and Mr. Hecht were together did Mr. Hecht ask you for any money? A He did.

Q You had charge of the cash drawer? A Yes, sir.

Did you give him any money? A I did.

Q How much did you give him. A I believe it was \$8.

Q At all events, then, whatever you gave him, did you make an entry of it in your cash book? A I did.

Q Have you since then examined your cash book to find that entry? A I haven't, no.

Q I show you a book, and I show you page 7 of this book, marked Cash Book, and I draw your attention to the sixth entry

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from the bottom, "Parts", under date of January 9th, 1915, "\$8",
is that in your handwriting? A That certainly is.

Q Did you make that entry in the regular course of your
business? A Yes.

Q And was it made at about the time it bears date? A It
was made exactly the same day.

Q Are all the entries in this book in your handwriting?
A They are.

MR. KRESEL: That is all.

MR. McCORMICK: No cross examination.

(At this point the Court takes a recess, after duly
admonishing the jury according to law.)

AFTER RECESS, 2 p. m.

LEO L. LOWY, (854 Intervale avenue, Bronx) a witness
called in behalf of the defendant, being first duly sworn,
testified as follows:

DIRECT EXAMINATION BY MR. KRESEL:

Q Mr. Leo, what is your business? A Manufacturer of Magneto
parts.

Q With what concern are you connected? A In the Magneto
Parts company, and in the Riebe Ball Bearing Company.

Q Where is the office of the Magneto Parts Company, Incor-
porated? A 1790 Broadway.

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

Q How long have you known him? A About four years.

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Q I show you Defendant's Exhibit 12, which is a contract between Alexander Hecht and Emil Lowy and Leo L. Lowy, do you remember making that contract? A Yes, sir.

Q Pursuant to that contract has your company, the Magneto Parts company been selling Magneto Parts to Mr. Hecht, at a discount of 50 per cent? A Yes, sir.

Q Now, when did the Magneto Parts Company start in business? A About a year ago.

Q Do you know Mr. Poole, the sales agent of the Bosch Magneto Company? A Yes, sir.

Q Did you have a talk with Mr. Poole about the organization of the Magneto Parts company and Mr. Hecht's connection therewith? A Yes, sir.

Q When? A About three months after the war started, or two months after the war started, - shortly after the war started.

Q That is, the war started, I think, in August of last year, about the 1st of August, 1914? A Yes.

Q And you mean to say you talked with him a couple of months after that? A Yes.

Q Where did you have the conversation? A In his office.

Q Now please tell the jury what you said to him about the Magneto Parts Company? A I called on the Bosch Magneto Company in reference to some magnetos they sold me.

Q Well, what did you say to Poole? A That Mr. Hecht and I are pretty near ready with the Magneto Parts Company, and we are going to sell in a few weeks.

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Q Sell what? A Magneto parts.

Q At that time when you had this talk with Mr. Poole did you put an order in for Magneto parts? A Yes, sir.

Q With the Bosch Magneto Company? A Yes.

Q Now, Mr. Lowy, are you familiar with the market value of Magneto parts? A Yes, sir.

Q Bosch Magneto parts? A Yes, sir.

Q And does your company manufacture interchangeable Bosch magneto parts? A Yes, sir.

Q Does it manufacture interchangeable parts for other magnetos?

A Yes, sir.

Q Have you kept yourself informed since you started in the business of manufacturing, as to the current value of Magneto parts? A Yes, sir.

Q And do you know the cost of production of Bosch Magneto parts? A Yes.

Q And even before you started to manufacture under the name of the Magneto Parts Company, Incorporated, were you then familiar with the current value of Magneto parts? A Yes, sir.

Q And prior to your incorporation of the Magneto Parts Company, did I understand that you were in the business of selling ball bearings? A Yes, sir.

Q Were those ball bearings of domestic manufacture?

A No, sir.

Q Imported? A Imported from Germany.

Q For how long a time before the Magneto Parts Company was

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incorporated had you been in that business? A For three years.

Q During those three years were you familiar with the various parts that go to make up an automobile? A Yes, sir.

Q And especially magnetos? A Also magnetos.

Q I show you this article, which I understand is a distributor plate? A Yes, sir.

Q Does your Company manufacture a distributor plate like that? A Exactly the same.

Q Now, tell the jury what it costs to produce that article?

A The cost is seventy-five cents.

Q I show you a crank or shaft? A That is an armature shaft.

Q What does it cost to produce that? A This is manufactured from two different parts, and I have to figure it together, - 75 cents.

Q I show you this, which is called an armature, I understand, what does it cost to produce that? A \$2.40.

Q Now, I show you a breaker, and I wish you would tell the jury the cost or value of the articles in that breaker, with the exception of the plate, the lever and the contact block? A Without the base, lever and contact block?

Q Exactly.

A All that is left is the bushings and two platinum points. The platinum point has got a value before the time of the war. Since the last four weeks there is an embargo on platinum and iridium in France, so we cannot get the platinum, so therefore the value since last four weeks is higher than before the war,

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and before the four weeks, the value of the platinum plate was 32 to 35 cents.

Q And the bushing? A Twenty-five of rone cent.

Q Which part is the bushing? A That inside part, the fibre bushing, in the centre, that is the fibre bushing. (Indicating)

Q Then there are some screws left? A Yes. The price is known all over.

Q Are you the agent in this country for the Riebe Magneto company? A Yes, sir.

Q I show you Defendant's Exhibit 13, is that the booklet issued by your company? A Yes, sir.

Q Now you advertise in the booklet Bosch parts for sale?
A Yes, sir.

Q Do you manufacture those Bosch parts? A Yes.

Q I mean your company? A Yes, we are manufacturing those Bosch parts.

Q Have you a factory of your own? A No.

Q How do you get them? A We order the brass parts with certain manufacturers; we turn them out to the hard rubber people, or vulcanizing people, and we work them in our tools, and they are working and manufacturing those parts with our tools.

Q In other words, you contract the work out? A Yes, sir.

Q Under your instructions? A Yes.

Q Are those parts that you speak of here, the Bosch parts, are those parts exactly similar to the Bosch parts manufactured

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by the Bosch Magneto Company? A Exactly the same; nobody can tell the difference, unless he knows from where he bought them.

Q And they fit into the Bosch magnetos? A Absolutely.

Q How do the prices of this defendant's Exhibit 13, the Bosch parts, compare with the price list of the Bosch Company?

MR. McCORMICK: Objected to. The documents speak for themselves.

Question withdrawn.

CROSS EXAMINATION BY MR. McCORMICK:

Q What is the value of contact breakers? A \$1.25.

Q Are they all of the same value? A Yes, sir.

Q Did you ever hear of one that was worth \$4.12? A No, sir, they cost that much, but the value is not there.

Q Did you ever hear of one selling for \$4.12? A Yes, sir.

Q Did you ever hear of a condenser D-4 being sold for \$4 or more? A Yes, sir.

Q Did you ever hear of a timing lever being sold for \$1.70? A No.

Q What is the highest price you ever heard of a timing lever being sold for? A \$1.50, - or some odd cents. I ought to figure.

BY THE COURT:

Q You don't have to figure on that, it is a question of your memory; you recollect the highest price, Mr. McCormick asked you. A No.

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Q Do you remember what they sold for in the market, the highest? A \$1.50.

BY MR. McCORMICK:

Q What is a distributor disc, is there such an instrument? A Yes.

Q What is it? A The distributor plate, the disc.

Q Have you got one of them there? A Yes.

Q Did you ever hear of any manufactured by the Bosch people that sold for \$6.40? A To manufacture, no, sir.

Q The selling price? A To a manufacturer?

A Yes. A No, sir.

Q To the public? A To a private owner, yes.

Q What is the highest price they sell at?

THE COURT: I don't think that is material, he said he heard them sell for that price.

Q What is the market price of an independent contact breaker, V. R. on the 12th of March, 1915?

BY THE COURT:

Q Has there been any change in price in the last five or six months? A No.

Q It is a staple article? A Yes.

Q Uniform price? A Not uniform, it is a standard article.

Q Does it vary in price from time to time, or between different manufacturers? A No, sir. I want to explain it. We have a list price in our catalogue, which is standard. It does not change at all, but we have different prices for different

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people. It means, if a private owner comes we give him twenty per cent off, and if a magneto repair man comes we give him forty per cent off, and if an agent comes we give him fifty per cent off or better. Therefore the price does not change in our catalogue. It is only to the person who buys that.

BY MR. McCORMICK:

Q Do you sell independent contact breakers, type Z. R.? A

No, sir, but we have got the parts which could be placed together.

Q What do you sell them for, and do you sell them? A Yes, we sell them 20, 40 and 50 off, depending who buys.

Q What is the price? A If who buys?

Q Can you tell from memory what the price is, without looking at the price list? Can you tell me the value of an armature, D-4, dual? A The value, \$2.50.

BY THE COURT:

Q What do you mean by value, when you say value? A That is how much it is worth, that is what we sell it for.

BY MR. McCORMICK:

Q You say you are an officer of the Magneto Parts Company?

A Yes, sir, the vice president.

Q Where is the factory? A We have no factory.

Q What kind of work do you do? A We contract out the parts to manufacturers.

Q Then you purchase some of the parts to the Bosch Magneto company? A No, sir.

Q Will you take this catalogue of yours, and show me

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where the price of an independent Z. R. contact breaker is quoted?

A No, sir, it does not show it in one place combined; separate it does.

Q You do not sell them then? A We do.

Q Do you buy parts and then sell parts? A We manufacture parts, and then we sell them.

Q What is it you buy? A We buy raw material sometimes, and sometimes we let the manufacturer buy the raw material.

Q If you buy raw material and convert it into the parts to go into the magneto, you have a factory, haven't you? A No, sir.

Q How do you convert raw material into an instrument like any one of these? A We have got manufacturers who have got tool machines and other machines, and they come up and get contracts and we show them how to make it and what to make for us, and they buy the raw material for us.

Q What did you say was the value of a contact breaker according to your price list? A According to the price list I must add that altogether; \$1.35.

Q The value of a contract breaker? A Yes, sir.

Q Z. R.? A Any type.

BY THE COURT:

Q What does Z. R. mean? A Z. R. is waterproof type. It is a different type, and it is a later model. There is no difference by material, and cost between Z. R., and D. R., and D. U. They are all the same price, but different construction.

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MR. KRESEL: That is all. Defendant rests.

A R T H U R H. D. A L T R E E (Port Washington, New York)
called as a witness for the People, in rebuttal, being first
duly sworn, testified as follows:

BY MR. McCORMICK:

Q Are you an officer of the Bosch Magneto Company? A Yes, I
am vice president.

Q How long has that company been in existence? A Since 1906.

Q 1908? A 1906, I understand.

BY THE COURT:

Q Are you one of the incorporators? A No, not the original.

BY MR. McCORMICK:

Q That company is still in existence? A Yes.

Q Where do they do business? A 223 & 225 West 46th street.

Q Mr. Poole, who sits in here, is connected with the com-
pany? A He is; he is New York Branch manager.

Q When was the corporation organized? A In 1906, I believe.

Q Under what name? A The Bosch Magneto Company.

Q Do you know anything about these papers (showing papers
to witness) Hasn't the name of the company been changed at one
time? A It may originally have been other than the Bosch Magneto
Company, but of that I am not aware. I was not in this country
at the time.

Q How long have you been with the company? A With the company
originally four years, but as an official of the company a little

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NOT

IN ORIGINAL

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over one and a half years.

Q About six years altogether? A No, a total of about five.

MR. McCORMICK: That is all.

MR. KRESEL: No question.

MR. McCORMICK: I offer in evidence order changing name of the Bosch Magneto Company.

THE COURT: Call the officer back on that.

ARTHUR H. D. ALTREE, recalled.

BY THE COURT:

Q Who was the president of the corporation? A Mr. Otto Heinze.

Q Do you know him? A Yes.

Q He is in New York? A Yes.

Q Doing business with the company? A Yes; he is the president of the Bosch Magneto Company.

Q He is employed in the office of the company? A Actually, yes.

Q Are there any other officers besides you and Heinz?

A There are two.

Q Who? A Mr. Gunther-Jahn and Mr. Schwarz.

Q Who are the directors of the company for this year?

A We have no directors, only four officers.

Q Did you produce those papers from the files of the company?

MR. McCORMICK: No, they came from the County Clerk's office.

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Q You never saw those papers? A No, I never seen them before.

Q For the last four years, since you have been there, they have been doing business as a corporation? A Yes.

Q Without directors? A Without directors.

Q That is all you know about it? A Yes.

MR. McCORMICK: (Reading) "An order of the Special Term, Supreme Court, State of New York, held in and for the County of New York, Part I thereof, in the County Court House, Borough of Manhattan, City of New York, on the 17th day of February, 1908. Present: Hon. James Fitzgerald, Justice.

In the matter of the application of Robert Bosch, New York, Incorporated, to change its name to Bosch Magneto Company;

It is ordered that said petition be and the same hereby is granted, and that the petitioner herein, Robert Bosch, New York, Incorporated, be and he hereby is authorized to assume another corporate name, to wit, the name of Bosch Magneto company, on and after the 24th day of March, 1908, and it is further ordered and directed that this order be directed and the papers on which it is granted be filed within ten days from the date hereof in the office of the Clerk of the County of New York, the County in which the certificate of incorporation of said corporation is filed; and that a certified copy of this order within ten days after the

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entry thereof be filed in the office of the Secretary of State, and further that a copy of this order be published once a week for four successive weeks in the weekly union, a newspaper in the County of New York, beinning within ten days after the entry thereof.

Entered:

J.F.,

Justice of the Supreme Court.

MR. McCORMICK: The People rest.

MR. KRESEL: The defendant rests.

MR. KRESEL: Now, if your Honor please, the People having rested, and the defendant having rested, I renew my motions made at the close of the People's case, that your Honor direct the jury to acquit this defendant, and that your Honor dismiss the indictment on the grounds that I have hitherto urged, namely, that the case is absolutely without any corroboration of the testimony of the thief Meyer; second, that it appears from the evidence that the defendant, if the People's case is to be believed, was a principal in the larceny, and that therefore he could not be convicted of criminally receiving stolen property.

In connection with that your Honor handed me the opinion of Judge Werner in the Lavine case, and I read it with a great deal of interest, and I think there is sufficient doubt expressed in that opinion as to the validity --

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THE COURT: There is another case on that point.

MR. KRESEL: Your Honor has in mind the Ravello case, I think.

THE COURT: Yes.

MR. KRESEL: I further move that your Honor direct the jury to acquit the defendant on the ground that there is not sufficient credible evidence on which to send the case to the jury.

THE COURT: I will deny the motion.

MR. KRESEL: I take my exception.

Mr. Kresel sums up to the jury for the defendant.

MR. McCORMICK sums up to the jury for the People.

The Court charges the jury.

The jury retires and returns and renders a verdict of
not Guilty.

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