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

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

-against-

ALBERT FERENCZY and KATHERINE
FERENCZY.

: B e f o r e

: HON. OTTO A. ROSALSKY, J.,
: and a Jury.

2334

New York, June 11th, 1914, etc.

Indicted for violation of section 2460 of the Penal
Law.

Indictment filed May 28th, 1914. —

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

For the People:

ASST. DISTRICT ATTORNEY JOSEPH DAVIVIER.

For the Defense:

A. A. LUSTIG, ESQ.

A jury was duly impaneled and sworn.

James E. Lynch,
Official Stenographer.

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The Court admonished the jury in accordance with section 415 of the Code of Criminal Procedure, and adjourned the further trial of the case until Friday, June 12, 1914, at twelve o'clock M.

New York, June 12th, 1914.

TRIAL RESUMED.

MR. LUSTIG: If your Honor please, I would like to make a motion at this time to exclude all witnesses connected with this prosecution.

THE COURT: Motion granted.

(All witnesses excluded by order of the Court).

Mr. DuVivier opened the case on behalf of the People.

JOSEPH GYORY, of No. 793 Hewitt Place, Bronx, having duly affirmed, acted as interpreter.

L I Z Z I E N E M E T H, called and duly sworn as a witness on behalf of the People, testified through ~~Official~~ Interpreter Joseph Gyory as follows:

(Residence, 21st street and Ninth avenue, Florence Crittenton Home).

DIRECT EXAMINATION BY MR. DuVIVIER:

Q How old are you? A Seventeen.

Q Where were you born? A Anarzs.

Q When did you have your last birthday? A December
th.

Q So that you were seventeen on the 7th day of December of
1913, is that correct? A Yes.

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Q Are your parents living? A Yes.

Q How many brothers and sisters have you? A One brother and three sisters.

Q Are they living at home? A Yes.

Q When did you come to this country from Hungary? A I can't tell exactly. I came in the month of March.

Q 1913? A I can't tell exactly.

Q Well, it was not last March, it was the year before, is that correct? A Yes, a year ago.

Q Now, did you know anybody in this country when you first came here? A Only the ones who had sent me the consul's certificate.

Q When you first came to live at this country did you go to live at the Hungarian Home? A Yes.

Q And where is that? A On Pearl street.

Q What was the first work that you did in this country after your arrival? A Through the Hungarian Home I went as a servant girl to the Bronx.

Q And what did you do as a domestic servant? A Housework.

Q Do you know Magda Papp or Magda Flesch? A Yes.

Q And did you know her in the old country? A Yes.

Q Did she live in the same village or in an adjoining village in Hungary? A I¹¹ the same village, not far from us,

approximately five miles.

Q Did you meet Magda Papp in an

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employment agency in this city? A Yes.

Q And after you had met her did you and she go to live anywhere? A When I met her I asked her where Anna Borzsa was living and I went with her to 7th street.

Q Did you and Magda work in a certain place together?
A Yes.

Q Where? A In a shop.

Q What kind of shop was it? A A wire shop.

Q Where was the wire shop? A In 10th street.

Q For how long a time did you and Magda work in the wire shop? A Over a month with Magda.

Q Do you remember the time that Magda was married? A I don't remember the date, but I know it was on Saturday.

Q Well, do you remember the occasion? A Yes.

Q Did you go to the wedding? A I was not at the wedding but I was at the marriage.

Q Well, what do you mean by that? Do you mean that you were not at the ceremony but that you were at the celebration after the ceremony? A I was not at the wedding but I was there where they danced, after the wedding.

Q Well, were you there at the time that they had the engagement party? A Yes.

Q And where did that party take place? A In the house of Mr. Banhidy.

Q And did you know Mrs. Banhidy, yes or no? A Yes.

Q And is she any relation of Magda's? A Yes.

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Q What? A Yes.

Q Is she any relation of yours? A Yes.

Q What relation is she of yours? A My grandmother and her grandmother were cousins. She is a distant relative.

Q Well, was she the only relative that you had in this country at that time? A Only her. I had a brother in Bridgeport, I don't know his address.

THE INTERPRETER: She corrects that, "It was not in Bridgeport, I don't know his address."

Q Now, can you fix a time when that party took place, what month it was, when the marriage party took place? A I cannot. I cannot tell in what month, and I cannot tell the date.

Q Now, on that occasion did you see Frank Flesch, on the occasion of the marriage party? A Yes.

Q And that is the man that was married to Magda, is that correct? A Yes.

Q On that occasion did you also see these two defendants, Albert Ferenczy and Katherine Ferenczy? A Yes, I saw them.

Q And when you saw the defendants on that occasion, was that the first time you had met them? A I saw them also at Banhidy's, at the time of the engagement.

Q Now, when you saw them at 15 St. Mark's place when Magda was married, was that the first time that you had seen Mr. and Mrs. Ferenczy or had you seen them on some previous occasion? A I saw them first at the time of the engagement.

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Q And how long before the marriage of Magda to Flesch?

A They married a week after the engagement.

Q Now, some time after Magda had married Flesch, do you remember receiving a letter from Mrs. Ferenczy? A Yes.

Q How long after? A I can't tell exactly, it was on an evening.

Q Well, about how many days after the marriage, how many days after the marriage did you receive this letter from Mrs. Ferenczy? A I can't tell exactly how many days later.

Q Well, will you tell us approximately how many days after, was it a week or two weeks? A I can't remember the date.

MR. LUSTIG: Your Honor, I ask your Honor to strike out all reference to this letter, inasmuch as the District Attorney did not prove the date of this letter, and has not the letter in court.

MR. DUVIVIER: Well, I am trying to fix the date as preliminary; I am not asking for the contents of the letter.

THE COURT: The contents of the letter will not be admitted, unless regularly admitted.

Q Now, will you try and tell us about how long after Magda was married did you receive this letter from Mrs. Ferenczy? A I don't know, so I can't tell.

Q Well, now, after you received that letter, did you read it, yes or no?

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MR. LUSTIG: I object to the question.

Objection overruled. Exception.

A Yes.

Q And after reading the letter did you go to see Mrs. Berenczy? A Not the same evening, but the next morning at eight o'clock.

Q And did you see Mrs. Berenczy at 201 East 79th street?

A Yes.

MR. LUSTIG: If your Honor please, I object to the question, no date and no time being shown.

THE COURT: You have not been able to fix any time yet, Mr. DuVivier?

MR. DuVIVIER: Well, I think I can fix the time in a minute, if your Honor please.

Objection overruled. Exception.

Q Now, can you fix, or do you remember the month that you saw Mrs. Berenczy at her house on East 79th street, the first time? That is, the first time you saw her in the 79th street house? A No.

Q Well, do you remember when you finally left the Berenczys for good? A Yes.

Q Well, now, when was that, fix the date, about when that was? A It was on a Tuesday, April 21st.

Q Now, how long were you living with the Berenczys at East 79th street? A Three weeks.

Q Now, do you remember the talk that you had with Mrs.

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Ferenczy about this letter, yes or no? A No.

Q Well, do you remember going up there with a letter?

A Yes.

Q Do you remember having a talk with Mrs. Ferenczy? A Yes.

MR. LUSTIG: I object, your Honor, no time is stated.

MR. DuVIVIER: I am endeavoring to fix the time. I do not think I should be discouraged.

Objection overruled. Exception.

Q Now, after that talk that you had with Mrs. Ferenczy, did you go to live with her at the East 79th street house?

A I did not remain there that day. In the afternoon I went home.

Q When did you go back to the 79th street house to live with the Ferenczys? A When Mr. Ferenczy called for us.

Q Well, how many days after you had had this talk about the letter, that is what I want to get at? A I don't know.

Q Well, will you please listen to this question and just put your mind to it? Now, I understood you to testify that you received this letter, and that you had a talk with Mrs. Ferenczy about the letter. Now, about how many days after you talked with Mrs. Ferenczy did you go to live with the Ferenczys for a period of three weeks? A I can't tell you how much later that was.

Q Well, was it more than, was it one day or two days?

A Perhaps, I can't tell exactly, perhaps three days.

Q Now, when you saw Mrs. Ferenczy at 201 East 79th street,

did you show her this letter that you had received?

MR. LUSTIG: If your Honor please, I object to that.

MR. DuVIVIER: Now, I have fixed the time, if your Honor please, if I ever fixed the time in any case. The witness has testified that she finally left the Ferenczys on or about the 21st day of April, and she says she was with the Ferenczys for three weeks, and that two or three days before she finally went to live with the Ferenczys for the first time, she had this conversation.

THE COURT: What is the ground of the objection?

MR. LUSTIG: On the ground that the District Attorney is going all over this again, if your Honor please. He is going all over the same questions and trying to pick out this date and the girl says she does not remember, and I do not see why the same question should be put to the girl.

THE COURT: I overrule your objection.

MR. LUSTIG: I take an exception.

A Yes.

Q Now, state the conversation that you had with Mrs. Ferenczy on that occasion? A She asked me how Magda is with her husband, and I told her she is now at the court.

Q Anything else? A I did not talk to her anything else.

MR. LUSTIG: I object to that and ask to strike it out.

THE COURT: Well, strike out the answer and put a new

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question.

Q Do you remember anything else that you and Mrs. Ferenczy talked about, yes or no? A No.

Q Now, do you remember anything being said about a silk dress? A She promised me a silk dress, a pink silk dress.

Q Do you remember Mrs. Ferenczy saying anything to you about you and Magda coming to live with them?

MR. LUSTIG: I object to the question as leading.

Objection overruled. Exception.

A She said if Magda is divorced from her husband we shall go there and she will give us a good home.

Q That she would give you and Magda a good home, is that correct? A She will secure me a place in a laundry shop and I will live with her.

Q Now, did she say anything as to what Magda was going to do? A She said she will put Magda in a restaurant when she gets a divorce from her husband.

Q Now, after that talk with Mrs. Ferenczy, did you go to live with the Ferenczys at 201 East 79th street? A Yes, because she said she will secure me a good place where I will work.

Q Now, what did you do during the first three days -- one moment, I withdraw that question.

Q When you first went to live with the Ferenczys, was Magda there? A We went together there, with Magda.

Q Now, during the first three days that you and Magda

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were with the Ferenczys, what did you do? A Nothing. She said to-morrow, and after to-morrow, and to-morrow we will have a place.

Q Now, on the fourth day do you remember a talk with you had with Mrs. Ferenczy? A Yes.

Q Will you state what the conversation was, what you said and what Mrs. Ferenczy said? A She said to me that we have -- that she has no place for us, that we have to be prostitutes, and she slapped me in the face. I started to cry and she slapped me in the face.

Q About what time was that, what time of the day? A In the evening.

Q Now, have you stated everything that Mrs. Ferenczy said to you on that occasion, yes or no? A I told her that she shall let me go, that she shall let me free, I don't want to do such a thing.

Q Now, can you remember anything else that was said in that conversation? A No, only she pushed us in -- me in one bed room and Magda into another bed room, to a man.

MR. DuVIVIER: Well, I ask that that be stricken out as not responsive.

THE COURT: Strike it out. Let her confine her conversation to the defendant, in so far as it relates to her.

Q Now, have you stated the entire conversation that you had with Mrs. Ferenczy on that occasion? A Yes, I don't know any more.

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Q Now, do you remember what she said about her keeping an immoral house? Do you remember what Mrs. Ferenczy said about her keeping an immoral house? A She only said that at that evening and at that occasion that "You have to do what I am doing."

Q Well, did Mrs. Ferenczy say anything to you at twelve o'clock, on the fourth day, about her keeping an immoral house?

A At noon, or in the night?

Q At that first conversation, on the fourth day, about twelve o'clock? A She told us that in the evening.

Q Well, what did she say then? One minute, did she say anything on that occasion about girls or young women leading a life of prostitution in New York City?

MR. LUSTIG: I object to the question, your Honor.

THE COURT: Objection sustained.

Q Did she say anything about other girls doing the same thing?

MR. LUSTIG: I object to the question, your Honor.

THE COURT: Just a minute. I sustain the objection.

MR. DuVIVIER: I have exhausted the witness's recollection, if your Honor please. I am trying to direct the witness to certain topics of the conversation.

THE COURT: Well, that is true. There is a specific charge. You may ask her what else she said, and exhaust her on that subject. Did you ask her did she say anything as to what kind of place she kept there?

Q Did Mrs. Ferenczy tell you what kind of a place she kept there? A Not until the fourth evening, only on the evening of the fourth day.

MR. LUSTIG: I object as not responsive and move to strike that out.

Motion denied. Exception.

Q Well, what did she say at that time about that? A She said that she is keeping an immoral house.

BY THE COURT:

Q What did she say fully on that subject, if anything?

A She told us that we have to go with men. She wanted to give us a place but she has not got a place, and now we have to go with men.

MR. LUSTIG: I move to strike out the answer, your Honor.

THE COURT: Strike it out.

Q You said before that the defendant told you that the defendant kept an immoral house. State what the defendant said on that subject? A She did not say a word, only she slapped me in the face, pushed me into a room and the other girl in another room.

MR. LUSTIG: Well, I remove to strike out the answer as not responsive.

THE COURT: Strike it out. It is not responsive.

BY MR. DuVIVIER:

Q Now, that same day, did you have sexual intercourse

with a man, yes or no? A Yes, with a man to whom I was pushed in.

Q And who pushed you into the room?

MR. LUSTIG: I object to the question.

Objection overruled. Exception.

A Mrs. Ferenczy.

Q Now, after that man had had intercourse with you, did he pay you any money? A He did not pay me. He paid to the lady.

Q You mean Mrs. Ferenczy? A Yes.

Q Now, after that, on that same day, did you have intercourse with other men? A The same evening, yes.

Q How many? A I can't tell that exactly. There were many.

Q Well, can you tell us approximately how many men you had intercourse with that first day, that you were in the Ferenczy house at 201 East 79th street? A I can't tell that, how many I had intercourse with.

Q Can you tell us approximately how many men, four, five or six, or what? A About six.

Q Now, did any of those men, did those men pay you or did they pay Mrs. Ferenczy? A I was never paid by any of them. They paid always Mrs. Ferenczy.

Q Now, you say that you were living in this place for a period of about three weeks, is that correct? A Yes.

Q And during that period of three weeks did you have in-

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tercourse with men? A Yes.

Q And about how many a day did you have intercourse with during that period? A Ten or twelve.

Q And had you ever -- or were these men strangers to you or were they men that you had seen before? A They were all strangers to me. I didn't know any of them.

Q And who introduced you to them? A Mrs. Ferenczy.

BY THE COURT:

Q Upon the occasions that men visited you in the house of Mrs. Ferenczy, where was Mrs. Ferenczy?

MR. LUSTIG: 201 East 79th street.

THE COURT: No, no, I am asking the witness where she was, not where the house was.

A At home.

Q In the apartment? A Yes, in her apartment.

BY MR. DuVIVIER:

Q And during that same period do you know of your own knowledge whether Magda was having intercourse with men?

MR. LUSTIG: I object to the question.

THE COURT: Now, just a moment. I sustain the objection.

MR. DuVIVIER: I withdraw the question, if your Honor please.

Q Do you know how these men were admitted to the premises?

A Yes.

Q How? A She distributed slips.

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Q Like these (Indicating)? A Yes.

Q And what would those slips contain? A There was put down on these slips the name, the house number and the number of the door.

Q And the number of what? A (Continuing) The name, William Ferenczy, the house number and the number of the door.

Q You mean Albert Ferenczy, don't you? A It was written on it William Ferenczy.

MR. DuVIVIER: Now, may this be marked for Identification, your Honor?

(Marked People's Exhibit 1 for Identification).

Q Now, after the day's work, what would be done with the money that had been paid to Mrs. Ferenczy, do you know? A She gave it to her husband every evening.

MR. DuVIVIER: Do you want to see this (Indicating People's Exhibit 1 for Identification); I will offer it in evidence if you wish?

MR. LUSTIG: No, I object to it being marked for Identification, on the ground that it is merely a blank piece of paper.

THE COURT: Well, you cannot object to it being marked for Identification. I overrule that objection.

Q Now, on what floor was the Ferenczy apartment? A The fourth floor.

Q Was there a fire escape from the apartment? A Yes, towards the street.

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Q And was there, did the fire escape go right down to the sidewalk, or did it stop at the first floor? A To the first floor.

Q Now, during those three weeks that you lived with the Ferenczys, was Mr. and Mrs. Ferenczy there the entire time?

A Mr. Ferenczy was working. He came home at four o'clock. On Sundays he used to be home.

Q But he was there every day, is that correct? A Yes.

Q Now, during that period of three weeks, did you and Hagda go out on the streets? A After a week and a half we escaped.

Q And where did you go? A We went to St. Mark's Place.

Q And was that the only address that you knew in New York? A No, I knew Mrs. Banhidy, also.

Q Now, after you had gone to St. Mark's Place, do you remember anybody, or do you remember Mr. or Mrs. Ferenczy calling to see you? A Mr. Ferenczy called for us, saying that his wife is willing to give us money.

Q And what else? A We went up there and we said "We want our clothes."

Q Well, how long had you been in the Ferenczy apartment before you made your escape, as you say?

MR. LUSTIG: I object to the question as already answered. She said a few moments ago that they escaped a week and a half of arrears.

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MR. DuVIVIER: Well, it is simply repetition. I will withdraw it.

Q Now, did you go back to live with the Terenczys? A We remained there because she did not let us go.

Q Well, for how long a time? A Another week and a half.

Q And during that other ^{remaining} week and a half did you have intercourse with men as you had before? A Yes, because she did not let us go.

Q Now, do you remember the day when you finally left the Terenczys? A I do.

Q And will you tell us in your own words under what circumstances you finally left the Terenczy apartment on East 79th street? A We escaped again.

Q Well, tell us under what circumstances you left? A She left the keys in the bureau and we noticed that. We opened the door and escaped.

Q And went out?

MR. LUSTIG: I object to that question.

Objection overruled. Exception.

A Yes, and we went away.

Q And now, where did you go to? A We went down to St. Mark's Place.

Q Now, during the time that you and Magda were living with the Terenczys, during those three weeks, did you ever have any conversations with the defendants about what would happen

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to you if you left? A Mrs. Ferenczy said to me there is no use of our escaping because she would have arrested us.

Q Now, a short time after you had left the Ferenczys, and gone down to St. Mark's place, to these rooms on St. Mark's Place, were you arrested, yes or no? A Four days later on a Monday I was arrested.

Q Do you know a man named Solomon Donath? A Yes.

Q And is he one of the men that you had intercourse with during the three weeks that you were with the Ferenczys?

A Yes.

Q That's all.

CROSS-EXAMINATION BY MR. LUSTIG:

Q You say that Magda Papp lived four houses away from you in Hungary, is that right? A Yes.

Q And everybody knew that she had a baby, is that right?

A Yes.

Q And everybody knew that that baby had no father, or that is, at least, had a father?

MR. LUSTIG: I withdraw that question.

Q Everybody knew that that child was illegitimate?

A Everybody knew that it was by her lover.

Q You knew that she was a pretty bad woman in that town, is that right? A She was not bad, but she had only a child by her lover.

Q You were told by your parents to keep away from her, is that right? A Yes.

Q Your parents instructed you that when you came to America to keep away from Magda Papp, is that right? A Yes.

Q Why did your parents instruct you to keep away from Magda Papp, or Mrs. Flesch? A My parents didn't tell me anything, they only told me to be a good girl when I come to America.

Q How did you get the job up in the Bronx as a servant girl? A Through the Hungarian Home.

Q How long did you stay up in the Bronx? A A month and a half.

Q And why did you leave? A It was too far out for me and I couldn't speak the language.

Q During the time you were up there a month and a half, did you meet Magda Papp or Mrs. Flesch? A No.

Q Well, after you left that place up in the Bronx, what did you do? A I accepted another place and went to work.

Q How did you get that place? A Through the Hungarian Home.

Q How long did you stay in that place? A Seven months.

Q During that time did you meet Magda Papp there, or Mrs. Flesch? A I did not.

Q And after you were there eight months, what did you do?

THE INTERPRETER: Seven months.

A It is a mistake, I was only there two weeks, not seven months.

Q Well, what did you do after you were there two months, when were you discharged?

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MR. DuVIVIER: One moment, I object to that. There is no evidence she was discharged. She simply left.

THE COURT: It is cross-examination. I will allow it.

MR. DuVIVIER: But I object on the ground that there is no evidence to support the question. The girl said she left.

MR. LUSTIG: Well, then, I withdraw the "discharge" part of it.

MR. DuVIVIER: Well then, I withdraw the objection.

Q Why did you leave after two months? A They didn't want to raise my wages and the work was very much, so I left.

Q Where did you go after that? A Back to the Hungarian Home.

Q Did they give you another job? A Not at that time, but a countrywoman of mine by the name of Ida Gyuri took me out of the Hungarian Home.

Q Where did she take you? A In 106th street.

Q Well, who lived in 106th street? A Another countrywoman.

Q What did you do there at 106th street? A I was there four days, and boarded until I got another place through an intelligence bureau.

Q During the four days you went down ^{there} every day to the employment agency, is that right? A Every day.

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Q Where was this employment agency? A 117th street.

Q Number where? A On 117th street.

Q During the four days did you get a job through that employment agency? A Yes.

Q Where did they send you to? A In 114th street.

Q During those four days did you meet Magda Papp? A I did not.

Q How long did you stay in that place where they sent you? A Four months.

Q Why did you leave? A The people moved out to the country and I didn't want to go with them.

Q That was the summer of last year, is that right? A Yes.

Q And where did you go after you left that job? A Went back to my country woman.

Q Went back to your country woman? A Yes.

Q At 117th street? A 106th street.

Q 116th street? A 106th street.

Q How long did you remain there at 106th street?

A Three days.

Q What did you do after the third day? A I went to a place.

Q How did you get that place? A I got it through Mr. Horwath, where I met Magda.

Q So that was the first time that you met Magda Papp at 124 East 3rd street, is that right? A Yes.

Q Is that employment office run by Mr. Horwath? A Yes.

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Q How long did you go to that employment office until you met Magda Papp or Mrs. Flesch there? A I went only three days there and on the third day I met Magda.

Q Didn't you meet Mr. Banhidy at that time during those three days? A I met him in the office.

Q Well, what was he doing there in the office? A No, it's a mistake, I did not meet Banhidy there. I met Magda there.

Q Was Magda Papp looking for a job at that time too? A Yes.

Q Did she tell you that she wanted to get you a job? A No, we went together for the same place.

Q You stated that you were in Mr. Horwath's office on 3rd street for three days, and then he got you a job; where did he give you the job? A In Brooklyn.

Q Do you know the name of the people? A I don't know the name.

Q What street were you on? A I don't know the street. I am not acquainted in Brooklyn.

Q Well, how long did you stay in Brooklyn? A About a week.

Q About a week? Why did you stay there only a week in this place in Brooklyn? A It was too far for me, I was not acquainted in Brooklyn and I didn't know how and where to go on the cars, and so on.

Q During the three days that you were down in Mr. Horwath's

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office did you meet Mr. Banhidy there? A No.

Q Now, don't forget now, you are under oath?

MR. DuVIVIER: Now, one minute, I object to that.

THE COURT: Objection sustained. She is sworn.

Q Do you know that you are under oath at the present time?

MR. DuVIVIER: I object to that.

THE COURT: Objection sustained.

Q Is it not a fact that Mr. Banhidy came over to this employment office on 3rd street and took you over to a certain saloon keeper on 7th street and First avenue? A No, I did not see Mr. Banhidy during the time I saw Magda there.

Q Well, after you were there a week in Brooklyn, did you come back? A Yes.

Q Do you know this saloon keeper on 7th street and First avenue? A I don't know any saloon keeper at all.

Q Didn't the saloon keeper give Mr. Banhidy five dollars, did the saloon keeper give Mr. Banhidy five dollars?

MR. DuVIVIER: If she knows.

A I don't know any saloon keeper. I don't know anything about it at all.

Q - Did you come back to the employment office in Brooklyn, or did you go to the employment office after you left Brooklyn? A Yes.

Q And how long did you hang around that office?

MR. DuVIVIER: One minute, I object to "hang around."

I do not think it is either elegant or proper.

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THE COURT: objection sustained as to form.

Q How long did you stay in the office after you came back from Brooklyn? A I came back, went to the office and stayed there, then I left the place in Brooklyn, then I met Magda, who told me that she is going to a wire shop, and persuaded me also to go to work there and I went.

Q Was this in the summer, was this last summer? A No, I can't remember when I went there to the shop.

Q Well, you stated before that the people left for the country, the job that you had, the people left for the country, and they sent you away and you didn't want to go to the country, and that after that you got a job in Brooklyn and stayed there for a week, then you said you came back to Mr. Horwath's office. Now, what time was that, in the summer of last year?

A I can't tell, I can't remember what time it was.

Q Well, don't you remember that when you got this job at the wire factory, was it summer or winter? A I think it was in winter, the time when I went to the wire shop.

Q Well, what did you do from the time you went to Brooklyn, a week in Brooklyn, up to the time you went to the job at the wire factory? A Two days later I went to the wire shop.

THE COURT: We will suspend here.

(The Court then admonished the jury in accordance with section 415 of the Code of Criminal Procedure, and adjourned the further trial of the case until Monday, June 15th, 1914, at 11:30 o'clock A.M.)

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New York, June 15th, 1914.

TRIAL RESUMED.

L I Z Z I E N E M E T H , a witness for the People, resumes the witness stand.

CROSS EXAMINATION CONTINUED THROUGH INTERPRETER JOSEPH GYORY:

BY MR. LUSTIG:

Q This is not your dress that you are wearing now, that you paid for with your own money, is it? A It is my dress.

Q Did you pay for this dress out of your own money, are you positive about it? A Yes, I did.

Q Before you left Europe your father looked for you for two weeks, is that right? Before you left Europe your father looked for you for two weeks?

MR. DU VIVIER: I object to that. I do not see its relevancy. There is no doubt my parents have looked for me for two weeks.

THE COURT: Well, you may put to her any question showing that she committed any vicious, criminal or immoral act, but the question put by you to this witness standing alone proves nothing. She may have been lost, she may have been wandering. You may ask her whether she left home and the reason for her leaving home if she did.

Q Will you give us the reason why you left home for about two weeks while you were in Europe?

MR. DU VIVIER: I object to that assumption. There

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is no evidence here that she did. I object to the form of the question.

THE COURT: Did you ask her whether she had left home?

MR. LUSTIG: I asked her why she left home for two weeks.

THE COURT: Well, first put to her the question "Did you leave home?"

MR. LUSTIG: Well, I brought that out on Friday, that she did leave home.

THE COURT: I think she did testify to that, did she not?

MR. DU VIVIER: Well, I do not remember. I withdraw the question.

THE COURT: Well, ask the question.

Q Give us the reason why you left your home for two weeks and no trace of you could be found by your father? A I went only for a visit for three days to my aunt, the sister of my father.

Q Well, where was this visit? A In Mandok.

Q Is that very far away from your home? A No, it costs only twenty kreutzers to go there.

Q You went there without your father's knowledge, did you not? A I went there with the knowledge of my father.

Q But you went away from your home at that time for two weeks, and your father was looking for you, without

his knowledge? A Never, I never have been away from our house without the knowledge of my father.

Q Didn't you have your first connection with a man in Europe? A Never with any one on earth.

Q Well, where was the first connection you had with a man? A Here in the United States.

Q About when? A I can't tell, it was on a Sunday.

Q Well, was it last summer, last year? A No, not long ago, with Mr. Ferenczy.

BY MR. DU VIVIER:

Q With Mr. Ferenczy, is that the answer?

THE INTERPRETER: That is the answer.

BY MR. LUSTIG:

Q Well, where was this, with Mr. Ferenczy? A St. Mark's Place.

Q On a Sunday? A On Sunday.

Q You stated Friday you were employed with a party that left for the country, and that you thereafter left them and then got a job in Brooklyn, and then left that, and then the next job you had when you had a job with the wire factory in the winter. Now, tell us--

MR. DU VIVIER: Now, I object to the form of the question as being wholly unintelligible.

THE COURT: Now, tell us what?

MR. LUSTIG: Then I stopped there and gave the interpreter a chance to interpret.

THE COURT: Now, you have incorporated at least two or three matters in this one question.

MR. LUSTIG: Well, I will ask her to go over the question that she testified to Friday.

Q On Friday you testified that you had a job with the party that left for the country? A Yes, sir. They went for good to the country and didn't come back.

Q Then thereafter you said you went down to Horwath's employment agency on East Third Street and you got a job with some people in Brooklyn, and stayed there for a week? A Yes, sir.

Q And thereafter you said the next job you had was with the Wire factory, in a wire factory, in the winter? A Yes.

Q Now, tell us just what you did in the interval between the summer and the winter? A I was going in the winter time to the wire shop.

Q But you stated that you went and got that job in the winter of last year. Now, tell us what you did during the summer? A I was a domestic servant.

Q Well, where did you work at that time, after you left the job in Brooklyn? Where did you work after you left your job in Brooklyn? A I went to the wire shop.

Q But you testified that you went to the wire shop in winter? A I was in the winter time-- It was not quite winter when I went to the wire shop.

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Q Well, what did you do after the summer, after you left the job in Brooklyn, before you went to the wire shop? A I and Magda and Mrs. Banhidy went to the wire shop.

Q Is it not a fact that you went to the country during the summer of last year, to some small town? A No, I didn't leave New York at all except this week which I have spent in Brooklyn.

Q Isn't it a fact that you left for this country town and that you were kept there by some man? A No, I have not been in any country at all.

Q How long do you say that you worked in this wire shop? A About two months.

Q You are positive about that? A I can't tell exactly, whether it was two months or somewhat more than two months.

Q Is it not a fact that you only worked there three days in this wire shop? A No.

Q Before the time that you worked in this wire shop you lived at Mrs. Banhidy's at 118 East 7th Street, is that right? A Yes.

Q And you went out a good deal with this Magda Papp, didn't you, or Mrs. Flesch? A Where to?

Q You were told by your father to keep away from this Magda Papp, or Mrs. Flesch, is that correct? A Magda was not bad, that woman. Now could my father say that I should keep away from her?

Q Well, you testified on Friday that your father told you

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to keep away from Magda Papp in your little town, when she lived four ^{doors} ~~days~~ away from you, isn't that right? A No, she used to come to our house. She is related to me.

MR. DU VIVIER: Just one minute.

THE SECOND JUROR: There is no answer to the question that he put to the witness, whether she had gone around with Magda. She asked "Where to?" There was no answer to the question.

MR. DU VIVIER: Did you get an answer to that?

THE INTERPRETER: I translated the answer she gave.

MR. DU VIVIER: What was the answer?

THE INTERPRETER: She answered to the question, "Where to?"

THE SECOND JUROR: But there was no answer.

Q Well, where did you go with Magda Papp? A When?

Q The time you worked in the wire factory? A Nowhere else. Then we went to Mrs. Banhidy, and we had supper there, and then went to bed.

Q Didn't you go out to dances, parties, and so forth with this Magda Papp or Mrs. Flesch?

MR. DU VIVIER: I might suggest to counsel, for the sake of the record, that this girl's name is Magda, her first name, and her maiden name is Papp. Her right name is Magda Papp or Magda Flesch. Counsel has evidently gotten under the misapprehension, because I understand that in Hungary they put the second name first and the

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Christian name second, but I take it that we are speaking English and not Hungarian now? A I never have been.

Q Do you want to at this time change your testimony from what you said on Friday, that your father told you in your village to keep away from Magda Papp?

MR. DU VIVIER: I object to that. There is no contradiction of the testimony whatsoever.

THE COURT: Repeat the question.

(Question repeated by stenographer)

MR. LUSTIG: That is the testimony.

MR. DU VIVIER: There is no contradiction that I know of.

THE COURT: Well, I sustain the objection to the form of the question.

MR. LUSTIG: I take an exception, if your Honor please.

Q Do you remember when you worked at this wire factory, was it at the beginning of Christmas or was it at New Year's?

MR. DU VIVIER: I object to that. I think we have gone enough into the wire factory now.

THE COURT: Yes, objection sustained. You have gone over that field.

Q When you lived at Mrs. Banhidy's did Mrs. Banhidy have any boarders in the house, at 118 East 7th Street?

A No one else than I and Magda were there, and Mrs. Banhidy.

Q Did you ever pay Mrs. Banhidy anything for board while

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living there? A I paid for my board. Nobody would get without payment, anything to eat or could live there.

Q What was your board? A I was living there and had my meals there.

Q How much did you pay a week for your board, I am asking you? A Two dollars and a quarter.

Q How much did you make a week at the wire factory?

A Seven dollars.

Q Do you mean to say that you got ten dollars every week in the wire factory? Do you mean to say that you got ten dollars every week in the wire factory?

MR. DU VIVIER: The witness testified that she got seven, I believe, I don't know whether it makes any difference? A No, I Only say what I said before.

Q Well, how many weeks did you get your seven dollars a week? A I received every Friday the money, seven dollars.

Q Well, how many weeks did you get that seven dollars, for how many weeks? A I can't tell. I told before that I don't know for sure how long I went to the factory.

Q Well, was it five weeks or six weeks? A I don't recollect.

Q During the time that you lived at Mrs. Banhidy's different men came up to Mrs. Banhidy's apartment? A There came no one on earth.

Q Didn't any men call on Magda Papp? A No one on earth, neither to Magda nor to me.

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Q Didn't Mr. Flesch call on Magda Papp up there at 118 East Seventh Street? A No, only once when Mrs. Ferenczy brought him down, when she got married.

Q Mrs. Flesch or Magda Papp was engaged at 118 East Seventh Street, is that right? A The engagement was there.

Q That was the first time that you became acquainted with Mr. and Mrs. Ferenczy, the defendant? A Yes.

Q Did you have a talk at that time with Mr. and Mrs. Ferenczy? A Sometimes I spoke to Mrs. Ferenczy.

Q Now, at the time of the engagement were you still working at the wire factory? A Yes.

Q And the engagement was held in February, is that right? A I don't know when it happened.

Q After the engagement they had a wedding, is that right? A Yes.

Q During the engagement party did Mr. and Mrs. Ferenczy ask you to come up to their house? A They didn't say so, and I was not there.

Q You understand a little English, don't you? A A little.

Q You understand some of my questions, don't you, in English? A A little, not much; I don't understand all.

Q Were you at the wedding of Magda Papp? A I was not at the wedding at the City Hall, but I was there where the dance was held.

Q After Magda Papp was married, they went to live at

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15 St. Mark's Place, is that right? A Yes.

Q And at the time of the wedding, were you still working for this wire shop?

MR. DU VIVIER: If your Honor please, don't you think we have had enough about this wire shop? It is no reflection on this witness to work in a wire shop. I don't care how long they worked, or where they worked or how much salary they got.

MR. LUSTIG: It is as to the veracity of this witness. It makes a difference on the veracity of the witness.

THE COURT: I will allow great latitude in a case of this kind. She may answer the question.

A I can't tell exactly; I left about at that time the wire shop, maybe the day before or later.

Q Then you were still working at the time of the engagement for the wire shop, and before the wedding you stopped working, is that right? A Yes, I think perhaps the day before, I think so.

Q And the wedding was a week after the engagement?

A Yes..

Q Did Magda Papp--- Before Magda Papp met this here Harry Flesch did Magda Papp go out with any other men?

MR. DU VIVIER: I object to that, if your Honor please. It is no crime for a woman to go out with a man, otherwise there would not be any marriages, if you cut all that out.

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MR. LUSTIG: You admitted her record.

MR. DU VIVIER: It is no crime for a girl to go out with a man. What is the imputation that you wish to suggest? I object on the ground that there is no imputation in the question as to whether she went out for the purpose of sexual intercourse or whether she went out to simply have a perfectly innocent time; that's all.

THE COURT: Objection sustained as to form.

MR. LUSTIG: The District Attorney in his opening address admitted that Magda Papp--

THE COURT: Why do you not adopt the suggestion that the Court made this morning? You may ask of this witness any question that will show the commission of any vicious, criminal or immoral act.

Q Did Magda Papp ever tell you that she went out with any men for immoral purposes? A She never told me so; she always stated that she used to stay at home and was working.

Q Why did you leave the wire shop the week of that wedding? A I was working on a machine where the wire got into my hand and I left there to obtain another place.

Q Show us on what finger your hand was cut? A It was thin wire and it cut always the tips of my fingers.

Q You did not go to the doctor at this time about this finger, did you? A No, we bought some medicine in the drug-store for it.

Q Did Magda Papp stop working at the time you did?

A Yes, she stopped; she had to stay home because she has to prepare for her wedding.

Q And Mrs. Banhidy worked with you at the same time in the wire shop, is that right? A Yes.

Q And did she keep on working at the same time with you? A Yes, always.

Q And did she stop at the same time you did? A She was always working there and still is working there.

Q Why did you leave Mrs. Banhidy's apartment, after you stopped working? A I liked Magda very much, and I wanted to stay and board with her.

Q Will you tell us about when that was, what time that was? A What?

Q The time you started to live with Mrs. Flesch, at 15 St. Mark's Place. A That day I can't tell exactly the day.

Q What day was it? On what day of the month was it? A I can't tell exactly.

Q How long did you stay at Mrs. Flescher's house? A Until she was living with her husband.

Q Did you do any work during the time you lived with Mrs. Flescher at St. Mark's Place, No. 15? A No, I wanted to have rest and to take later a position.

Q Did you have any money at that time? A Yes, I had.

Q How much money did you have at that time? A I don't know how much I had. I had to pay to Magda the same what I paid to her aunt, two dollars and a quarter.

Q Do you remember how long you lived there in St. Mark's Place until Mrs. Flesch had a fight with her husband? A I can't tell exactly; perhaps a month.

Q And do you know that Mr. Flesch works during the day, that Mr. Flesch worked during the daytime, did you know that? A He was working every day, Mr. Flesch.

Q During that month you rested; is that right? A Yes, I did hand work for myself.

Q Do you remember the time when Mr. Flesch punched Mrs. Flesch in the eye? A Yes.

Q Do you know what the fight was about? A Yes.

Q Well, what was it? A Magda did not obey that, what her husband told her.

Q During that whole month did you go out every day, and leave the house every day? A I never went out; I went to the butcher or to the grocer, but not anywhere else.

Q Mrs. Flesch went to the Magistrate's Court, didn't she, in 57th Street, and made a complaint against her husband?

A No, they went together, with her husband.

Q But Mrs. Flesch went to the Magistrate's Court on or about March 28th, am I right? A I don't know for sure.

Q But you went to the Court on that day, didn't you, at 57th Street, with Mrs. Flesch? A I did not.

Q But Mrs. Flesch went up then? A She went there with her husband.

Q Well, after Mrs. Flesch went up with her husband to

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court, you left the house in St. Mark's Place, is that right?

A I left.

Q In other words, how many days after did you leave the Flesch House on St. Mark's Place, after Mr. and Mrs. Flesch went up to that court? A The very same day when they went to court, I went, upon the letter I received from Mrs. Ferenczy to them.

Q What kind of letter was this? A She sent me a letter in which she called me to go there.

Q Have you got this letter in your possession at the present time? A I have not.

Q What did you do with this letter? A I tore it up.

Q Did you show it to any one? A No, only Magda and her husband saw it.

Q On receipt of that letter what did you do? A I received it in the evening and I tore it up at the very same time.

Q When did you get that letter, in the morning or the afternoon? A In the evening.

Q What day was it, do you remember? Was it on Sunday, Monday, Tuesday or Wednesday? A I don't remember.

Q Do you know if it was on a Sunday or Monday? A I don't know; I can't tell; I don't remember. The next day Magda went with her husband to the court.

Q You say you received that letter in the afternoon or the evening? A In the evening.

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Q At nine o'clock? A I can't tell; I don't remember; it was pretty late.

Q And it was the same day that Mr. and Mrs. Flesch went to the court?

MR. DU VIVIER: One minute; I object. She testified it was the day before.

Q You received this letter in the afternoon, the very same day you received this letter did you go up to Mr. and Mrs. Ferenczy?

MR. DU VIVIER: I object. She said it was the evening. She testified twice it was in the evening.

MR. LUSTIG: Well, I withdraw that part of the question. Make it the evening.

(Question repeated by the interpreter as amended)

A Not the same evening.

Q Well, when did you go up? A The next day.

Q Next day? Do you remember when Mr. and Mrs. Flesch came back from court? A Mr. Flesch did not come back with Magda. Mr. Ferenczy was waiting for him on the corner and he brought Mr. Flesch up to the house.

Q When Mrs. Flesch came back from court, did she tell you anything of what had happened in court? A No, I didn't ask her; I didn't care for that.

Q Wasn't it, or isn't it a fact that the reason was that because Mr. and Mrs. Flesch couldn't agree, and they couldn't live together any more, and they would have to break up house?

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A No--

Q (Interrupting) Well, now--

THE INTERPRTER: (Interposing) Wait. She tells me something which I don't know whether to translate or not.

MR. DU VIVIER: Well, go on.

THE INTERPRETER: I don't know whether I shall translate it or not.

MR. LUSTIG: Well, translate it.

MR. DU VIVIER: Well, translate it, and then we will strike it out, if necessary.

A (Continuing) Mr. Flesch wanted that she shall suck him and he shall suck her.

MR. LUSTIG: I move to strike it out.

MR. DU VIVIER: No, I object to that.

THE COURT: Repeat the question and answer.

(Repeated by the stenographer)

MR. DU VIVIER: It is responsive to the question.

THE COURT: Well, I will strike out the answer because counsel asked the question and the answer should be yes or no. Strike out the answer. The jury will disregard it.

Q Did Mr. Flesch find a letter in your stocking? A No.

Q Did Mr. Flesch find a letter in his wife's stocking?

MR. DU VIVIER: I object to that. Women are supposed to carry all kinds of things in their stockings, and there is no crime in having a letter in her stocking, un-

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less the letter is some reflection upon the witness.

MR. LUSTIG: I want to prove what conversation was had in her presence.

THE COURT: Just a minute; the prior question was not answered by the witness, was it? Do you still press that question?

MR. LUSTIG: Yes, sir.

(Last question repeated by stenographer)

THE COURT: I will allow it.

A No, he did not.

Q Did not Mrs. Flesch receive a certain letter from a sweetheart of hers? A No.

Q And was not that the reason why Mr. Flesch punched his wife in the eye? A No, that was not the reason. The reason was what I stated before.

Q You stated that the day after you received the letter you went up to Mr. and Mrs. Ferrencozi in 79th Street? A Yes.

Q At what time was this, in the afternoon or evening?

A I can't tell exactly. When Magda went to court I went away, too.

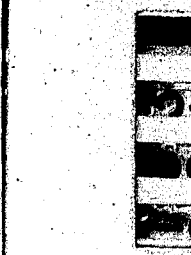
Q You said that Magda went to court and you went away, too? Well, where did you go? A Then I went to the Ferrencozys.

Q Well, then, you mean to say that the time Mrs. Flesch went to court, you went away, too, from the house?

A Yes.

Q In other words, Mrs. Flesch locked the door at 15

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St. Mark's Place, she went to court, and then you went to Mrs. Ferrenczy's? A Yes, I went to the Ferrenczys, and she went with her husband to court.

Q Just a few moments ago you said that Mr. and Mrs. Flesch went to court, and Mrs. Flesch came back and told you this story; do you want to change that now?

MR. DU VIVIER: Now, one minute. I object. I think you are mistaken again.

MR. KUSTIG: I am not mistaken.

MR. DU VIVIER: She testified that she went to see Mrs. Ferrenczy the same day that Magda went to Court, and that when Magda came back she told her the story. That is what she testified to.

THE COURT: Well, proceed.

Q Is it not a fact that you went up there with Mrs. Flesch and yourself to the Ferrencozi home.

MR. DU VIVIER: Will you fix a time, Mr. Lustig?

A I went myself to the Ferrenczys, alone.

Q Was that the first time or the second time? A I can't tell exactly.

Q Are you positive about the fact that you went up there alone? A Yes. Mr. Ferrenczy waited for Magda and came, and she came with him up to the house in the afternoon.

Q Do you know what time you went up to the Ferrenczy home, after Mrs. Flesch came back from court? A I can't tell,

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I can't remember at what ^{hour} house.

Q Well, don't you know whether it was in the morning or the afternoon? A I am not sure about that, whether it was before noon or afternoon.

Q Why, in your direct examination on Friday you stated that the very same night you were pushed into a room, on your direct examination on Friday, you stated that you arrived that night and were pushed into a room by Mrs. Ferrenczy?

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MR. DuVIVIER: One minute. I object to that. That is not the testimony. She said she had intercourse with the first man on the fourth day.

THE COURT: That was her testimony, counsel.

MR. LUSTIG: Your Honor, that is the testimony, and after that she stated that the very same night she was pushed into a room by Mrs. Ferenczy.

MR. DuVIVIER: No, you are mistaken again.

MR. LUSTIG: She said that afterwards in her direct examination.

MR. DuVIVIER: Page 11. (Reading) "Now, can you remember anything else that was said in that conversation? A No, only she pushed us in -- me in one bed room and Magda into another bed room, to a man.

"MR. DuVIVIER: Well, I ask that that be stricken out as not responsive.

"THE COURT: Strike it out. Let her confine her conversation to the defendant, in so far as it relates to her."

MR. LUSTIG: Well, that is the time she was there the fourth night, but this question was about the same night, that was her language. She said the same night. It is a little way further down than that. She contradicted herself afterwards and said this.

MR. DuVIVIER: (Reading) Page 13: "Q Did Mrs. Ferenczy tell you what kind of a place she kept there?

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"A Not until the fourth evening, only on the evening of the fourth day. "

Now, on page 14: (Reading) "Q Now, after that man had had intercourse with you, did he pay you any money?

A He didn't pay me, he paid to the lady.

"Q You mean Mrs. Ferenczy? A Yes."

THE COURT: And further down, on page 13. (Reading):

"Q You said before that the defendant told you that the defendant kept an immoral house. State what the defendant said on that subject? A She did not say a word, only she slapped me in the face, pushed me into a room and the other girl in another room."

That testimony was stricken out. It all refers to the fourth day.

BY MR. LUSTIG:

Q When you went up to Mrs. Ferenczy's house that day did you have any bundle with you, bundle of clothes?

MR. DUVIVIER: She did not need it.

A Nothing.

Q Well, do you remember whether that was in the morning or in the afternoon or the evening? A I can't remember whether it was in the afternoon or the evening.

Q Why, a few moments ago you said that Mr. Ferenczy brought Mrs. Flesch up in the afternoon, is that right? A He brought Magda there about four o'clock. At that time I was there already.

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Q Well, then, you ought to remember then whether you came up in the morning, afternoon or in the evening?

MR. DUVIVIER: Now, one minute, not what she ought to remember, but what she does remember. I object to the question, on the ground that it is argumentative.

THE COURT: Yes, objection sustained.

Q Don't you remember now, after this recollection, that Mrs. Flesch came up in the afternoon with Mr. Ferenczy at four o'clock, what time you came up? A I don't remember whether it was in the morning or in the afternoon.

Q Did Mrs. Flesch come up with any clothes that afternoon? A No, just in the way she was at the court.

Q Well, doesn't it appear to you that you must have come up in the morning then?

MR. DUVIVIER: One moment, I object to the form of the question.

THE COURT: Objection sustained. It is argumentative.

Q Did you come up before dinner or after dinner time?

A I did not eat there and I don't know whether I came before dinner or after dinner.

Q As soon as you came into the house -- were you ever to that house before, No. 201 East 79th street, or was that the very first day y u got there? A Mr. Ferenczy came once or twice and invited us as guests for Sunday, and then I was

there, but then Mr. Flesch was also there.

Q Well, how many times or how many Sundays did you go up there, during the time you knew Mr. and Mrs. Ferenczy? A I can't tell exactly, one or two Sundays.

Q You were very friendly with the Ferenczys? A I was not so friendly with the Ferenczys.

Q Why, one Sunday night you went to the Theatre with them, didn't you, before that first day? A I was nowhere with them, I never went out with them.

Q During these Sundays that you went up to their house on a friendly visit, was anything said to you about leading a live of prostitution? A No, and we were not very long there.

Q How many hours did you stay in the house of Mr. and Mrs. Ferenczy on Sunday when you came there? A Not long, we went there about five o'clock and at eight o'clock we went home.

Q At times, you stayed there for six and seven hours, is that right? A I was not. We went there at half past five and it was eight o'clock we went away.

Q During that time nobody tried to keep you there? A Not at that time.

Q After Mrs. Flesch came up there that afternoon, at four o'clock, did Mrs. Ferenczy say anything to you or to Mrs. Flesch? A She did not.

Q Did Mrs. Flesch stay there on that day at four o'clock, the first day? A Yes, she stayed until she got a divorce

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from her husband, then she was going out to work.

Q And did Mrs. Ferenczy say she could stay there and board there? A She said we shall stay there and she will give us a room and we can go to work.

Q Did you go away then after that conversation? A No, we remained there, with Magda.

Q You stayed there and you slept overnight, is that right? A Yes, because she said to-morrow we will go to work.

Q Did anything happen during the first night? A No.

Q What did you do the second day, did you look for work the second day? A No, she did not let us go out. She says she will secure us a place.

Q Now, during the times you came up there Sundays to Mr. and Mrs. Ferenczy, how many people came along with you at the time?

MR. DuVIVIER: I do not understand that question.

MR. LUSTIG: How many people accompanied them on Sundays.

MR. DuVIVIER: Well, all right.

A Magda, her husband and myself.

Q When was the first time you had sexual intercourse in this country? A The following Sunday, after Magda's wedding, with Mr. Ferenczy.

Q Were you there all alone in a room or in the home at that time -- not in a room, I withdraw that. In the home of

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Ferenczy? A No, I was in a bed room, and Magda was in the parlor, and the curtain -- there was a door which was closed.

Q Was anybody else there besides Magda Papp and yourself, on this Sunday?

MR. DuVIVIER: Where do you mean, in a room or in the apartment?

MR. LUSTIG: In the apartment.

A Mr. Ferenczy.

Q And anybody else? A No one else.

Q Well, you testified before that you went up there with other friends besides your friend Magda Papp or Mrs. Flesch?

MR. DuVIVIER: I object. I do not think there is any such testimony. The testimony related to the 79th street house, not to the St. Mark's Place house. This act of rape took place in St. Mark's Place, according to the girl's testimony, but the testimony counsel refers to is some testimony relating to the 79th street house.

MR. LUSTIG: Well, then, I am mistaken about it.

Q You mean to say that the first sexual intercourse you had with Mr. Ferenczy was in St. Mark's Place, the week after the wedding, is that right?

THE COURT: With whom?

MR. LUSTIG: She has testified that it was a week after the wedding that she had sexual intercourse with Mr. Ferenczy in St. Mark's Place on Sunday.

THE COURT: That was brought out by the defense?

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The People did not elicit this evidence?

MR. LUSTIG: Yes, but she has testified now that it was in the 79th street house that the sexual intercourse took place.

MR. DuVIVIER: No, in St. Mark's Place.

Q Well, I will ask you the question, which house was it, in the 79th street house or the St. Mark's Place house that you had the sexual intercourse one week after the wedding?

MR. DuVIVIER: One minute, I object. I think, though I speak subject to correction, I think the witness has testified that the act of rape took place a few days and not a week after the wedding. Is that correct, Mr. Interpreter?

(The stenographer repeats part of the previous testimony).

MR. DuVIVIER: All right, I withdraw the objection.

A It was in St. Mark's Place, with Mr. Ferenczy.

Q Did you ever have any sexual intercourse with any one after that in St. Mark's place? A No, never, with no one other than with Mr. Ferenczy.

Q You stayed there at the 79th street house the first day, the second day and the third day, and nothing was said to you or done to you by any one, by Mr. or Mrs. Ferenczy, is that right? A She only stated that she will secure a place for us.

Q This was in April, was it, or March? A April, I think so.

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Q It was around the first week in April, is that right?

A I can't tell exactly. I think so. I believe so.

Q During the first, second and third day, did you ever leave that house at 201 East 79th street? A She did not let us go out.

Q Why did you go up to the house at 201 East 79th street when you knew that Mr. Ferenczy was a bad man? A I wanted to let know his wife what her husband did with me.

Q Well, you said before that Mr. Ferenczy had intercourse with you the first Sunday after the wedding? Why did you go up to his house in 79th street and place yourself under his care at that time?

MR. DUVIVIER: One minute. I object to that. She just answered that.

THE COURT: She answered that question.

Q Why did you stay there the first, second and third day, when you knew that Mr. Ferenczy had had intercourse with you in St. Mark's Place? A I went there after I received that letter, and I went there to tell his wife what he did with me, but I had no chance to tell her that.

Q On the fourth day did you have a talk with Mr. and Mrs. Ferenczy? A Only Mrs. Ferenczy started it on the fourth day.

Q Was Mr. Ferenczy there at that time? A No, he was not at home.

Q What time was this, morning or afternoon? A At about five o'clock in the afternoon.

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Q During the first, second and third day, did any men come to those apartments at 201 East 79th street? A No. She said, if there came somebody, she always says, "This is an acquaintance of mine," some grocer or somebody.

Q Well, but did any men come up to these apartments during your stay there besides the grocer?

MR. DuVIVIER: One moment. I object unless some time is fixed.

MR. LUSTIG: Well, I said the first, second or third day.

MR. Du VIVIER: No, you did not. That is what I object to.

Q (Question repeated by the stenographer).

MR. LUSTIG: Well, I amend the question.

MR. DuVIVIER: The witness has just answered that during these first three days some men did come up there and that the defendant, Mrs. Ferenczy, stated that they were simply friends of hers or tradespeople.

THE COURT: I remember that testimony.

Q Did you see those friends of Mrs. Ferenczy come up there the first, second and third day? A I did not see any one.

Q Well, then, how do you know these friends came up there during the first, second or third day? A She told me, "This friend of mine was here and went away," or, "This friend of mine was here and went away", again.

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Q Who told you that? A Mrs. Ferenczy.

Q But they did not ask for you, did they? A No, they did not.

Q On the fourth day, did any men come up? A We saw them only in the evening when she pushed one into me in one room and the other girl to another room.

Q Did you cry out at that time? A I was crying and I did not want to go in but she has pulled down the clothes from me.

Q How much did these men pay you? A They didn't pay to me anything.

Q Well, did the men pay you anything at all? A Not to me, to her.

Q Well, how do you know that those men paid -- or to whom?
A The man told me that he paid to her.

Q To whom? A To Mrs. Ferenczy.

Q Well did you ask the men when they came into your room if they paid Mrs. Ferenczy? A I did not.

Q Well, you just said a moment ago that you asked the men if they had paid Mrs. Ferenczy?

MR. DUVIVIER: No, she said nothing of the kind. She said that the men told her that they had paid the price to Mrs. Ferenczy.

THE COURT: That a man told her that.

MR. DUVIVIER: She did not say she asked.

Q Did you ask the men if they had paid this money? A The

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men themselves said that they paid to the lady.

Q Do you know what object these men had in telling you that they had paid Mrs. Ferenczy the money? A We never asked them whether they paid to Mrs. Ferenczy or not. They told it themselves.

Q How many rooms are in the Ferenczy apartment? A Six.

Q What room did you have? A There were two bed rooms, and one was with a curtain, and the other had a door which could be locked up.

Q You and Mrs. Flesch had one room, is that right?

A Yes, we slept together, we were sleeping together.

Q During the time you had the men coming up there did you have separate rooms, or the same rooms? A Not the same, when two men came then in one room was I and in another room Magda with the other man.

Q This was the fourth night?

MR. DuVIVIER: One minute. What was the fourth night?

MR. LUSTIG: The time of this occurrence, entering the rooms.

MR. DuVIVIER: Well, I object. What do you refer to? The end of the three weeks or the beginning?

MR. LUSTIG: At the time the men entered the rooms.

MR. DuVIVIER: The witness has been describing the life she led there and nothing has been said about the fourth night or any other night.

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MR. LUSTIG: Well, I was speaking about the fourth night.

THE COURT: Well, frame your question so as to include some of the evidence in the case.

Q Was this the fourth night that you had the first intercourse with these different men that came to these apartments?

THE COURT: Well, she stated so repeatedly.

MR. DuVIVIER: I object as already answered.

THE COURT: She has answered that several times, counsel.

Q What time was it on that day that you had the first intercourse with a man? A It was in the evening after five o'clock.

Q Was Mr. Ferenczy there at that time? A No.

Q How long did you stay there that night in the Ferenczy apartment, the fourth night, how long did you stay there that night, that evening?

MR. DuVIVIER: I object to that. The witness has testified she stayed there for three weeks. There is no testimony that she left that night.

THE COURT: You see, counsel, when you quote part of the testimony, your question becomes objectionable.

MR. LUSTIG: My question was, what time she left there that night, the fourth night?

THE COURT: She said she did not leave, that she remained there.

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MR. LUSTIG: Well, I want to bring that answer out.

MR. DuVIVIER: I object to it on the ground that it is improper in form, and a misquotation of the evidence.

THE COURT: I will sustain the objection.

Q How long did you stay there the fourth night?

MR. DuVIVIER: I object on the same grounds and urge my objection, if your Honor please.

THE COURT: The objection is sustained.

Q What time did you go to bed that night, the fourth night? A It was after twelve o'clock, because we were up then when her husband came home at twelve o'clock.

Q Were there any men in the apartment when Mr. Ferenczy came home from work?

MR. DuVIVIER: When?

MR. LUSTIG: On the fourth night?

A No.

Q How many men did you have on that first day, the fourth night? A About six.

Q Why, you testified Friday that you had ten or twelve?

MR. DuVIVIER: No, she said when she had been there later that she averaged ten or twelve, not the first night.

THE COURT: How many did she say she had the first night?

MR. DuVIVIER: Six, now. She said that later she averaged about ten or twelve.

Q How many men did Magda Paap have that fourth day?

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MR. DuVIVIER: Magda Papp is going to be called as a witness and perhaps you had better direct that question to her. She can tell you.

A I can't tell exactly.

Q Do you mean to say you don't know how many Magda Papp had that day?

THE COURT: She said so.

MR. DuVIVIER: She said so. I will call Magda Papp and you can put the same question to her. She ought to know.

Q Magda Papp was there all evening of that day, wasn't she? A Yes.

Q Didn't you at any time on that fourth day ever see Magda Papp go into a room with any man? A No, I only saw when she was pushed in by Mrs. Ferenczy with the first man.

Q Then you only saw one man go with Magda Papp?

MR. DuVIVIER: You mean on the fourth night?

MR. LUSTIG: On the fourth night.

A The time I saw her only with one man.

Q You stayed there the fifth day and the sixth day?

MR. DuVIVIER: One minute. I object. She testified she stayed there three weeks, so therefore she must have stayed there the fifth and sixth days.

THE COURT: That follows, does it not? Of course he is entitled in cross-examination to the question.

MR. DuVIVIER: I know, but it is mere repetition

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MR. LUSTIG: I have a right to bring it out because she did not stay there three weeks, if your Honor please, she stayed there about two weeks, she said that's all.

THE COURT: Well, proceed.

Q During the fifth and sixth day did the same occurrence come up, men coming in? A During three weeks, beginning that time, during three weeks steady.

Q Did you at any time after the fourth day or fifth day or sixth day make any attempt to escape from that house?

A We did, but we could not.

Q Well, tell me, did not any butchers or grocerymen come up during the day time? A I didn't see them. She never let us, or permitted us to see them.

Q Did Mrs. Ferenczy ever give you any part of that money that she got from those men? A She never gave me any. I never saw any.

Q Did you at any time go downstairs to buy a dress for yourself? A I never went out except the one time when we escaped.

Q You stated during your direct examination on Friday that you stayed there a week and a half, is that right? A Yes, then we escaped.

Q You also stated that you were there about the first week in April? A When, Friday?

Q Why, you testified that you came there the first week

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in April; then Friday would be the 3rd of April, is that right?

A No, it was about the first.

Q About the first? A It was about April 1st.

Q Well, then, you stated that if it was a week and a half thereafter -- if it was a week and a half thereafter that you left, it would be then the 10th of April that you had left then, is that right?

MR. DUVIVIER: No, I object to that. She has not testified so. The question is improper and argumentative, and bad in form, and I object to it.

THE COURT: It is a hypothetical question.

Objection sustained. Exception.

THE COURT: We will take a recess now.

(The Court then admonished the jury in accordance with section 415 of the Code of Criminal Procedure, and took a recess until 2:05 o'clock p.m.)

AFTER RECESS. TRIAL RESUMED.

L I Z Z I E N E M E T H, a witness for the People, resumes the witness-stand.

CROSS-EXAMINATION CONTINUED THROUGH INTERPRETER JOSEPH GYORY:

BY MR. LUSTIG:

Q You stated that you left after a week and a half, is that right? A Yes, we escaped after a week and a half.

Q Now, can you place the date about when you escaped from there? A I can't tell.

Q Well now, you said that it was the fourth day that you

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had intercourse. Now, can you tell us how many days after the fourth day you escaped? A A week and a half later. I can't tell exactly the day.

Q Well, was it a week after the fourth day? A I can't tell exactly. Maybe it was a week after.

Q During that week you had intercourse, is that right, with different men? A Yes, during the week and a half.

Q During that week, what time did the men start to arrive, to see you? A (No answer).

Q How did you escape a week and a half after you were in the house at 201 East 79th street? A We noticed that Mrs. Ferenczy left her keys in her apron, and we took the keys and opened the door and escaped.

Q Is it not a fact that there was no such thing as a lock with a key on the door leading into the hallway? A You could close it from the inside, there was no lock on it. You could close it, though, with a key.

Q Wasn't there a patent lock on that door instead of a key on the inside? A No.

Q Couldn't you have opened that door without Mrs. Ferenczy being in that room, without having a key? A No, if it is locked with a key then it cannot be opened without a key.

Q Didn't you ever look out of the window during the day time? A Never. She did not leave us there. She did not let us there.

Q Where did you go the week and a half after you made

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your escape?

MR. DuVIVIER: One minute.

MR. LUSTIG: I withdraw the question.

Q Where did you go after you made your escape? A We went to St. Mark's Place, because we thought the rooms of Magda are there yet.

Q And you were there in St. Mark's Place -- then you did go to St. Mark's place that day after you made your escape?

A Yes..

Q And how long did you stay in St. Mark's Place? A Not long, because in the afternoon Mr. Ferenczy came for us.

Q And did Mr. Ferenczy take you back to 79th street?

A Yes, he said his wife, Mrs. Ferenczy, will give us money and we can take away our clothes.

Q And did you go back again to 79th street? A Yes, we went for our clothes.

Q And you went there alone? A With Magda.

Q But you did not go with Mr. Ferenczy, did you? A Ferenczy came with us.

Q Well, how did you travel up there? A The street car.

Q How long did you stay after that, after you went up there in the afternoon, to 201 East 79th street? A When I came there his wife slapped me in the face and called me names, and locked us up and did not let me go.

Q How long did you stay there then in that house? A Another week and a half.

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Q Another week and a half? That would bring you to about the end of the month, am I right? A It was the second part of the month.

Q Well, if you were there, if you got there the first week in April and you stayed there a week, until you made your escape, that was one week, and then a week and a half after you made your escape, that would make it two weeks, and then you again made your escape a week and a half afterwards, that would be three and a half weeks?

MR. DuVIVIER: I object to the question as argumentative in form and a misquotation of the evidence.

THE COURT: Objection sustained.

Q Do you wish at this time to change your testimony that you were more than two weeks there?

MR. DuVIVIER: I object. She has not so testified.

THE COURT: Objection sustained.

Q Do you know exactly, the exact date that you left there finally, 201 East 79th street?

MR. DuVIVIER: I object as already answered. She testified she left there on the 21st of April, as far as she is able to fix it.

THE COURT: That is my recollection of the testimony.

MR. LUSTIG: It was not brought out by the witness, it was brought out by the District Attorney in his opening remarks.

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MR. DuVIVIER: No, it was brought out by the testimony.

THE COURT: Well, proceed.

MR. DuVIVIER: Page 7. (Reading):

"Q Now, when was that, fix the date, about when that was? A It was on a Tuesday, April 21st."

THE COURT: Was that on cross-examination?

MR. DU VIVIER: No, on the direct examination.

THE COURT: Then he is entitled to ask it.

MR. DuVIVIER: I think it was answered also this morning. I am reading from Friday's testimony now.

THE COURT: Well, he is entitled to examine on any matter you brought out, but if the question has been answered, why, it is useless to put a similar question. It only repeats the testimony.

Q After you left there on April 21st, 201 East 79th street, where did you go? A We went back to St. Mark's Place.

Q Why didn't you go to the station house and notify the police? A I can't speak English, how shall I be able to tell it to somebody?

Q Didn't you think it was worth while to make a complaint? A We would have made complaints but we could not speak, and she said before we are going to complain she will have us arrested.

MR. LUSTIG: I move to strike that out.

MR. DuVIVIER: Oh, I object to striking it out.

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THE COURT: Repeat the question and answer.

(Question and answer repeated by the stenographer).

THE COURT: I will allow the answer to stand.

Q How long did you stay at St. Mark's Place from April 21st, on? A Four days.

Q What did you do during those four days? A Went to the intelligence office and the employment bureau to obtain a place.

Q During the time you were up in 79th street, didn't you go down to the office of Edward Horwath, 124 East 3rd street?

MR. DUVIVIER: One minute. May I ask counsel whether that refers to during the three weeks that she was there?

MR. LUSTIG: During the three weeks she was there?

A No, she did not permit us to go out of the house.

Q After Mrs. Ferenczy -- you stated that Mrs. Ferenczy promised to get you a job; now, after she could not get you a job, didn't you go down to the employment agency at 124 East 3rd street?

MR. DUVIVIER: I object to that part of the question where the defendant said that she could not get her a job. There is no such evidence.

THE COURT: Repeat the question.

(The question is repeated by the stenographer).

THE COURT: Did not the witness testify that she told her that she could not get her a job?

MR. DUVIVIER: No, no such testimony. She said that

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she did not get her a position.

THE COURT: Well, I will allow the question.

THE SECOND JUROR: This woman said she could not get her one.

THE COURT: That is my recollection. I will allow it.

A No, she did not then permit us to leave the house during those three days, she only promised us to secure us a job.

Q What employment agencies did you go to during those four days you were in St. Mark's place from April 21st, on?

A In 3rd street.

Q Were you down there every day? A Every day. I don't know the name of the owner of the office or the proprietor, it is a new office.

Q How long did you stay in that office while you were there? A We went there at ten o'clock and went home for dinner, for lunch, went there in the afternoon again and when we were arrested it was at that time also when we came from that office.

Q During the time that you went down to East 3rd street with Magda Papp looking for a job, did you try to pick up any men on the streets? A No, no one.

Q Well, on the 27th of April you did pick up a man on St. Mark's Place, is that right? A Who?

Q You picked up a detective, is that right? A We did not pick him up. We did not speak to him.

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Q Well, don't you remember the day you were arrested?

A Yes, it was on a Monday.

Q Was it April 27th? A Yes.

Q Why were you arrested? A I don't know, Mrs. Ferenczy also says she will have us arrested. She said should we escape she will have us arrested.

Q Is it not a fact that you took this man, the detective, up to your rooms in St. Mark's Place, and that he gave you five dollars? A I didn't take the detective up to my room, and he wanted to give me five dollars but I chased him back.

Q Why, did not the detective find five dollars in your stocking after he placed you under arrest? A No, he did not find it in my stocking. He wanted to put it in my pocket, but I had thrown it back. I told him I did not want it.

Q Where did you first meet this man, the detective? A He came to the door. I was just at home having my lunch with Magda.

Q And did he walk inside? A We were eating our lunch in the janitor's room and he pushed me inside. I didn't want to go inside, but he came in with me and pushed me in.

Q And the detective asked you to go into the bed room with him, is that right?

MR. DUVIVIER: I object to that, your Honor. I suppose that a woman who has spent three weeks in a house of prostitution may be conceded to be a prostitute, and I cannot see the purpose of these questions except to prove

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that fact. This woman testified that she, for a period of three weeks, had intercourse with from ten to twelve men. I presume that she is a prostitute then.

MR. LUSTIG: If your Honor please, this is the only time that I have to prove that she is a prostitute, and probably was a prostitute before.

MR. DuVIVIER: I will concede that she is now.

THE COURT: I will not restrict him, Mr. DuVivier. I overrule the objection. This act was subsequent to the time when she left the 79th street place?

MR. DuVIVIER: Yes, sir, six days afterwards.

A Yes, he pushed me into the room.

Q You want to correct the error that you made before, when you said you were in the St. Mark's Place house only four days, when you were really there six days, am I right about that?

MR. DuVIVIER: I object. There is no such testimony.

MR. LUSTIG: She was there from April 21st, and she was arrested on the 27th. She stated before in her cross-examination she was only there four days.

THE COURT: I sustain the objection.

MR. LUSTIG: I take an exception.

Q Did the detective ask you to undress yourself? A He did not. He said I shall suck him and I did not want to do it.

Q Did you have the five dollars when he asked you that?

A No, he asked me for that and he put the money here in my pocket (indicating), but I did not want to.

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Q He placed you under arrest, did he not? A Yes.

Q And you were all undressed at that time? A No, we were not undressed.

Q Is it not a fact that Banhidy is the man that takes all your earnings from you?

MR. DuVIVIER: One minute. There is no proof that she has made any money since then.

THE COURT: Repeat the question.

(Question repeated by the stenographer).

MR. LUSTIG: Earnings from prostitution.

THE COURT: I will allow it.

A Banhidy never took it from me.

Q You also had a man who was a baker that gets some of your earnings, is that right?

THE COURT: What kind of earnings?

MR. LUSTIG: Earnings from prostitution.

A I had no man, I don't know any baker, I don't know any baker.

Q This janitor from the St. Mark's Place house gets part of your earnings from prostitution? A Nobody had any part of my earnings.

Q You stated that the janitor was in the rooms when the detective came upstairs, is that right? A No, the janitor was in his room.

Q Did not the janitor pull a gun on the detective at the time he tried to lock him up and arrest you?

MR. DuVIVIER: I object to that. We are not trying

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the janitor.

Q Did you see the janitor --

THE COURT: (Interposing) Why, that is not material.

Q Well, did you write any letters to Mr. Ferenczy while he was in the Tombs? A I wrote a letter, not to him but to his wife.

Q And in that letter you testified -- in that letter you wrote that --

MR. DuVIVIER: One minute, I object to the contents of a letter being introduced in evidence in that way.

Q I show you this letter and ask you if you wrote this letter to Mr. Albert Ferenczy; I ask you to look at the envelope? A I did not write this letter.

Q I ask you to look at the envelope and see to whom it is addressed? A No, I don't know this letter. I did not write it.

Q I ask you to sign your name on this sheet of paper two or three times (Indicating).

THE COURT: Let her sit down at the table there.

(The witness leaves the witness-stand and writes).

Q I want you to write the name "Erzsi," and "Papp Magda;" I would like to have both names written.

MR. DuVIVIER: Wait a moment, will you? She is trying to comply with your request by writing her name several times.

MR. JUSTICE: I want her to write "Papp Magda."

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(The witness writes).

MR. DUVIVIER: Anything else you wish her to write now?

MR. LUSTIG: That is all. This is in English. I would like to have it in Hungarian, written just the same way as she wrote it in this letter.

MR. DUVIVIER: How can you write a proper name in any other language?

MR. LUSTIG: Your Honor, she has written it in English.

THE COURT: Well, let her write it in Hungarian.

MR. LUSTIG: I want her to write it two or three times, if your Honor please, and the other name also, "Papp Magda."

(The witness writes).

Q Do you still deny the fact that you never wrote this letter (indicating)? A I did not write that letter.

Q Do you know who wrote this letter? A That is Mrs. Ferenczy's handwriting. I did not write it.

MR. LUSTIG: I would like to have that translated, or have a translation here. I would like to have it marked in evidence.

THE COURT: You have got to prove that it is in the handwriting of the witness.

MR. LUSTIG: I think I have proved it here, your Honor, by the signatures here.

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MR. DuVIVIER: You may have simply proved that it is a clever forgery, that is all.

THE COURT: Is the letter written in English or Hungarian?

MR. LUSTIG: In Hungarian.

THE COURT: Well, why do you not dictate some portions of the letter for her to write?

MR. LUSTIG: I have a translation right here. I would like to have part of it marked in evidence.

THE COURT: Of course, there is a provision in the statute, Mr. District Attorney, that where you prove the genuine and conceded writings of a person, you have a right to ask the jury to compare the disputed writings with the genuine writings.

MR. DuVIVIER: There is no proper foundation laid here at all.

THE COURT: You have only got her signature.

MR. DuVIVIER: I cannot tell counsel how to get it in evidence.

MR. LUSTIG: I would like to have this marked in evidence, your Honor.

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

THE COURT: Well, let me look at the letter.

(Counsel hands letter to the Court).

THE COURT: You have got to prove it under the statute. As I have said, section 961-d of the Code of Civil Pro-

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cedure, which is applicable to a criminal case, provides as follows: Comparison of a disputed writing with any writing proved to the satisfaction of the Court to be the genuine writing of any person claimed on trial to have made or executed the disputed instrument or writing, shall be permitted, and submitted to the Court and jury in like manner.

MR. LUSTIG: I believe that is an exact --

MR. DUVIVIER: Now, I object to that.

THE COURT: Now, your opinion is valueless to the jury. You cannot submit anything like that unless there be some proof.

MR. LUSTIG: Then I ask that it be marked in evidence. I offer her handwriting in evidence.

THE COURT: You may offer her handwriting in evidence.

MR. LUSTIG: I offer her handwriting in evidence.

MR. DUVIVIER: I object to it. There is no objection to having it marked for Identification.

THE COURT: To her handwriting there can be no objection.

(Marked Defendant's Exhibits A and B).

THE COURT: You cannot offer the letter. If the jury reaches a conclusion that there is a similarity in the handwriting -- that the person who wrote the standard wrote the disputed matter, that is another thing. Have

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you any person here to prove that it is the witness's handwriting? Any person who saw her write?

MR. LUSTIG: No, I cannot, but I can have her sign her name on this letter over here and the jury can then see whether the comparison is proper or not.

THE COURT: Well, you have offered that; you have offered in evidence her handwriting. Now, that is in the record. In the next place, you desire to offer this letter, when she says it is not in her handwriting; she said one of the defendants on trial wrote this letter.

MR. LUSTIG: Well, I ask that that last part of her answer be stricken out.

MR. DuVIVIER: I object to that. It is perfectly responsive.

MR. LUSTIG: My question was whether she wrote the letter and she said the defendant wrote it. I therefore ask to strike that out as not responsive.

MR. DuVIVIER: I object to its being stricken out. I insist that it is responsive.

THE COURT: Well, strike it out, that the defendant wrote the letter, unless she knows her handwriting. You see, it is a statement made by this witness.

MR. DuVIVIER: Well, will your Honor ask her the question whether she knows that?

THE COURT: I will not ask her. Proceed.
BY MR. LUSTIG:

Q You know how to write Hungarian? A I do.

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Q Magda Papp does not know how to write Hungarian, is that right? A She cannot.

MR. LUSTIG: I would like to have this letter marked in evidence, your Honor.

Q Where were you on May 24th?

MR. DuVIVIER: Wait a minute. Let the Court rule. Will your Honor rule on that letter again? Counsel again offers it notwithstanding your Honor's ruling.

THE COURT: The jury have a right to compare it. Let me look at that letter again. You have to offer some evidence of handwriting.

MR. LUSTIG: Well, I have, your Honor.

THE COURT: You have offered her signature.

MR. DuVIVIER: This witness testified that it is not her handwriting, that she never wrote that letter. There is absolutely no foundation for the introduction of that letter at this time.

MR. LUSTIG: Well, then, I ask to have it marked for Identification.

THE COURT: Mark it for Identification.

(Marked Defendant's Exhibit C for Identification).

MR. LUSTIG: I would now like to have the interpreter read this letter to the jury).

MR. DuVIVIER: I object to that.

THE COURT: How can you have him read something that is only marked for Identification?

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BY MR. LUSTIG:

Q Where were you on May 24th, 1914? A I can't remember.

Q Weren't you in the House of Detention?

MR. DuVIVIER: Do you mean the House of Detention or do you mean the Florence Crittenton Home?

MR. LUSTIG: The Florence Crittenton Home.

MR. DuVIVIER: They are very different institutions.

A I can't remember whether I was there or not.

Q Weren't you locked up May 24th, 1914?

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MR. DU VIVIER: One minute; I object. She was not locked up. She is now in the Florence Crittenden Home. Your Honor knows that they are not locked up there, they are simply held as witnesses. I object to the imputation, "locked up".

THE COURT: You may ask her if she is now living at a certain mission.

MR. LUSTIG: Well, I withdraw the question.

Q Were you detained in the Florence Crittenden Home on May 24th, 1914? A I don't know whether I was there or not, but we are there over a month now.

Q Well, during the time you have been here over a month has anybody called to see you? A No, nobody was permitted to come into us.

Q Did anybody write you any letters while you were there? A Nobody wrote me a letter.

Q Didn't Mr. and Mrs. Banhidy write letters to you while you were in this home? A No one on earth wrote me a letter.

Q Did you have a talk with Mrs. Timko in the home, the Federal investigator? A Mrs. Timko called twice.

Q Is that all the talks you had with her at the home, during the month you were there? A Yes, no one else was there than her.

Q Did you receive any letters from any one during the time you were there? A Never received from any one a letter.

Q Did Magda Papp receive a letter when she was there?

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A She did not receive a letter either from any one.

Q Did you give any letter to Mrs. Timko? A I did not; I did not give her anything.

Q Did you send a letter to Mr. Ferrenczy, addressed to the Tombs, on May 30th?

MR. DU VIVIER: Is this another letter?

MR. LUSTIG: This is another letter.

THE COURT: Well, show her the letter.

MR. LUSTIG: Show her this letter (indicating).

A I don't know this letter.

THE COURT: Let her look at the letter and read it.

A (Continuing) I did not send any letter and that is not my handwriting.

Q Is that your signature? A No.

Q Are you sure?

MR. DU VIVIER: One minute; I object.

A Quite sure I did not write this, I don't know this letter.

Q Did any one write that letter for you while you were in the home? A Nobody wrote it. There is no Hungarian, and I did not request anybody to write the letter.

MR. LUSTIG: I ask to have that marked for identification.

Marked Defendant's Exhibit D for identification.

Q Did you write a third letter on or about May 14th, 1914.

MR. DU VIVIER: Show her the letter, will you?

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Q I show you this letter. A I did not write more than one letter. I wrote only one letter on the Tenth Street jail.

Q To whom? A That was that one letter I wrote to Mrs. Ferrenczy.

Q Well, what was in that letter?

MR. DU VIVIER: I object to that, if your Honor please.

THE COURT: Have you got the letter?

MR. LUSTIG: No, sir, I have not the letter.

Q Well, what is the date of this letter that you sent from the Tombs?

MR. DU VIVIER: One minute; the witness has testified that after she was arrested, in the Magistrate's Court, when she first got into trouble she wrote a letter to Mrs. Ferrenczy. She was not in the Tombs at all. If counsel will produce that letter I will be delighted to see it.

THE COURT: Have you that letter?

MR. LUSTIG: No, sir, I have not.

Q What is the date of this letter?

MR. DU VIVIER: Which letter?

MR. LUSTIG: The letter she states she wrote to Mrs. Ferrenczy.

MR. DU VIVIER: I object; the letter speaks for itself.

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THE COURT: I will allow that for the purpose of fixing the time. She may testify as to the date of the letter.

MR. DU VIVIER: Your Honor will bear in mind that this witness was not in the Tombs. She was simply detained after her arrest in the Magistrate's Court. I do not want the jury to get a wrong impression, that is all.

MR. LUSTIG: Well, I will change it to the Magistrate's Court.

A There was no date. I did not date the letter. It is only a slip on a piece of paper which I put in an envelope and I have sent it.

Q How did you sign that letter? A "Erzsi Nemeth"

Q And the other girl's name, too? A "Papp Magda".

Q That is all.

RE DIRECT EXAMINATION BY MR. DU VIVIER:

Q Now, you were asked about the clothes you now have on at the present time. Do you remember counsel, the lawyer on the other side, asking you that question this morning?

A Yes.

Q Do you remember the day on which you and Magda were arrested? A I do.

Q Where had you and Magda just been before you and Magda were arrested? A We were bathing in Third Street, washing our heads.

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Q In a public bath? A It was a public bath for ladies. Everybody who pays can go there.

Q Did you and Magda put on your clothes that you now wear in order to go to that public bath? A Yes, because it is not very clean, that place there.

Q Now, you say that during the first three days that you were with the Ferrenczys, there were men calling at the apartment, is that correct? A Yes, but we did not see them.

Q Did you hear the bell ring several times during that period? A Yes, when we heard the bell ringing, then she drove us into the kitchen.

Q Now, after you had been there a week and a half, you went away and went to St. Mark's Place, is that correct?

A Yes.

Q And about what time was it when you left the 79th Street apartment, on that day? A In the morning at eleven o'clock.

Q And about what time was it when Mr. Ferrenczi called and saw you and Magda, that same day?

MR. LUSTIG: I object to the question as not proper rebuttal.

Objection overruled. Exception.

A At four o'clock.

Q Now, just what did he say to you and Magda at that time? A His wife says-- he said to us that his wife says she will pay us and give us our clothes.

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MR. LUSTIG: I object to that, your Honor.

THE COURT: Repeat the question and answer.

(Question and answer repeated by the stenographer).

THE COURT: Well, I will allow that conversation to be considered, as to the defendant making a declaration, but it is not binding upon the woman defendant.

MR. DU VIVIER: No, it is not offered as against Mrs. Ferrenczy.

Q And it was after that conversation that you and Magda went back to the 79th Street apartment, is that correct?

A Yes, with Mr. Ferrenczy on the same day.

Q Now, when you got back to the Ferrenczy apartment, did you see Mrs. Ferrenczy? A Yes, when I reached the door, she slapped me in the face.

Q And what did she say? A "Did you escape, you stinking whore, you came back, it is no use, wherever you go I will have you arrested".

Q Did she say anything else? A She said we never will get free from her house, never.

Q And did she do anything else? A Then she did not let us go and she has sent us with men again.

MR. DU VIVIER: I ask to strike that out as not responsive, your Honor.

THE COURT: Yes, strike it out.

Q Well, did she do anything to you and Magda?

MR. LUSTIG: I object to that question.

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A She has beaten me, not Magdo, though.

MR. LUSTIG: I object to the question as leading.

Objection overruled. Exception.

Q What did Mrs. Ferrenczy do? A She slapped me in the face, and I wanted to cry out and yell, and she said that if I will yell she is going to choke me.

Q Well, did you see at that time any knife or any empty beer bottle?

MR. LUSTIG: I object to the question as leading.

Objection overruled. Exception.

A She kept the knife always in the dining room because she said nobody can get into her house and no detective can get into her house.

Q Well, at the time that you went back did Mrs. Ferrenczy have a knife or a beer bottle in her hand at any time?

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

THE COURT: I will sustain the objection. Ask her what, if anything, the defendant had.

Q Will you state what, if anything, Mrs. Ferrenczy had in her hand, at the time that you and Magda and Mr. Ferrenczy came back to the apartment, and you had this conversation with Mrs. Ferrenczy? A She wanted to throw a beer bottle at my head.

Q Now, you say that you left the Ferrenczys finally on Tuesday, April 21st, and went down to St. Mark's Place, is

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that correct? A Yes.

Q And how many days after that did you go back for your clothes? A April 23rd, it was on the Thursday.

Q And how many days after that were you and Magda arrested? A I don't know how many days after, but I know it was April 27th, on a Monday.

Q Now, you were asked by defendant's counsel as to some trouble between Magda and her husband. Do you know what that trouble was about? A Yes, I stated so.

Q Well, will you state what the trouble between Magda and her husband was? A Her husband wanted that she shall suck him and she did not want to.

Q You are now in the Florence Crittenden Home, are you not? A Yes.

Q And you have been there ever since you were in the Magistrate's Court, is that correct? A Yes, since we came out of there.

Q Now, at the time that you had this conversation with Mrs. Ferrenczy, when she called you a whore, and said that you would not get away again, and had this empty beer bottle in her hand, was Mr. Ferrenczy there? A No, he was at work, he was away working.

Q Well, was he-- when did he leave the apartment after he had taken you and Magda back to the 79th Street apartment? A He left immediately.

Q Well, was he there at the time when Mrs. Ferrenczy had

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this conversation with you and Magda? A No, he was not.

Q Well, was he there at any part of the conversation between you and Magda and Mrs. Ferrenczy, when you went back, when you were taken back to the 79th Street apartment by Mr. Ferrenczy? A No, because he took us just to the door and then he turned back and went to work.

RE CROSS EXAMINATION BY MR. LUSTIG:

Q You know that Mr. Ferrenczy is a barber, is that right? A Yes.

Q And you know that he was working on that day, Thursday?

A He was always working except Sundays.

Q Well, he was working on that day when he was supposed to have taken you from St. Mark's Place to 79th Street, is that right? A Yes, he was working on that day, too, only when he came home to eat, then he came for us.

Q Well, what time does he come home to eat? A Four o'clock he used to come always, four o'clock.

Q Who was in the room at the time Mrs. Ferrenczy had the bottle in her hand, and tried to strike you? A Magda.

Q Did she see it? A Magda has seen it. I didn't want to go with a man and she wanted to throw the bottle at my head.

Q You had a talk every day with Magda in this Home?

A Yes.

Q And you talked about this case every day, is that right? A Yes, we talked that we wanted to go away, that we

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always wanted to go away, but she did not let us.

Q How many times did you talk with the District Attorney about this case.

MR. DU VIVIER: Well, I will concede that I have had numerous conversations with this witness, if that is what you want to prove.

Q Has not the District Attorney promised you to go free if you testify here? A No, he did not tell me that.

THE COURT: Well, is this witness held under any charge?

MR. DU VIVIER: I do not know if there is any commitment or not. I think she was simply turned over to the Florence Crittenden Home by the magistrate.

Q Do you know what happened to your case in the Magistrate's Court? A I don't know what happened to my case.

Q That's all.

MAGDA PAPP, called and duly sworn as a witness on behalf of the People, testifies through Interpreter Joseph Gyory, as follows:

DIRECT EXAMINATION BY MR. DU VIVIER:

(The witness states, "I am with Miss Smith, of the Florence Crittenden Home.")

Q How old are you? A Going on nineteen.

Q Where were you born? A Anarzs.

Q Is that in Hungary? A Yes.

Q Can you read and write? A No.

Q When did you come to this country? A It was in the summer time.

Q How long have you been in this country? A The tenth month.

Q And before you came to this country did you have an illegitimate child? A Yes.

Q And who was the father of that child? A My sweetheart.

Q Were you engaged to marry? A He promised me to marry me.

Q Where did he live in the old country? A In the same village.

Q On a neighboring farm? A He was there ^{male} as a ~~mail~~ servant with a gentleman.

Q Where is that illegitimate child now, do you know?
A With my mother.

Q Now, what was the first work you did after your arrival in this country? A I went with my aunt to a job.

Q What kind of work did you do? A A wire shop.

Q Are you a relation of Mrs. Banhidy? A She is my cousin.

Q Did you live with her at the time you were working in the wire shop? A Yes.

Q How did you meet the defendants Ferrenczy? A They came there to my cousin's.

Q Do you know a man named Frank Flesch? A Yes, my hus-

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Q Is he your husband? A Yes.

Q Who introduced you to Frank Flesch? A Mrs. Ferrenczy.

Q How many times did you see your husband before he married you? A Three times.

Q How long did you live with your husband after your marriage? A Three weeks.

Q And after, or at the end of three weeks, did he have you arrested? A He did not.

Q Well, do you remember going to the Domestic Relations Court in this City, at 57th Street? A Yes.

Q Was your husband there? A Yes.

Q Was Mr. Ferrenczy there? A Ferrenczy was waiting for me on the corner.

Q And after that where did you go? A Ferrenczy took me up to their home because he said Erzsi is there.

Q Erzsi is the previous witness, is that what you mean? A Yes.

Q Now, did you go to 201 East 79th Street with Mr. Ferrenczy? A Yes.

Q Was Lizzie Nemeth there, the previous witness? A Yes.

Q Was Mrs. Ferrenczy there? A Yes.

Q Did you have any talk or conversation with Mrs. Ferrenczy and Mr. Ferrenczy there at that time? A They told me, "Now that the scoundrel has left you you will have a job, you will go to work".

Q Who said that? A The man and his wife, too.

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Q Mr. Ferrenczy? A Both.

Q What kind of work did the defendants offer you? A He wanted to put me back into a restaurant.

Q And did anything take place during the first three days that you and Elizabeth were there? A Not the first three days, the fourth day.

Q What took place on the fourth day? A On the fourth day a man came there and she pushed me in with one man, and with the other she pushed in Erzsi.

THE COURT: No, no, that evidence I cannot allow.

Strike it out and the jury will disregard it.

Q Did you have any conversation with the defendant on the fourth day?

THE COURT: Mr. Du Vivier, under this indictment, you will have to confine your proof solely to the specific charge mentioned in the indictment.

MR. DU VIVIER: That is true, your Honor, but I offer this testimony upon two points: First, to show that this apartment was a house of prostitution during the period that we are discussing, and also in corroboration of the previous witness's story, and I propose to follow my questioning, with your Honor's permission, simply along these two lines, simply in corroboration of the first witness's story. I am not going to go in the details of the actual number of men this girl had intercourse with or anything of that kind.

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THE COURT: It must have been under that portion of
as to
the statute, /a house of prostitution.

MR. DU VIVIER: Well, or to entice a person for
purposes of prostitution.

THE COURT: That is different. I think you better
confine your evidence as to what this witness observed
in the place. Not as to what she did.

MR. DU VIVIER: Well, will your Honor permit me to
ask the witness as to conversations she had at the begin-
ning, at the inception of this period? I want to under-
stand your Honor's ruling, and to be guided accordingly.

THE COURT: Everything that these defendants stated
to the first witness which this witness heard, is admiss-
ible; as to what she did in the place, that is inadmiss-
ible, in my judgment, under this form of indictment.

MR. DU VIVIER: Yes, sir, very well.

Q Well, now, on that fourth day, did you hear any con-
versation between Mr. and Mrs. Ferrenczy and Elizabeth?

A Yes.

Q What conversation did you hear? A Well, they spoke
about this poor life.

MR. LUSTIG: I move to strike it out as not rele-
vant.

Motion denied. Exception.

Q What did they say? A They said, we have to do that
because if we don't do it then they will have us arrested.

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THE COURT: Strike out "We have to do that" and so forth, and the jury will disregard it.

THE COURT: What did they say to Lizzie Nemeth?

MR. DU VIVIER: Yes, that was the form of my question, your Honor. A She stated just as well to Lizzie as to myself, that we have to lead this life, or she will have us arrested.

MR. LUSTIG: I ask your Honor to strike out the last half, relating to herself.

THE COURT: Strike it out.

BY THE COURT:

Q What were the exact words she said, merely as to the other witness?

THE COURT: Using the third person, Mr. Interpreter. A She stated that she is not afraid of any one, that she had a house like this in Eighth Street also, and she does not care neither for the detectives nor for judges.

MR. LUSTIG: I move to strike that out, if your Honor please, as not binding upon the defendants.

THE COURT: Well, that she said will be considered by the jury as to the defendant making a declaration. I will allow that; but the point is, Mr. Interpreter, she stated that she said she must do so and so. Tell the witness to state what the defendant said to the other girl, if anything, and let her use the third person. She must have said, "You do so and so", that is, if she

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 said anything to that effect? A She always called her with that word, "You stinking whore, if you want to escape and if you would escape I will have you arrested".

MR. LUSTIG: I object and move to strike that out.

THE COURT: Strike it out, it is not responsive.

The point is on the occasion when they went to the place, what was said.

BY MR. DU VIVIER:

Q Yes, on the fourth day; you had a conversation, or Mrs. Ferrenczy and Mr. Ferrenczy had a conversation with Elizabeth. Now, state the conversation that took place with Elizabeth on that occasion? A They said to Lizzie she must do it, and Lizzie answered she would not do it, that she would rather commit suicide.

BY THE COURT:

Q ^{must} Was do what? A Be a whore.

MR. LUSTIG: I object to that as a conclusion, your Honor.

Objection overruled. Exception.

BY MR. DU VIVIER:

Q Now, during the three weeks that Elizabeth was there, were you there with her? A Yes.

Q What did you do during that period? A We had to be whores.

MR. LUSTIG: I move to strike that out.

THE COURT: Well, strike that out.

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MR. DU VIVIER: I understood your Honor to tell me to ask this witness simply to tell what she did?

THE COURT: No, I will strike that out.

Q Well, were you with Elizabeth on the afternoon of the fourth day, were you with Elizabeth in the apartment of the Ferrenczys on the afternoon of that fourth day? A Yes.

Q And do you remember missing Elizabeth on the evening of that fourth day? A She was not missing. She was always there with me.

Q Well, do you remember her being away from you for a short time? A Yes, I remember she was in a room with a man.

MR. LUSTIG: I object to that, your Honor, and move to strike it out as not responsive.

THE COURT: Motion granted. Is that what you had reference to?

MR. DU VIVIER: No, sir. Well, I consent to it going out.

Q Now, do you remember occasions when Elizabeth was in the next room?

MR. LUSTIG: I object to the question and move to strike it out.

MR. DU VIVIER: It is preliminary, your Honor.

Objection overruled. Exception.

A I do.

Q And do you remember having a talk with Mrs. Ferrenczy

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on those occasions?

MR. LUSTIG: I object to the form of the question, "On those occasions"; no time is stated.

Objection overruled. Exception.

A Yes, I spoke to her and I told her that I did not want to do this, that I wanted to go away.

THE COURT: No, no, strike that out.

MR. DU VIVIER: Yes, we will strike that out.

THE COURT: The jury will disregard it.

Q Do you remember talking with Mrs. Ferrenczy at times when Elizabeth was in the next room? A She did not let me out. She looked me up in the kitchen.

MR. LUSTIG: I object, and move to strike it out.

MR. DU VIVIER: That is consented to.

THE COURT: Strike it out, and the jury will disregard it.

Q Did you have a conversation with Mrs. Ferrenczy as to what Elizabeth was doing in the next room?

MR. LUSTIG: I object to that as leading.

Objection overruled. Exception.

A Yes, she spoke to me, she said, "The little whore is now doing her work".

Q And when did she say that? A Several times when she was in the other room, Erzsi had the door locked up, and she wanted to come out.

MR. LUSTIG: I move to strike out the last half as

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unintelligible.

THE COURT: Strike out "And she wanted to come out".

We will suspend here.

The Court then admonished the jury in accordance with Section 415 of the Code of Criminal Procedure, and adjourned the further trial of the case until Tuesday, June 16th, 1914, at 11 o'clock A. M.

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...and you sometimes hear the bell of the apartment

THE PEOPLE v. FERENCZY.

New York, June 16th, 1914.

-TRIAL RESUMED-

M A G D A P A P P, a witness for the People, resumes the witness-stand.

DIRECT EXAMINATION CONTINUED BY MR. DuVIVIER; (through interpreter Joseph Gyory):

THE COURT: Mr. Interpreter, at recess you will make a translation of Defendant's Exhibits C and D for Identification, and after making a translation, I shall allow the letters to be offered in evidence, with a view to having the jury make a comparison between the standard writing and the disputed writing; and the jury can only consider the contents of the letters if, after comparison, they are of the opinion that the hand that wrote the conceded writing also wrote the disputed writing. Is that clear to you?

MR. LUSTIG: I have another letter here which I showed to the witness (Indicating).

THE COURT: Well, the stenographer's record shows that you only had two letters marked for Identification.

MR. DuVIVIER: Well, we can have the other one marked for Identification also.

(Marked Defendant's Exhibit E for Identification).
BY MR. DuVIVIER:

Q Now, would you sometimes hear the bell of the apartment

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ring? A Yes.

Q And who would go to the door? A Mrs. Ferenczy.

Q And then what would happen after that? A People came in.

Q And were they men or women? A Men.

Q And in what room would the man visitor go? A Into the first room and then they went into the bed room.

Q You mean by the first room the sitting room? A The dining room.

Q And was the bed room adjoining or next to the dining room? A Yes.

Q Now, after the man had gone into the bed room what would happen?

MR. LUSTIG: I object to the question.

THE COURT: If she knows.

A When the man went into the bed room then she called me and Erzsi and pushed me into him.

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

THE COURT: Strike that out, what was done with her. Confine the evidence to the other girl. The jury will disregard all evidence that is stricken out.

Q After the men would come in, what was done, if anything with reference to Elizabeth? A Erzsi did not want to go in and cried, and Mrs. Ferenczy went up to her and slapped her in the face.

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Q Then what would Mrs. Ferenczy do with Elizabeth? A She slapped her in the face, hit her; was beating her.

Q And after she had slapped her in the face what did Mrs. Ferenczy do? A She pushed her into the man.

THE SECOND JUROR: May I ask what time was this?
I want to know if she pushed her in every time a man came.

Q Did that happen when the men called? A Yes.

MR. Du VIVIER: Does that answer your question?

MR. LUSTIG: I object to the form of the question.
No time is stated. The juror wanted the time.

THE SECOND JUROR: I want to know whether her answer is that the girl was pushed in every time a man came, or was it the first time she is speaking of?

Q You say that Elizabeth was pushed into the room by Mrs. Ferenczy; was that the first time or did that happen every time that a man called to see Elizabeth, or to have intercourse with Elizabeth? A At each time, every time when a man came it happened.

Q Now, on any of those occasions was Mr. Ferenczy there?
A He has been there always.

MR. Du VIVIER: One minute. Repeat that question.

(Question repeated by the stenographer)

Q Yes or no. A When he was at home he was there.

MR. LUSTIG: I object to that and move to strike that out.

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THE COURT: Strike it out. / Mr. Du Vivier, That is consented to. I will put the question again.

Q On any of those occasions when you heard the bell, and you saw a man in the apartment -- question withdrawn.

Q On any of these occasions when Elizabeth went into the bedroom to have intercourse, was Mr. Ferenczy there? A Yes, he used to be in the kitchen, and when Erzsi did not go, then he came to help Mrs. Ferenczy push her into the room.

Q Now, did you ever hear Mr. Ferenczy say where the customers of this place came from, yes or no?

MR. LUSTIG: I object to the question, not binding on the defendants.

THE COURT: Well, it will relate to what the male defendant, Albert Ferenczy, said. It will relate to him only. That is permissible. Answer the question.

Q Just yes or no. A Yes.

Q State what Mr. Ferenczy said about the customers who came to this place? A He said always those are the dear customers, dear men.

Q Well, what else did he say? A He further said that they paid good.

Q What else did he say? A I can't remember everything that he said.

Q Well, did he say anything as to where these men came from? A We said from the Hotel McAlpin and from the

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Abaz zia.

Q What is the Abazzia? A He always said it is a coffee house.

Q Where? A I don't know where the Abazzia is.

Q Now, where did Mr. Ferenczy work? A In the McAlpin.

Q Do you remember leaving the Ferenczys a week and a half after you had been there, yes or no? A Yes.

Q And did you and Elizabeth go down to 15 St. Marks Place? A Yes.

Q On the same day that you arrived, that you and Elizabeth arrived at St. Marks Place, did you see Mr. Ferenczy? A Yes, he called for us.

Q About what time was it when Mr. Ferenczy called for you? A About half past four, because he leaves his business place at 4 o'clock.

Q Now, what did he say to you and Elizabeth? A He said we shall go back up to his house or else he will have us arrested.

Q What else did he say? A We further said that his wife will give us money, but we didn't go for the money, we wanted our clothes.

Q Well, did he say anything else at that time? Just yes or no. A I can't remember.

Q Do you remember whether he said anything about the clothes belonging to Elizabeth and yourself? A Yes.

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Q What did he say about the clothes? A He said we can't get the clothes because we have to stay with them.

Q What is that? A We can't get the clothes because we have to stay with them.

MR. Du VIVIER: I ask to strike that out, your Honor, as not responsive.

THE COURT: Strike it out.

Q What did Mr. Ferenczy say to you and Elizabeth about getting the clothes? A He said something but I have forgotten it.

Q Now, can't you remember what he said to you, if anything, about the clothes? A It slipped my mind, I can't remember.

Q Well, did he say to you that Elizabeth and you could get your clothes back if you came back to the 79th Street house? A He said we will get back our clothes, as I stated before. I said that he told me that we will get back our clothes when we go up.

THE COURT: This evidence will be considered by you, gentlemen, as to the defendant making the declaration, and only as to the defendant making the declaration, the male defendant.

MR. Du VIVIER: Yes, sir, thank you.

MR. LUSTIG: If your Honor please, I would like to interrupt just a moment. I would like to ask the interpreter to make interpretations as clearly as possible, as

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I understand he is using different phraseology in putting the District Attorney's questions to the girl.

THE INTERPRETER: I use the best I can that the girl shall understand every question thoroughly.

Q Did Mr. Ferenczy say anything to you -- question withdrawn.

Q Did Mr. Ferenczy say anything to Elizabeth or to you about changing the kind of life that you had been living, at that time?

THE COURT: To this witness?

MR. Du VIVIER: No, one moment.

Q Did Mr. Ferenczy say anything to Elizabeth about changing the manner or mode of life that she had been living, yes or no? A Yes.

Q What did he say about that? A He will kill her.

MR. LUSTIG: I move to strike that out.

MR. Du VIVIER: That is consented to.

THE COURT: Motion granted.

Q What did Mr. Ferenczy say to Elizabeth as to whether she would have an opportunity of leading a better life, did he say anything on that subject? A He said to her she shall stay there and he will give her a job in the laundry business.

Q Now, after you and Elizabeth had gone back to the Ferenczy apartment on 79th Street, with Mr. Ferenczy, did you see Mrs. Ferenczy? A Yes.

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Q And what did Mrs. Ferenczy say to Elizabeth when you arrived? A When we arrived he rang the bell and came up and she said to us "You came back, you stinking whores?" and then she slapped Erzsi in the face.

Q And after that did you and Elizabeth live with the Ferenczys for another week and a half? A Yes.

Q And during that period of a week and a half did Elizabeth live the same kind of life that she had led during the previous week and a half that she had been with the Ferenczys? A Yes.

Q One of the jurors wants me to ask you whether you were aware of the fact that Elizabeth had had intercourse with Mr. Ferenczy?

THE COURT: Well, now.

MR. DuVIVIER: Your Honor excludes that question?

THE COURT: I will exclude that question. That was brought out by the defence. Now, neither you nor the District Attorney would have a right to inquire. The defendant may ask that.

THE SECOND JUROR: Did she and Elizabeth ever call on the Ferenczys before they came to live with them?

Q Did you and Elizabeth ever call on the Ferenczys at their apartment in 79th Street before you went to live with them? A We were there twice.

THE SECOND JUROR: Did she see any girls at the time

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she called?

Q Did you see any girls there at the time that you called? A We did not.

THE SECOND JUROR: Did she see any girls there the first four days she was there?

Q Did you see any girls there during the first four days that you were there with the Ferenczys? A No.

Q That is all.

CROSS EXAMINATION BY MR. LUSTIG:

Q Did you buy this dress at the Home, at the Florence Crittenton Home in your stay there? A No, I bought this when I went to the shop to work with my cousin.

Q You have very expensive clothes, have you not? A It was stolen from me, I have none.

Q You have a hat that cost \$12, is that right? A Yes.

Q Have you any other expensive clothes besides that?

A I have not.

Q You have a pony skin coat too, haven't you? A I have not.

Q Worth about \$65? A I have not.

Q Did you ever pay \$65 for a pony skin coat? A No, I didn't even have \$65.

Q You speak English, do you not? A How shall I speak?

Q You understand English, do you not? A Some words.

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Q Did any other man have sexual intercourse with you in your town in Hungary besides the man who gave you your child?

A No, I didn't have with anyone.

Q You were forced to leave that city, were you not?

A I was not.

Q When you arrived here in this country did you have a job? A I was without work three days and then I went to this job.

Q What kind of job was it? A Wire job.

Q Your friend Erzsi Nemeth said she started to work there last winter, is that true?

MR. Du VIVIER: Work where? One minute, I object unless some time is fixed, or some designation.

THE COURT: The witness cannot be asked to characterize the testimony of another, under the decision of the People against Buckley, 91 Appellate Division. Objection sustained.

Q Do you know the time Erzsi went to work at this wire shop? A I can't remember exactly the time. It was after Christmas.

Q Do you remember how long she worked there from Christmas on? A I can't remember exactly.

Q Was it one month after Christmas? A I don't know.

Q Well, was it two months after that? A I don't know, I don't remember.

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Q You worked in the wire shop after Christmas, did you not? A Yes.

Q Where is this wire shop?

MR. DuVIVIER: Now, your Honor, I should think we have had enough about the wire shop? We have had all this yesterday.

THE COURT: Well, he is entitled to question this witness.

A I don't know where it is.

Q You don't know the name of the shop, do you? A I do not.

Q How long did you work after Christmas in this wire shop?

A Until I got married.

Q When did you get married? A I can't tell exactly.

Q Was it in February that you got married? A I don't know, I can't read and write, so I don't know.

Q Well, up to the time you were married did your friend Ersei Nemeth work with you? A With me and with my cousin.

Q You met Ersei Nemeth at 124 East Third Street, last summer, is that right? A (No answer)

Q Do you know what she did last summer?

THE INTERPRETER: She did not answer that other question. The answer is "Yes."

Q Do you know what she did or where she worked during last summer, 1914? A No, I didn't see her up to that time.

Q Didn't you introduce her to/certain men that took her

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out to the country somewhere?

MR. Du VIVIER: I object to that as being wholly indefinite, "a certain man."

THE COURT: Objection sustained.

Q Did you know that she left for the country that summer?

A No, I don't know anything about it.

Q During the time you worked in the wire factory both of you lived where? A With my cousin Borcza.

Q Where is it located? A In Seventh Street.

Q During the time you lived at Seventh Street were there any other men boarding there besides you? A No.

Q You went out a good deal during the time you lived at 118 Seventh Street with different men? A I never went out with anyone, I didn't know anyone.

Q Why, you went out automobiling one time, did you not?

MR. Du VIVIER: I did not know that that was any crime.

A I never have been automobiling.

Q Weren't you out automobiling with Mr. Banhidy? A Never.

Q After you were married you lived at St. Marks Place, is that right? A Yes.

Q And during the day time you went out? A I didn't go out, I had work enough at home.

Q Did you ever take any men upstairs for sexual intercourse in your home in St. Marks Place? A No.

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Q You had a fight with your husband? A Yes.

Q During the time you lived in St. Marks Place were you friendly with Mr. and Mrs. Ferenczy? A Not me. Flesch was on good terms with Ferenczy.

Q You went up to Mr. and Mrs. Ferenczy's house a couple of Sundays, did you not, called there? A Yes, but I was beaten by Flesch because I didn't want to go.

Q One time you went to the theatre at Mrs. Ferenczy's house, is that right? A I never went with them to theatre.

Q How many times did Mr. Ferenczy go down to your house in St. Marks Place? A Altogether three times, at my wedding, the Sunday after the wedding, altogether three times.

Q Was your husband always home on Sunday? A The last Sunday he was home.

Q At the time Mr. Ferenczy came up, was your husband there each time he came up, on Sundays? A No.

Q Do you remember the day you went to court and got a summons out against your husband, in 57th Street court?

A I do.

Q This was on about March 28th, is that right? A I can't tell the month or the date, but it was on a Wednesday.

Q Well, you got a black eye that day, is that right?

A Before that.

Q Well, how many days before that? A Four days before that.

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Q Well, four days before? Was that the time you broke
or
up house/was it the day you went to court? A On the day when
we went to court.

Q Do you know a certain saloon keeper on Seventh Street
and First Avenue?

MR. Du VIVIER: I object to that, as to the form.

Q Do you know a saloon keeper at Seventh Street and
First Avenue? A I don't know any saloon keeper.

Q What time did you go to court the day you made the
complaint against your husband, what time in the morning?

A In the morning.

Q What time? A I don't know.

Q Well, was it in the early part of the morning or was
it near dinner time? A It was in the morning.

Q Was it very early in the morning? A Not very early.

Q Where did you go that morning, what court? A In 57th
Street.

Q Well, you must have got there at the time the court
opened, is that right? A Yes.

Q And did you make a complaint against your husband?

A No, he made a complaint against me.

Q What happened to the complaint?

MR. Du VIVIER: I object to that as immaterial.

What difference does it make?

THE COURT: Did she make complaint against her

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husband?

Q What happened to this complaint?

THE COURT: If you can prove a conviction I will allow you to.

MR. Du VIVIER: Well, I withdraw the objection. Go on.

THE COURT: This evidence is received without objection then?

MR. Du VIVIER: I make no objection.

A It was said if he forced me to suck him, or rather his penis, then I don't need to live with him.

BY MR. Du VIVIER:

Q Who said that? A The judge said it.

BY MR. LUSTIG:

Q Did the judge allow you to go home then? A Yes.

Q How long did you stay in that court that morning?

A I was there in the morning, was permitted to go home and had to go back at two o'clock in the afternoon.

Q How long did you stay there in the afternoon then?

A Until four o'clock.

Q Well, why did you stay there until four o'clock? A Court adjourned at four o'clock and we were permitted to go.

Q Did you then go home with your husband after that, after four o'clock? A No, Mr. Ferenczy was waiting for me at the corner.

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Q Did you have an appointment with him? A No, he told me that I shall go up to them, because Erzsi is there.

MR. LUSTIG: I move to strike that out.

MR. Du VIVIER: I object to striking it out.

THE COURT: Repeat the question.

(The question is repeated by the stenographer)

THE COURT: Motion denied.

Q Did you have an appointment with Mr. Ferenczy, is the question I asked you? A I did.

Q Where did you see him, on what corner, Ferenczy? A He waited for me on the corner of 57th Street.

Q Well, what avenue? A I don't know.

Q Well, is it where the car tracks are or where the elevated is?

MR. Du VIVIER: I will concede that the Domestic Relations Court is on 57th Street between Third Avenue and Lexington, on the north side of the street.

Q As soon as you came out of the court house you knew where to look for Mr. Ferenczy, is that right? A I did not. He stood there and he spoke to me.

Q He asked you what you were doing there, is that right?

A Yes.

Q And you told him all about your story, is that right?

A Yes.

Q You told him all about your trouble? A Yes.

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Q Did you tell him all about this story, about what your husband wanted you to do? A No, Because I was ashamed to tell him such a thing.

Q But you told him you would not live with your husband any more, is that right? A I did not. They were sorry about me and I told him I wanted to go to work.

BY MR. Du VIVIER:

Q Do you mean he said he was sorry, is that what you mean? A They said they were sorry about me.

BY MR. LUSTIG:

Q That he was sorry, isn't that it?

THE INTERPRETER: She says that they were sorry about me.

Q Well, Mrs. Ferenczy was not there at the corner, was she? A No.

Q At the time you left the court house it was your intention never to return to St. Marks Place any more, is that right? A I had the intention to go back because I had all my belongings there yet.

Q But you were not going to sleep there any more, were you? A I wanted to sleep there yet.

Q Why did you want to sleep there when your husband wanted you to do certain things, and you still wanted to go back to St. Marks Place?

MR. Du VIVIER: Well, she could go there without

sleeping with her husband. She was separated from her husband.

THE COURT: Well, I will allow the question.

A I could have slept there until the next morning and then I would have taken my clothes and go to my cousin's.

Q Why did you go with Mr. Ferenczy when you still wanted to go back for your clothes to St. Marks Place? A Because he called me up to them.

Q This was about four o'clock? A Yes, four or half past four.

Q Then you went up to the house at 201 East 79th Street?

A Yes.

Q You were not afraid to go up there, were you? A No, because Erzsi was there, therefore I went up.

Q You were not afraid of Mr. Ferenczy, were you? A No, he didn't tell at that time to me anything.

Q It was not necessary for him to use any threats to pull you up there, was it? A No, he only told me that Erz si is there and I went with him.

Q And you went up to 201 East 79th Street of your own free will? A I went because Erzsi was there.

Q Who was the first person you met at 201 East 79th Street? A Mrs. Ferenczy and Erzsi.

Q And they invited you in? A Yes.

Q You told your story to Mrs. Ferenczy? A Not at once,

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but later I told her.

Q She felt very sorry for you?

MR. Du VIVIER: One minute, I object, as calling for the operation of another person's mind. The evidence shows the contrary.

THE COURT: Objection sustained.

Q Mrs. Ferenczy invited you to stay there for the night, did she not? A She said I may stay there. She said "You were cheated by this rascal and you and Erzsi may stay here and may go then to work."

BY MR. Du VIVIER:

Q She said "This rascal", or "these rascals"? A "That rascal."

BY MR. LUSTIG:

Q Mrs. Ferenczy made no threat to you at that time, did she? A Not at that time.

Q And she said you could stay there and board with her that night, is that right? A Yes.

Q How much was your friend Erzsi Nemeth paying you a week down on St. Marks Place? A She didn't pay me at that time anything.

Q How long did Erzsi Nemeth stop with you at St. Marks Place? A Three weeks, during the time I was living with my husband.

Q And during that time Erzsi Nemeth went out on the

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street? A She did not.

Q During that time she stayed in your house for three weeks without leaving the house? A Never.

Q Do you mean to tell the Court and jury here that she never left your house for three weeks?

MR. Du VIVIER: Well, I object to that, your Honor, I do not think the witness understands the question. I do not know whether counsel means that she went out on the street for purpose of prostitution or whether she went out for perfectly innocent and proper purposes.

THE COURT: Your question is rather indefinite.

Q Did your friend Erzsi Nemeth leave the house at any time for anything during those three weeks? A Never.

Q Well, did you do your own cooking there in St. Marks Place?

MR. Du VIVIER: What difference does that make?

Q Did you do your own cooking in St. Marks Place?

THE COURT: How is that material, counsel?

MR. LUSTIG: I want to test the veracity of the witness.

A Yes.

MR. Du VIVIER: Well, it does not affect her veracity, doing her own cooking.

Q Did you ever send Erzsi Nemeth to buy any groceries or household goods for you? A I went myself.

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Q Did Mrs. Ferenczy say how much she was going to charge you at 79th Street? A Charge for what?

Q For board, sleeping? A She only said she will charge us, but she didn't say how much.

Q Didn't you care to ask? A We did not. The first three days she didn't say anything, and the fourth day the painful things went on.

Q The first three days you went down looking for work, is that right? A No, she never let me go, never permitted me to go.

Q During the first three days do you mean to say that Mrs. Ferenczy kept you a prisoner, during the first three days?

A She kept us there as prisoners, although we did not know that the door was locked up.

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Q Do you mean to say she took your clothes away from you during those first three days and hid them? A I was helping her with washing and cooking, and she said I should not work in my own clothes.

Q You had some pretty expensive lingerie and dresses in the St. Marks Place house, when you went to court that day, is that right?

MR. DuVIVIER: I object to the form of the question. It is neither relevant, proper nor definite.

MR. LUSTIG: I want to prove she went back the second or third day to get these clothes.

THE COURT: I will allow it.

A That was not expensive.

Q Is it not a fact that you went back to the St. Marks Place house the second or third day to get some of those clothes in St. Marks Place? A I did not. She did not permit me to go out.

Q Did you send anybody down there to get those clothes for you? A I didn't have anybody to send down.

Q Didn't you have the key of the rooms? A What rooms?

Q The rooms at St. Marks Place? A Yes.

Q Can you tell us about what time on the 4th day, the first man came up to those apartments? A I can't tell at what time, but that day they came men up there.

Q Did any men come up during the first three days?

A We didn't see anyone.

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Q Well, was it the evening of the fourth day that the men came up? A In the evening.

Q Did you know any of those men by sight? A I did not.

Q Who was the first one to get with those men, you or your friend? A Two came at once.

Q Where was it, in the St. Marks Place house? A No, at Mrs. Ferenczy's house.

Q Did you hear the bell of the apartment ring? A Yes.

Q Where were you when the bell rang? A We were driven into the kitchen.

Q Did you at any time open the door when the bell rang? A Never.

Q Did Mrs. Ferenczy slap Erzsi every day, when she refused to go with a man? A Always.

Q Did she slap Erzsi every time a man came up? A When she didn't want to go, then she always had beaten her.

Q She did not have to slap you, did she? A She had beaten me too.

Q What do you mean, she beat you, what did she do? A Slapped me in the face.

Q Did she slap you every day too, in the face? A And pushed me into the room.

Q Every day? A Always.

Q What did the men say when they saw Mrs. Ferenczy slap you in the face? A They were English, I couldn't speak to them.

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Q Didn't they try to stop Mrs. Ferenczy? A They did not see it. They only saw us when we were pushed into the bedroom.

Q When was the first time that Mrs. Ferenczy had a talk with you about you becoming a prostitute, was it the time when the man came up or was it before the man came up? A She didn't say anything before. When the man came up she simply pushed me into one room and pushed Erzsi into the other room.

Q How many men came up that fourth night? A Five or six.

Q Do you mean to say that when the men came up, without saying a word to you she would simply push you into the room with a man? A Yes.

Q Or would she send the man in first and then push you in afterwards? A She sent in the man first and then pushed us in too.

Q Weren't these rooms all in a row, connecting? A Yes.

Q And couldn't you jump or run from that room into the room that Mrs. Ferenczy pushed you in? Couldn't you run away from that room, run or jump from the room, into the other room? A No.

Q Why couldn't you? A There was a door on it and the door was locked.

Q How do you know the door was locked? A Because she closed the door when she pushed me in, and the man said, "You have to do it."

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Q I am talking about the adjoining room, on the other side? A Well, there was no other door from this room. The parlor is in the middle and on both sides are rooms.

Q Did you struggle with this man when he came into the room or object to him having intercourse with you?

MR. DuVIVIER: Do you mean only on the first night or on the other occasions?

MR. LUSTIG: The first night, the fourth night.

A I did.

Q After you struggled with him what did the man do? A I didn't struggle, but I didn't want to be with him, but he said he has paid for that and I have to do it.

Q Did the men pay you at any time during the time the men came up? A No.

Q Isn't it a fact that the very first time a man came up you willingly went with this man and had intercourse with him?

MR. DuVIVIER: I object to that. One minute. That has already been answered. She said she did not like it but the man said he had paid for it and she submitted.

THE COURT: I will not restrict counsel in his cross examination.

A No, I did not. Mrs. Ferenczy pulled me and pushed me in to him.

Q Now, this bedroom that you were in, was at one end of the apartment, is that right? A Yes.

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Q And the other bedroom was at the other end of the apartment? A Yes.

Q So you could not see when Erzsi, your friend, went into the room, could you? A I did not see it.

Q But still you said that you saw her, on your direct examination, and you could see Mrs. Ferenczy push and slap very Erzsi into the room with a man, the first time?

MR. DuVIVIER: One minute, if your Honor please, that is not the testimony. The testimony is that on certain occasions when a man came to have intercourse with the young girl she heard the door bell and then later saw Mrs. Ferenczy push the girl into the bedroom, not when this girl was having intercourse with another man.

THE COURT: Well, I will allow the question. She may answer.

A I did.

Q Well, how could you see it when your room was at one end of the apartment, your bedroom, and the other bedroom was at the other end of the apartment? A Because she called out Erzsi first from the kitchen, slapped her in the face in the kitchen yet, and I was called only afterwards.

Q Is it not a fact that during the time, the three weeks that you were up there, that you visited St. Marks Place every day? A I did not, never.

Q And isn't it a fact that you only used St. Marks Place as a house of prostitution? A I did not.

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Q And you simply went up to 79th Street to sleep every night? A I didn't go to sleep there, I was there for three weeks.

Q You were the one that suggested to Erzsi Nemeth that she would become a prostitute? A I did not. Mrs. Ferenczy did.

Q Are you afraid of Mrs. Ferenczy? Were you afraid of Mrs. Ferenczy at the time you lived in 79th Street? A I never was her friend.

Q Were you afraid of her when you lived in 79th Street? A I was not afraid of her, but I couldn't get along with her.

Q Well, when she slapped you every day, didn't you try to fight back? A No.

Q Why, you know the people living next door, living on the same floor with you in 79th Street? A I don't know anybody there.

Q You know the lady's name, don't you, Mrs. Sugar? A I don't know her, I never saw her.

Q Didn't Mrs. Sugar used to come in every day, is that right? A I never saw her.

Q Don't you know the people that lived next door in the apartment?

MR. DuVIVIER: Well, I object. She just testified she does not know.

A I never knew her.

THE COURT: She said she did not know her.

Q You want to swear here now that Mrs. Sugar never came into these apartments --

MR. DuVIVIER: I object to that.

THE COURT: She is sworn.

Q Why did you leave a week and a half after you were in 79th Street? A We went away because we were beaten always.

Q You had no trouble in getting away that week and a half afterwards, did you? A The door was locked up always and we couldn't get away. We were washing and she hung up the clothes and during that time I found the keys and we escaped.

Q What kind of keys were they? A Door keys. I can't explain what kind of keys.

Q Well, how big was the key?

MR. DuVIVIER: I object. It doesn't make any difference whether they were brass or gold.

THE COURT: Objection sustained.

Q Was there a patent lock on that door, or a door lock on that door with a key? A Regular door keys.

Q Do you mean to say there was no patent lock on that door? A Yes, there was a patent.

Q Well, didn't you know that it was not necessary to put a key in that lock, that all you had to do was to push back the latch and out you would go? A Yes.

Q Well, then you didn't have to use a key after all, did you? A There was needed a key always.

Q Well, after you opened the door with a key did you lock

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the door, did you lock Mrs. Ferenczy in? A With a key or without a key?

Q With a key? A No, we simply closed the door and we went away.

Q Well, did you try the door to see whether it was locked or not? A No, we didn't care for that. We didn't pay attention to that, we simply went away.

Q What did you do with the key after you went away?

A I put down the keys on the lounge next to the door, which stood next to the door.

Q Where did you go, what time did you leave this house?

A I don't remember.

Q Was it in the morning or in the afternoon? A I can't tell exactly, I don't remember.

Q Was it in the evening? A I don't know, I can't remember.

Q Where did you go? A Went to St. Marks Place.

Q How did you get into the St. Marks Place house? A We went in to the janitor. I had all my belongings there.

Q Well, why did you have to go to the janitor?

MR. DuVIVIER: What difference does it make how she went there, whether she walked in the door or was admitted?

MR. LUSTIG: Because she testified she had a key when she left there.

MR. DuVIVIER: No, she testified she left it on the lounge.

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MR. LUSTIG: I mean a key to the St. Marks Place house.

THE COURT: Well, I sustain the objection. Gentlemen, get down to the real issue involved here.

Q Why did you go back to, or how long did you stay in St. Marks Place after you got your clothes? A Four days, until we were arrested.

Q No, that was a week and a half after that. A week and a half after you left 79th Street.

MR. DuVIVIER: Now, I object. One minute. The testimony is, if your Honor please, that these girls went up there in the first part of April, and that they stayed there a week and a half, that they left for the first time, that they then were taken back by Mr. Ferenczy to the 79th Street place, and they left on the 21st, and were four days at St. Marks Place. Now, that is the testimony all the way through.

THE COURT: Well, I will allow the question. Objection overruled.

MR. DuVIVIER: Well, may we find out if the witness understands the question?

THE COURT: He is asking for reasons. I will allow the question.

A We were there about half an hour, perhaps half an hour and then Mr. Ferenczy came and called for us and took us away.

Q Why did you go with Mr. Ferenczy when you knew what kind of house he was leading you to? A Because we went with

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him, because we had our clothes there.

Q He promised you money, is that right? A He said that his wife will give us the money, but we went only to get our clothes.

BY THE COURT:

Q What did Mr. Ferenczy say to you -- to Erzsi on that occasion? A He said that we shall go up, we can bring our clothes home, and his wife will give us money.

BY MR. LUSTIG:

Q And you very willingly went uptown to 79th Street, upon those words? A We went up because we had to go up, we had our clothes there.

Q During the time you were there in 79th Street did Mr. Ferenczy ever speak to you? A He always -- he did at evenings, when we were eating, he always spoke to us.

Q Did you ever make a complaint to him about what kind of a life you were leading? A There was no use. He told us also when customers came up "Go ahead, you whores".

Q Then you stayed up there another week and a half, is that right, in 79th Street? A Yes.

Q And then you made your escape again? A Yes.

Q Why did you make your escape again? A We escaped because we were beaten by her.

Q Did you ever -- thereafter you went to St. Marks place, is that right? A Yes, because we had our clothes there.

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Q And did you speak to the janitor again? A I couldn't speak to the janitor. There was a Hungarian woman, I spoke to her.

Q You stayed there four days, you say, at St. Marks Place? A Four days.

Q Are you sure it was not a little longer? A No.

Q It may have been six days, am I right? A No, we were there only four days.

Q During those four days did any men come up and have intercourse with you? A No, no one on earth came to us.

Q Do you remember the day the detective came up to your house? A I remember.

Q He came up with Erzsi Nementh, didn't he? A No, the detective came in himself. Erzsi was in her room and I was with the janitor.

Q Was the door locked? A The door was locked.

Q Who opened the door? A Erzsi just opened the door to go out when the detective came in.

Q How was Erzsi dressed?

MR. DuVIVIER: I object, if your Honor please. Now, what is the difference? It is immaterial. I will concede that these girls were prostitutes by the time the officers arrested them.

THE COURT: The objection is sustained.

MR. DuVIVIER: Women cannot live in a place of that kind three weeks without being prostitutes.

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Q The District Attorney concedes that you were a prostitute?

MR. DuVIVIER: Now, I object to that question. I will concede it on the record that this girl was a prostitute, having lived in a house of assignation for three weeks. Nothing can be franker than that, if that is what you are trying to prove.

Q During the three weeks, every day you came down and did business in St. Marks Place, isn't that true?

MR. DuVIVIER: I object to that.

THE COURT: I will allow that.

A I can't understand the question. You will have to explain it.

Q You know what I mean by "business", don't you, your business?

MR. DuVIVIER: I object to that. Why don't you ask her whether she had intercourse with any men during those four days? I submit that is the form of the question.

THE COURT: I shall not restrict him on cross examination.

MR. DuVIVIER: But what is the use of asking questions that mean nothing to this witness? We have to have about five or six questions before a question can percolate into this woman's mind.

THE COURT: Now, remarks of counsel on either side will be disregarded by the jury. Repeat the question.

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(Question repeated by the stenographer).

A I have no business.

Q During the three weeks that you were up in 79th Street, you left there every morning, did you not, during the three weeks? A No, I told you before that I never left the house.

Q How many times did you have sexual intercourse in St. Marks Place?

THE COURT: When do you mean?

MR. LUSTIG: During the four days.

A Not once.

Q With whom?

THE COURT: She said "Not once".

Q This janitor was a friend of yours in St. Marks Place, wasn't he? A He was not.

Q He received part of your earnings, did he not? A I had no earnings.

Q Earnings from prostitution?

MR. DuVIVIER: Well, how could she have any earnings from prostitution when she didn't do any business?

THE COURT: She said she did not do any business.

MR. LUSTIG: Well, you admitted she was a prostitute.

MR. DuVIVIER: Well, she can be a prostitute without doing business during the four days you are questioning about here.

MR. LUSTIG: Not in New York City.

THE COURT: Now, do not engage in any colloquy. The

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jury will disregard the remarks of counsel.

A I didn't have any business.

Q Did you at any time give any of your earnings from prostitution to Mr. Banhidy? A I never gave, I didn't have any myself.

Q What was the janitor of the premises doing in your rooms at the time the detective came in? A I was not in there, I don't know.

Q Was not the janitor arrested at that time for trying to protect you? A He defended us and he was arrested.

Q He levelled a gun at the detective, didn't he, to protect you? A I didn't see a gun.

Q Do you know why this janitor protected you?

MR. DuVIVIER: One minute. I object. There is no evidence that he did protect her.

THE COURT: She said he levelled a gun, did she not?

MR. DuVIVIER: No, she said she did not see a gun.

Q Well, tell us what you mean when he defended you?

MR. DuVIVIER: I object. She has not so stated.

MR. LUSTIG: She stated very plainly that he defended her.

THE COURT: Well, the objection is sustained.

MR. LUSTIG: That is all.

RE-DIRECT EXAMINATION BY MR. DuVIVIER:

Q Now, you said that after you had been to the Domestic Relations Court, that Mr. Ferenczy said "We are rid of that ras-

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cal". Do you remember so testifying in answer to defendant's counsel? A Not that I said that. Mrs. Ferenczy said so.

Q Now, who was meant? A My husband.

Q Mr. Flesch? A Yes.

THE COURT: Well, that is merely a matter of opinion of this witness. She draws that conclusion.

MR. DuVIVIER: Well, I do not know any other way in which I could put the question to the witness, whether it would mean anybody else.

THE COURT: That will be for the jury to determine. She is stating her opinion. I will strike out the evidence.

MR. DuVIVIER: Very well, your Honor.

THE COURT: It is the operation of her mind.

Q Well, she said that immediately after you had had this trouble with your husband, is that correct, yes or no? A Yes.

Q Now, you say that Mr. Ferenczy met you just outside of the Domestic Relations Court after that hearing, is that correct? A Yes.

Q Did he say anything to you about what he was going to do with you and Elizabeth? A Yes.

Q What did he say?

MR. LUSTIG: I object to the question. It does not limit the question entirely to Elizabeth Nemeth.

THE COURT: I think you had better restrict it to her.

Q Well, what did he say as to what he was going to do for Elizabeth? A He said all the way that he will put Brzsi to work

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and me too.

MR. DuVIVIER: That is all.

RE-CROSS EXAMINATION BY MR. LUSTIG:

Q During the time that you were in this Crittenton Home, do you know whether Erzsi Nemeth wrote any letters?

MR. DuVIVIER: I object to that as not proper recross examination.

THE COURT: The objection is overruled.

A She did not write to anyone.

MR. LUSTIG: May I see those letters that have been marked for identification?

Q I ask you to look at these letters marked for identification Defendant's Exhibit C, D and E. I ask you to look at those three letters marked for identification. A That is not Erzsi's handwriting.

Q Do you know who dictated those letters?

MR. DuVIVIER: I object, there is no evidence that they were dictated.

THE COURT: I will allow it.

MR. DuVIVIER: But there is no evidence to that effect. If the question was whether they were dictated, I would not object.

THE COURT: But, Mr. DuVivier, it is cross examination.

MR. DuVIVIER: I know, your Honor, but even on cross examination some things are excluded. We do not drag in the kitchen stove.

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THE COURT: He may ask who dictated them.

A No one, those are not Erzsi's handwriting.

Q Do you know the contents of these letters? A I do not.

Q Why they told you last night about these letters, upstairs in the District Attorney's office, am I right? A No.

Q Why, didn't your friend Erzsi Nemeth tell you about these letters last night, after you left the Court? A No.

Q You spoke not a word?

MR. DuVIVIER: One minute.

A No.

Q You spoke not a word about these letters last night?

A No.

Q And when you came here to testify this morning your mind was entirely free about these letters? A It was free. My mind was free of these letters.

Q Do you know whether Mr. Banhidy wanted \$500 from Mr.--

MR. DuVIVIER: Now, this is a reopening of the entire cross examination. I do not want to interrupt counsel but there must be an end to it.

MR. LUSTIG: This is about the letters.

MR. DuVIVIER: I did not in any way refer to the letters on my re-direct.

THE COURT: But, as I recall, defendant's counsel at no time referred to any \$500 during the course of his cross examination.

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MR. DuVIVIER: Why, they went into that. He asked her whether this girl had ever paid any money from prostitution to Banhidy.

THE COURT: This is another question. I will allow this question.

Q Do you know whether Mr. Banhidy wanted \$500 from Mr. Ferenczy to drop this case?

MR. DuVIVIER: I object. What difference does it make? I do not care what Banhidy wanted. It is immaterial.

THE COURT: I will allow it. Objection overruled. It bears on the question of credibility of the witness.

MR. DuVIVIER: Whose credibility, your Honor?

MR. LUSTIG: Of this witness.

MR. DuVIVIER: Well, how can what Banhidy did or what he said in any way affect the credibility of this witness?

THE COURT: Not this witness, no. Banhidy has not been called? I will sustain the objection.

Q Well, do you know whether Banhidy at any time wanted \$500 from the defendants?

MR. DuVIVIER: I object to that.

THE COURT: That I will allow.

A I don't know.

Q And you were to receive \$100 from this five hundred?

A I don't know anything.

Q And Erzsi Nemeth was to get the other \$100? A No.

Q And Mr. Banhidy was to retain the other \$300 for him-

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self?

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MR. DuVIVIER: I object to that, your Honor.

THE COURT: You have gone over that.

MR. DuVIVIER: This is all gratuitous testimony on the part of the learned counsel. He is not under oath.

MR. LUSTIG: At this time I would like to have these three letters marked in evidence.

THE COURT: You have heard my ruling made this morning? I said the letters will be admitted in evidence and compared by the jury, and if the jury find that the writer of the standard wrote the disputed writing, they will consider those letters; otherwise not.

MR. LUSTIG: Well, that is all.

BY MR. DuVIVIER:

Q Do you know in whose handwriting these letters are? Take your time and look at them? A It resembles Mrs. Ferenczy's handwriting.

MR. DuVIVIER: That is all.

BY MR. LUSTIG:

Q Why, you cannot read or write English, can you? A No, I don't know even Hungarian.

Q Or Hungarian? Well, how can you tell the difference between Mrs. Ferenczy's handwriting or your friend Erzsi's handwriting? A I saw very often her handwriting.

Q Did not Erzsi Nemeth tell you to say that last night, in the Home? A She did not.

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Q Didn't the District Attorney speak to you about these letters last night in his examination? A He did not.

Q You were upstairs in his office last night, weren't you?

MR. DUVIVIER: I concede that, I talk to all my witnesses before I put them on the stand, whenever I get the chance.

MR. LUSTIG: That is all.

The Court then admonished the jury in accordance with Section 415 of the Code of Criminal Procedure, and took a recess until 2:05 o'clock P.M.

After Recess.

TRIAL RESUMED.

S O L O M O N D O N A T H, called and duly sworn as a witness on behalf of the People, testified as follows:

(Residence, 1600 Third Avenue).

DIRECT EXAMINATION BY MR. DUVIVIER:

Q Now, will you talk as loud as you can, Mr. Donath, so that we can all hear you? A Yes, sir.

Q Thank you. How old are you? A I am 32.

Q Where were you born? A Hungary, Budapest.

Q How long have you been in this country? A 13 years.

Q Are you married or unmarried? A Single.

Q What is your business? —A I am a printer, a working foreman.

Q What is that? A Compositor.

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Q For whom do you work? A The Terminal Printing Company.

Q For how long a time have you worked for the Terminal Printing Company? A The fourth year.

Q The fourth year? A Yes, sir.

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

Q When did you first meet her? A I met her two and a half or three years ago.

Q Where was she living at that time? A On Eighth Avenue, in the neighborhood of 90th Street.

Q Under what name did you know her at that time? A I am not positive, but Flesch.

Q Mrs. Flesch? A Yes.

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

THE COURT: How is this evidence material?

MR. DuVIVIER: I want to show who this witness is, and just what the relationship is of this man to the defendants, if the Court Please.

THE COURT: There are occasions when it is permissible to show that a person is known by another name.

MR. DuVIVIER: Your Honor will remember the testimony to the effect that these defendants, especially Mrs. Ferenczy, introduced the husband to the second witness, and was responsible for the marriage.

THE COURT: Under the Coleman case, for purposes of

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identification, it is permissible.

Objection overruled. Exception.

Q Now, did you visit the defendant Mrs. Ferenczy at that time? A Yes, sir.

Q And what kind of house was that?

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

THE COURT: I think that is too remote. Objection sustained.

MR. DuVIVIER: Well, I withdraw that question.

Q Now, at that place did you have intercourse with Mrs. Ferenczy? A Yes, sir.

THE COURT: Wait a minute, now.

MR. LUSTIG: I object to that, your Honor.

THE COURT: I sustain the objection. It is not admissible.

MR. DuVIVIER: I think it is competent, your Honor, to show under what circumstances he was finally led to go to the 79th Street place.

THE COURT: No, I sustain the objection and the answer will be stricken out. The jury are instructed to disregard the same.

Q Now, ~~at~~ at that place on 90th Street and Eighth Avenue, did you see this other defendant, Mr. Ferenczy? A Yes, sir, I saw him.

MR. LUSTIG: I move it be stricken out.

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Motion denied. Exception.

Q Now, where was the next place that you visited, or you saw the defendant Mrs. Ferenczy? A In 78th Street.

Q Near what avenue? A It is between First Avenue and Avenue A.

Q What kind of building is that? A This is a tenement house. They call it the Vanderbilt houses.

Q One of these modern tenement houses? A Yes, sir.

Q Now, under what name did you know Mrs. Ferenczy at that time? A Mrs. Gold.

Q Now, what was the next place that you saw Mrs. Ferenczy? A 79th Street.

Q At 201 East 79th Street? A Yes, sir.

Q And when you saw her at 201 East 79th Street, what name did she go by then? A Mrs. Ferenczy.

Q Now, do not answer this question until the Court has ruled: Did you have intercourse with Mrs. Ferenczy at 201 East 79th Street?

MR. LUSTIG: I object to that question.

THE COURT: Objection sustained.

MR. DuVIVIER: All right, your Honor, I withdraw the question.

Q Now, do you remember Mrs. ~~Mr~~ Ferenczy speaking to you about a masquerade ball that was going to be held at Sulzer's Harlem Casino? A Yes, sir.

MR. LUSTIG: I object to the question. There is no date

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or time.

Q About when was that? A I couldn't tell you exactly the time, but that was the Brewers' union masquerade ball, the Brewers Union No. 1.

Q To be held at Sulzer's Harlem Casino? A Yes, sir.

Q 127th Street and Second Avenue? A Yes, sir.

Q Do you remember whether it was in the latter part of March or the first part of April? A No, it was, I guess, in March.

Q Now, will you state the conversation that you had with Mrs. Ferenczy at that time? A She told me that she is going to be up at that masquerade ball with a certain girl, and she told me in case I want to go up she is going to give me a ticket and she did, but in the meantime I changed my mind.

Q Well, one minute. Now, did she say anything else about the girl that she referred to? A She told me, yes, in case I wanted to get introduced to her she is a very nice girl.

Q Well, did she say anything else that you can remember, yes or no? Do you understand, Mr. Donath? A Yes, sir, I did.

Q Now, can you remember anything else that she said at that time? A, I guess she told me that she knows the girl.

MR. LUSTIG: I object, your Honor "I guess", and move to strike it out.

THE COURT: Strike out "I guess".

BY THE COURT:

Q State what you recollect? A Yes, sir.

BY MR. DuVIVIER:

Q State what you remember, give us your best recollection? Do you remember anything else, at this time, do you remember anything else? A I know she gave me the ticket and she told me in case I want to meet her I should come up to that ball, and she is going to have that girl in her house.

MR. LUSTIG: I move to strike that out, the last part of it, as unintelligible.

MR. DuVIVIER: It is very intelligible to me.

THE COURT: What girl?

MR. DuVIVIER: Well, this is simply preliminary, your Honor. I am going to connect it up with the girl in this case.

THE COURT: With the girl named in the indictment?

MR. DuVIVIER: Yes, sir, I have to lay a foundation.

Q Now, have you stated everything that was said? A Yes.

Q Now, did she say anything to you as to why she wanted you to meet her? A No, she didn't tell me anything.

MR. LUSTIG: I still object, if your Honor please, with reference to the girl, no name of the girl being given.

MR. DuVIVIER: Well, I will straighten that out. Don't worry about that. You just be patient.

MR. LUSTIG: Well, I object to the form of the question.

THE COURT: Objection overruled, Subject to the District Attorney's promise to connect the testimony I will allow it.

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Q Do you remember whether she said anything to you as to whether that girl was a good girl or a prostitute? A She told me I can get her.

MR. LUSTIG: I object and move to strike it out.

THE COURT: Repeat the answer.

(Answer repeated by the stenographer).

THE COURT: Motion denied.

Q Get what? A The girl.

Q Did she say for what purpose? A Yes.

Q For what purpose did she say you would get the girl?

A That I can stay with her.

Q And have intercourse with her? A Yes.

Q Now, you say you tore up the ticket and you didn't go to the ball, is that right? A Yes, sir.

Q Now, about a week or ten days after that do you remember going to 201 East 79th Street? A Yes, sir.

Q Did you see Mrs. Ferenczy? A Yes, sir.

Q Did she then introduce you to a girl? A Yes. The girl was in a different room and I was sitting in the parlor, and I was talking to Mrs. Ferenczy, and then she went in a different room and got out the girl.

Q Now, is this the girl she introduced you to (indicating)? A Yes, sir.

(Indicating the complaining witness, Lizzie Nemeth).

Q Now, at that time what did Mrs. Ferenczy say? A She told me if I want to pay her two dollars I can stay with her.

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Q And have intercourse with her? A Yes.

Q Did she say anything else? A No, she started to dance around with her in the room and all of a sudden she pushed her in my lap.

Q Now, what did she say about this girl being the girl that she was going to introduce to you at the ball? A I asked her "Is this the girl you want to show me on the ball", and she said, "Yes".

Q Now, did you have intercourse with that girl? A Yes.

Q And did you, after you had had intercourse with this girl, or whom did you pay your money to? A To Mrs. Ferenczy.

Q Now, after that did you go back to 201 East 79th Street, from time to time? A Yes, about the week coming after that.

Q And how many times did you have intercourse with that girl altogether? A Five or six times.

Q And on those occasions whom did you pay your money to?
A Mrs. Ferenczy.

Q Now, at any time, were you shown any slips of paper similar to these pieces of paper, People's Exhibit 1 for identification, little pieces of paper like that? A Yes.

Q And what was said about those yellow slips of paper? A She gave me the yellow slip, and she told me in case I want to send somebody up I should give to him, and she is going to leave him in.

BY THE COURT:

Q Who said that? A Mrs. Ferenczy, your Honor.

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CROSS EXAMINATION BY MR. LUSTIG:

Q At what age did you arrive in this country? A I was 19 years old, 18 or 19.

Q Were you convicted of any crime in the old country?

A Never.

Q Were you convicted of crime in this country? A Never.

Q How long have you been a printer? A I am a printer, with my learning type, the last 19 years.

Q You had some other trade at night? A At night time?

Q Yes. A I didn't do anything.

Q Didn't you go to dancing school? A No, sir.

Q Weren't you a dancing master at one time? A I was.

Q When? A About three or four years ago.

Q Three or four years ago? A Yes.

Q How long were you in that business? A For about a month.

Q When were you in that business, in the night or day time? A In the night time.

Q And not in the day time? A No, sir.

Q During that time did you get married? A No.

Q How did you meet Mrs. Ferenczy at Eighth Avenue and 90th Street? A I was showed there by some fellows.

Q And did you find Mr. Ferenczy there too? A I found him once there, yes, sir.

Q Did you know who he was? A I knew him from seeing, because he used to work on Second Avenue in a barber shop, and

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that time I asked Mrs. Ferenczy who is that man and she told me "That is my husband", and since that time I never saw him.

Q Do you know, or are you on friendly terms with them?

A With who?

Q Are you on friendly terms with the Ferenczys? A On friendly terms?

Q Yes, are you on friendly terms with them? A Well, I have been up, I know them long enough for that.

Q Are you an enemy, do you consider yourself an enemy to the Ferenczys? A No, they never done anything to me.

Q Can you state exactly around what time this masquerade ball took place? A Well, I couldn't tell you. I can't recollect, I can't remember the time exactly.

Q This only happened three months ago? A Well, it is about three or four months ago, something like that.

Q Was it three or four months ago? A But I don't remember the date.

Q Was it February or January? A I don't know, I couldn't tell you. Unless I know something sure I wouldn't say it. I would rather say no.

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Q Did you call at 201 East 74th street before you met this girl Erzsi Nemeth? A Yes.

Q Do you know this Erzsi Nemeth? A I know her from there.

Q Did you ever meet her before that time? A Never.

Q Did you ever receive any letters from her? A Yes.

Q When? A About a week later when she left Mrs. Perency.

Q When was that? A About five or six weeks ago, I am sure.

Q Well, do you remember where that letter came from, do you remember where that letter came from? A From where?

Q Yes. A From St. Marks Place.

Q Well, do you know the contents of that letter? A I should come --

MR. Du VIVIER: One minute. I object.

BY THE COURT:

Q Have you the letter? A No, sir, I haven't got it.

Q What did you do with it? A I threw it away.

BY MR. LUSTIG:

Q Do you still remember the contents of that letter, what was inside the letter? A She told me --

MR. Du VIVIER: One minute, I object.

THE COURT: I will allow it.

MR. Du VIVIER: Upon what theory, your Honor?

THE COURT: The witness states he destroyed the let-

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letter. He may offer secondary evidence.

MR. Du VIVIER: Well, all right.

THE COURT: According to the People against Dolan.

A She writes me that letter that I should come down, she would like to see me very much.

BY MR. LUSTIG:

Q In St. Marks Place? A Yes, sir.

Q That was a week after she left 79th Street? A Yes, sir

Q How do you know that was a week after she left 79th Street? A Because I was up there and she told me she is going to leave the next week.

Q Why did she tell you she was going to leave the next week?

MR. Du VIVIER: One minute. I object to calling for the operation of another person's mind.

THE COURT: How can he tell that? Objection sustained.

Q You say, what were the contents of that letter again?

MR. Du VIVIER: I object as already answered.

Q Did she ask you to call at St. Marks Place, is that right? A Yes, sir.

Q And you called at St. Marks Place? A Yes.

Q And who was in the rooms? A She was in a different room by the janitor.

Q Downstairs? A On the stoop.

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Q On the stoop, and where did Mrs. Flesch have her apartments? A Who?

Q Where did this "Magda Papp" have her apartments, Mrs. Flesch?

MR. DU VIVIER: Which Mrs. Flesch do you mean now?

There are two now in the record.

A Well, I don't know the name.

Q Magda Papp or Flesch her name is? A I don't know her name by Papp.

Q Well, she asked you to call at St. Marks Place.

MR. DU VIVIER: I object. We have had that three times.

THE COURT: He so testified.

Q Did you know where to go when you came to St. Marks Place? A What is that?

Q Did you know what room to go to, what floor? A No, when I came up the stoop she was standing right in the window and as soon as she saw me she came out.

Q Was that the first time you ever came to the St. Marks Place house? A I was only once there.

Q Did you go into the janitor's rooms? A Yes, sir, she called me in.

Q Did you speak to her? A Yes.

Q What did she have to say to you? A Nothing, she was glad that I came down.

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Q Well, what did you do, did you have connection with her, did you have intercourse with her? A Over there?

Q Yes. A Yes.

Q Where? A Then she led me in a different room in the back.

Q Do you mean to say in the janitor's apartments? A No, a different room where they were living.

Q Who was living there? A The two girls.

Q How many rooms did they have? A One.

Q One room? A Yes, sir.

Q You had connection with this Grzesi Nemeth, is that correct?

MR. Du VIVIER: I object. He just testified to that.

THE COURT: He has said so.

Q Did you pay her anything at that time? A Yes, sir.

Q How much did you pay her? A One dollar.

Q And did she tell you why she left the 79th Street house?

MR. Du VIVIER: One minute. I object.

THE COURT: I will allow it.

A She didn't tell me anything. Just she told me that she didn't like the place, that they were always quarreling, they was always fighting and that's why she left the place.

Q Well, did she tell you that she was kept there by force of arms? A No, sir.

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Q At the time you went up to the 79th Street house did she complain to you that she was kept there by force? A No, sir.

Q Did she ever go downstairs with you in the street, accompany you on a walk or to the theatre? A No, sir.

Q Never went out with her? A I called her once but she didn't want to go.

Q Why? A I don't know.

Q At any time did she tell you -- at any time that you were up there did you go into a room with this Erzsi Nemeth? A Yes, sir.

Q In what room, what kind of room? A Well, they had two different rooms, once in this and next time in the other one.

Q Well, were you directed to the room? A Yes, sir.

Q Or did you go yourself? A No.

Q You were directed by whom? A By Mrs. Ferenczy.

Q Was Mr. Ferenczy there at that time? A I didn't see him.

Q At any time was Mr. Ferenczy there when you came there?

A I didn't see him.

Q Did you pay Erzsi Nemeth anything when you were in the room? A No, whenever I went Mrs. Ferenczy opened the door and she asked for the money.

Q At any time did Mrs. Ferenczy have to slap the girl?

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MR. Du VIVIER: One minute, while he was there?

Q While you were there, of course, not while you were not there? A I didn't see it.

Q At any time did she shove the girl into the room with you? A Yes.

Q What do you mean by shoving the girl?

MR. Du VIVIER: One minute, I object to that.

Q Explain that.

THE COURT: I will allow it.

Q Explain what you mean by shoving? A We were standing, we were sitting in the next room and then she would get hold of both of us and said "Get in, get in, get in."

Q Well, that does not mean to say --

MR. Du VIVIER: One minute, I object to the form of the question.

Q Your explanation of the word "shove" does not mean to say that it is used by Mrs. Terency in anger or by force?

MR. Du VIVIER: I object to the form of the question.

THE COURT: Well, I will allow it. Objection overruled.

A I couldn't say that.

Q In other words, Mrs. Terency -- in other words, did Miss Erzsi Nemeth go willingly with you into the room?

A Yes, sir.

Q She never was forced by Mrs. Ferenczy? A I can't say that.

Q Well, what do you mean, you were there? A Well, I can't say, I never seen it, that Mrs. Ferenczy would force her.

Q But each time Mrs. Ferenczy never forced her, you are sure about that?

MR. Du VIVER: I object to it.

THE COURT: I will allow it. Objection overruled.

Q (Question repeated by the stenographer) A Yes.

Q She never forced her? A She never forced her as far as I saw.

Q Did you see the other girl up there? A Yes, sir.

Q Did the other girl make a complaint to you at any time that she was kept there by force? A She never complained to me.

Q At what time did you go up to these rooms? A Well, most of the times? Sundays about eight or nine o'clock.

Q You ~~was~~ always went up there on Sunday? A Not exactly.

Q Well, what day did you go up there on? A Well, sometimes on week days. I couldn't tell you exactly the days.

Q Have you been promised any reward for testifying here, this afternoon? A No, sir.

Q That's all.

REDIRECT EXAMINATION BY MR. Du VIVIER:

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Q And on the different occasions that you went up to this 79th Street house, you would be only there a few minutes, wouldn't you? A Yes.

Q You would go up there and have intercourse with the girl and then get out, is that right? A Yes.

Q pay your money and get out? A Yes.

Q Thank you very much, that is all.

LEOPOLD SMODISH, called and duly sworn as a witness on behalf of the People, testified as follows:

Residence 201 East 79th Street.

DIRECT EXAMINATION BY MR. Du VIVIER:

Q Mr. Smodish, how old are you? A 34 years.

Q Where do you live? A 201 East 79th Street.

Q What kind of building is that? A This is a six story high tenement house.

Q Are you janitor of that place? A Since August 1st, 1913.

Q Now, do you know the defendants, Mr. and Mrs. Ferenczy?
A Yes, sir, I do.

Q Did they occupy an apartment at 201 East 79th Street in the month of April of this year? A Yes, sir.

Q What apartment did they occupy? A They occupied an apartment, number 16 on the fourth floor.

Q On the fourth floor? A Yes, sir.

Q Is that an apartment with two bedrooms, a sitting

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room, a dining room, a kitchen and a bath room? A Yes, sir.

Q Now, did Mrs. Ferenczy ever give you any money? A Yes, she did give me for some little favors.

Q What favors did you do for Mrs. Ferenczy in consideration of the payment of this money? A Receiving her mail and going to the tailor and doing some repairing what should be done quick.

Q And anything else? A And anything else.

Q I say, anything else? A Receiving some parcels sometimes when she was out.

Q Anything else? A Nothing else.

Q Did she also paying you any money for keeping the stoop clear? A I don't know that if she meant that.

Q Please just pay attention. If you don't understand the question say so, then it will be my fault, you see?

A Yes.

Q Now, did she pay you any money for keeping the stoop clear of children and women, on the street?

MR. LUSTIF: I object to that.

THE COURT: Objection sustained.

Q Did she pay you any money for any other purpose that you can remember? A No, I don't remember that.

Q Now, do you remember any talk or conversation that you had with Mrs. Ferenczy about baby carriages and women being on the stoop?

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MR. LUSTIG: I object to that.

Objection overruled. Exception.

A I don't remember that.

Q Well, will you please put your mind to it and see whether you can remember it? Do you remember any talk or conversation, do you know what conversation is? A Yes.

Q Now, do you remember any talk or conversation that you had with Mrs. Ferenczy about keeping the stoop clear of baby carriages and women? A Oh, that's why.

Q You had, had you? A Yes.

Q Now, tell us what that was, will you? A Yes.

Q Go on, tell us what it was? A Well, she told me to keep the stoop clear, that's all she told me.

Q And she paid you for doing that, did she? A Yes.

Q Along with the other things, is that correct? A Yes, with the other things.

MR. DU VIVIER: Will you please bring in those two girls?

Q During the month of April did you see these two girls in the apartment of the Ferenczys? (Indicating) A Yes, sir, I saw them looking out the window. (Indicating the former witnesses Lizzie Hemeth and Magda Papp.)

Q What is that? A I saw them looking out the window.

Q Did you ever see them on the street? A No, I did not.

Q Did you ever see them on the staircase of this tenement

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house? A No, I did not.

Q You simply saw them in the apartment? A In the apartment.

CROSS EXAMINATION BY MR. LUSTIG:

Q Do you mean to say that you saw them in the apartment, was it because you were on the floor, on the fourth floor when you saw them through the hallway? A No.

Q You saw them in the hallway? A No, I did not.

Q Did you ever see them come down the stairs? A No, I did not.

Q Well, how did you see them? A I seen them looking out the window, from the street, from the sidewalk.

Q Well, what do you mean, both of them looking out the window? A Yes, once one and sometimes both of them.

Q Were they dressed? A Yes, certainly.

Q How were they dressed? A Well, they were dressed plain, like a woman is in the house.

Q Did they motion to you or call to you at any time?

A No, never.

MR. Du VIVIER: He is a married man.

Q They did not appear to you as though they were trying to get out of that room?

MR. Du VIVIER: I object to that. How can he tell that?

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THE COURT: Objection sustained.

Q How were their faces, was there a look of terror on their faces or did their faces appear to be calm and quiet?

A To be quiet.

MR. Du VIVIER: How can he tell?

MR. LUSTIG: Well, you are not testifying.

BY MR. Du VIVIER:

Q Have I got a look of terror on my face? A No.

BY MR. LUSTIG:

Q Do you know where Mrs. Sugar lived, the lady who lived right along side of the apartment of the Ferenczys? A Yes, I do, I know all my tenants.

Q And how long do you know this lady? A Since I am in the house, since August 1st of last year.

Q At any time did Mrs. Sugar make a complaint to you that any men were coming up to the house? A Never, Mrs. Sugar, nobody.

Q And you spoke to Mrs. Sugar quite often, you met her quite often? A Yes, sure.

Q Did any other tenants in the house make complaint that men were coming up to these rooms? A Nobody.

Q Did the police make any complaint to you? A Policeman didn't make any complaint. The policeman wants to know some information.

Q When? A Oh, I don't remember. That must have been

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in March, something like that, I don't remember that, the date.

Q Well, policemen came around and what, he asked for who?

A Well, he asked for disorderly women in the house.

Q He wanted to know if there were disorderly women in the house? A Yes.

Q You told him no? A I didn't know it.

Q You said you didn't know there were any women in the house? A No.

REDIRECT EXAMINATION BY MR. Du VIVIER:

Q In other words, you were simply a discreet janitor?

A Well, I have to be.

Q Do you know what the word "discreet" is? A Yes.

Q Then you were simply a discreet janitor, is that right?

MR. LUSTIG: I object to that.

THE COURT: Objection sustained.

BY THE SECOND JUROR:

Q Did you know there were any disorderly women there?

A I did not.

THE FOREMAN: Is he still janitor in that building?

BY MR. Du VIVIER:

Q Are you still janitor of that place? A Yes, sir.

BY THE FOREMAN:

Q They are living there, too? A They are not living there now.

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BY MR. LUSTIG:

Q Did Mrs. Ferenczy ever call you up to the rooms?

A Well, yes, when she wanted something done I went up.

Q But she never called you up to have sexual intercourse with her? A No.

Q And she never called you up to have sexual intercourse the with girls? A No, sir.

BY MR. Du VIVIER:

Q And you were living in the same place with your wife, weren't you? A Yes.

Q And have you any children? A Yes, one child.

FRANK C. LEMMON, (First Inspection District)

called and duly sworn as a witness on behalf of the People, testified as follows:

DIRECT EXAMINATION BY MR. Du VIVIER:

Q Are you a member of the Police Department of this city? A I am.

Q How long have you been a police officer? A Going on thirteen years.

Q Did you arrest the defendant, Mr. Ferenczy? A I did.

Q Where did you arrest him, Officer? A In the barber shop of the Hotel McAlpin, 33rd Street and Broadway.

Q At the time you arrested the defendant, did you have anybody with you? A I did.

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Q Whom did you had? A I had a woman, one of the complainants in this case.

Q Which one, the older or younger? A The older one, the stout one.

A Magda? And before you went in -- did you have a conversation with the defendant Ferenczy, yes or no? A Yes.

Q Before you had any conversation with the defendant Ferenczy, did you say anything to him? A I did.

Q What did you say to him? A I told him that he was arrested on complaint of this woman, and he started to question me and I says "You need not" -- He started to make an explanation and -- says "You need not talk to me now, for anything you say may be used against you." I told him that as he was changing his clothing from his white duck suit to his street clothing in the clothing room of the McAlpin Hotel. We then walked from the McAlpin Hotel to the West 30th Street station house.

Q Now, you say you had this older girl with you? A Yes.

Q Now, did he say anything to you at that time about knowing the girl? A He said that --

MR. LUSTIG: I object to anything he said.

THE COURT: About knowing what girl?

MR. DuVIVIER: Knowing Magda.

A He said that he knew the girl but that she had never lived up at his house at 79th Street. That was on the

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night of the night of the arrest walking from the station house.

Q Well, he said he knew the girl but she had never lived at his house, is that correct? A She had never lived at his house.

Q Is that the entire conversation, or have you stated everything that took place on the occasion of the first conversation? A Yes, on the night of the arrest.

Q Now, later you had another conversation with the defendant, did you not? A I did.

Q Where did that conversation take place, officer?

A Next morning about eight A. M. I called at the 23rd Precinct Station House, West 30th Street, and took this defendant down to Police Headquarters. On the road down to Police Headquarters --

Q Wait a minute, pardon me. Did you before you went down to Police Headquarters, did you go up to the 79th Street apartment? A After I had arrested ~~him~~ this defendant, Albert Ferenczy, lodged him in the 23rd Precinct Station House, I then went up to the home of this defendant, 201 East 79th Street.

Q To 201 East 79th Street? A Yes, sir.

Q Then whom did you see there? A The older girl, that is, Madga, she rang the bell and I followed her upstairs. The door was opened by the defendant Katherine Ferenczy.

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Q I see. A And Katherine Ferenczy entered the apartments followed by myself and officer Warshaw.

Q And was the young girl there? A No, she was not. We had left her in the Florence Crittenton Home.

Q She was not with you at that time? A She was not.

Q Now, did you have any conversation with Mrs. Ferenczy at that time? A I did.

Q State what conversation you had with Mrs. Ferenczy at that time?

MR. LUSTIG: I object to the conversation on the ground that it is incompetent, on the grounds that her rights and privileges were not explained to her at that time.

THE COURT: Objection overruled. It is not incumbent upon a police officer to advise a person as to his or her rights. They do it, but it is not essential under the law. That is well established, under the case of the People against Hill.

MR. Du VIVIER: And your honor knows the Randazzo case.

THE COURT: Yes, Randazzo case, and the Hill case, that is well settled in law. Answer the question.

Gentlemen, of course you will consider this evidence as to the woman making the declaration, if any.

A The defendant Katherine Ferenczy spoke to the girl in a

foreign tongue, and I told her to put her clothes on and dress, that the girl charged her with keeping her there in a disorderly house. She said she did not know the girl, the girl had never lived up in her apartments.

Q She said she did not know the girl at all? A That she did not know the girl, that the girl had not lived up in her apartment. I told her to put her clothes on. She did put her clothes on, and all the time there was a running fire between her and this girl in a foreign tongue.

Q Of course, you don't understand Hungarian, Officer?

A No.

BY THE COURT:

Q Well, the conversation concerning which you have testified, was that in English or Hungarian? A What conversation I had with her at the time of the arrest was in English. She speaks good English.

BY MR. Du VIVIER:

Q And did you make a search of the apartments? A I did, that is to say, the girl Madga had spoken to officer --

Q Well, one minute. Well, she had said something?

A She had said something to us.

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

Q Well, simply you had a talk with the girl? A Yes.

Motion denied. Exception.

Q Did you make a search of the premises? A She pointed to a glass bowl or a punch bowl or glass jar that was on the sideboard, she pointed up to that and she says "There is where the tickets are", or papers. Officer Warshow went there and took the bowl down off the sideboard and he took from the bowl a pad.

BY THE COURT:

Q Who did? A Officer Warshow, with yellow slips in it.

BY MR. Du VIVIER:

Q Like this? (Indicating) A I think so.

Q Well, look at it. (Indicating People's Exhibit 1 for identification) A That is the pad that Officer Warshow took from the glass bowl on the sideboard.

Q You put your initials on it, too? A I did.

MR. Du VIVIER: Now, I offer this in evidence, it was simply marked for identification.

THE COURT: It is received in evidence.

(Marked People's Exhibit 1 in evidence.)

Q Now, after that I understood you to say you took Mr. Ferenczy down to Police Headquarters? A Next morning.

Q Next morning, and on the way down to Police Headquarters do you remember another conversation that you had with Mr. Ferenczy? A I did. I met Ferenczy in the station house and we walked through 30th Street to ^{the} Sixth Avenue "L" and I told him that he was -- he asked me if I thought he was in

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much trouble, and I said "Yes, you are in a bad jam." Well, he says, "I can't see this because they are only a couple of whores." He says "They can't make any trouble for me." I said "Well, you had them up in your home, the girls claim." He says, "Yes, they were in my home", although he denied it the previous night, he said "Yes, they were in my home". Well, I says "The girls, the small girl said that you raped her" --

THE COURT: No, no, strike that out.

BY MR. Du VIVIER:

Q You cannot testify to that.

THE COURT: No, the jury will disregard it.

Q Well, did he say that he had -- A (Interrupting) He did.

Q One minute, well, go on. A In answer to my remark he says "Why, I had sexual" -- not using that word.

BY THE COURT:

Q Now, I told you, Officer, that you cannot testify to that.

MR. Du VIVIER: I think the officer is under a misapprehension as to your Honor's ruling.

BY MR. Du VIVIER:

Q Now, have you stated everything that was said at that time that you can remember, Officer, other than what the Court has excluded? A Yes, sir.

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Q Thank you very much. Now, do you remember being in the elevator of Police Headquarters with the defendants, Mrs. and Mrs. Ferenczy? A Yes.

Q Do you remember a remark that Mrs. Ferenczy made to Mr. Ferenczy? A Yes, I remember a number of remarks that she made.

Q Well now, just tell us what was said? Wait a minute, but do not state anything that the defendant Ferenczy said as to anything he had done with these girls; do you understand, because the Court has excluded that?

THE COURT: Well now, wait.

MR. Du VIVIER: This is conversation, your Honor, it is very hard to tear it apart, upon your Honor's ruling. On the other hand I feel that the entire conversation is admissible under the gullivan case, because it is so intermingled that it is awfully hard to separate the objectionable from that which is proper.

THE COURT: Well, they pointed out how that could be done.

MR. Du VIVIER: May I confer with your Honor for a minute? I do not want to trespass on your Honor's ruling.

THE COURT: Yes, certainly.

(Mr. Du Vivier consults with the Court)

BY MR. Du VIVIER:

Q Now, in the elevator of Police Headquarters, do you

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remember a remark that Mrs. Ferenczy made to Mr. Ferenczy?

A Yes.

Q And the reply that Mr. Ferenczy made to Mrs. Ferenczy?

A Yes. She said something to him about, "Now, you see what you got for mixing up with those whores". He says "That's nothing", he says, "I have got as much on you as you have got on me."

Q Who said that, Mr. Ferenczy? A Ferenczy said to Mrs. Ferenczy.

Q I see, that is all.

CROSS EXAMINATION BY MR. LUSTIG:

Q At the time you made the arrest at the McAlpin Hotel, did you introduce yourself as a detective? A Not immediately.

The girl pointed the defendant Albert Ferenczy out to me and I left the girl in the back ground while I walked across the barber shop to the first chair where this defendant was in the act of shaving himself. I told him that, to wipe his face off and come with me, that I wanted him.

Q And then you showed him your badge? A And he says "What's the matter?" I says, "I am a police officer and I want you, you have got to come with me." He says "All right". So I says, "Don't make a commotion here", I says, "but you have got to come out with me." He says "All right." So he took a towel and wiped his face off and started from there to the locker room where he had his other clothes, and he

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says "What's the trouble?" I told him, I told him that I was arresting him on this girl's complaint and he says "All right" he will go along with me, and he did go into the locker room and changed his clothes and put on his street attire.

Q Then you walked outside? A Then I walked outside.

Q And then when he saw the girl did he talk to the girl?

A No, no, he saw the girl at the time of the identification, when I explained to him who the girl was and what the girl charged him with.

Q You stated that you walked in and the girl pointed him out to you? A Yes, from the doorway.

Q And you left the girl outside? A At the door. I didn't take the girl into the barber shop with me.

Q Well, when did he see the girl, then? A At the time I brought him from the chair there, the girl was at the doorway.

Q At what time did the conversation take place? A At the time I met him and walking to the locker room, and in the locker room.

Q And is that the time he said she never lived with him? A On the way to the station house he denied the girl's statement that she had lived up in his rooms. We said she had not, and if she did stay up there why, it was unbeknown to him, that his wife must have harbored her there without his knowledge, that he had never seen her in the rooms.

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That is the statement that he made to me.

Q But as soon as they met did the defendant recognize the girl, as soon as you brought him outside, did they recognize each other? A The girl was with Officer Warshaw and myself. All of us walked to the station house.

Q And he spoke with her in Hungarian? A No, I don't say that he did.

Q Didn't speak a word to her in Hungarian? A I don't think he did. I can't recall his speaking to her on the road to the station house, because he was in my custody.

Q On your trip to the home in 79th Street, as soon as you came in there you told her you were a police officer?

A Where?

Q On your trip to the home in 79th Street, when you arrested the other defendant? A Yes, I told her I was a police officer and that she would have to put on her clothes and come with me to the station house.

Q Still, upon the fact that you told her you were a police officer, they opened their hearts, both of them to you?

MR. Du VIVIER: One moment. There is no testimony that she opened her heart or that any heart has been opened yet.

THE COURT: Objection sustained.

Q In view of the fact that you told them you were a police

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officer they told you this lengthy story? A Not until next morning. did I have any conversation with either one of them that amounted to anything.

Q Did the girl know where the pad of paper was in the glass bowl? A No, she said -- she had told us previously that the papers up there that they were in the habit of keeping them there, She stated that men would come to the house with slips of paper which acted as a card of admission to this place, and when we got in the rooms she pointed to this glass bowl on the sideboard and she says "There's where they keep the papers", or where they did keep them.

Q Which one pointed? A Madga, the heavy one. That is the only one that was up to the apartment with us, and officer Warshow went to this glass bowl and found that pad in the bowl.

Q Was anything written on the pad? A There are some papers, some numbers on the pad, yes.

Q What was the number on the pad? A I don't know, it is there. I didn't examine it. I have marked my initials on it, and the pad is in just the condition that officer Warshow took it.

Q Where is the pad? A It was marked here in evidence a minute ago.

Q Did you try to find out what those numbers were on this pad? A I did not.

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Q How many pads were in that glass bowl? A That's all the pads. There were other papers in there, but this is the only card. She said it was similar to that, slips of paper to those on that pad.

MR. LUSTIG: Well, that is all.

BY THE SECOND JUROR:

Q When the two defendants conversed together in what tongue did they converse? A In English.

Q When they talked among themselves? A In English, when we would begin their conversation they carried on a friendly conversation with us in the beginning.

Q No, I mean among themselves, when they were talking together? A Sometimes they would speak in a foreign tongue, but as a rule they spoke English.

Q Together? A Because officer Warshaw and I were talking English to them and they both answered us back.

Q No, I mean together, when they were talking together? A I couldn't say whether they spoke among themselves in Hungrain because we paid no attention to them other than the conversation held between the four of us.

Q Then the conversation in the elevator was in English? A English, yes. Whether they made any remarks between themselves or not in Hungarian I couldn't recall.

J O S E P H W A R S H O W, (First Inspection District)

called and duly sworn as a witness on behalf of the People,

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testified as follows:

DIRECT EXAMINATION BY MR. Du VIVIER:

Q You are a police officer? A Yes, sir.

Q And how long have you been connected with the Police Department of this city? A About eight years.

Q Assigned to what precinct, Officer? A I have been assigned to several precincts.

Q Well, at the present time, I mean? A At the present time, the first inspection district.

Q Thank you very much. Now, ~~at~~ were you with Officer Lemmon at the time the defendant Ferenczy was arrested? A I was.

Q And was Madga Papp, the older girl, with you at the time? A Yes.

Q Where did the arrest take place, Officer? A ~~At~~ The arrest of Mr. Ferenczy took place in the Hotel McAlpin, the barber shop there.

Q In the barber shop there? A Yes, sir.

Q And did you hear any conversation, or have any conversation with Mr. Ferenczy about this girl? A Yes, sir.

Q What was said? A Well, Mr. Ferenczy says that he didn't know the girl, that he didn't know the girl, that she was making a lot of trouble, that was not exactly due him. He says that he could clear himself, and it was all a mistake. He said he never seen the girl before.

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Q Now, was that the entire conversation at that time?

A Pretty much so.

Q Now, after that do you remember going to 201 East 79th Street? A I do.

Q With Officer Lemmon? A Yes, sir, and the girl.

Q And the girl Madga? A Yes, sir.

Q And did you there see Mrs. Ferenczy? A I did.

Q Did you have any conversation with her, or were you present at any conversation between Mrs. Ferenczy and Officer Lemmon? A I was.

Q What was said at that time? A Well, she says that she didn't know the girl, and that the girl never slept there, never had any room there.

Q Were you present at the time that these yellow slips, People's Exhibit 1 in evidence, were found? A Yes, sir.

Q And that is your name on the slips? A Yes, sir.

Q Now, do you remember a conversation that you had with Mrs. Ferenczy on the way to Police Headquarters, the next day? A - do.

Q Will you state what Mrs. Ferenczy said to you at that time? A I will. She, on the way down from the station house, she said first that she was hungry, and a fine place to be locked up over night, and all this and that, and on the way down on the train she says, "Well, I am awful sorry to get myself in trouble". She says "Well, what could I

expect?" She says "I will admit that I kept a disorderly house", and she says "I didn't do anything wrong, I took them girls in and they come up there", but she says, "I didn't compel them to do anything wrong, they did like I did, they had their customers and I had my customers." She says, "I didn't make them do anything that they didn't want to", she says.

Q Was that the entire conversation? A Pretty much so.

Q Yes, that is all.

CROSS EXAMINATION BY MR. LUSTIG:

Q Was that about the time that you were appointed to the First Inspection District, in April? A No, sir.

Q Were you in that district before, in that First Inspection District? A Yes, sir.

Q For how long? A About a year and a half.

Q As soon as you arrested Mr. Ferenczy and Mrs. Ferenczy you at once told them you were a police officer? A I did, yes, sir.

Q And after telling them that you were a police officer they told you this story that you have just told here? A When they were placed under arrest they denied knowing either one, they denied knowing the girl. The next day on the way down from the police station to Headquarters, she confided to me and told me that -- I told her that she need not tell me anything, that it might be used against her, but

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she said she wanted to tell me the truth.

Q You were the officer that arrested this Erzsi Nemeth in number 15 St. Marks Place? A Yes, sir.

Q On the 27th of April, is that right? A Yes.

Q Tell us in detail how you made the arrest? A Well, I went there about one o'clock and I proceeded --

MR. Du VIVIER: Does your Honor admit that testimony? I do not know upon what theory.

MR. LUSTIG: On the theory of veracity.

MR. Du VIVIER: I have conceded that the girl is a prostitute. I do not know what more I can do.

THE COURT: I will allow it.

A I went there about one o'clock, accompanied by Officer Lemmon. Lemmon stayed on the street and I proceeded to the stoop or the ground floor of the building, a five story building, and I walked about twenty foot to the rear, when I met a man who afterwards was known to me by the name of Ferenczy.

Q Who is that? A No, Kannanofsky, and he asked me what I wanted. I told him I wanted to go inside to see the girls. Well, he says "Come here, I am the janitor here." I says, "I know who you are," and he asked me to follow him into the apartment in the front of the same building and he asked me who sent me. I told him a friend of mine, a druggist on Avenue A. Well, he says "You know I have to be very care-

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ful", he says in regard to letting you into that back flat because there is two girls there and they ain't very Americanized and they are liable to get into trouble." Now, he says "Unless you don't want to make any trouble you can go in there, but" he says, "if you are going to make any trouble you better stay out, because if the landlord finds out that I allow a place like that to run in the building he will only discharge me and cause me a lot of trouble." Well, I says "I ain't making any trouble, I just come^{up} here for a good time." Well, he insisted that I have a glass of beer with him, and he says "Well now, you can go in there, but" he says, "don't make any trouble." So I left him and I proceeded to the rear of the apartment.

Q What floor? A The same floor, the stoop floor and I knocked on the door, and the door was opened by the younger defendant, or the younger girl, Elizabeth Memeth, I guess it is.

Q Yes. A And she told me what I wanted and I told her a friend of mine, a druggist had sent me there for a good time and she says "No, I don't know you, I don't know" she says "Get out of here."

Q How did you speak to her, in English? A I spoke English to her. She says "No, no, get out of here." I says, "It's all right" I says, "I just come in from the janitor and he says it was all right. So she says "Did the janitor

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say all right?" and she says Yes. So she says, "Well, come back in half an hour, come back later." I pulled out my watch and I told her it was half past one then and why should I not go then. She says "Come back later, come back two o'clock." I then left the premises and returned again at two o'clock.

Q Did you see anybody come out of those apartments while you were there, while you waited? A Not at that time, no, sir, only the girl.

Q Which girl? A This Nmeth girl.

Q You came back at two o'clock? A I did, accompanied by officer Lemmon.

MR. Du VIVIER: This is all subject to my objection. I do not see what bearing it has.

MR. LUSTIG: As to the veracity of the girl.

MR. Du VIVIER: Well, I do not see what possible motive she may have in it, your Honor.

MR. LUSTIG: She denied the arrest.

MR. Du VIVIER: The District Attorney concedes that both these girls are prostitutes and were prostitutes after they had been in this house for three weeks, and one of the People's own witnesses has testified to an act of intercourse that took place with this girl after they had left that place and had gone down to St. Marks Place.

THE COURT: I have allowed it on the theory that it

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might throw some light upon the present transaction, namely that the arrest of these girls resulted in their misconduct being bared.

MR. Du VIVIER: All right, just as your Honor says.

THE COURT: I do not know whether it will lead to that or not. If that is counsel's theory then it is competent; otherwise not. What is your purpose in eliciting this evidence?

MR. LUSTIG: My purpose is, that the complaining witness so far testified that she never had intercourse with anyone during the time she was in St. Marks Place. I think I am right about that. I am right.

MR. DuVIVIER: Well, ~~then~~ this officer is not going to testify that he had intercourse with the girl.

MR. LUSTIG: May be he will.

MR. Du VIVIER: No, he will not. The rules of the Police Department prohibit anything of that kind at the present time.

BY THE COURT:

Q Did she expose herself to you? A She sat down on the bed and lifted up her clothes and that's all she did.

BY MR. Du VIVIER:

Q You did not have any intercourse with her at all?

A I did not.

Q And you are not permitted to have any intercourse with

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her by the rules of the Police Department, are you? A I am not.

THE COURT: An offer to commit the act constitutes an act of prostitution.

MR. Du VIVIER: Well, I will concede all that.

BY MR. LUSTIG:

Q Did you pay her any money? A I did.

Q Well, you came back at two o'clock? A I did.

Q Who opened the door then?

MR. Du VIVIER: I object to that.

THE COURT: Now, you have what you want.

Q Did you pay her five dollars, did you give her five dollars in marked money?

MR. Du VIVIER: I object to that.

THE COURT: He said he paid her.

Q Was it marked money?

THE COURT: Well, I will allow that question.

The
A ~~A~~ five dollar bill?

Q Yes. A No, sir.

Q Did you get the five dollar bill back again? A I did.

Q Where did you find it? A She had it in her hand.

She offered it to me when I placed her under arrest. She didn't know what I wanted and she quickly handed the money, she thought I was going to make a scene to get my money back and she handed me the money.

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Q How was she dressed at that time? A Just the way she is now except without that white gown.

BY MR. Du VIVIER:

Q The white apron, you mean? A The white apron.

BY MR. LUSTIG:

Q Was the janitor in the room at that time?

MR. Du VIVIER: I object to that.

THE COURT: How is that material?

Q Was anybody in the room besides you at that time?

Objected to. Objection sustained.

Q Did you ask the complaining witness Erzsébet Kemeth how long she had been in that room?

MR. Du VIVIER: I object to that. What difference does it make?

THE COURT: Objection overruled.

A I did not.

Q Did you have that house under observation for any time? A Not until the day I went there.

Q How did you find out, or why did you go there that day? A A complaint received through official channels by the Police Department, and I was assigned to investigate it.

Q That is all.

REDIRECT EXAMINATION BY MR. Du VIVIER:

Q From some citizen? A Yes, sir.

Q You do not know the name of the citizen? A I do not.

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Q That is all, thank you.

HELEN TIMKO, called and duly sworn as a witness
on behalf of the People, testified as follows:

Residence, 422 East 79th Street.

DIRECT EXAMINATION BY MR. DU VIVIER:

Q Mrs. Timko where were you born? A Hungary.

Q How long have you been in this country? A 33 years.

Q You are very familiar with the Hungarian language,
are you not? A Yes, sir.

Q You speak it perfectly? A Yes, sir.

Q And you have been in this country so many years that
you speak English perfectly well, don't you? A Yes, sir.

Q And you understand the different dialects in Hungary,
do you? A Yes, sir.

Q Now, what is your business or profession? A I am
special investigator for the International Institute for
Young Women.

Q What kind of organization is that? A That is a branch,
part of the Christian Womens Association.

Q The Young Womens Christian Association? A Yes, sir,
the Young Womens Christian Association.

Q For how long a time have you occupied that position?
A Three years.

Q And what did you do before that? A I worked for the

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Charity Organization Society for five years.

Q And before that? A I was a court interpreter for about a year and a half.

Q Where? A Sometime, most of my time in 57th Street.

Q How long a time have you been interested in social work? A Eleven years.

Q Do you know a lady named Miss Smith? A Yes, sir.

Q The probation officer in the night court? A Yes, sir.

Q Do you remember having a talk with her in the latter part of April, or the first part of May? A Yes, sir.

Q And after having that talk with Miss Smith, the probation officer, did you see the two girls in this case, Lizzie Nemeth and Madga Papp? A Yes, sir.

Q Did you have a talk with them? A Yes, sir.

Q And after that conversation with the girls, were you given a letter? A Yes, sir.

Q And whom was that letter addressed to? A Mrs. Ferenczy.

Q Did it have an address? A Yes, sir.

Q Do you remember the address? A I beg your pardon, I am not positive whether the address in the letter was given in the letter by the girl, or she just signed the envelope with the address, 201 East 79th street.

Q What did you do with that letter? A I took it up to Mrs. Ferenczy.

Q And did you go to 201 East 79th Street? A Yes, sir.

Q And did you there see Mrs. Ferenczy? A Yes, sir.

Q Did you deliver the letter? A Yes, sir.

Q Was it open? A Yes, sir, just a letter without an envelope.

Q Did Mrs. Ferenczy read it in your presence? A Yes, sir.

Q When Mrs. Ferenczy opened the door what language did you speak? A *Hungarian*

Q And what language did Mrs. Ferenczy speak? A *English* ~~Hungarian~~.

Q Now, will you state what conversation you had with Mrs. Ferenczy at that time and place? A When I entered the apartment?

Q Will you talk as loud as you can? A When I entered the apartment I said to Mrs. Ferenczy that I came from Jefferson Market Court to speak to her regarding the two Nemeth girls and she answered me in English, she said, "I don't know the Nemeth girls and I don't want to have anything to do with them."

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BY THE COURT:

Q Repeat that, Madam, I don't know what? A "I don't know the Nemeth girls and I don't want to have anything to do with them." That was the first answer. And I says, "Pardon me, Madam, but I have a letter for you in Hungarian from the girls in which they ask you to help them". Then she answered in Hungarian and she said "Oh, is that so, come in, Madam." Then I handed her the letter and she read it and she laughed and she said, "Well, they do want me to help them, don't they?" I said, "It seems so, if you read the letter". Well, she said, "I will help them, if you wait until my husband comes home and he will be home about four o'clock." That was about two. I asked her again "Do you know the girls?" She said "Yes, I know the girls, they have been here for about three weeks and a half". And the girls had told me this woman was their aunt, and I asked her whether she was related to them and she said "No, I am not related to them, but they had an aunt here". So I asked if she would give me the address of the aunt and she said no, "I will not give the address because I do not like that woman, I am acquainted with her, and she is an old-fashioned woman, and the reason I had these girls here three weeks and a half is because I wanted to make the girls happy and the aunt is an old-fashioned woman and she don't want the girls to go to the moving pictures, so I am acquainted with American customs and I wanted to give the girls a good time and take them to the moving pictures and theatres and so on", and I asked her

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if she knew anything about the girls practicing prostitution, told her the charge against the girls and she said "Yes, I knew". And I said to her "In your home?" And she said, "No." She says, "I don't want to state too much until my husband comes home, then I will see what he has to say, then I will speak to you about the case", and she said "I will help the girls if you promise me and if they will promise me that they will live with me after they will be free from prison, and I am willing to supply all the money that is necessary and will get a bondsman". She says, "The Abazzio and Mr. Nagy, a coffee house proprietor in the neighborhood".

BY MR. DuVIVIER:

Q Now, have you stated the entire conversation that occurred at that time? A Yes, at that time. Then Mr. Ferenczy came home.

Q Wait a minute. Did she say anything about her husband, where he was employed? A Yes, sir.

Q What did she say about that? A She told me her husband is a respectable man and his occupation is a barber and he works in the McAlpin Hotel and earns thirty to thirty-five dollars a week, and she told me he was her second husband and that he is a very good man, and he is so much younger than she is. Then she told me about the husband in Europe not being a very good man but this man is and they were very happy and so on.

Q All right. Now, that evening did you visit a Doctor

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3 Kozma, at 81 East 79th Street? A Yes, sir.

Q And from whom did you get that address? A I got that address from the girls.

Q Did you also visit a Mr. Mesaros, at 433 East 5th Street? A Yes, sir.

Q Where did you get that address? A I got the name of Mr. Mesaros, and I knew this restaurant, and then I got the number myself.

Q Did you get it from the girls? A I got the name and the location of the place.

Q Now, do you remember calling on Mr. Ferenczy at the Hotel McAlpin? A No, I didn't call at the hotel.

Q Oh, I beg your pardon, you called up Mr. Ferenczy at the Hotel McAlpin on the telephone? A Yes, sir.

Q And did you make an appointment with him? A Yes, sir.

Q To meet you somewhere? A Yes, sir.

Q Where? A At Mr. Banhidy's, 118 East 7th Street, the uncle of Magdalena Papp.

Q That same night? A That same night, yes, sir.

Q Now, did you keep the appointment, Mrs. Timko?
A Yes, sir.

Q And where was the appointment? A 118 East 7th Street.

Q At whose home? A Mr. Banhidy's, Magda Papp's uncle.

Q And who was present? A Mrs. Banhidy, Mr. Banhidy and Mr. Ferenczy.

4 Q Mr. Ferenczy? A Yes, sir.

Q And yourself? A And myself, yes, sir.

MR. LUSTIG: I object to this, your Honor.

THE COURT: Well, why do you not object before the answer is given?

Q Can you tell us about how many days after the arrest this was? A The day after, the following day.

Q What day were the girls arrested? A I understand on the 27th.

Q The 27th of what, April? A April 27th, yes, sir.

Q Now, will you state everything that was said on that occasion, when you and Mr. Ferenczy and Mr. and Mrs. Banhidy met at the Banhidy home? A I entered Banhidy's home about half past eleven that night and I got there a few minutes before Mr. Ferenczy came and when Mr. Ferenczy entered the apartment, immediately Mr. and Mrs. Banhidy attempted to strike Mr. Ferenczy and he says "You dirty scoundrel, you have ruined our children, our daughters, and ruined our family", and so forth. I got in between and I stopped the fight. Mr. Ferenczy said "Don't get excited, this is no time to get excited about this, the time is to help the girls now." So the Banhidys would not listen to him and they said "You have got a scoundrel, you had a scoundrel, a friend of your wife's to marry our niece so that he could take authority away from us, so we would have no claim against the girl", and he says, "Don't you like it?"

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Q Mr. Ferenczy said that? A Mr. Ferenczy said "Don't you like it?" And the Banhidys again attempted to strike him and said that "You are taking advantage of the poor immigrant girls coming to this country, making money by them and posing as a respectable man and wife". And he says "Well, if you don't like it, you start the business and take an example like me, there is plenty of Hungarian greenhorn prostitutes in the City of New York."

Q Mr. Ferenczy said that? A Yes, and immediately again Mrs. Banhidy got up and wanted to strike Mr. Ferenczy, and Mr. Banhidy said "Yes, and the scoundrel has told me that the first customer that you got for the girls paid you a hundred dollars, from the Hotel McAlpin", and he says "That was my business". Mr. Ferenczy said that was his business, and Mr. Ferenczy said "I don't" -- or Mr. Banhidy said "Who arrested those girls, who made the charge, how were these girls arrested?" He said "I had them arrested, I will show you if I can't make money with those girls, I will have them deported".

BY THE COURT:

Q What is that, Madam? A He said, "If I can't make money with those girls I will have them arrested and deported." Then again they wanted to strike him, and with this I saw it was dangerous and I said I was going to leave, so he was going to leave --

THE COURT: Strike out "I saw it was dangerous".

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THE WITNESS: (Continuing) I saw conditions were dangerous.

THE COURT: No, no.

BY MR. DuVIVIER:

Q Now, have you stated everything that was said up to that time that you can remember? A Yes, sir, as far as I can remember, yes, sir.

Q Do you remember whether Mrs. Banhidy said anything about Mrs. Ferenczy being an immoral woman? A Yes, Mrs. Banhidy said "Had we known that you have married an immoral woman we would not have had friendship for you", she said in Hungarian, "We would not be friends with you."

Q Do you remember anything that Mr. Banhidy said about the defendant putting out a net for the girls? A Yes, sir.

Q And what was said about that? A He said "You knew well enough that you were throwing a net to catch these girls and taking them up to your home to make money with them".

Q What did Mr. Ferenczy say then? A He said that was his business.

Q Now, do you remember whether Mrs. Banhidy said anything to Mr. Ferenczy about the girls staying away from the Ferenczy home? Do you understand the question? A If you will please repeat that once more?

Q Do you remember whether Mrs. Banhidy said anything to Mr. Ferenczy about the girls, about her warning the girls to stay away from the Ferenczy home? A Yes, sir.

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Q What was said about that? A Mrs. Banhidy stated that "I told Magda" -- that was her niece -- "I warned Magda after I knew that Mrs. Ferenczy was influencing her, to keep away from Mrs. Ferenczy".

Q And when that was said, what did Mr. Ferenczy say?

A Mr. Ferenczy stated that his wife was a woman that understands young girls, and knows how to manage young girls.

Q Was anything else said? A I don't quite remember.

Q Well, do you remember whether Mr. Ferenczy said anything about the influence that they had over the girls. Do you understand the question? A Yes, sir, I do understand the question.

Q Was anything said about that? A Yes, he said that his wife has influence over girls, and he has a great influence over both of these girls.

Q And he has? A She has.

Q That she had or he had? A Both of them.

THE COURT: Well, that is not binding on Mrs. Ferenczy, what the husband said.

MR. DuVIVIER: Then I consent to strike that out.

THE COURT: Strike it out and the jury will disregard it.

MR. DuVIVIER: Except that they were in partnership and working together, your Honor.

THE COURT: Well, any conversation to be binding upon the persons, both must participate in it.

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MR. DuVIVIER: All right, your Honor.

Q Now, can you remember anything else, Mrs. Timko?

A Well, I may. I can't just recollect everything.

Q Well, have you stated everything that you can remember? A As far as I can remember, yes, sir.

Q Thank you very much. Now, then, do you remember starting to leave the apartment? A Yes, sir.

Q And whom did you leave the apartment with? A With Mr. Ferenczy.

Q When you got outside do you remember a remark that Mr. Ferenczy made to you? A Yes, sir.

Q What did he say to you? A He said, "Madam, you may go, I will not go with you, I have something else to say to the Banhidys."

Q Then what did he do? A He turned back and went back to the apartment, and the door was a little open and I remained in the vestibule and he said to the Banhidys --

Q Wait a minute, you remained in the vestibule? A Yes.

Q And was the door partly open? A Yes, sir.

Q What did he say? A I was standing there listening.

Q Well, did you listen? A Yes, sir.

Q And did you hear a further conversation between Mr. Ferenczy and the Banhidys? A Yes, sir.

Q Inside of the apartment? A Yes, sir.

Q What did you hear then? A I heard Mr. Ferenczy say, he said "Be careful what you say and do in this matter because

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if I will be arrested and in trouble I will pull you in with me".

Q What was said then? Now, one moment.

THE COURT: One minute. This conversation will be considered by you, gentlemen, as to the defendant Albert Ferenczy.

Q After Mr. Ferenczy said that, did the Banhidy say anything? A Yes, they said "Get out of here, you dirty scoundrel". They asked him to leave the apartment.

Q Well, then, was that all the conversation you heard?

A That's all.

Q And then you left the vestibule? A Yes, sir.

Q And went home? A Yes, sir.

CROSS EXAMINATION BY MR. LUSTIG:

Q You have investigated the records of these girls?

A Yes, sir, of the two previous, where they lived out, through the relations.

Q What do you mean when they lived out? A Two places, references I got, by Doctor Kozma and Mr. Mesaros.

Q Do you mean to say they lived at Doctor Kozma's?

A She lived out two months, with Doctor Kozma, yes, sir.

Q What was her behavior in that place, which one is that? A That is the older one, Magdalena Papp.

Q What was her behavior there? A A very good, industrious girl.

Q What about the Mesaros' house? A Also very good. He

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told me she did not sleep there at night because her aunt lived around the corner and she could go home for the night, and she worked there just one month.

Q Can you about tell us when they walked there about when?

A I can't remember, I can't recollect exactly.

Q Did you investigate the story about the wire factory, where they worked in a wire factory? A No, sir.

Q Well, did they ever work in a wire factory? A Yes, the aunt told me and the girls told me. That's all I know.

Q Do you know where this wire factory is? A No, sir.

Q That is all.

MR. DuVIVIER: Thank you very much. The People rest.

MR. LUSTIG: I ask your Honor ~~to~~ to dismiss the complaint, on the ground that Section 2460 of the Penal Law does not apply in this case; on the ground that the People have not proven any evidence whatsoever.

THE COURT: Motion denied.

MR. LUSTIG: I take an exception.

THE DEFENSE.

KATHERINE FERENCZY, one of the defendants, called and duly sworn as a witness on behalf of the defense, testified as follows:

Residence, 201 East 79th St.

DIRECT EXAMINATION BY MR. LUSTIG:

Q You are married to the defendant here, your husband, Ferenczy? A Yes, sir.

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Q When were you married? A Three years ago.

Q And how did you meet him? A He met me in a restaurant.

Q You were married thereafter? A I married him.

Q And ever since that time your husband is working? A All the time.

Q Working at what trade? A Barber.

Q And during that time did he bring home his wages to you?

MR. DuVIVIER: I object to some of this testimony as being leading. I do not like to interrupt.

THE WITNESS: Excuse me, I don't understand.

MR. DuVIVIER: I ask that counsel be admonished not to ask leading questions and then I will be quiet.

THE COURT: I allow similar latitude to the People that I allow to the defense.

Q Do you know what his wages were as a barber? A A barber, yes.

Q Do you know what his wages were? A Yes.

Q Did he bring his wages home to you? A Yes.

Q Do you know Magda Papp? A Yes, sir.

Q And Erzsi Nemeth? A Yes, sir.

Q When was the first time you met those girls? A I met her down in East 7th Street, in 118, the number.

Q When was this? A This was about, well, I can't tell the time.

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Q Was it last year? A No.

Q Or this year? A Not so far.

Q It was at an engagement party, was it not? A No, this was the third time I see, when the engagement party.

Q You saw them before the engagement party? A Two times before.

Q And you were introduced to the girls? A Yes, I talked to her also.

Q And you also attended the wedding? A Yes, sir.

Q You also attended the wedding? A Yes, sir.

Q And you spoke to them? A Yes, sir.

Q In a friendly way? A All the time.

Q At this time where were you living? A This time I ~~was~~ lived by 201 79th Street.

Q Did you ever keep any boarders at this house? A Yes, sir.

Q What kind of boarders did you keep there? A Two men and a lady dressmaker.

Q Two men and a lady dressmaker? A Yes.

Q And you received board from these people? A Yes, sir.

Q How much did you receive from them? A Two dollars a week.

Q As a rule you keep boarders? A Yes.

Q Did you ever tell Mrs. Banhidy, or did you ever tell Magda Papp that you ^{kept} ~~kept~~ boarders? A Yes, sir.

Q And they knew it? A All know it, also.

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Q During the time or before the engagement did you ever invite Magda Papp and her friend, Mr. Flesch, and Erzsi Nemeth up to your apartment in 79th Street? A No.

Q Before the engagement? A Never.

Q Did they come up to your house before the engagement party? A No.

Q Did they ever come up after the engagement party?
A No.

Q Did they come up after the wedding? A After the wedding?

Q Yes. A Once, yes, sir.

Q They came up once? A Once, Sunday, yes, sir, Mr. Flesch and Mrs. Flesch.

Q They spent the afternoon at your house? A Yes, sir.

Q It was a friendly visit? A Yes, sir.

Q When was the next time that you saw, or did you know that this Magda Papp was married to Flesch? A Yes, sir.

Q And you knew they had some trouble in court? A Yes, sir.

Q You knew they had some trouble in court? A She let me know.

Q How did she let you know? A She come to my house with a blue eye, and swelled face.

n Q A little louder, I do not hear you and the jury do not hear you? A She come to my house, she had a slap, and she had a blue eye and she said if I know God, if I am a christian woman "If you please take me into thehouse because I have no

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place to go".

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Q So when she had a black eye she went down where? A To my house.

Q Where did she go then? A She come to my house, after she said "I have to go to the court four o'clock afternoon."

Q And did she tell you she went to court? A Yes, she told me.

Q And did she leave any word about your husband? A What is that?

Q Did she leave any word about your husband being in court? A My husband? No, he is working.

Q Then when was the next time after that that you saw Magda Papp, when is the next time after that? A The next time she come back, to the court, about five o'clock she come back to me.

Q Whom did she come back with? A She come up with Erzsi Nemeth.

Q Did she come up with your husband? A No.

Q Newer came up with your husband? A Oh, no, no.

Q Tell us what they said when they came into the room?
A She said she locked up her husband because he licked her too much. I says, "Why"? She says, "Because he found a letter in her stocking and she has a sweetheart, and otherwise he finds somebody else in the house, and that's the reason he slapped her".

Q Did you invite the girls to stay there then?

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MR. DuVIVIER: One minute, now.

MR. LUSTIG: Well, I withdraw the question.

Q What happened after that conversation? A Well, she says if I give her rooms for her and she will take it, as long as she has a place where to go.

Q She has a place what? A She has a job where she is going working.

Q Did she promise to pay everything? A Yes, I asked her, I said to her, "Mrs. Plesch, I am a poor woman just like you", I says "Just the same before I had a room, rent and I paid two dollars every week". She says, "Yes, ma'am I pay you if I get a job." I says all right.

Q What did Erzsi Nemeth say to you? A Erzsi just the same. Well, I asked them "What's the matter with this girl"? She says, "She is living with me." I said, "What, she is working"? She says "She is working, she is a servant girl". I says "All right," I says.

Q Did they sleep there that night? A Yes, sir.

Q What happened next morning? A Next morning she gets up about eight or nine, eight or nine o'clock and she goes out from the house, she is looking for a job downtown in 2nd Street.

Q Well, did they come back that evening, did they come back that day? A Yes, she is come back, back she was at ten o'clock. I asked them, "Where you was"? She says, "I was down town, I paid a man three dollars and he says to give me a job,

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give the two together a job." I says, "That's good, that's all right."

Q Did she mention the name of the office she gave the three dollars to? A No, she didn't answer that.

Q Did they stay there the second, third and the fourth day? A This was this day when she come back the first day.

Q Yes, then she stayed there the second day? A The second day just the same she stayed.

Q And what time did she go down in the morning? A She goes down always eight o'clock, sometimes nine o'clock.

Q And did she go down every day? A Every day.

Q During the time she stayed in your house did she leave your house every morning? A Every morning she leaves my house.

Q At what time? A What time? I can't tell you really, eight or nine o'clock, this time, all the time she leaves my house.

Q You never kept them there by force at any time? A No.

Q They could leave your house any time they wished to? A Yes. She could do anything. She could look out the window, she could go down and everything, leave the place and I had nothing to do with them.

Q You heard Erzsi Nemeth testify here that on the fourth day, two men came in the rooms and you pushed Erzsi in one room and pushed Magda Papp in another room. Is that true? A No, sirree.

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Q At any time did you have men coming up to your apartment -- at any time did you let these girls --

THE COURT: Now, wait for the answer. The record will be silent unless she answers? A Never.

Q Did they leave your house a week and a half after they were in your premises, did they leave a week and a half afterwards? A Two weeks, this time when she is coming, after two weeks she leaves my house.

Q Then it was not a week and a half after that they left? A No.

Q And they came back again? A No, she never showed up. She showed up one time, there was a skirt or something else, she come to my house this time, she said to me she had a new job already, she had seven dollars a week, and Erzsi Nemeth had six dollars a week in 2nd Street in a coffee house, next to, what is his name -- the coffee house man, she is working by him two months, she said so.

Q Well, during the time they stayed there, or what length of time did they stay in your house? A Just in my house, they was from eight o'clock this day.

Q Do you remember was it the 16th they left your house? A Yes.

Q Was it the 16th? A What, April 16th?

Q Was it about that day that they left the house? A Yes.

Q And the only time they came back was when they came back for some little dress? A Two days later she come back to

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me.

MR. DuVIVIER: Now, your Honor, may we have some limit to these leading questions? I do not want to interrupt. I want to follow the spirit as well as the letter of your Honor's ruling, but every other question that has been asked of this witness has been a leading question. This woman speaks English and there is no excuse for it at all.

MR. LUSTIG: She testified that one of the complaining witnesses came back --

THE COURT: Well, proceed.

Q At any time was there a lock on your door? A Never. Yes, a lock, but not inside.

THE COURT: These questions are asked for the purpose of impeaching or contradicting what the complaining witness said. Consequently it is necessary for him to ask leading questions.

MR. DuVIVIER: Well, if counsel will direct the witness to a topic, and then follow it up with some more specific questions, I have no objection, but your Honor, with your wide experience, knows the danger of asking leading questions of a witness of this character.

THE COURT: Well, I will allow it.

Q What kind of lock was on your door? A Patent.

Q Was a key necessary to open the door from the inside?

A No.

Q You had a patent lock? A Inside you could open any

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time.

Q It was just a latch? A Yes.

Q You turn the knob and it opens that way? A Yes, sir.

THE COURT: We will suspend here.

The Court then admonished the jury in accordance with Section 415 of the Code of Criminal Procedure, and adjourned the further trial of the case until Wednesday, June 17th, 1914, at 11 o'clock A. M.

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New York, June 17th, 1914

Trial resumed.

KATHERINE FERENCZY, one of the defendants,
resumes the witness stand:

DIRECT EXAMINATION CONTINUED BY MR. LUSTIG:

Q Do you remember the day before the two girls left,
Erzsi Nemeth and Magda Papp, left your house in 79th Street?

A Yes, sir, April 16th.

Q Do you remember the day before that, the day before
they left? A Yes, sir.

Q They left on April 16th -- but do you remember the day
before they left? A Yes, sir.

Q Tell us just exactly what happened the day before?

A She come home to my house at ten o'clock.

BY MR. Du VIVIER:

Q Who did? A Erzsi and Magda Papp, and Papp Magda says,
"Why you stole my nine dollars, my pocket without I don't
know that."

BY MR. LUSTIG:

Q To whom did she say that? A To Erzsi Nemeth, and she
says "Why," she says, "you are a good friend of mine, you
know very well", and she says, "I would take it because
I know that you don't get mad on me for that money." She
says, she called her a name, she says, "Why, you make me,
you know that very well, if I am" --

Q What is that? A Well, she says bad.

MR. Du VIVIER: We are entitled to plain language in this case, if we are in any case.

A (Continuing) Can I say anything here? Can I say any bad word?

BY MR. Du VIVIER:

Q Oh, yes, just as bad as you ^{want} ~~wat~~. A She says "You dirty whore". Well, she says, "You make me that, you know that very well." She says, "Well, you have to thank me very much I make it, because you had no shirt, you had no money in your pocket this time when I meet you, this time I take you to the saloon to drink with me, and this time you had a customer, my customer gave you five dollars, and will take it up to Mr. Banhidy's house" -- ^{in fact} ~~indeed~~ -- what is the number I don't know, in Seventh Street, but I forget the number.

BY MR. LUSTIG:

Q Go on. A This was Mr. Banhidy's house. She says --

Q Who says? A Erzsi Nemeth says, she says, "Why, you don't remember on the other side my father sent me to this city because he don't want that I be friends with you, if you come after me, after awhile, this time we meet together again?" "We are good friends right here." They had an awful fight. She scratched her and pulled her hair, Erzsi Nemeth and Papp Magda, and I started to go together and take them away, the girls, I says, "Don't you do that", I says,

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"Don't bother together, you are too good friends, otherwise" I says, "If somebody hears that noise, what she says by Mr. Ferenczy's house?"

Q Did you leave them stay there that night? A Yes, sir.

Q And what happened next morning? A The next morning -- this night at twelve o'clock my husband come home and he says, "What's the trouble?" I says, "I don't know I can't make stop them two girls, and she fights about some nine dollars she pays to Mrs. -- where before she owed her board," and my husband says, "Why, she has to stop here, if not I put them out right away, because I am working all day and I want to sleep."

Q Was that the time you found out that they were prostitutes? A Well, I heard that, what the girls says, but the girls says together.

Q That night? A Yes, that night.

Q What happened next morning? A Next morning my husband says, "You have to pack up and good-bye, you can't stay in this house any more."

Q And they went away? A Yes, she is going away, she took a suit case and packed together and any clothes in a paper, and some couple of clothes laid down in the wash tub and she says, "I go and wash that clothes myself and you could come back any time when you want to take it."

Q Well, what kind of clothes were they? A Two shirts

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and two aprons, something, handkerchiefs left.

Q Well, did she come back for those clothes? A She come back two days after.

Q Who came back? A Papp Magda -- Magda Papp, Mrs. Flesch.

Q And when she came back you gave her the clothes? A Yes, I gave it and I was finishing with the clothes and I packed it together and I says, "Here you could take it" -- in my ice box down the kitchen -- "You could take your clothes" and my husband was eating and I eat and I said to her "if you want to take a plain suit you could take it" -- because this is Hungarian style, and anybody come to the house will see that.

Q Was that the last time you saw either one of them?

A The last time I saw her.

Q The time you were arrested, is that right? A Yes, April.

Q That was the last time you ever saw her? A The last time I see her, April.

Q That was the night you were arrested? A April 20th at twelve o'clock at night, and I see her when she come up in my house with the two detectives.

Q The time you lived on the west side, at that time you were single, is that right? A Yes, sir.

Q When was this, about, the time you were single, before you were married? A Before I married.

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Q Yes. A What happened to me this time?

Q Where were you living at that time before you were married? A Ninth Avenue, 79th Street, and I worked by Mr. Kumlaufer.

Q 9 West 79th Street, you mean? A Yes, I worked by Mr. Kumlaufer, a lunch room and restaurant.

Q What work did you do there? A Cooking.

Q And this gentleman who spoke here yesterday, Solomon Donath, was a sweetheart of yours, is that right? A No sweetheart, just, I know him, he wants to be a sweetheart of mine but I don't take it, because I don't like him.

Q He wanted to marry you? A He promised me, he said he wanted to marry me, because he has an old mother and father and he knows very well what kind of smart woman I am, so good cooking, I was always cooking since I am in this city.

Q And you did not want to marry him? A I did not want to marry because I did not like him.

Q Then you met Mr. Ferenczy? A I saw my husband at Mr. Kumlaufer's restaurant, eating and I will go out to the window and I take up --

Q (Interrupting) Then you married your husband? A Yes, I married Mr. Ferenczy.

Q That is all.

CROSS EXAMINATION BY MR. Du VIVIER:

Q So I suppose that when you saw your husband, Mr.

Ferenczy, it was a case of love at first sight, wasn't it, the minute that you saw him you married him, is that right?

A No.

Q Well, just a few days after? A No, sir.

Q How long did you know Mr. Ferenczy before you married him? A Nine months.

Q Nine months? A Yes, sir.

Q When did you marry him? A I married to him in summer time, I don't remember, it was a big holiday, but I can't tell you English.

Q How long ago? A That's three years ago.

Q And where did you marry him? A I married with him at the City Hall, New York City.

Q Do you know what day you married him? A I don't know.

Q Well, this was only three years ago, surely you know the date of your marriage, don't you? A Well, it is too bad, I was a farming girl, I can't tell you any number, any day.

Q You cannot tell us any date? A Not the number or not the name.

Q Is it because you have been married so often that you cannot remember your last marriage? A Well --

Q Yes or no. A Not so far.

MR. LUSTIG: I object to that, your Honor.

THE COURT: Objection sustained.

Q Well, why is it that you cannot remember the date when you were married? It is only three years ago? A Well, I know that that was Easter, that big holiday after Easter, seven weeks, a big holiday, two days holiday or three days sometimes.

Q Do you mean Decoration Day? A I don't know how you call it English this day.

BY THE COURT:

Q Well, have you a marriage certificate, Madam? Have you a marriage paper or certificate? A Yes, sir.

Q Where is it? A Well, where is it? Why don't you bring him up? I got him married and he says why don't he bring it up? I got the married paper to my house.

BY MR. DU VIVIER:

Q Now, can't you help me a little bit? I want to find out, I am interested in this thing, I want to find out just when you were married three years ago, if you can tell me.

MR. LUSTIG: I object to the question.

Objection overruled. Exception.

BY THE COURT:

Q Answer the question, Madam.

BY MR. DU VIVIER:

Q Do you understand the question? A I understand.

Q Did you hear it? A I couldn't tell you the date.

Q Did you hear it? A Yes, sir.

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Q Then will you answer it? A I can't.

Q Well, tell us? A I can't tell you the date.

Q You don't know what month it was, do you?

MR. LUSTIG: I object to the question, your Honor.

Why don't you ask --

Objection overruled. Exception.

A Well, I know I am married.

MR. Du VIVIER: I do not need any assistance of the learned counsel.

Q Can you tell me the month you were married three years ago? A That is March.

Q March, all right. You are sure about that? A Yes.

Q Now, I show you a piece of paper and ask you to look at this piece of paper and state whether it was on the 15th of August, 1911? (Showing paper) A (No answer.)

Q Please answer my question. A Like that.

Q No, it was on the 15th of August, 1911, not in March, was it? A March.

Q It was March? A March.

Q So if this marriage certificate says the 15th of August, 1911, it is a mistake, is that correct? A I don't know.

Q Where were you born? A Hungary.

Q What was your maiden name? A Katalin Harsanyi..

Q What was the name of your first husband? A My first husband, I had a first husband here. I am not married --

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Q (Interposing) Didn't you marry a man named Mesthik in Hungary? A No, I don't know any name.

Q You did not? A No.

Q You are sure about that? A Yes, ^{do} sir.

Q And you mean to testify under oath --

MR. LUSTIG: I object to that.

Q (Continuing) That the first man that you married was this defendant, Albert Ferenczy? A Yes, sir.

THE COURT: Wait one minute. What is the objection?

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

"Under oath."

THE COURT: Strike out "Under oath." The question as modified may be answered.

Q And you mean to testify before this Court and jury that the first man that you married was this defendant, Mr. Ferenczy? A Yes, sir.

Q Is that your handwriting? (Indicating) A Yes.

MR. Du VIVIER: May this be received in evidence?

Well, I take it it cannot be marked, it being an original document. It is an affidavit or license to marry.

Q Now, at the time you married your husband --

MR. LUSTIG: One minute, I ask the District Attorney what he wanted marked in evidence?

THE COURT: Well, it is a public record.

MR. Du VIVIER: Being a public record I do not want it

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THE COURT: You may ask her the question did she at any time procure a license, etc.

Q At the time you were married to Mr. Ferenczy, do you remember going down to the City Hall and getting a license?

A Yes.

Q And where were you living at that time? A I lived by Mrs. Turok.

Q At what address? A Fourth Street.

Q On Fourth Street? Yes.

Q 122 East 4th Street? A I don't know the number.

Q Well, was that the address that you gave, at the time that you applied for your license? A I don't know the number.

Q Well, it was on Fourth Street, is that right? A Yes.

Q And did you give your occupation as that of a cook?

A Yes, sir.

Q Thank you very much, and was your husband there, too, when you got this license? A Yes, sir.

Q What name did he give at the time? A His.

Q And he give the name of Bela Ferenczy? A William

Q What is that in Hungarian, what is William in Hungarian? A This is Bela, and that is called in English,

"William."

Q Is that correct?

A Yes.

Q Thank you very much. Do you remember this question being put to you by the clerk of the marriage license bureau, the bureau of marriage? A The bureau of marriage when I married.

Q Yes, the number of times that you had been married?

A I don't know.

Q You don't know, don't you remember his asking you how many former husbands, or husbands living or dead you had had? A No, I don't know that.

Q And your saying that you had one husband living, what is that? A (No answer.)

Q And don't you remember that you stated to the clerk in the marriage bureau that you had gotten a divorce from your husband on the 11th day of October, 1909? A (No answer.)

Q Did you understand the question? A Yes, sir.

Q Did you hear it? A Yes, sir.

Q Then why don't you answer it? A I can't answer it.

Q You can't answer it? A No.

BY THE COURT:

Q Why not, why can you not answer the question? A Well, I answer it, that is true.

Q Well, the question, madam, is, did you tell the clerk who issues the licenses -- A (Interrupting) Yes, sir.

Q (Continuing) --that you had been married, and that you had secured a divorce from your first husband in 1909, and --

BY MR. Du VIVIER:

Q And at that very time that you made application to be married in this state, didn't you file a copy of your divorce in Hungary? A Yes, sir.

Q And is that the paper? (Indicating) A Yes, sir.

Q And also a translation of it? (Indicating) A Yes, sir.

MR. Du VIVIER: May these be received in evidence, if your Honor please?

THE COURT: Well, you have it on the record, so it is unnecessary.

Q What was your husband's first name? A First? Joseph Mikul.

Q Mischek? A Mikul.

Q When did you marry him? A I can't tell you, I don't remember when I married him.

Q Well, have you any recollection of any date when you were married to anybody on any occasion? A (No answer.)

Q Do you mean to say that you cannot remember on any date when you were married? A (No answer.)

Q Where is your first husband at the present time? A I was seventeen years old.

Q I know, that is quite old in Hungary, isn't it, for a girl to get married? They marry over there at fifteen and sixteen, don't they, sometimes? A (No answer.)

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Q Now, where is your first husband at the present time?

A Where he is?

Q Where is your first husband at the present time?

A What is the city named where he was?

Q Where is he? A The other side.

Q Well, can you tell us in what part of the other side?

A Oh, yes, in Somogy Megye Geszti.

Q Where is that? A A big city.

Q Will you talk a little bit louder? A Yes, I can talk to you.

Q Thank you very much. Now, tell us where he is, will you? A Yes, well, I can tell you, Somogy Megye Geszti.

Q Well, is that in Hungary? A Hungary.

Q Then, if your name was Mrs. Mischek -- A (Inter-rupting) Mikul.

Q (Continuing) or Mikul why did you give your name as Katalin Harsanyi at the time you applied for this license to marry? A Because I gave it -- because I forgot him.

Q Now, wait. A I don't want him any more, I don't want to hear his name.

Q What I want to know is why you gave a wrong name at the time you applied for this license? A Because I don't want to hear of his name at all.

Q Yes, in other words, you did not want the clerk who issued this license to know that you had another husband?

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A Well, my husband knew that my license, this one is married to me now.

Q Did your husband get a divorce from you? A Yes, sir.

Q And when did you leave Hungary? A 1904.

Q What? A 1904.

Q I can't hear you? A 1904.

Q Thank you very much. And on what steamer did you come?

A "Pannonia."

Q Under what name did you arrive in this country?

A Katalin Harsanyi.

Q Why did you leave your husband and come to this country?

A I will tell you. I had a servant girl, I was too young for my husband, I was in the family way this time and I had a child.

Q You had a child? A Yes, a boy.

Q Well. A And I lost the boy.

Q Well, was that your husband's child or the child of the servant that you had in the house? A No, this is my husband's child.

Q I see. Now, is it not a fact that before you left Hungary that you were a prostitute? A What?

Q Is it not a fact that before you left Hungary and came to this country you were a prostitute? A What is it, you mean prostitute?

Q You do not know what that means, do you? A Something

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bad, eh?

Q. Do you mean to say that you do not know what that word means?

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

Objection overruled. Exception.

A. I don't know what you mean.

Q. Do you mean to testify that you sat at that table during this trial and you do not know what the word "prostitute" means? I think you think some bad, that is the way, eh?

Q. Do you know what a whore is? A. Whore?

Q. Yes. A. Yes.

Q. Were you a whore before you left Hungary and came to this country? A. No. Find it out.

Q. Find it out? A. Take my reference, yes, sir.

Q. That is your answer, find it out? Now, what was the first house, or what was the first address that you lived at when you first came to this country? A. I lived by Sandor Bornesneza. He is working by the Hungarian Consul in Cleveland, Ohio.

Q. Now, what was that address again, Madam, what was that address? A. Mr. Bornesniza, Sandor Bornesniza.

Q. I did not hear that? A. Sandor Bornesniza.

Q. Will you spell it for me? A. I can't.

Q. Will you write it for me? A. Yes, sir.

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Q. Thank you. A. (The witness writes.)

MR. DuVIVIER: The witness writes "S - a - n - d - o - r
B - o - r - n - e - s - n - i - z - a."

Q. Is that correct? A. Yes.

Q. Thank you very much. And what is his business? A. He is working by the Consul.

Q. What is that? A. He is working by the Hungarian Consul.

Q. He works by the Hungarian Consul? A. Yes, sir.

Q. And what did you do for him? A. I didn't do anything, but I was living by him.

Q. You did not do anything? A. No.

Q. Did he pay you any money? A. No.

Q. Well, just why should you live with him if you didn't do anything? A. I lived with two children he had in Ohio.

Q. You mean you were a servant in his house? A. No, no servant.

Q. Well, tell us just what you did? A. No servant, just keep me three weeks.

Q. He kept you for three weeks? A. Yes, and after he gave me a job.

Q. And then when did you come to New York City? A. When I come to New York City, when Mr. Bornesniza come to New York City.

Q. What is that? A. When he come to New York City, he is working now in the Hungarian Consul here in New York City.

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Q I see, and when was that? A I can't tell you the date.

Q How many years ago? A How many years ago? About nine years ago.

Q Nine years ago? A Or eight and a half.

Q So you have been in this city nine years, is that correct? A Eight and a half, something like that.

Q Thank you very much. A In this city, I mean.

Q Yes, that is what I mean. Now, where did you first live in New York City? A The first time I lived here?

Q Where was that? A 79th Street, in some company house.

Q 79th Street near what Avenue? A First Avenue.

Q And what was the next place where you lived? A The next place I lived in the Bronx, Tremont Street, by Mr. Goodman and Mrs. Goodman.

Q What did you do for those people? A Servant, cooking, washing, anything that is coming to the house.

Q Where did you live after that? A After I come to Eighth Avenue.

Q Eighth Avenue? A Yes.

Q Where? A 446, on the avenue, east side.

Q What did you do for them? A Wait a minute, and I worked by him one year.

Q No, answer my question, what did you do for him?

A Cooking, in a restaurant.

Q Then where did you go? A And after he sold the res-

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taurant I stayed there two years more by Mr. Levine.

Q And where were you living three years ago? A Two years ago?

Q Three years ago? A Three years ago? I lived in 79th Street and Ninth Avenue.

Q 79th Street? A And Ninth Avenue near the corner.

Q And Ninth Avenue? A Yes.

Q And did you live there alone? A No, by a family.

Q Whom did you live with? A By a family.

Q A family? A A family.

Q Now, when did you live at Eighth Avenue and 90th Street?

A I worked by Eighth Avenue.

Q Will you please answer my question, when did you live in the neighborhood of Eighth Avenue and 90th Street?

A Never.

Q Did you ever live on Eighth Avenue in any street in the nineties? A (No answer.)

Q When did you first meet Mr. Donath? A I worked by Mr. Kumlaufer.

Q Where were you living that time? A The same place, Ninth Avenue near the corner.

Q Well, near what street? A 79th Street.

Q 79th Street? A And Ninth Avenue.

Q Near Ninth Avenue? A Near the corner.

Q And was that a furnished room house, or what kind of

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what kind of house was it? A It was a private house, tenement house.

Q And how did you meet Mr. Donath? A I was with Mary Kupas to a Hungarian ball and he came.

Q And after that did you have intercourse with him?
A Yes.

Q And how often did you have intercourse with Mr. Donath while you were living at that address? A Not long.

Q Well, didn't you have intercourse with him on an average of once a week? A Yes, he took me out to moving pictures, when I finished in the restaurant.

THE COURT: You had better ask her if she understands what the word "intercourse" means.

MR. Du VIVIER: She understands all right.

Q Do you understand my questions, don't you? A Yes.

Q Now, let me tell you something. If there is any question I ask you you do not understand, you say so, will you, please? A All right.

Q Because if I put a question that you do not understand that is my fault and not yours, do you understand?
A Yes.

Q All right, thank you very much. Now, what was the next time?

MR. LUSTIG: Well, your Honor, as the word "intercourse", does the witness understand it?

BY THE COURT:

Q Do you understand what the word "intercourse" means?

A Sometimes I don't understand.

THE COURT: Where is the Hungarian interpreter?

THE WITNESS: And I understand so much sometimes.

BY MR. Du VIVIER:

Q (Through Interpreter Joseph Gyory) How long did you live at that address, 79th Street?

THE COURT: Well, you had better put that question, ask her if she understands what the word "intercourse" means, sexual intercourse.

(Previous question repeated to the witness through the Interpreter.)

A Never, I did not.

BY MR. Du VIVIER:

Q Well now, do you know what the word "intercourse" means, now that you have talked to the interpreter? A Yes, sir.

Q Did you ever have intercourse with Mr. Donath at 79th Street and Ninth Avenue? A (In English) Never.

Q What name were you using at that time? A 79th Street, my name?

Q I am talking about three years ago, three years from 1914? A All the time my name.

Q You understand that? A Yes, all the time my real

name, my girl name.

Q What is that? A Katalin Ferenczy.

Q Katalin Ferenczy? Now, will you please state, explain how you could use the name of Katalin Ferenczy three years before, or two years before you were married to this man?
A Two years before, no. Two years before Mrs. Ferenczy all the time.

MR. LUSTIG: Your Honor, I object to this.

THE WITNESS: (Continuing) And all the time Mrs. Ferenczy since I am married.

Q Well, when you were living at the 79th Street house?

MR. LUSTIG: Just a minute. I think we need an interpreter in this case. You can easily see the way the witness answers she does not understand some questions put by the District Attorney.

MR. Du VIVIER: I think she understands perfectly well.

THE COURT: Well, she is a defendant and she will be afforded every right.

BY THE COURT:

Q The District Attorney asked you the question, you say that you were known under the name of Mrs. Ferenczy, when at that time you had not been married to the defendant?
A When I am not married to my husband?

THE COURT: (Addressing the interpreter) But that

question to her in Hungarian.

A (In English) I never used my husband's name this time.

Q Well, what name did you use? A Katherine Ferenczy all the time.

Q (Question repeated through the interpreter) A I use the name Katherine Ferenczy.

THE COURT: Now, Mr. Interpreter, put this question:
BY THE COURT:

Q (Through the interpreter) Did you use the name of Katherine Ferenczy before you had known the defendant? A No.

MR. Du VIVIER: Now, may we dispense with the interpreter unless we need him, if your Honor please?

THE COURT: Yes.

MR. Du VIVIER: Will you please step down, Mr. Interpreter for a minute?

BY MR. Du VIVIER:

Q (Continuing in English) Now, what name did you use before you were married to Mr. Ferenczy? A Katherine Ferenczy -- Katherine Harsanyi at that time.

Q When did you go by the name of Mrs. Gold? A I never was Gold.

Q Why, didn't you hear Mr. Donath testify yesterday that he knew you at one time as Mrs. Gold? A This is a lie.

Q That is not true? A This is a lie.

Q When did you use the name of Mrs. Flesch? A This is a

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lie, the second lie.

Q That is not true? A Not true.

Q And did you ever use any other names but Mrs. Harsanyi before you were married to Mr. Ferenczy? A Mrs. Harsanyi, that is my father's name. Katherine Harsanyi all the time. I never was Mrs., I was always Katherine Harsanyi.

Q You mean to say you called yourself Miss Harsanyi? A Oh no, never.

Q Well, did you call yourself or were you known as Miss or Mrs. Harsanyi? A No.

Q Well, will you please answer my question and tell us under what name you were known in this city before you married your husband, the defendant? A Katherine Harsanyi all the time, all over.

Q Thank you very much. Were you called Mrs. or Miss Harsanyi? A Well, Miss Harsanyi, some.

Q Miss Harsanyi? A Yes. My boss always called me Miss Katie, all the time.

Q Miss Katie? A Yes.

Q In other words, you concealed from your lovers the fact that you had been married before, is that correct?

MR. Du VIVIER: Put that question to her, Mr. Interpreter.

Q (Question repeated through the interpreter) A (In English) I never told him, I was just this time when I see

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he really wants to marry to me, this time, I says, listen --

Q No, you do not understand my question or else you do not wish to understand it. Now, will you please tell this Court and jury whether you concealed the fact, while you called yourself Miss Harsanyi in order to ^{conceal} ~~conceal~~ the fact of your preceding marriage, from your several lovers? (Question repeated through the interpreter). Yes or no. A (In English) Never, I never lie.

Q (In English) You never lie? A No.

Q Thank you very much. Where were you living at the time your first husband divorced you? A By Mrs. Forzin. After that I lived at Cleveland, Ohio.

Q Will you please answer my question, where were you living at the time your husband divorced you? A By Mr. Goodman, in the Bronx.

Q What was the address? A The address, I know Tremont Street, but the address I forget.

Q Do you mean to testify that at the time your husband divorced you, it did not make any impression on your mind at all, that you have forgotten it? A This time I gave my name and I don't know any address.

Q What is that, you don't know where, do you? A No.

Q Weren't you living at 165th Street? A No.

Q Or 1139 Wisey Avenue? A No, never.

Q Or Vise Avenue? A No.

Q So that if this marriage record gives those addresses or that address, that is incorrect, is that right? A I lived this time, I worked for two years by Mr. Goodman.

Q I did not ask you that. I ask you at the time your husband, your first husband, divorced you, whether you were living at those addresses or at that address? A Yes, I lived in the Bronx.

Q Well, were you living at the addresses I have given you, 1139 Wisey Avenue, or Vise Avenue, and 165th Street? A The Bronx?

Q Well, you lived there, I don't know whether it is the Bronx or not. A If that is the Bronx it's all right, Mr. Goodman.

Q Well, were you living at that address on that street, that is what I want to get at, yes or no? A I don't know, I forget.

Q Now, did you ever live on Second Street, or in the neighborhood of Second Street? A No.

Q What? A No.

Q Did you ever live in that neighborhood and about that part of town? A (No answer.)

Q Didn't you keep a house of prostitution down there?

A No.

Q Do you know what the word "prostitution" means now?

A Yes, now.

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Q Did you keep a house of prostitution in that neighborhood at that time? A No, sirree.

Q Did you keep a house of prostitution at Eighth Avenue in the neighborhood of 90th Street? A No, sirree.

Q No, sirree? A No, sirree.

Q Now, is it not true that you kept a house of prostitution in the neighborhood of Eighth Avenue, of 90th Street and 8th Avenue, and had intercourse with Solomon Donath?

MR. LUSTIG: I object to the question.

A No, sirree, and I don't know him four years.

THE COURT: The objection is overruled.

A I did not know him before four years. I meet him at 79th Street when I go down to buy bread.

Q Now, did you keep a house of prostitution on East 78th Street? A No, sirree.

Q Did not Donath come there and have intercourse with you and pay you money therefor, while you were keeping a house of prostitution on East 78th Street? A No, sirree.

Q Did you ever keep a house of prostitution in any part of the City of New York? A No, in no place, no, sirree.

Q What was the last -- were you working at the time you married your husband? A Was I working? Yes, sir.

Q Where were you working? A Mr. Kumlauffer.

Q Where is his address? A 35th and 36th Street, Eighth Avenue.

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Q What is his business? A Lunch room and restaurant.

Q And how long did you work for him? A A year and a half.

Q When did you leave his employment? A I leave him this time when I marry.

Q When was that, in March? A That was in March, yes, this time, a big holiday, I know.

Q It was in March? A Yes.

Q And what did you do between the time you left this man's employment and your marriage on the 15th of August?

(Question repeated through the interpreter) A I left the place at the time when I got married.

Q (In English) Now, did you do any work outside, after your marriage to Mr. Ferenczy? A No.

Q And he was working at the Hotel McAlpin, is that correct, as a barber? A I don't know.

Q Do you mean to testify that you don't know where your husband was working?

MR. LUSTIG: I do not believe she understood the question. I ask that the interpreter interpret that question.

Q Do you mean to say you do not know whether your husband was working after you married him? A Yes.

MR. LUSTIG: I ask that the interpreter interpret that question.

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Q Where was he working? A Some hotel.

Q Do you know the hotel? A (No answer.)

Q Well, wasn't he working at the McAlpin Hotel?

A McAlpin.

Q And how long was he working at the McAlpin Hotel?

A I don't know.

Q Can you tell us? A No.

Q What is your best recollection, was he working there a year? A I don't know.

Q Two years? A I don't know.

Q Three years? A I don't know.

Q A month? A I don't know.

Q Well, your husband would go to business every day?

A Every day, I know that.

Q And yet you mean to state to this Court and jury that you don't know where your husband was working at that time, is that correct? A I don't know.

Q You don't know? Thank you very much. Do you know a person named John Nagy? A John?

Q Why do you hesitate? A I don't know, John.

Q Isn't he an intimate friend of you and your husband?

A John?

Q John Nagy (Spelling) N-a-g-y. Perhaps I do not give the Hungarian pronunciation.

MR. DuVIVIER: Will you give it for me, Mr. Inter-

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preter?

Q (Question repeated through the Interpreter) A (In English) Well, why don't you tell me like that, John Nagy?

Q (In English) You know that man, don't you? A Yes.

Q He is an intimate friend of yours? A Not mine, a friend of my husband.

Q A friend of your husband? A Yes.

Q Now, is it not true that before you were married, you kept a disorderly house or a house of prostitution at Eighth Avenue, 83rd or 81st Street, and were there raided by the police? A No.

Q You understand that question, don't you? A I understand, but not --

Q You understand that question? A Yes -- no.

Q You were not raided by the police? A No.

Q And you never kept a disorderly house at that place?

A Never.

Q Or in that part of town? A No.

Q Did you ever live in that part of town? A Never.

Q Did you go to Europe last year? A What did you say?

Q (Question repeated through the Interpreter) A No.

Q Did you go to Europe the year before? A No.

Q (In English) Do you remember going and paying a visit to Paris to a lover friend of yours named Frank?

THE INTERPRETER: She says she did not hear that.

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Q Well, I will put it again. Do you remember paying a visit to Paris with a lover friend of yours named Frank?

(Question repeated through the Interpreter) A (In English)

No.

Q Do you know a man named Frank? A No, sirree.

Q You do not know any Frank at all? A No, sirree.

Q Well, you know Mr. Flesch, don't you? A No, sirree.

Q Don't you know Mr. Flesch? A Oh, yes.

Q Well, his name is Frank, isn't it? A Yes.

Q Then you do know a man named Frank, don't you? A Well, that is Mr. Flesch.

Q Yes or no. A Yes, sir.

Q Now, do you know any other man named Frank? A No.

Q Did you ever go to Paris? A No, sirree.

Q ~~never been~~ to Paris? A No, never.

Q Never at all? A Never at all.

Q Now, is it not true that in the summer of 1913 you went to Europe with a man named Frank? A No, sirree.

Q Wait a minute now. You just wait. That you went to Europe with a man named Frank, unbeknown to your husband?

(Question repeated through the interpreter) A (In English)

No, sirree.

Q (In English) You have never been in Paris at all?

A I never was.

Q And do you mean to testify under oath --

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MR. LUSTIG: I object to that, your Honor.

MR. Du VIVIER: Well, I withdraw that question.

Q Do you mean to testify or do you mean to state that/you ^{since} arrived in this country nine years or ago, you have never been back to the old country? A Never. I did not want to go back, never, not today.

Q Well, you had not met the chance. Did you ever use the name of Anna Dietrich? A Who?

Q Anna Dietrich. (Question repeated through the Interpreter) A (In English) No, you make me laugh.

Q Did you ever use the name of M. Wagner? A Who?

Q Wagner? A No.

Q Did you run a matrimonial agency at 107 East 85th Street during the year of 1913? (Question repeated through the interpreter) A No.

Q (In English) Now, for how long a time were these girls living with you at 201 East 79th Street? A How long before?

Q Not how long before, but how long a time? A March 28th she is come. She leave April 16th.

Q She was there from March 28th until April 16th, is that correct? A Yes.

Q Now, what did they do during that time? A That time she is going downtown every day, she is looking for a job.

Q Every day? A Yes.

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Q And they did not get any work, did they? A No.

Q And do you know where they were going to? A Yes.

Q Where? A ^{me} She told in Second Street.

Q Whereabouts? A In Second Street, by a Hungarian man, First and Third Avenue.

Q Well, did you know the name of the man? A No.

Q Now, would they be there -- were they there every evening?

A No, she is not there, she is at home --

Q Well, the other people there, were they not? A Yes,

there would be people there in the room.

Q Now, where would they be? A In the little bedroom.

Q And you sleep with your husband? A Husband.

Q Who else was living with you at that time? A Nobody.

Q Didn't you hear yesterday that you had had two men and a lady dressmaker living with you? A Yes, but not this time.

Q Do you remember testifying to that, don't you? (Reading) "What kind of boarders did you keep there" -- I withdraw that question.

Q Do you remember this question put to you yesterday: "What kind of boarders did you keep there? A Two men and a lady dressmaker." A Yes, and a lady dressmaker.

Q Then you were asked further, to make sure, "Two men and a lady dressmaker? A Yes." A Yes.

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Q "And you received board from these people? A Yes, sir." Do you remember that? A Yes, sir.

Q Now, were these two men and the lady dressmaker living with you at this time? A Not this time.

Q When did they live with you? A Before, when the girls was not down there.

Q When the girls were not there? A No. We leave the week before.

Q Who did? A The two men, he leave the room the week before, when the girls come to my house.

Q And when did the lady dressmaker move away? A Who?

Q When did the lady dressmaker move away? A When? A week before.

Q Was the lady dressmaker a man or was it a lady? A No, a man -- two men.

Q Then there were three men? A Two men.

Q Well, there were two men and a lady dressmaker, now, which is correct? A Lady dressmaker, that is a dressmaker for ladies' dresses.

Q Well, what I want to get at is this, you testified yesterday --

MR. DU VIVIER: Repeat this in Hungarian, Mr. Interpreter:

Q (Through the interpreter) You testified yesterday that you had as boarders two men and a lady dress maker. A In

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English) A lady dressmaker.

Q Will you wait a minute and give me a chance? A All right.

Q And then the question was repeated to you, "Two men and a lady dressmaker?" and you answered yes. Now, what I want to know from you is this, were there three persons or two persons in your apartment at that time? A (In English) Two men.

Q And when did they leave? A Week before, on Saturday, was Saturday.

Q Now, did the girls say on any board? A No.

Q When did you first learn that they were prostitutes?

A I learned? I never learned.

Q Well, do you know it now? A Yes, we never talked those kind of things, never.

Q I suppose you were too modest, is that right, because you were too modest?

MR. LUSTIG: I object to the question.

THE COURT: I sustain the objection.

Q Then you never found out, you never learned that these girls were prostitutes until this trial began, is that correct? A No, no.

Q Thank you very much.

BY THE COURT:

Q Well, did you not testify that one of the girls called

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the other a prostitute? A This time was when she left the house, but not this time what he means. He says this time when she lived in my house. This time was respectable girls all the time.

BY MR. DU VIVIER:

Q What I want to find out from you is, when did you first learn that these young girls were prostitutes? A I learn --

Q When they left? A I don't learn the girls.

MR. LUSTIG: Just a moment, I ask that the interpreter put that question to her.

THE COURT: Yes, put that question to her.

Q (Question repeated through the interpreter) A (In English) Mr. Lushidy and Mrs. Lushidy was in my house.

Q Now, will you please answer the question and do not make a speech? A Mr. Lushidy --

Q One minute, answer the question. (Question repeated through the interpreter) (In English) April 30th.

BY THE COURT:

Q April 30th? A April 30th, afternoon.

BY MR. DU VIVIER:

Q That was when they left, is that right? A About five o'clock, yes.

MR. LUSTIG: I do not think the interpreter put the question properly.

MR. DU VIVIER: Well, you can try your hand at it, Mr. Lustig.

THE COURT: Put that question, Mr. Interpreter.

BY THE COURT:

Q When did you learn for the first time that the girls were prostitutes? (Through the interpreter) A On April 30th.

BY MR. DU VIVIER:

Q Well, didn't you know --

MR. LUSTIG: Just a moment. I understand the interpreter does not put the question right. He asked her when was the last time that she left.

THE COURT: Put the question again.

Q (Question again repeated through the interpreter)

A On April 30th.

BY MR. DU VIVIER:

Q Now, didn't you know that Lizzie Nemeth was a prostitute when you ^{saw} Solomon Donath come up there and have intercourse with her and pay you the money? A (In English) No, sir.

Q You did not? A He didn't pay me money. He didn't talk nothing else only nice.

Q Well, did he come up there? A Yes.

Q And did he have intercourse with one of these girls?

A Yes, talking the two together.

Q We had intercourse with the two of them?

THE COURT: No, she said he talked.

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A Yes, he talked to all of us.

Q Well, did he have intercourse with either or both of the girls? A We talked together.

BY THE COURT:

Q Answer the question, did he have intercourse with either of the girls? (Question repeated through the interpreter) A (In English) No, no, she is a respectable girl.

BY MR. Du VIVIER:

Q Did he come up, or why should he come up to see the girls? A I tell you, this time was now --

Q No, why did he come up, that's what I want to find out.

A Because I gave to him the address.

Q You invited him? A Yes.

Q You gave him the address? A yes.

Q Thank you very much. Now, you know a man named Frank Flesch, do you not? A Yes, sir.

Q And you have known him for several years, have you not? A Who?

Q You have known him several years, have you not? A I know him --

Q How long have you known Mr. Flesch? A Five or six months I know him.

Q Five or six months? A Yes.

Q Not any longer than that? A (No answer.)

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Q How did you meet him? A My husband come with him.

Q What? A My husband's friend.

Q He is a friend of your husband's? A Yes.

Q Did you ever have intercourse with Frank Flesch? A No.

Q Isn't it true -- A (Interrupting) This is the truth, just like I said here.

Q Now, will you listen to my question? Isn't it true that he had intercourse with you on various occasions before you went up to 201 East 79th Street? A No.

Q Did you introduce Frank Flesch to Magda Papp? A Yes, before I told him --

Q What? A I told him, and I know him, he says he wants to marry her.

Q That is not what I asked you, I asked you whether you introduced him. (Question repeated through the interpreter)

A (In English) Yes.

Q Yes, thank you very much. And isn't it true that he came up to the apartment at 201 East 79th street for the purpose of having intercourse with one or both of these girls? (Question repeated through the interpreter) A No.

Q How often were you in the habit of seeing Frank Flesch, during the time that you and your husband knew him? (Question repeated through the interpreter) A (In English) Oh, lots of times.

Q Every week? A Yes.

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Q Well, tell us about, I want to find out how well you knew him? A I don't know how many times.

Q Well, would he come up there every two weeks, on an average? A Sometimes every two weeks, sometimes.

Q And spend several hours at a time? A Oh, yes, we spent together.

Q Sometimes you would go out to moving pictures with him?

A No, we go out, my husband and I and him and Papp Magda -- Magda Papp, Erzsi Nemeth, we go to the theatre.

Q To the theatre together? A Yes.

Q And you would also go to entertainments at night, would you, masquerade balls and things of that kind? (Question repeated through the interpreter). A (In English) Never.

Q Did you ever go with Mr. Flesch? A Never.

MR. DU VIVIER: That is all.

REDIRECT EXAMINATION BY MR. LUSTIG:

Q You have never been arrested in this city? A No.

Q Or in any city? A No, no.

Q You have never been convicted of any crime? A No.

Q All right, that is all.

ALBERT FERENCZY, one of the defendants, called and duly sworn, a witness on behalf of the defence, testified as follows:

Residence, 201 East 79th Street.

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DIRECT EXAMINATION BY MR. LUSTIG:

Q What is your occupation? A Barber.

Q How long have you been a barber? A I have been ten years.

Q Were you working at the time of your arrest? Yes, sir.

Q And where were you working? A I was working at the Hotel McAlpin.

Q How long were you working at the Hotel McAlpin? A A little longer than eleven months.

Q How much were you receiving there? A About \$35.

Q \$35, was that a week?

Q Do you know Magda Papp? A I do.

Q And Erzsi Nemeth? A I do.

Q Do you remember when you first met them? A I met Magda Papp last year, about July.

Q And how did you meet them? A Well, I went down to see my friend Banhidy and she was there, and he says "This girl has come from Europe."

Q And this Mr. Banhidy is related to Erzsi Nemeth, you know that Mr. Banhidy was related to Erzsi Nemeth? A Yes.

Q Did you call there at different times at the Banhidy apartment? A Well, three or four weeks, four weeks sometimes.

Q Were you there at the wedding? A I was.

Q And the engagement? A I was down to the engagement party. I was not down to the wedding party.

Q Do you know when Mr. and Mrs. Flesch moved to St. Marks Place, 15 St. Marks Place? A Yes, I understand she had the apartment, it was open before she had the wedding day, Saturday.

Q And during the time that lived at 15 St. Marks Place, did they call to see you at your apartments in 79th Street?

A Yes, sir.

Q And did Mr. Flesch ever come up alone? A Oh, yes, he is a friend of mine.

Q Were you always in when he came up? A Well, he used to come on Sunday, that time he is not working, to see me.

Q And did he ever come up with Mrs. Flesch? A Yes.

Q Did Erzsi Nemeth ever come up at these times? A There was a time once after the wedding, about a week, the whole company come up, Mr. Flesch, Mrs. Flesch, Erzsi Nemeth.

Q Did you go out anywhere? A I was not.

Q Did you go out anywhere that night? A Oh, yes, after supper we went out to the theatre, the whole company.

Q At any time did Erzsi Nemeth come up alone to your house, or Lizzie Nemeth? A I don't know about that, I never saw her.

Q You don't know? At any time did you have sexual intercourse with Lizzie Nemeth? A Never.

Q During the time she came to your house? A Never.

Q Did you at any time go down to 57th Street court, on March 28th, 1914? A I was not.

Q Did you know at that time whether Mr. Flesch or Mrs. Flesch went to court at 57th Street? A My wife let me know in the night when I come home at twelve o'clock, that she had some fight with her husband and she was in court.

Q When was the first time that you saw both girls in your apartment? When was the first time that you saw both girls in your apartment at 79th Street? A That was on March 28th.

Q At what time? A Twelve o'clock, when I come home.

Q Did you find the girls there? A I find both girls there and I asked my wife "What's the matter with these girls?" She says, "Magda has a fight with her husband and was up to court, in the magistrate's court, and the judge told them that they go home and stay with her husband and she did not do it; she told me, she says she will never live any more with him."

Q Did your wife say she was going to keep them there? A I told them, I says "There is no girl can live in my house" -- especially these two girls because Banhidy that time was, on account of a fight with me, so I didn't want to keep these girls with me.

Q What did your wife say to that? A So she says "Have a heart."

MR. Du VIVIER: One minute. I object to that.

Q Did your wife object, or after you objected to keeping these girls there what did your wife say?

MR. Du VIVIER: I object to that as a self-serving declaration. What difference does it make, and it is leading, too.

COURT: The objection is sustained.

MR. DUBOIS: Well, I withdraw the question.

Q Well, did your wife say anything at that time? A She told me, "Have a heart." "Let these girls stay there a couple of days." She says "There is a bit windy there and she has no money."

Q What was it? A It was a big windy out. (Continuing through the interpreter) It was cold, windy weather, stormy weather. (Continuing in English) And she said she had no money and could not come. Well, I says, "A couple of days she can stay." So after that, a few days after she went looking for a job, which I don't know.

Q Do you know at any time did these girls commit sexual intercourse at your home? A I did not.

Q Do you know whether these girls committed sexual intercourse at your home? (Question repeated through the interpreter) A No.

Q Did you at any time try to keep these girls in your home? A (In English) I did not.

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Q Did you at any time use force or compel these girls to remain in your home? (Question repeated through the interpreter) A (In English) Never.

Q Do you remember the day before they left? A Yes, I do, it was April.

Q Tell us just what you heard and what you saw? A It was this year, April 16th.

Q A little louder? A April 16th.

Q Well, tell us what happened one day before they left?

A I came home at twelve o'clock and I just opened the door downstairs with my key and I heard some fighting upstairs. So I just went up, I never thought it was in my house, so I was up to the second floor and I heard a big fight in my house. I was surprised to hear a fight. I opened the door and I saw the two girls at each other, holds the hair and pulling, so I took my coat off and I helped her to take them out, and Magd. says, this rizzio Nemeth, she stole nine dollars out of her pocket book, and I asked them, "How can she steal it?" She says "She went in my pocket book and took it out and she went to 106th Street to pay some people money, Chorosh, she was owing for some board." I don't know what she meant at that time.

Q Did you hear any conversation as to what they were doing at that time, what did they call each other? (Question repeated through the interpreter) A (In English) Yes,

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Magda Papp called Lizzie Nemeth a stinking whore.

Q Did they go away next morning? A Yes, I let her know the same night I didn't want to keep anybody on account of a fight like that, if she can't behave herself and live nice, like people is supposed to live in an apartment house. She says "Well, don't get excited" she says.

BY MR. DU VIVIER:

Q Who said that? A Papp Magda. She says "We will go away." I said "All right, I like that to be tomorrow, take your package and trunk and go away."

BY MR. LUSTIG:

Q They left next morning? A And next morning about nine o'clock I was up already and I saw the two girls go with a suit case, a satchel, and Lizzie Nemeth has some kind of bundle.

Q You heard Erzsi Nemeth and Magda Papp here testify that they were there a week and a half, and then they went away, is that right? A She did not.

Q And thereafter you went down to St. Marks Place and brought them back to 79th Street, is that true? A I did not.

Q Your witness.

BY MR. DU VIVIER:

Q Now say that Mr. Flesch is a friend of yours, is that

Q And how long have you known Mr. Fleisch? A Well, I meet him in a Hungarian home, it is called, in 78th Street.

Q Is that on the east side, Mr. Ferenczy? A Yes, it is pretty near First Avenue.

Q And had you known him several years? A Seven years?

Q Several years. (Question repeated through the interpreter) A (In English) About a year and a half.

Q A year and a half, thank you, and during that time he had been coming to your home from time to time, had he not?

A Yes, I called him up, to come up to see me, the same as I had to go up to see him.

Q Do you also know a man named John Nagy? A Yes, that's my countryman.

Q And what is his business? A He is a restaurant keeper.

Q Where is his restaurant? A It is between 81st and 82nd Street, Second Avenue.

Q And what is the name of that restaurant? A "The New World."

Q And you know a coffee house in that part of town called Abazzio? A I have never been there, I don't understand that name, I never been there, I never know how that coffee house looks like.

Q I didn't ask you whether you had seen there, I asked you whether you know of such a place? A Oh, I passed around there many times.

Q Well, there is such a coffee house, isn't there? A I know the coffee house.

Q On what street is it? A Right on the corner of 79th Street.

Q And what avenue? A Second Avenue.

Q And how long have you known John Nagy? A I know him since I am here in the United States.

Q For how long a time is that? A Well, I come in 1910, November 15th or 18th, I ain't sure.

Q So you have been here about three years and a half, is that correct? A Something like that.

Q Thank you very much. Now, do you remember the time that Frank Fleisch married Magda Papp? A Yes, I do.

Q When was that? A Well, the time I can't tell you exactly.

Q It was some time in February, wasn't it? A Sometime in February, yes.

Q And do you remember going over to 15 St. Marks Place on the Sunday after the marriage? A No, I did not.

Q Is it not true that you went over there some several days after the marriage and there had intercourse with Lizzie Nemeth? A I did not.

Q Is it not true that you told John Nagy, your intimate friend, that you had had intercourse with Elizabeth Nemeth, and that time she was a virtuous girl? A No, sir.

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Q You never said that to John Nagy? A I never said that to him.

THE COURT: Gentlemen, as to the last questions put by the District Attorney to the witness, under the law you are bound by his answers, and you must not draw any inference from the questions put by the District Attorney to this witness, any unfavorable inference. These questions relate to collateral matters, and the People are bound by the defendant's answers.

MR. DU VIVIER: Your Honor will bear in mind that it was brought out on direct examination of this witness?

THE COURT: I do not think so.

MR. DU VIVIER: Yes, it was, sir. I refer to the record.

(The stenographer repeats question on direct examination of the witness put by Mr. Lustig as follows: "Q At any time did you have sexual intercourse with Lizzie Nemth? A Never.")

THE COURT: That was asked by defendant's counsel?

MR. DU VIVIER: Yes, sir.

Q When did you first meet Mrs. Ferenczy? A Mrs. Ferenczy, I meet her something like three years, not exactly three years.

Q Where did you meet her? A It was a restaurant, the -- a lunch room, I used to go in to eat lunch.

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Q Well, don't you know the name of the place? A Eighth Avenue.

Q (Continuing) Where you met your wife the first time?

A I meet my wife there.

Q Eighth Avenue is about two or three miles long; can you be a little more definite, what part of Eighth Avenue?

A What part of Eighth Avenue?

Q Yes. A I think it is 35th or 36th Street, I don't know sure.

Q You do not know, do you? It was an a lunch room somewhere, where she was working? A She was working there and I used to go in.

Q Where was she living at that time? A That time she was living on 79th Street, I think, and Ninth Avenue.

Q Don't you know it was on Ninth Avenue? A 79th Street and Ninth Avenue, around the corner, a place like that.

Q Where did she live after that? A She was living Fourth Street, 220.

Q On Fourth Street? A Fourth Street, 220, I guess.

Q 220, east or west? A 120 or 220, I am not sure.

Q Well, do the best you can, what is your best recollection as to the number of the house? A I think it is 101.

Q 101. A No, I mean --

Q Take your time now. A 120.

Q 120 what, east or west? A East Fourth Street, the

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name is Mrs. Turok.

THE INTERPRETER: (Spelling) That is T-u-r-o-k.

THE WITNESS: She was with me down to City Hall on the wedding.

Q And under what name did you, what name was Mrs. Ferenczy using at that time? A Katalin Marsanyi.

Q Did she ever use any other name? A She -- not that I know, she never used any other name.

Q She never used the name of Gold? A No.

Q And she never used the name of Flesch? A No.

Q Did you have intercourse with your wife before you married her? A I did not.

Q Is it not true that -- question withdrawn.

Q Now, did Mr. Flesch ever come up to the apartment at 201 East 79th Street? A Himself?

Q Yes. A Yes, he come to see me, yes.

Q Did he ever come up there for the purpose of having intercourse with your wife? A Well, how can I know?

Q Well, did you ever see him in there, and did you know that he was there for the purpose of having sexual intercourse with this defendant? (Indicating) A I don't know.

Q Did he ever come up there for the purpose of having intercourse with Lizzie Nemeth? A I did not.

Q Do you remember an occasion when he came up there and tried to have intercourse with Lizzie Nemeth, and you and

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Mr. Flesch chased Lizzie Nemeth, or ran after her around the table in the dining room? A I was running around the table? no.

Q After Lizzie Nemeth? A No, sir.

Q No such occurrence took place? A No, sir.

Q Now, you say that these girls left on the 16th or 18th of April, is that correct? A 16th of April.

Q Yes, and you never knew that these girls were prostitutes until you saw this fight and overheard this conversation, is that correct? A I only know this time she was calling by this name.

Q Yes, and I suppose you thought that that was not language that was used by ladies and virtuous women, and so you thought these girls were prostitutes, is that correct?

A Well, I tell you in the Hungarian language there is most of the time some other ladies, they use it, on account of ladies like she.

Q You mean in Hungary the ladies call one another whores, is that what you mean? A No, I mean the kind of ladies like she.

Q Well, I am talking about ladies and not women. Now, do you mean to state that in Hungary ladies call on another whores, is that what you mean to testify? A No, I don't mean that.

Q Now, you say you are a barber, is that correct?

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A Yes, I am a barber.

Q Now, isn't it true, Mr. Ferenczy, that it is a common practice in Hungary for barbers to distribute slips or tickets for houses of prostitution? (Question repeated through the interpreter) A (In English) No, sir.

Q That is not the practice or custom? A No, sir.

Q Is it not true that it almost amounts to a national institution in Hungary, that when a man in Hungary wants to go, after his shave and he has had his hair cut, and wants to go to a house of assignation, that he gets the name and address from the barber who has shaved him?

MR. Du VIVIER: Repeat that in Hungarian, Mr. Interpreter.

MR. LUSTIG: I object to that as already answered.

THE COURT: What is the objection?

MR. LUSTIG: The question was already answered.

THE COURT: Repeat the question.

(Question repeated by the stenographer)

THE COURT: I will sustain the objection to the form of the question.

MR. Du VIVIER: Well, I withdraw the question.

THE COURT: I do not think the question should be put in that form.

MR. Du VIVIER: If your Honor will suggest a form I will accept your Honor's suggestion.

THE COURT: Well, we do not want to have it go on the record in that form.

MR. Du VIVIER: Well, I withdraw the question.

Q Of course, when you heard this conversation between these two girls, you were very much surprised, were you not?

(Question repeated through the interpreter) A (No answer.)

Q (In English) You understand English, do you not?

A Well, some words I don't understand.

Q You surely have not been a barber, with all your opportunity for conversation, and not be able to do that? A Well, that don't learn me English.

Q But you talk just as much as the average barber, don't you? A Well, every barber.

Q When you heard this talk or conversation between these young girls, you were very much surprised, weren't you?

A Indeed I was surprised.

Q Yes, you had never heard any such language from the lips of your wife, had you? A No, sir.

Q Nor from any other friends of yours? A No.

Q In other words, you had all of the righteous indignation of a virtuous man, is that correct? (Question repeated through the interpreter) A (In English) Sure.

Q And so the next day you turned out these two whores, is that correct? A Yes, that's correct.

Q That is all.

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REDIRECT EXAMINATION BY MR. LUSTIG:

Q During your stay in the Tombs you received a series of letters, is that correct? A I received four letters.

MR. LUSTIG: Well, the first two letters I ask the clerk to show the defendant.

(The witness is shown letters)

THE WITNESS: Yes, that is the letter.

MR. DU VIVIER: Show them all to him, the Defendant's Exhibits.

THE WITNESS: Yes, sir.

(The witness is shown Defendant's Exhibits C, D and E.)

BY MR. LUSTIG:

Q You read the contents of these letters? A Yes, sir.

Q And they came from whom? A They came from Elizabeth Nameth and Magda Papp.

BY THE COURT:

Q (Through the interpreter) Well, are you familiar with the handwriting of Elizabeth Nameth? A Yes, your Honor.

Q How often have you seen her write? A (In English) Well, I seen twice she was writing a letter to her father to send to Europe.

BY MR. LUSTIG:

Q And what was the other letter there that she sent out? You say she sent a letter to her father, and also the other

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letter that she sent out? A Well, there was also to her father.

Q Both letters to her father? A Both letters to her father.

Q And in this way you were able to familiarize yourself with the handwriting of this Erzsi Nameth? A Yes, sir.

Q Did you answer these letters? A I did not.

Q You received another letter? A Yes, sir, from Mr. Banhidy.

Q Is this the letter that you received from Mr. Banhidy? (Indicating) A Yes.

MR. Du VIVIER: I object to that, a letter written by Banhidy, that is absolutely improper.

THE COURT: Well, he may ask the question, is this the letter he received from Banhidy. I will allow that.

Q Did you read the contents of the letter? A Yes, sir.

THE COURT: The Banhidy letter is not in evidence.

MR. Du VIVIER: No, he is trying to get it in, that is what I am objecting to.

Q Did you understand the contents of the Banhidy letter?

A Yes.

Q Addressed to you while in the Tombs? A Yes.

Q Can you tell us what the contents of that letter is?

MR. Du VIVIER: I object to that.

THE COURT: The objection is sustained.

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MR. LUSTIG: I ask to have this letter marked for identification, and the translation.

THE COURT: You can mark it for identification.

MR. Du VIVIER: The record will be, of course, that it is only for identification and not in evidence.

(The letter with translation is marked Defendant's Exhibits F-1 and f)2 for identification)

Q Did you answer this Bannidy letter? A - did not.

Q That is all.

MR. LUSTIG: A juror wants to ask a question.

BY THE ELEVENTH JUROR:

Q What were your hours of work at the Hotel McAlpin?

A (No answer.)

RECROSS EXAMINATION BY MR. Du VIVIER:

Q Yes, what hours did you keep at the Hotel McAlpin?

A I was working eleven to eleven, ~~xx~~ and I have to go from my house about three quarters of an hour, that I should reach there.

Q Well, what time did you go to work? A I had to start eleven o'clock sharp.

Q In the morning? A In the morning.

BY THE COURT:

Q To be in the shop at eleven o'clock? A In the shop at eleven o'clock.

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BY MR. Du VIVIER:

Q What time would you quit? A Eleven o'clock at night.

Q And did you sometimes have a day shift? A No, I never work, I work eleven months already and I never had a day shift.

Q You worked from eleven o'clock in the morning until eleven o'clock at night, is that correct? A Eleven o'clock at night, yes.

Q And during the entire time you were there, during the entire eleven months that you were at the Hotel McAlpin?

A Eleven months.

Q You never have been, at all? A No.

Q Did you ever have a day off? A Sunday.

Q Any other day? A No.

Q Never had a day off? A Every Sunday I had off.

Q Sunday was your only day off? A Only Sunday. Six days a week I worked.

Q Do you mean to testify that you worked for twelve hours, day after day? A Every day, twelve hours.

Q Do you belong to the barbers' union? A Well, in New York City --

Q Do you belong to the Barbers' Union? A I was belonging --

Q Answer the question, yes or no? A No, I don't.

Q You do not belong? A No.

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Q Are those union hours, from eleven in the morning until eleven o'clock at night? A It is not union hours.

Q What are union hours? A Well, I was belonging --

Q How many hours are union hours, according to the Barbers' Union? A I believe it is the same, twelve hours.

Q Then, twelve hours a day in a barber shop are union hours in this city, is that correct? A Twelve hours, yes.

Q Now, you say that these letters that were shown to you by Mr. Lustig were written by Magda Papp and Lizzie Nemeth, is that correct? A Yes, sir.

Q Will you explain to this Court and jury how Magda Papp could write these letters when she does not know how to read or write? A Well, I am not saying that Magda Papp wrote it.

Q I ask you whether -- you testified twice now within the last fifteen minutes that Magda Papp and Lizzie Nemeth wrote these letters. Now, will you please explain to this Court and jury how Magda Papp could write these letters when she could not read or write? A I did not say that Magda Papp wrote it.

Q All right now, stop.

MR. DE VIVIER: I ask the stenographer to refer to the testimony.

(The stenographer repeats the testimony as follows:

"By Mr. Lustig: Q You read the contents of these letters?

A Yes, sir. Q They come from whom? A They came from

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Elizabeth Nameth and Magda Papp")

Q Now, you say that you saw Lizzie write on two occasions, is that correct? A Yes, I did.

Q What was the first occasion? A When she wrote a letter to her father.

Q When was that? A Well, when she was living there.

Q When? A Sunday afternoon.

Q Did you read the letter? A I did not, but I looked at what she wrote.

Q Well, how did you look at the letter without reading it? A Well, I didn't have to read the whole notes what she writes, I just looked at it.

Q You just got a glance at it, is that correct, you just saw it, the way you see that letter now at the present time, you saw it on the table? (Illustrating) A Just like this gentleman is writing, (Indicating the stenographer) and I looked at it.

Q When was the next occasion when you saw Lizzie write?

A She received a letter about a few days after and she answered with another letter.

Q She wrote another one to whom? A To the same people, her father.

Q To her father, and did you see that letter in the same way? A Well, I seen it.

Q Yes or no. A Yes, sir.

Q Did you see it in the same way, the way you see this letter on this table? (Indicating) A Yes.

Q And those are the only two occasions when you saw Lizzie write, is that right? A Yes.

Q You never saw Magda Papp write, did you? A No, she don't know how to write.

MR. DU VIVIER: You have no objection to these going in evidence with the others. (Indicating envelopes)

MR. LUSTIG: No objection.

MR. DU VIVIER: If your Honor please, simply for the purpose of the record, may we have the two envelopes or three envelopes accompanying these letters marked in evidence? Mr. Lustig has no objection, and I want to make it appear on the record. Have you the third envelope, Mr. Lustig? (Referring to Defendant's Exhibit E.)

MR. LUSTIG: No, I have not.

(Various letters and envelopes and translations are marked in evidence as Defendant's Exhibits C-1, C-2 and C-3; D-1, D-2 and D-3; E-1 and E-2.)

Q Did Lizzie ever visit you in the City Prison? Did Lizzie Nameth ever go to see you in the City Prison? A I don't think she did.

Q What? A She never did.

Q And she never went to see your wife, Mrs. Ferenczy?

A In the City Prison, no.

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Q Now, will you please explain to this Court and jury how Lizzie Nemeth could know your cell number in the City Prison when she had never been to see you? A I don't know.

Q That is all right, that is all.

BY MR. LUSTIG:

Q Did Mr. Banhidy come to see you in the City Prison?

A There was an old Jew fellow, he was to see me.

Q Who? A An old Jewish fellow.

BY MR. Du VIVIER:

Q An old Jewish fellow? A Yes, his name is Boehm.

He was sent up from Banhidy, and he told me --

MR. Du VIVIER: I object to what he told him.

BY MR. LUSTIG:

Q Did Mr. Boehm, this old Jewish man, have a message for you? A Yes.

Q What kind of message did he have?

MR. Du VIVIER: I object to that.

THE COURT: The objection is sustained.

A He told me --

THE COURT: No, no.

Q Did anyone else come up to see you in the Tombs?

A In the Tombs, nobody else.

Q Does Mr. Boehm know Mr. Banhidy? Does Mr. Boehm know Mr. Banhidy?

MR. Du VIVIER: If he knows.

Q And how do they know each other? A I don't know.

MR. Du VIVIER: One minute, I object to that.

THE COURT: The objection is sustained.

The Court here admonished the jury in accordance with Section 415 of the Code of Criminal Procedure, and took a recess until 2:10 o'clock P. M.

After recess. Trial resumed.

MR. LUSTIG: Both defendants rest, your Honor.

MR. Du VIVIER: May I call back Mr. Ferenczy for one question, if your Honor please.

ALBERT FERENCZY, one of the defendants, recalled, testified further as follows:

BY MR. Du VIVIER:

Q Now, you testified this morning, Mr. Ferenczy, that you went to work at eleven o'clock in the morning, is that right? A Yes, sir.

Q Thank you. What time would you leave for your lunch?

A Well, exactly the time, I got my time to go away, three o'clock.

Q You would leave at three o'clock? A Yes, sir.

Q What time would you be back from your lunch? A At four.

Q And so you had an hour during the middle of the day, is that correct? A Yes, sir.

Q Only an hour? A Only an hour.

Q Did you go home for your lunch? A Well sometimes, not every day.

Q Not every time? A No.

Q What time would you leave on Saturday for your lunch?

A Saturday, most times the place is very busy, so my boss told me to please come back as soon as you can.

Q Well, what time would you leave for your lunch, three o'clock again? A Three o'clock, yes.

Q And you would be back at four? A Saturday I always come back about half past three or as soon as I can, twenty-five minutes.

Q Did you go home for your lunch Saturday? A No.

Q But on some other days, during week days, you would go home to your lunch sometimes? A Yes.

Q That is all, step down.

REBUTTAL.

ELIZABETH NAMETH, a witness for the People recall, testified through Interpreter Joseph Gyory, as follows:

BY MR. Du VIVIER:

Q What time would Mr. Ferenczy come home for his lunch?

A Half past three.

Q And about what time would he leave? A After four o'clock.

Q That's all.

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BY MR. LUSTIG:

Q Just a moment, you wrote a letter to Solomon Donath during the week you lived in St. Marks Place?

MR. Du VIVIER: Now, one minute, I object to that, your Honor. This is rebuttal.

THE COURT: I will allow it. Objection overruled.

A I did not write to anyone.

Q Why, Mr. Donath testified here today that he received a letter from you, during the week you lived at St. Marks Place?

MR. Du VIVIER: One minute, I object. It has been already answered.

THE COURT: Who is Mr. Donath?

MR. LUSTIG: Solomon Donath is the man that claims he had sexual intercourse at 79th Street and that he received a letter a week afterwards.

THE COURT: He so testified, I recall that.

MR. Du VIVIER: I only object to it on the ground that it has been already answered.

THE COURT: I will allow it. She may answer the question.

A He could not receive a letter from me as I did not write to him.

Q Well, did he come to see you that week when you were in St. Marks Place? A I did not see Donath only on the

occasions, three times I saw him, when I saw him at Mrs. Ferency's.

Q Why, you testified in your direct examination the very first day you appeared on the stand, that you had intercourse with Solomon Donath during that week at St. Marks Place.

MR. Du VIVIER: No, she did not. I object. That is not the testimony. I will let you look at the testimony if you want to. (Holding)

THE COURT: I do not recall any such evidence.

MR. LUSTIG: It was four days later, your Honor.

THE COURT: Well then, do not misquote the evidence.

Q And you mean to tell the Court and jury that Solomon Donath is not telling the truth --

MR. Du VIVIER: One minute, I object to that.

THE COURT: The objection is sustained.

MR. LUSTIG: Well, that is all.

THE COURT: Did you ask her whether she had intercourse with Donath?

MR. Du VIVIER: At St. Marks Place she testified, if your Honor please --

THE COURT: Just a second. Wait one moment. She testified that she did not have intercourse with Donath in St. Marks Place?

MR. Du VIVIER: That is correct, your Honor.

THE COURT: She denied it?

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MR. Du VIVIER: Yes, she denied it.

THE COURT: But Donath testified that he had intercourse with her at St. Marks Place?

MR. Du VIVIER: That is correct, your Honor.

HELEN TIMKO, a witness recalled for the People,
testified as follows:

BY MR. Du VIVIER:

Q. Mrs. Timko, do you remember the occasion when you saw Mrs. Ferenczy for the first time? A. Yes, sir.

Q. And did you have any conversation with Mrs. Ferenczy as to the time when her husband came home for his lunch?

A. Yes, sir, I did.

Q. Will you state what conversation you had with Mrs. Ferenczy on that subject? A. Mrs. Ferenczy stated, when I called there, if I would wait until her husband came home about 1:30 o'clock for lunch, and she will ask what to do in that matter.

Q. Now, how what time was it when you were in the Ferenczy apartment? A. I went there about a quarter to three and waited there until after four o'clock.

Q. Did you wait? A. Yes, sir.

Q. Some short time later did Mr. Ferenczy come in?

A. Yes, sir.

Q. About what time was it when he came in? A. About four

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o'clock.

Q And did you see the table in the dining room? A I saw the table set for dinner in the kitchen.

Q In the kitchen? A Yes, sir.

Q Now, do you remember when you first went up to the door of the Ferenczy apartment? A Yes, sir.

Q Did you ring or did you knock? A I rang.

Q Did you hear anybody inside of the apartment? A I heard someone opening, unlocking the door.

Q You heard somebody unlocking the door? A Yes, sir.

Q And then, who opened the door? A Mrs. Ferenczy.

Q Now, when you got in the apartment did you notice the locks on the door? A I did notice the locks, because she has sometimes a hard time opening the door, and I noticed her having two locks on the door.

Q What kind of locks were there? A One, I heard it from the outside as she opened the door from the inside, that it was a snap, a patent lock.

Q You mean a Yale lock? A A Yale lock, yes.

Q Was there another kind of lock there? A The other lock was on the bottom and opened with a key.

Q You mean a lock set in the end of the door? A I really don't know that.

Q Well, it was a lock that you open with a key? A Yes, one that is usually built into the door of the building.

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Q I see, that is all.

BY MR. LUSTIG:

Q When the bell was rung by you, who opened the door?

A Mrs. Ferneczy.

Q And by what method did she open the door? A I don't know by what method, but I remember she could not unlock the bottom door lock, she was shaking the door and cursing on the inside of the door, I could hear through the door in Hungarian, she was kind of angry at the bottom lock. That's why I noticed she opened two locks.

Q Did you hear this from the outside of the door? A Yes.

Q In other words, could you hear the way the lock was opened from the outside? A Yes, sir.

Q And could you hear the turning of the key? A Yes, sir.

Q And when you went inside the room did you take notice what kind of lock there was on the door? A I didn't exactly notice what kind of lock. I turned around and I saw two locks, and I could hear from the outside that one of the locks was a lock that usually snaps down, you understand, one of those patent locks, they call it.

Q That is all.

MARGARET E. LUTHER, called and duly sworn as
a witness on behalf of the People, testified as follows:

Residence 427 West 21st Street.

DIRECT EXAMINATION BY MR. Du VIVIER:

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Q Miss Luther, what is your position? A Superintendent of the Florence Crittenton Mission.

Q How long have you occupied that position? A I have been connected with the Mission eleven years. I have been superintendent four years.

Q Where were you, or what kind of work did you do before that? A Before that one time I was police matron in Louisville, Kentucky, and I was matron of a home in Topeka, Kansas, the Florence Crittenton Home in Topeka, Kansas. Before that I was working among feeble minded girls on the State Board of Charity in Indiana.

Q How long? A Seven years there.

Q Thank you very much. Now, do you have charge of the women who are confined in the Florence Crittenton Home?

A I have.

Q And what rules have you in reference to girls sending out letters from the Mission? A All letters must go through the office.

Q What is that? A All letters must go out through the office.

Q And are they read before they are sent out? A They are.

Q And who reads them? A I do.

Q Now, have you ever seen any letters sent from the Florence Crittenton Home by either of these young girls,

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Lizzie Nameth or Magda Papp? A I have not.

Q Have they at any time asked you for permission to send a letter? A They have not.

Q Now, ^{is} any paper furnished to the girls who want to write letters? A There is.

Q In case they want to write letters do you furnish them with the paper? A I do.

Q And have you some samples of the letter paper that is used in the Mission? A I have.

Q Will you produce it, please? A Yes, sir. (Handing)

Q And also an envelope? A An envelope, yes, sir. (Handing).

Q This is the letter paper that was given to the girls when they want to write a letter, is that correct? A It is, yes, sir.

Q Now, in case any girl wants to write a letter that does not bear the letter head of the Florence Crittenton Mission at 245 West 13th Street, New York, is there any other kind of paper furnished? A There is.

Q What is that? A Yes, sir.

Q Have you got samples of that? A Yes, sir. (Handing)

Q This is the only letter paper that a girl in the Mission can obtain to send letters out, is that correct?

A Yes, sir.

MR. Du VIVIER: I offer these in evidence. Have you

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any objection?

MR. LUSTIG: No objection.

(They are marked in evidence People's Exhibits 2, 3 and 4.)

CROSS EXAMINATION BY MR. LUSTIG:

Q Do you allow visitors to enter your home at certain hours during the day? A We do.

Q And what hours during the day do you allow visitors?

A Well, any hour after nine until twelve, or from two to four, or we will make the rule according to as people --

Q What are the requisites for being a visitor? A They must be a relative, and if they are placed there by the Court, they cannot see the person at all without permission from the probation officer or the judge that places them.

Q Are they called down from their rooms? A They are called down from their rooms to the parlor, yes, or to the office.

Q And they are left alone? A They are not, never left alone. Always see people in the presence of either the matron, superintendent or someone assigned by her.

Q Well, in other words, you mean to say that the matron will bring them down and watches them? A I mean to say that they always see every visitor unless it is a mother or a father.

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Q How big is this reception room? A It is a large room.

Q You do not mean to say that the rule of the home is that the matron must overhear the conversation? A I do, unless it is a father or a mother. If the girl is placed there by the Court.

Q And if the language is in a foreign tongue, what is done in a case like that? A In a case like that, if they are placed there by the Court, I do not let them see them unless we can have someone who understands the language.

Q And at any time are visitors allowed to bring things into the home, such as food? A They are, but everything that comes in is inspected.

Q Is it not possible for anyone to come in and converse with an inmate without being seen by the matron? A It is not.

Q Do you allow more than one visitor to an inmate to remain in the reception room? A More than one visitor? Yes, if it is a relative, yes.

Q Well, do you allow other inmates to come down at the same time? A I do not.

Q In other words you mean to say that one inmate and one visitor are allowed in the reception room at one time?

A Yes, sir.

Q Has it ever occurred in your institution that a visitor had slipped something over to an inmate?

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MR. Du VIVIER: Now, one minute, I object. That is not proper or elegant language to be used in a court of justice.

THE COURT: I will allow it. Objection overruled.

A No, it has not that I recall.

Q You are not positive, are you? A I recall of nothing, I know it has not occurred lately or I would recall it, and I have been there a good many years and if it has occurred it has not occurred lately.

Q There was some cocaine investigation at your home, was there not, recently? A There was not.

Q Well, at some time or other there was some cocaine investigation there? A There was not.

MR. Du VIVIER: Now, one minute. You are speaking of the City Prison or the Penitentiary, aren't you?

THE WITNESS: There has never been any cocaine investigation there.

THE COURT: Repeat the question.

(Question repeated by the stenographer)

THE COURT: What has that to do with this case?

MR. LUSTIG: Well, I want to prove that a prisoner and a visitor could have had in that way, while speaking and talking to each other, something could have been slipped over to the inmate.

THE COURT: Well, I will allow it.

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THE WITNESS: There was no investigation made in the home.

Q Do you furnish stamps to the prisoners? A We do.

REDIRECT EXAMINATION BY MR. Du VIVIER:

Q Do you know whether these girls, during the time that they have been in the mission, whether they have had any visitors other than Mr. Stone and Mrs. Timko? A They have not.

Q Mr. Stone, the Federal investigator? A They have not.

RECROSS EXAMINATION BY MR. LUSTIG:

Q Did the janitor of St. Marks place come over there?

A She never did.

Q You do not keep a visitors' record, do you, in the home? A We do not.

Q And to your knowledge people may come into the home and see inmates without your knowledge? A They cannot.

BY MR. Du VIVIER:

Q In other words, you are very much on the job, aren't you, Miss Luther? A The door is opened by a worker and they are let in and they are always escorted to the office.

Q That is all, thank you very much.

THE SECOND JUROR: May I ask your Honor a question?

May I ask as to some testimony that was given?

THE COURT: What testimony is that?

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THE SECOND JUROR: Regarding the letters, did not the girl testify that she did write one letter?

THE COURT: Yes, she testified that she wrote one letter.

THE SECOND JUROR: From that home?

THE COURT: From that home, and one of the employees of the home delivered it. Was not that the testimony?

MR. Du VIVIER: What is it, your Honor?

THE COURT: The second juror would like to know whether Elizabeth Nameth testified that she wrote a letter which was delivered by one of the attaches of the home?

MR. Du VIVIER: No, that is not the testimony. The testimony is that after she was arrested and while she was in the jail in the magistrate's court, she wrote a letter which Mrs. Timko delivered, and that was before she was committed to the Home.

THE SECOND JUROR: That is what I wanted to know about.

THE COURT: Yes. Now, is that all?

MR. Du VIVIER: That is all. The People rest.

MR. LUSTIG: I again renew the motion to dismiss the complaint on the ground that the People have failed to prove their case under Section 2460, the charge in the indictment.

THE COURT: Motion denied.

CASE 1906

MR. LUSTIG: I take an exception.

THE COURT: Now, Mr. District Attorney, on which count do you propose to go to the jury?

MR. Du VIVIER: On the fourth count, if your Honor please.

THE COURT: Counsel, I shall submit this case to the jury on the fourth count of the indictment, which charges the defendants with the crime of inducing, enticing and procuring a girl for the purpose of prostitution.

You may go to the jury.

CASE 1906



COURT OF GENERAL SESSIONS OF THE PEACE

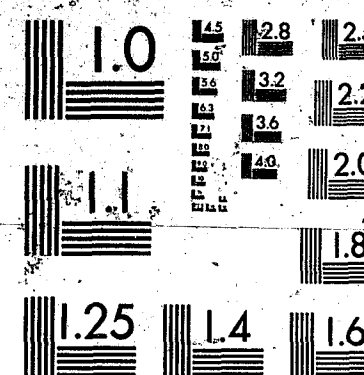
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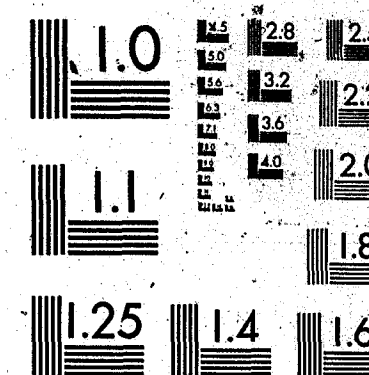
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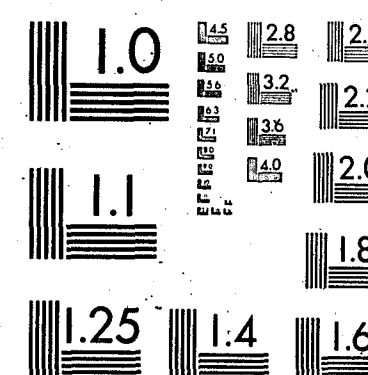
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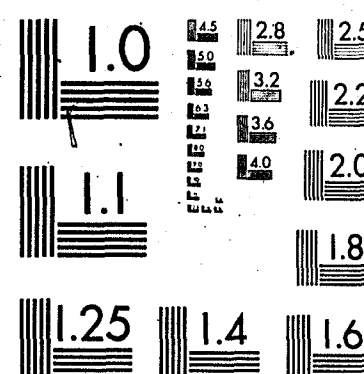
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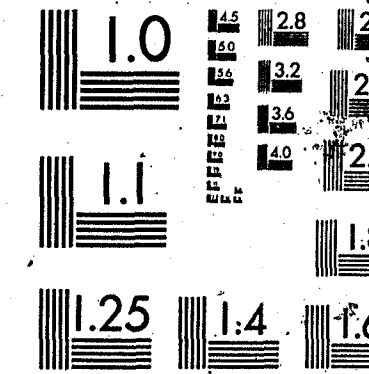
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