

her? A No.

Q Did Etta Marcus ever tell you that Nathan had telephoned her that he would not marry her? A She never told me that.

Q You never heard it from your wife? A No.

Q Did you hear it from any other member of the family?

A Lately?

Q I talk up to the time of the charge, up to the time that Nathan was arr sted did you hear about that? A No.

Q Did you hear from any member of the family up to the time Nathan was arr sted that Nathan had asked for \$500 before he would marry Etta? A No, I tell you things like this --

Q Just answer the question, please. A All right.

Q Not until this case was on did you learn that Nathan would not marry Etta? A When he met me and told me those things I did not know anything before he met me.

Q Up to that time? A Up to that time.

The Court admonished the jury in accordance with Section 415 of the Code of Criminal Procedure, and takes an adjournment until tomorrow morning, October 16, 1917, at 10:30.

CASE 772359

Q Who wrote it? A Miss Etta Marcus.

Q Did you see her write it? A Yes.

MR. GOLDSTEIN: I now offer it in evidence.

Defendant's Exhibit C for identification is now offered and received in evidence.

CROSS EXAMINATION BY MR. WELLER:

Q Were you ever in the dress goods business?

Objected to as immaterial.

THE COURT: I do not think that is proper cross examination at this time on this subject. If you want to call him for further cross examination --

MR. WELLER: I would like to.

THE COURT: Then I will allow it.

Exception.

BY MR. WELLER:

Q Were you ever in the dress goods business? A No, not in the dress goods business.

Q What kind of business?

MR. GOLDSTEIN: I object as immaterial. We would go on indefinitely in this matter. I thought he was subjected to as thorough a cross examination as any defendant every was and the sole purpose of reopening or replacing him on the stand was in regard to that letter.

(The Court now confers with Mr. Weller)

MR. WELLER: I will not press it.

627
2359
CASE #

(The jury retire)

MR. GOLDSTEIN: Now, I move to dismiss the indictment on the ground that the People have failed to establish the facts alleged in the indictment beyond a reasonable doubt as contemplated by the statute.

6 The motion is denied. Exception is taken. The jury come into court.

CASE # 2359-6