

START

2145

CASE

CASE #2145

INDEX

| | Direct | Cross | Redirect | Recross |
|------------------------------|--------|-------|----------|---------|
| George W. Lennon | 2 | 22 | | |
| Officer Lennon (Recalled) | 44 | | | |
| Matthew T. Dawson | 57 | 68 | | |
| William A. Brady | 88 | | | |
| Patrick H. Donnelly | 102 | | | |
| James B. Trombetta | 104 | 106 | | |
| Rangie Smile | 111 | 112 | | |
| Georgie Miller | 118 | 121 | | |
| Geraldine Taylor | 129 | 133 | | |
| Walter Reynolds | 140 | 142 | | |
| James Pello | 146 | 146 | | |
| Alfred Daly | 152 | 155 | | |
| William H. Walzer | 172 | 173 | | |
| William L. Twinen | 175 | 176 | | |
| Louis Weinberger | 178 | 179 | | |
| Joseph Reiner | 181 | 182 | | |
| Samuel Cohen | 183 | 184 | | |
| Louis Ragusa | 185 | 186 | | |
| Selig Foster | 188 | 189 | | |
| Samuel Miller | 190 | 191 | | |
| Albert Capone | 194 | 195 | | |
| Frederick S. Weiant | 198 | 200 | | |
| William Halpin | 204 | 205 | | |
| George Lennnn | 206 | | | |
| Officer Brady | 208 | | | |

CASE #2145

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

-----x
THE PEOPLE OF THE STATE OF NEW YORK

Before:

-against-

HON. OTTO A. ROSALSKY, J.,

ALFRED DALY.

and a jury.

-----x
Indictment filed October 1, 1915.

Indicted for keeping a disorderly house.

2627

New York, January 12, 1916.

APPEARANCES.

FOR THE PEOPLE: ASSISTANT DISTRICT ATTORNEY JOHN M. MINTON.

FOR THE DEFENDANT: MR. FIORELLA LAGUARDIA.

Peter P. McLoughlin,

Official Stenographer.

CASE #2145

G E O R G E W. L E N N O N, a witness called on behalf of the People, being duly sworn, testified as follows:

(The witness states he is a police officer, attached to Special Squad 4.)

DIRECT EXAMINATION BY MR. MINTON:

Q Mr. Lennon, on or about the 16th of June, 1915, were you assigned to Special Squad 4? A Yes, sir.

Q That squad operates directly under the jurisdiction of the Commissioner.

Q Is your office in Police Headquarters? A yes, sir.

Q You are not assigned to any precinct? A No, sir.

Q Prior to the 16th day of June, 1915, were you familiar with the location of the premises No. 298 Seventh avenue?

A I was.

Q What corner is that on? A Southwest corner.

Q Of what street? A 27th street and Seventh avenue.

Q Were you in that neighborhood prior to the 16th of June? A Yes, sir; I was.

Q How many nights were you there? A For the last year and a half off and on.

Q State what you observed prior to the 16th of June, 1915 with reference to the premises No. 298 7th avenue, southwest corner of 27th street.

MR. LA GUARDIA: I object to that.

THE COURT: Objection overruled.

MR. LA GUARDIA: Unless it is shown that the defend-

CASE #2145

ant had control of the premises at that time.

THE COURT: I assume that the District Attorney will show that; if not, it is inadmissible.

MR. MINTON: I am entitled to show, the actual observation of the officers.

THE COURT: You cannot charge a man with maintaining a place unless he has charge of it.

MR. MINTON: I will withdraw the question.

THE COURT: I think it would be well for you to confine your evidence, first, to what this defendant did. It is always better to do that for the reason at times incompetent evidence is admitted. If you can show this man maintained and kept this place during the prior anterior to the time set forth in the indictment the evidence is admissible.

MR. MINTON: I will withdraw the question.

BY MR. MINTON:

Q You have said that you were familiar with the premises?

A Yes, sir.

Q Before the 16th day of May? A Yes, sir, I was-- June.

Q Now, will you state, Mr. Lennon whether or not on the 16th day of June, 1915, you went to the premises No. 298 7th avenue? A I did.

Q How were you dressed? A Dressed as a sailor.

Q A sailor in the United States Navy? A Yes, sir; in

CASE #2145

sailors' uniform.

Q Have any band on your cap? A Yes, sir.

Q Do you remember the ship whose name you had? A I believe the first was the Rhode Island; I am not sure.

Q Was anybody with you on that occasion? A Officer Dawson

Q How was officer Dawson dressed? A Also dressed in United States sailors' uniform.

Q He is a member of the same squad to which you were attached? A He was.

Q What time of the day or night did you go to the premises? A On the first occasion, June 16th, about 2 a. m.

Q What time was that? A Two o'clock in the morning.

Q The 16th of June? A Yes, sir.

Q Describe the premises before you do anything else. What are the premises, the dimensions of the rooms and so forth?

A The rear room is about 15 by 20 feet.

Q Is this a saloon? A Yes, sir, a saloon. on the ground floor, rear room.

Q Which room did you enter? A I entered through the side door, to the rear room.

Q You say the rear room is 15 by 20? A Yes, sir, 15 by 20, about that.

Q Now, did you see the defendant in the rear room on the 16th of June about 2 a. m.? A Yes, sir, I did.

Q Now just state what occurred, the first thing that occurred, you saw the defendant, what did he say to you and

CASE #2145

you to him? A As I entered the rear room, through the side door of the licensed saloon, No. 298 7th avenue, southwest corner, 27th street, I sat at a table, and was approached by the defendant who said, "What do you want?" I ordered two glasses of beer, lager beer, from the defendant.

Q This was what time? A About five after two.

Q Now, when you ordered the beer, while serving you with the beer, state whether or not any other persons were in the room besides yourself and your companion? A Yes, sir; about eight women white and colored, five men and officer Dawson and myself.

Q Did you have any conversation with the defendant after you were served with the beer? A After a short while I asked the defendant if he could fix us up with a couple of girls, that we wanted to have a good time.

Q Did you refer to any specific girls? A I did not, no sir. I then said to the defendant, "I would have spoke to these two girls seated next to us--

Q Were there two girls sitting next to you? A Yes, sir; two colored girls.

Q What did you say? A "But I heard that one there say something about her man and I didn't want to get into any trouble".

MR. LaGUARDIA: I object to that unless stated in the presence of the defendant.

MR. MINTON: This is a conversation with the defendant.

CASE #2145

Q What did the defendant say to that? A He said, "That is all right. She was only joking about her friend. He is serving five years for white slavery now. They are good-- they will give you a good time. They won't rob you, they are safe." Wait a little while, they will come back, and I will fix it up, introduce you, it will be all right to go to their house." I then said to the defendant "How about those two girls there-- two white girls seated at another table opposite", and he looked around and he said, "Not those two bums, one of them is a negro sucker, and the other is a Chinese lover, she is no good."

Q Did you ask him about any other girls? A I did.

Q Did you refer specifically to any other girls? A I did.

Q Which girls? A Another girl seated in the small room connected with the one in which Dawson and I were seated.

Q White or colored? A Colored.

Q Now, did you have a conversation with the defendant with reference to that girl? A I did.

Q State it. A How about that girl over in the other room. And the defendant stated "The one with the broken arm". I said, "yes." He said, "She has a guy already. She broke her arm in 42nd street, picked a man up in the street and took him into a hallway to have "screw".

Q Are those the exact words he used? A Yes, sir.

Q What did he say about a police officer, if anything?

A He said "A cop caught her there, and hit her over the arm with his club and broke it.

Q Now, did you have a conversation with him after that statement about the girl with the broken arm? A Yes, sir; I did.

Q What was the next conversation? A Then the defendant told me to wait awhile, these other two that went out-- referring to the first two girls, colored, "may come back, and I will fix it up for you."

Q Had you seen the two colored girls go out? A Yes, sir, first off I seen one went out.

Q What did he say about those two, anything? A He said, "Wait awhile they may come back, I will fix it up for you. Another colored girl entered and I said to the defendant "How about that girl that just came in". And the defendant said, "I wouldn't put you up against that bum because I think she is rotten with a dose, she must be because her man is diseased, I think, with syphilis, and I think she must be the same.

Q What is the next thing that happened after that conversation? A About 3.30, I spoke again to the defendant, and I said, "I think we will be going now as it is nearly daybreak. We will drop in again some other time." The defendant said "yes, come in some other time, I will have a couple of girls for you."

CASE #2145

Q Did he say what girls he would have for you? A No, sir; not then. He said, "When will you be in again", and I said, "We might be in tomorrow night." The defendant said, "All right, then I will have two little colored girls for you. I will fix it up all right so that it will be all right to go to their house."

Q Is that ^{all} the conversation you had with the defendant that night? A No, sir; I then asked the defendant "when will we come in tomorrow", and the defendant, "better make it after hours, that is the best time."

Q Now is that the extent of the conversation you had with the defendant that night? A Yes, sir; that is the extent.

Q Now, will you state, please, Mr. Lennon, during the time that you were in there, what you observed with reference to the actions of the other people in the room? A During my stay in this rear room, I noticed women going from table to table, asking men to buy them drinks; some of them were in a partly intoxicated condition, and they acted generally in a disorderly manner.

MR. LaGUARDIA: I object to that.

THE COURT: Strike it out.

Q State what they did. State, what, if anything you heard them say and what, if anything, you saw them do? A I heard them singing and using vulgar language, which I don't remember at the present time.

CASE #2145

THE COURT: Strike that out. He said he did not remember what they said. It might appear to him to be vulgar, but not so appear to the jury.

Q You cannot recall the words they used? A No, sir, I cannot.

Q Now, then did you go back to those premises again? A We left the premises about 4 o'clock that morning.

Q Did you go back to the same premises at any other time?
A I did.

Q What date? A June 17th.

Q Who did you go with at that time? A Officer Dawson and William A. Brady and myself.

Q Now, Dawson was with you on this occasion when you went in there on the 16th? A Yes, sir; he was.

Q And Brady had not been there that day, as far as you know? A No, sir; he was not.

Q How were you dressed on this occasion? A Also in sailor's uniform.

Q Was Brady in sailor's uniform? A Yes, sir; he was.

Q Now, what time did you get to those premises on the night of the 17th or the early morning? A About 1.30 a. m.

Q The three of you? A Yes, sir.

Q Did you go to the same room? A Yes, sir; we did.

Q Did you see the defendant there? A I did.

Q What is the first thing the defendant said to you?

A As we entered we sat at a table, and the defendant came over

CASE #2145

and said, "How are you tonight". I said, "We are all right ", I then ordered a round of drinks from the defendant. The defendant served the drinks, and said, "Those two girls I spoke to you about were in tonight, and I told them about you fellows, and they said they would be back later on. When they come in, I will bring them to your table."

Q That is all the conversation you had with him? A Yes, sir

Q Now, will you state whether or not at the time you had the conversation, was just after, you were served anything with reference to the actions of the other people in the saloon.

A I did.

Q Just state what it was? A Two other women were sitting—

Q What color? A White women.

Q What did they do? A They had a wordy argument.

MR. LAGUARDIA: I object to that.

THE COURT: Strike it out.

Q Was the defendant there? A yes, sir.

Q How close was he to the women whom you say did something? A From two to four feet.

Q Just state what these women did? A One of the women called the other a whore, and the other woman answered, " I am a whore, a regular whore, I am proud of it", and the first woman answered, "I am a whore myself, but only a half-assed whore", and the defendant was in the room at the time.

Q What was he doing when this conversation was going on?

A Nothing.

ASE #2145

Q Did you say anything? A No, sir.

Q Did you observe his features? A No, sir; I did not.

Q Was there any other man that you have since seen in that room at the time this was going on? A Another bartender employed upon the premises.

Q What was his name, do you know? A I believe his name is Charles Berger, I am not sure, something similar to that.

Q After this argument that you heard what was the next thing that you observed? A One of the women that had the wordy argument there--

THE COURT: Strike out "that had the wordy argument".

THE WITNESS; One of the women then ordered a drink from the defendant.

Q One of the women referred to by you? A Yes, sir; one of the women referred to by you? A yes, sir, one of the women referred to by me then ordered a drink from the defendant. The defendant then served the drink, and sat down at the table with her.

Q Who did? A The defendant. She then got up from her chair, and sat on the defendant's knee, raised her clothing, exposing her tie, took the money out of her stocking to pay for the drinks.

Q What was the defendant doing when she was doing that?

A He was seated on the chair, and she was seated on the defendant's knee. The defendant remained seated with this woman

CASE #2145

on his knee while three pints of wine were ordered at different times.

Q What was the wine, can you say? A I cannot say, apparently it was white seal.

BY THE COURT:

Q Bottles of liquid, you don't know what was in it? A No, sir, I heard the woman calling for wine.

THE COURT: But that doesn't prove what it was.

BY MR. MINTON:

Q You saw two bottles of some liquid poured out into glasses? A Yes, sir.

Q Did they drink it? A Yes, sir.

Q State whether or not the defendant drank any of it?

A Yes, sir, the defendant did drink some of it.

Q Now then who paid for that wine, if you can remember?

A This woman.

Q Where did she get the money? A Out of her stocking.

Q Now, then, did you hear -- while the defendant was in there did you hear any conversation between an unknown young man whom you observed, and another woman? A I did.

Q Can you recall that conversation? A I can.

Q What was it? A This unknown young man was seated at the same table with the defendant and he said that he was just after coming out of prison, from doing six months for a lush jib.

MR. MINTON: May I have the officer explain to the

CASE #2145

jury what a lush job is?

BY MR. MINTON:

Q Give us the conversation as you recall it, and explain what a lush job is? A He did six months for a lush job. He was drunk when the arrest took place or the place would not have caught him.

Q Will you tell the jury what a lush job is.

MR. LaGUARDIA: I object to that as immaterial what a lush job is. This witness's understanding of it might be one thing.

THE COURT: If it be apparent that it is not ordinarily, the District Attorney can show that the officer is an expert, and is familiar with the term.

MR. MINTON: You don't doubt the officer's qualifications, do you?

BY THE COURT:

Q What is a lush job? A It is where a man goes and holds up a drunken man, a man who is partly intoxicated, gets him in to a dark street, some lonely place, and holds him up, robs him, that is what I call lush workers or a lush jon, a slang term among the police.

THE COURT: There is a count here which charges the defendant with allowing persons to congregate for an indecent or disorderly obscene purpose.

MR. MINTON: Evil disposed persons. The first count

CASE #2145

charges the defendant with harboring and entertaining
evilly disposed persons &c.

THE COURT: I will allow the evidence.

Exception.

Q After you heard the conversation about the lush job
state what was the next thing you observed happened there? A I
then ordered a drink from the defendant. He served the drink.
I said to the defendant "Did those two girls you spoke about
come in yet". The defendant replied "Yes, they are inside, in
the other room, I will bring them in."

Q What did he do? A He left our table, went to the room
returned with a colored girl and whom he introduced as Georgie,
and said this is a friend of mine. She will treat you all right."

Another colored girl approached the table and the defendant
said "This is Georgie's sister."

Q Did he mention her name? A No, sir; just Georgie's
sister.

Q Did you afterwards learn her name? A yes, sir; I did.

Q What was it? A It was Geraldine Miller or Georgie Mil-
ler and Geraldine Brown, that was both names.

Q What happened after the defendant introduced the girls?
A They sat down and we ordered a drink from the defendant.

Q What did you order? A I ordered a glass of beer and
the women ordered soda.

Q What happened at the table, what conversation took
place between you and the girl? A Then the girls, in the

CASE #2145

15

presence of the defendant, asked me to go to her apartment which was directly across the street from the saloon.

Q Was the defendant there when she mentioned where her apartment was? A He was right there. I then said to the defendant, "My friend here", referring to Officer Brady" has not any girl". Then he replied, "I will send Big Tom up, and get Annabelle."

Q Had you seen the man whom you have now found out to be Big Tom in there in the back room? A Yes, sir.

Q What color was he? A A big tall, dark negro.

Q Now, how long had you been in there before this conversation was had relating to him? A To my knowledge about fifteen minutes.

Q Did he do anything? A He then left the premises.

Q Was anything said? A One of the other women said, "Why, Annabelle, is outside on the corner." The woman that was seated next to me then said, "Well, then, come on to my flat. Annabelle will be around shortly."

Q Did you go? A Officer Brady, Dawson and the two unknown women and myself then left the premises.

Q Where did you go? A The defendant said "good night boys. Call again." We then went to the premises No. 215 West 27th street.

Q Where is 215 with reference to the place you just testified about?

CASE #2145

Objected to; objection overruled; exception.

Q Where is the location of the premises 215 West 27th street with reference to the back room of the saloon you just came from? A It is right diagonally across the street from the saloon.

Q Now what did you do when you got to those premises?

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

THE COURT: Physical acts I will allow you to show. Not any conversation.

MR. MINTON: I am not asking for any conversation.

Q What did you do?

Objected to; objection overruled; exception.

Q When you got to these premises did you go upstairs? A Yes sir, one flight of stairs to the front room.

Q What happened when you got there, what did you do without saying the conversation, when you got to the front room?

A We all assembled in this one room, and this unknown woman demanded three dollars.

Q Did you give her any money? A I did.

Q How much did you give her? A Three dollars.

Q Did you see what became of the other woman? A The other woman then went into an adjoining room with Officer Dawson.

Q You had a conversation with this woman, didn't you?

A Yes, sir.

Q You don't know what Officer Dawson did with this woman

CASE #2145

in the other room? A No, sir.

Q What became of Officer Brady? A He went into another room in the rear of the premises.

Q How long did you remain in those premises? A About twenty minutes I should judge, fifteen or twenty.

MR. MINTON: Your Honor rules that I cannot show that the women said in these premises No. 215?

THE COURT: Outside of this place? No, you cannot do that. What they did in those premises is admissible. The acts that took place there you can show, the physical act.

MR. MINTON: It is hard to describe to the jury the physical acts without the conversation.

THE COURT: I think it can be done. What physical act, if any, did he do.

MR. MINTON: We, they didn't do anything, I don't believe.

BY MR. MINTON:

Q What did you do with this woman? A Just went in there and had a conversation with her.

Q You gave her some money? A Yes, sir; I gave her money.

Q What did she do in there? A She offered to expose her person and have sexual intercourse.

THE COURT: "She offered".

Q Did she expose her person? A No, sir; she attempted to.

Q What did she do, A She just took off her skirt and

CASE #2145

then took off her waist, and attempted to lay in the bed.

MR. LaGUARDIA: I move to strike that out.

Q Did she lay on the bed? A No, sir; she sat on the bed.

Q Then what happened after that? A Then we had a conversation, I put up an excuse that I had no desire, &c."

MR. LaGUARDIA: I move to strike that out.

THE COURT: Strike it out.

BY MR. MINTON:

Q You had some conversation with and then you left?

A Yes, sir, Officer Dawson and Brady and myself the premises.

Q Will you state, please, Officer whether or not when you got downstairs you saw anybody that you had seen in this backroom? A yes, sir.

Q Who? A This big Tom, that is already mentioned in the affidavit.

Q Where was he? A He was standing at the door when we were going in, and when we were coming down he was standing at the door.

Q Qf. what? A 215 West 27th street.

Q Did he speak to you, yes or no? A yes, sir.

Q What time in the morning was this, the time you left the premises where the colored women had gone with you? A It was about-- I left there about five or ten minutes to five, somewhere in the neighborhood of that time.

CASE #2145

Q Now, then, did you subsequently arrest the defendant?

A I did.

Q Can you recall the date on which you arrested him? A I believe it was the 18th.

Q Will you state what time of night it was that you arrested him? A In the neighborhood between around nine o'clock, I am not sure, around that time, around nine or ten o'clock.

Q Where did you arrest him? A In the premises 298 7th avenue.

Q In what part of the premises? A In the barroom.

Q Did you look in the rear room that night? A I did.

Q Who was in the rear room when you looked in? A Two men in the rear room --

Objected to.

(Question withdrawn.)

Q Now, did you also arrest Big Tom? A I did.

MR. LaGUARDIA: I object to that as immaterial and incompetent.

THE COURT: Objection sustained.

Q Did you arrest the two women that you have told us about? A I did.

Objected to; objection overruled; exception.

Q Were you present in the magistrates' Court? A I was.

Q On the day they were arraigned? A yes, sir.

Q Were they convicted? A They were.

MR. LaGUARDIA: I object to that, if the Court

CASE #2145

please, to this whole line of testimony.

THE COURT: It is perfectly competent under the decisions, particularly under the case of Haywood, against the People, 26 N.Y. to show that persons known to be lewd women were taken from the premises, charged and convicted of being prostitutes.

MR. LaGUARDIA: True if the conviction follows from any act committed in the premises under the control-- in the presence of and under the control of the defendant in the action.

THE COURT: The evidence is this this defendant-- that is if believed by the jury-- procured these women and introduced them to the officer.

MR. LaGUARDIA: But their conviction was not for anything committed in these premises or in connection with the defendant.

THE COURT: I sustain the objection. of counsel The testimony will be stricken out.

BY MR. MINTON:

Q Were you in court at the time these girls were arraigned? A I was.

Q Are you able to state whether or not they had records of being prostitutes? A They did have a record of being previously convicted.

Q Each one? A Yes, sir.

Q For prostitution. A Yes, sir.

Q And soliciting? A Yes, sir.

THE COURT: That has got to be proved.

MR. MINTON: Well, counsel did not object.

THE COURT: I understand that.

MR. LaGUARDIA: I move to strike out all this.

BY MR. MINTON:

Q Were you present at the time the pedigree was taken of these girls? A I was.

Q Did you hear either of them or both of them make any statement at the time the finger prints were taken?

THE COURT: I think you will have to show a conviction in another way. The Court of Appeals in the people against Cardillo, 207 N.Y. held that it was improper to prove a conviction in any other way; but if this officer the was present on occasions when arrests were made then he can testify to what took place; but in the case of the defendant who takes the witness stand, and who, on cross examination denies that he has been convicted of a crime, it is necessary to prove the conviction by the record. Now you see in what position you leave the case. Suppose a woman makes a statement that she had come, in fact, been convicted. You haven't any proof except her declaration that she had been convicted.

MR. MINTON: That is true. I suppose we will have to produce the record. I don't think the defendant objects to it.

THE COURT: You may call the officer.

MR. MINTON: I suppose I can prove the reputation of this woman.

THE COURT: Yes, later on.

BY MR. MINTON:

Q Had you ever seen these women before that time, the first night you saw them? A Yes, sir; I had seen them on 7th avenue.

Q How often had you seen them? A I can safely say two or three times.

Q Spoken to any other persons about them? A No, /sir; I had not.

MR. LaGUARDIA: I move to that the jury be instructed to disregard anything that the witness may have said that has been stricken from the record.

THE COURT: Yes. The jury will understand that evidence that is stricken out must be disregarded by them, and given absolutely no weight or consideration whatsoever. They must not draw any inference because of the fact that these questions were put; when evidence is stricken out it must be disregarded by the jury.

CROSS EXAMINATION BY MR. LaGUARDIA:

Q How long have you been on the police force? A A little over six years.

Q How long have you been detailed to the Special Squad No. 4? A Going on two years.

CASE #2145

Q Are you familiar with the neighborhood around 27th street and 7th avenue? A I am.

Q How long have you been detailed to duty in that locality? A Off and on ever since I have been in the squad.

Q Off and on? A Yes, sir.

Q Can you tell us more definitely about this time, June 16th-- were you working in that neighborhood? A I was.

Q For how long? A Well, I was in that neighborhood prior to June 16th.

Q About a week before that, is it? A I was all through that neighborhood 27th to 26th street and up as far as 42nd street and from 6th avenue over to 9th, together with Officer Dawson and Brady on some occasion.

Q You and Dawson worked together and Brady? A Yes, sir, we did.

Q At that time you were working together? A No, sir; not our squad, as you have said, practically.

Q You knew of this place at 298 7th avenue on the south west corner of 27th street and 7th avenue, you knew of that saloon there, didn't you, before you entered, didn't you? A Yes, sir; from seeing it from the outside.

Q That is all you knew about it? A I was inside once during the legal hours.

Q You were specially detailed to get some evidence on that place, were you not? A When I was sent there.

Q Sent there to get that place? A To find out if the

CASE #2145

law was being violated in any way, and obtain the necessary evidence.

Q Now, don't you always operate in sailors' clothes?

A No, sir; we use several disguises.

Q On or about June 16th or 17th the fleet was in the harbor, is that correct? A I believe they were.

Q How many times have you operated in sailors' clothes since then? A Personally myself about five or six times.

Q Since then? A yes, sir.

Q A good many sailors on shore just about the time, June 16th, were they not, on shore leave? A I didn't see any in that vicinity, around that neighborhood.

Q The fleet was in the harbor? A I couldn't say for sure.

Q Where did you get the uniform? A Over in Brooklyn.

Q Now, what name did you say you had on your cap? A I think it was the Rhode Island, I am not sure.

Q You don't remember that? A No, sir; I don't remember because I changed the band several times.

Q Now, the first time you went into the premises on the 16th, what time did you enter? A About 2 a. m.

Q What time did you get into the neighborhood? A Well, in that neighborhood a little prior to 2 o'clock.

Q Where were you before that? A 28th street and 6th avenue down 28th street to 7 th avenue and over 27th street .

Q Were you patrolling? A No, sir.

CASE #2145

Q What time did you get your sailor's uniform? A The time we tried them on my best recollection one o'clock or a little after.

Q Where you before one o'clock? A I was on 6th avenue, I believe.

Q Did Dawson put on the uniform the same time you did?
A Yes, sir.

Q Where did you put the uniform on? A 38th street and 6th avenue.

Q At the precinct? A No, sir.

Q A private place? A A room.

Q What were you doing up to one o'clock? A We were not doing anything that night, but it was our orders to go there and put in these sailors' uniforms, and go down to this corner.

Q What time did you meet Dawson? A I met him, it might have been 11 or 12 o'clock.

Q What did you do between eleven and one o'clock? A We just killed a great deal of time going up to 38th street and 6th avenue.

Q From where? A From Brooklyn.

Q How long did it take you to go from Brooklyn to 38th street? A Between half an hour and an hour.

Q Half past eleven? A Yes, sir.

Q What did you do from half past eleven to one o'clock?
A I am not saying exactly it was 11 o'clock, I said about that time, might have been later I don't know.

CASE #2145

Q You don't remember the exact time? A No, sir.

Q You don't remember exactly what you did from 11 up until the time you entered the premises in 27th street? A That is all we did because it was a late job, we met late, this was 38th street and 6th avenue, went to the room, and took our time, remained in the room a short while, and then we went down 6th avenue to 28th street to 7th avenue, down 7th avenue to 27th street.

Q What room is this at 38th street and 6th avenue? A A furnished room.

Q Hire a furnished room for the purpose of donning these uniforms? A I did not.

Q Who did? Who told you to go there? A The commanding officer of the squad.

Q What did you and Dawson talk about? A Well we had a general conversation the whole time I was with him, I don't remember.

Q You don't remember that? A No, sir.

Q Now, you testified to a conversation which took place in the Magistrates' Court, didn't you? A Yes, sir; I did.

Q Before that you made an affidavit as to what took place in order to obtain the warrant? A Yes, sir.

Q You have a copy of that, with you, haven't you? A Yes, sir; I have.

Q You have been reading it over quite a bit since then, haven't you? A Yes, sir; I have.

CASE #2145

Q You and Dawson read it over in the hallway, didn't you?

A No, sir.

Q You read it over together in the court room, did you not? A We did.

Q So that you state verbatim, word for word, the contents of that affidavit? A Yes, I possibly could.

Q You didn't miss a word of it, did you?

MR. MINTON: I object to that.

Q You didn't miss a word, did you, Officer?

THE COURT: I will allow him to cross examine on that.

Q There fore you had testified as to your knowledge-- you testified as to what you read from this affidavit, is that correct? A Yes, sir, I read the affidavit to refresh my memory.

Q When was this affidavit made? A I don,t know, around the 08th, I believe.

Q How many days after the occurrence? A About one day.

Q Were were you when you made the affidavit? A Police Headquarters.

Q You conversed together with Dawson, and you made it up between? A No, sir; I made the affidavit.

Q You made it up, you made the affidavit? A Yes, sir.

Q Was Dawson present? A In hearing, standing--

Q Dawson was right there? A He was present.

Q You gave Dawson a copy? A Yes, sir; he had a copy.

Q You gave Brady a copy? A Yes, sir.

CASE #2145

Q You three have been practicing upon this affidavit ever since? A I don't know whether they did any practicing, just looked over it to refresh my memory.

Q So you say it word for word now the same as you did on the 24th of June, the same thing now without missing a word? A No, sir.

Q Is that correct? A No, sir; I don't remember.

MR. LaGUARDIA: Will the District Attorney consent that these are the minutes taken June 24th at the Magistrates' Court?

MR. MINTON: They are all right, I presume.

Q I ask you to read your testimony there.

THE COURT: For what purpose?

MR. MINTON: I object to that unless it contradicts him.

THE COURT: If you want to contradict him I will allow it.

MR. LaGUARDIA: I ask to have this marked for identification.

(The minutes referred to are marked Defendant's Exhibit A for identification.)

THE COURT: Materiality of the testimony depends on whether you intend to impeach the officer by reading the testimony.

BY MR. LaGUARDIA:

Q You don't remember the names that you had on your cap?

CASE #2145

A No, sir; not now.

Q But you remember every word and every detail of the contents of your affidavit? A We have to do that.

Q You memorized it practically, didn't you? A Well, to a certain extent, and then having refreshed my memory because I am on different cases every day, and every night.

Q Your affidavits are very much alike every night are they not? A No, sir; they are not.

Q Did you memorize this affidavit before you went to 27th street? A No, sir.

Q You knew it was necessary to get lewd language in your affidavit, did you? A No, sir.

Q You don't put in lewd language in your affidavit?
A Only what I would see.

Q You don't hear lewd language -- do you need it where an act of intercourse takes place in the premises? A Some you do, and on other occasions you don't.

Q In order to get a warrant you don't put in lewd language? A Where certain disorderly acts take place, provided they do take place, what I would see and hear.

Q It isn't necessary to get a warrant to show that an act of intercourse takes place?

THE COURT: It is not necessary.

BY MR. LaGUARDIA.

Q You know it is necessary where no act of sexual intercourse takes place on the premises, but where disorderly people

CASE #2145

frequent, that there is disorderly conduct, disorderly persons and lewd language used--

MR. MINTON: I object to that.

THE COURT: That is not an accurate statement of that law. The prosecution may show acts from which an inference can be drawn. For example if it proved that this defendant had the conversation with the police officers that he testified to, that he introduced him to a woman who offered to commit an act of sexual intercourse or prostitution, you may draw from that circumstance, the reputation of the place or of the person.

MR. LaGUARDIA: If those facts are true.

THE COURT: yes, if they are true. I am not expressing any opinion, I have stated it-- if they are true.

BY MR. LaGUARDIA:

Q Now, Officer, the saloon there is on the ground floor?

A Yes, sir.

Q Is that correct? A Yes, sir, a saloon on the ground floor.

Q That saloon is closed? A Yes, sir; a week ago it was.

Q There is a rear room attached to the saloon? A There is.

Q How many tables were in this rear room? A About 6 tables.

Q About 6 tables? A Yes, sir.

CASE #2145

Q Now the first night you went there how many people were there? A As I entered the first night there were about thirteen people, about.

Q How were they grouped? A Well, they were around at different tables.

Q You tell us that you remember the conversation pretty well? A Yes, sir.

Q Now just tell us how they were? A Two here and two more I believe two or three on that side and there were two or three more in the rear of them.

Q Now where were the two girls sitting the first time to whom reference was made? A Right by my side, at the adjoining table.

Q Where were you sitting? A Sitting on the right hand side.

Q If I show you these photographs, do you think you can locate where you were sitting? A Yes, sir; I can.

MR. MINTON: I will consent to their going in.

BY MR. LAGUARDIA:

Q Is this a good picture of the rear room? A No, sir.

Q You can't identify it? A No, sir, not the way it is fixed up.

Q The first night you went there you tried hard to get a girl, didn't you? A Yes, sir.

Q That was impossible. You went to that place to get a

ASE #2145

rect? A No, sir.

Q You tried hard to get one, didn't you? A I wanted to get the woman that he said was going to be there--

Q You asked for one? A I did.

Q You stayed there from two o'clock until what time?

A About four.

Q You drank a good deal that night, didn't you? A No, sir; I did not.

Q Hadn't you been drinking at all? A Yes, sir.

Q How many rounds of drinks did you have between two and four o'clock? A I had about five.

Q About five rounds? A Yes, sir; five or six.

Q Of what? A Beer.

Q From two to four? A Yes, sir.

Q How many rounds did you have before going to that place?

A None.

Q Are you in the habit of drinking five or six rounds in two hours at all times, are you in the habit? A In the habits of drinking five or six within two hours? Why, yes.

Q You are in the habit? A Yes.

Q Did you drink five or six rounds every two hours?

A No, sir, I didn't drink five or six on this occasion.

Q Did you say that you did? A No, sir; I had five or six drinks offered, but I didn't drink them.

Q You looked at them? A I dumped them.

Q You want the jury to believe you dumped the drinks?

CASE #2145

A I certainly do.

Q How many times did you go to that place to get a girl before that time? A I didnt go there at all to get a girl at any time prior to this.

Q You knew other officers that had gone there for that purpose, and had been unsuccessful? A No, sir.

Q You didn't know that? A positively.

Q Isn't it true that you were trying to get in there in citizens clothes for a long time on different occasions, and for the purpose of getting a girl there? A No, sir.

Q You deny that? A No, sir.

Q What conversation did you have with Dawson after you left the place? A About where he had been with the girl, being we were out all night from about midnight.

Q Your mind was perfectly clear? A At that time.

Q At that time it was? A Yes, sir.

Q Did you make any memorandum at that time as to what was said in the conversation you had with the defendant? A Yes, sir, I did.

Q And what you heard? A yes, sir.

Q Have you that memorandum with you? A No, sir.

Q You destroyed that? A Yes, sir; I did.

Q You called there, you say, the next evening? A I did.

Q You had on the same uniform? A Yes, sir.

Q Just prior to cally where had you come from on that evening? A Brooklyn.

CASE #2145

Q Then where did you go? A To 38th street and 6th avenue

Q What time did you get to 38th street and 6th avenue?

A About twelve or half past twelve, around that time.

Q How long did you stay there? A About a half an hour or three-quarters of an hour, something like that.

Q What time did you leave there? A About fifteen or twenty minutes prior to going into these premises.

Q What time did you leave there, if you got there at 12 or you say half past eleven or twelve.

Q You stayed there three-quarters of an hour? A Yes, sir.

Q What time was that? A Oh, we left there about one o'clock.

Q One o'clock? A Yes, sir; about that time.

Q Then where did you go? A Right to these premises.

Q Directly there? A Yes, sir.

Q What time did you get there? A About 1.30.

Q How long did you stay there? A On the 2nd occasion.

Q Yes. A We were there until about 4.30 in the morning.

Q We were there three hours? A We were.

Q How many drinks did you have in the three hours? A About five or six.

Q Only five or six in the three hours, to an hour? A That is about all.

Q Did you consume yours? A All but about two.

Q You consumed all in three hours but two drinks? A Yes, sir.

Q Now, did you have a conversation there for three hours

CASE #2145

with the defendant Daly? A No, sir.

Q Just off and on? A No.

Q You were asking for a girl all the time? A Yes, sir, only what I have mentioned.

Q You were there for that purpose of getting a girl?

A If this man was in the habit of procuring girls, yes, sir.

Q You were there for the purpose of getting a girl from this man if you could? A I went there to get evidence.

Q To get evidence meant to get a girl? A partly, yes, sir.

Q What else? A Well, any evidence of a violation of law; we were there not alone for one particular violation of law.

Q You were looking for murder? A If such was there, yes, sir.

Q You didn't commit a crime, did you, so that you could get a case, did you? A No, sir.

Q You asked him to get a girl so that you could get a case? A Yes, sir, I did.

Q What other conversation did you have there? A We had a general conversation there, off and on at times.

Q About what? A Well, I don't remember.

Q You don't remember that? A No, sir.

Q You do remember that you asked him for a girl, and you do remember this obscene and lewd language that you testified to before, that you do remember? A yes, sir.

Q That is all you remember of the three hours you were

CASE #2145

there? A Yes, sir.

Q You put those things in the affidavit, and you had been reading it all the time? A Yes, sir; I made notes of it at the time.

Q How much did you spend there that night? A Oh, about probably two dollars I don,t know, I am not sure.

Q About two dollars? A I don,t know, I am not sure, ..

Q How much did Dawson spend? A I don,t know.

Q Did he spend as much as you did? A I don,t know.

Q Ypu spent how much? A A dollar, or two.

Q You know the difference between a dollar and two, can't you tell? A I didn,t have any account of it.

Q You don't remember that? A No, sir, I don,t remember that.

Q Did you put that in the expense account to ^{the} police department? A Yes, sir.

Q You don,t remember that? A No, sir.

Q That is because you hadn't been reading it over and over again? A No, sir.

Q You don,t remember that? A No, sir.

Q But you remember the obscene language? A I do.

Q How much did you spend the night before? A About the same.

Q How much? A About a dollar or two, I didn,t count it.

Q You don,t remember exactly? A No, sir.

Q You remember the obscene language which happened the

CASE #2145

night before? A Yes, sir.

Q What were you drinking? A Beer.

Q What was Dawson drinking? A I believe he was drinking beer.

Q Do you remember? A Yes, sir.

Q You were drinking beer? A Yes, sir.

Q You say that the second night one of the women ordered wine, and by that you mean sparkling wine champagne? A Not any woman with us.

Q One woman that you testified to? A Yes, sir.

Q Ordered wine? A Yes, sir.

Q Is that what you mean, champagne, do you mean sparkling wine? A It was.

Q That is commonly called champagne? A Yes, sir.

Q You think it was white seal? A I wouldn't say for sure, I think.

Q Was that a white woman? A Yes, sir.

Q Pretty sure that you saw some wine in the rear the second occasion that you were there? A Apparently.

Q It was wine, wasn't it? A I didn't taste it.

Q Do you know what a champagne bottle looks like? A Yes, sir.

Q Did it have a cork like a champagne bottle? A yes, sir.

Q The cork was removed without a cork screw? A yes, sir.

Q So it must have been sparkling wine of some kind? A It

CASE #2145

must have been.

Q You put that in your affidavit, didn't you? A Yes, sir, I did.

Q You were certain it was wine, three pint bottles of wine?

A From what I seen the way I heard them order it.

Q That is the time you say Daly sat on the woman's lap?

A Right after the first drink.

(At this point the Court admonished the jury calling their attention to 415 of the Code of Criminal Procedure, and took a recess for ten minutes.)

(After the ten minutes recess the examination of the witness was resumed.)

Q Now, on the 17th, the second time you called at this place, you say you left 38th street and 6th avenue about one o'clock, or you got to the premises about one o'clock?

A yes, sir.

Q Is that correct? A No, sir, about one-thirty.

Q Now how did you go from 38th street to 6th avenue, in order to get to 98 7th avenue? A I believe I went to 6th avenue to 28th street, down 28th street to 7th avenue, and then to No. 298.

Q Which side of the way were you walking on-- down 7th avenue? A We crossed from the east side of 7th avenue to the west.

Q You walked down the west side of 7th avenue? A Yes, sir.

CASE #2145

Q Who was with you? A On the second occasion Brady, Dawson and myself.

Q Who? A Brady, Dawson and myself.

Q Dressed in sailors' uniform? A We were.

Q Speak to anybody along the road? A No, sir; didn't see anybody else.

Q Sure of that? A Positive.

Q Certain? A Yes, sir; positive, to the best of my recollection, we met nobody that we spoke to that I know of.

Q As far as you remember did you speak to two girls with whom you subsequently went into the room? A No, sir;

Q Sure of that? A Positive.

Q That would destroy this case, wouldn't it?

MR. MINTON: I object to that.

(Question withdrawn.)

Q Did you stop any place between 38th street and 6th avenue an 27th street and 7th avenue? A No, sir.

Q Sure of that? A Positive;

Q Dawson was with you all the time? A Yes, sir. Dawson was with me all the time.

Q How many people were working in the 27th street place, bartenders &c.? A Only Alfred Daly in the rear room; the other man, the employee, was behind the bar.

Q The only person working in there-- A In that rear room.

Q Who was the person who worked in the store? A He told

CASE #2145

them in the back room, he told women to sit down or he would put them out.

Q He did tell them he would put them out? A Yes, sir.

Q When he said he would put them out what were they doing? A Walking around.

Q Tried to keep the place quiet, he was endeavoring to keep the place quiet? A He was.

Q The women grew excited when they saw the sailors in uniform? A No,, sir.

Q Were the sailors boisterous after having eight rounds of drinks? A I didn't say eight.

Q Six? A About that.

Q That didn't make them boisterous at all? A No, sir.

Q They drank just like real sailors? A Ordinary men, young men.

Q They are young men? A Yes, sir.

Q Ordinary young men? A Yes, sir.

Q You played the part of sailors before, and you knew how? A We did.

Q That's why you could rink all evening? A Why I was drinking all evening?

Q Is that why, to carry on the roll of a sailor? A Yes, sir.

Q You wanted to impress them you were real sailors? A we did.

Q You did impress them? A Yes, sir.

CASE #2145

Q Is that how you got the girl? A I don,t know.

Q Now, you say that Daly was not in charge of anybody there? A He was in charge of the rear room.

Q Who did he have in there, anybody? A No, sir.

Q There was a bartender there? A Yes, sir, there was.

Q Was Daly dressed as a waiter? A That all depends on what you mean.

Q Did he have an apron on? A No, sir; he didn't have an apron on.

Q Did he have the usual waiters' coat? A No, sir.

Q How was he dressed? A Shirt sleeves and collar and tie.

Q He was serving drinks there? A Yes, sir; he was.

Q That is he would take an order, and go to the bar and come back with the drinks? A Yes, sir.

Q Make the change? A Yes, sir; he would.

Q Would you tip him? A He had a drink with us.

Q Would you tip him? A No, sir.

Q You didn,t tip him? A No, sir.

Q Did Brady order drinks there or buy any drinks?

(No answer.)

Q Did Daly buy any drinks? A No, sir.

Q For you? A No, sir.

Q He did not? A No, sir.

Q Now the third night, how much did Brady spend? A We weren,t there-- the second night.

CASE #2145

Q The second night? A I don't remember.

Q About how much? A I don't remember.

Q Did he spend as much as you did-- didn't he? A I don't think so.

Q You don't think so? A No, sir.

Q Didn't he buy a drink every time you did in order to carry along this scheme? A No, sir.

Q He was a silent partner? A Yes, sir; he was.

Q That is why Brady didn't spend about a dollar? A I couldn't say.

Q Dawson spent one or two, and Brady spent something?
A I don't know what they spent.

Q Did you say that Dawson spent about a dollar ? A I don't know; I didn't count what they spent.

Q Every time that you bought a drink did Dawson buy a drink? A No, sir; not every time.

Q You were the spender of the party? A Principally.

Q Now, did you have sexual or intercourse with the girl that you had? A No, sir.

Q You did not ? A No, sir.

THE COURT: An offer to commit the offense charged here.

MR. LaGUARDIA: That was not the purpose of the question, if the Court please.

BY MR. LaGUARDIA:

Q Now, officer, how long did you have this address before

CASE #2145

you commenced operations on these premises? A I didn't have the address until after the first night; when I got the address.

Q Do you mean that you were detailed to go to that particular place? A yes, sir.

Q When did you get it?

A Off the window, off of the door.

Q Were you detailed to go to this place? A Yes, sir.

Q By whom? A By the commanding officer of the squad.

Q When did he give you that address? A About a night or two nights, I believe, before I went up there.

Q You knew you were going there? A I did.

Q Didn't you go there in civilian clothes? A No, sir.

Q Try to get in after hours in civilian clothes? A No.

Q Do you deny that? A No, sir.

Q You don't deny that? A Yes, sir; I do deny that I was there in civilian clothes and prohibited hours.

Q You have this address how many days before you conceived this scheme? A I don't say that-- I couldn't say for sure whether it was the afternoon of the 6th that I was sent there, and I got my orders, or if it was the 15th, it was either one of the two either the 15th or 16th, because we report every day at one o'clock, and get our orders.

Q Your memory as to what happened on June 16th is hazy except for the facts that you testified took place in the rear room of 298 7th avenue? A Yes, sir.

Q Everything else you can't testify to with certainty?

CASE #2145

A No, sir; I cannot.

Q Did you make other arrests that month? A (No, answer).

(At this point the Court admonished the jury and took a recess until 2.10 p.m.)

AFTER RECESS.

OFFICER LENNON, recalled.

CROSS EXAMINATION BY MR. LaGUARDIA:

Q Now, Officer, what happened between the night of the 16th and the night of the 17th of June.

Did you have any conversation with your brother officers about this matter? A After?

Q You were there on the 16th and returned on the 17th?

A Yes, sir; not that I remember.

Q When were you there the first time? A The 16th.

Q You went there on the 17th? A I did.

Q You had no conversation at all about this case? A I don,t remember, probably I might have talked it over with my partner, I don,t remember.

Q But you don,t remember that? A Probably I might have talked it over with my partner, I don,t remember.

Q But you don,t remember that? A Probably I might have.

Q But you don,t remember that? A Not to be positive.

Q Now, will you describe the appearance of the woman whom you said had the broken arm? A The woman was a very light negress, she was about five foot four, lightly built.

Q Which arm was broken? A Well, that I didn't see.

Q Did she have her arm in a sling? A I couldn't see that.

CASE #2145

Q Didn't you testify you saw the woman with the broken arm? A Yes, sir; I saw the woman, but I didn't see thr arm.

Q Can you describe this man whom you testified had committed a lush job? A Yes, sir, he was a man somewhat of my build, probably a little stouter.

Q That is all you remember about him? A That is all.

Q You don't remember anything else about him? A Clean-shaven, light complexioned.

Q How old was he? A I should judge in the neighborhood of twenty five or thirty.

Q On the 17th who else served drinks besides the defendant Daly? A That is all I seen serve drinks was the defendant Daly.

Q That is all? A Yes, sir.

Q Was Brady with you all the time? A On the 17th? Yes, sir.

Q Was Dawson with you all the time? A Yes, sir, on the 17th.

Q On the 17th? A Yes, sir.

Q Did he leave you at any time on the evening or the morning of the 17th when you were in the premises? A No, sir; I don,t think he did.

Q He was with you all the time? A Yes, sir, I believe he was, I wouldn't say for sure.

Q What night was it that Daly was supposed to have thos woman on his lap who was sitting on his lap, the woman drinking

CASE #2145

wine, what night was that? A That was the 17th.

Q The second time you called there? A Yes, sir.

Q At that time who else served drinks besides Daly? A At that time, prior to going out, a tall, dark complexioned young man served the wine.

Q You didn't remember that before? A No, sir; I did not.

Q This just occurred to you now? A Yes, sir.

Q Was he in charge of the place? A No, sir; he was not.

Q What makes you say he was not? A I couldn't say whether he was.

Q You couldn't say whether he was or not? A No, sir.

Q You don't know whether Daly was in charge of the place or not? A Only seen him order people around there.

Q Before you go into the premises Daly was the one who admitted you, looked you over through a little hole, and I saw him turn on the light in the storm shed, he would turn on the electric light and look through a hole.

Q Because he let you in, and he was ordering drinks and the fact that he looked through a little hole, and from the conduct of Daly, as you have testified, you concluded he was the manager of the place? A Yes, sir.

Q He didn't tell you he was the manager? A No, sir.

Q Do you know who owns that place? A I heard a man named Bellows.

Q Do you know Mr. Bellows? A He was pointed out to me, whether it is him or not, I don't know.

CASE #2145

Q You have spoken to Bellows several times haven't you?

A No, sir.

Q Will you describe him to us, please.

THE COURT: The Statute does not read that the person must be the owner of the place. It says, "Who ever shall keep or maintain". It does not require that the defendant should be the owner.

MR. MINTON: Keeping or maintaining having control of.

THE COURT: A person who has the charge, oversight or custody of the place, and that fact the jury can determine from the evidence.

MR. LaGUARDIA: I move at this time, to strike out from the record the testimony given by this witness in reference to Daly as the manager of that place inasmuch as that is one of the issues here which must be decided by the jury, and that fact being a conclusion of this witness.

Motion denied; exception.

BY MR. LaGUARDIA:

Q Have you spoken to Dawson during the lunch hour? A I have.

Q Talked over this case? A No, sir; I have not.

Q Didn't say a word about it? A No, sir; not about this case, no, sir...

Q You say during the month of June you made no other

CASE #2145

arrests? A I didn't say that-- I might have, I don't remember; I would have to go and figure my memory back to see.

Q Have you that memorandum with you from which you refreshed your memory from time to time in this case? A I have a memorandum book.

Q I mean concerning this case? A I am not sure, counsel, I will have to see the start of this book-- no, not this book, this is only from October 14th up to the present time.

Q What were you reading in the court room this morning and yesterday morning in reference to this case, your affidavit? A Reading the affidavits.

Q Have you a copy of it with you? A Yes, sir; I have.
MR. MINTON: I will consent it go in evidence, counsel.
MR. LAGUARDIA: I want to see it.

MR. MINTON: I object to that unless counsel puts it in evidence. These are really private papers of the district attorney's office and the police department. I will consent to its going in evidence.

THE COURT: Did the officer refer to the paper?

MR. LAGUARDIA: He testified that he referred to it constantly.

MR. MINTON: He has not referred to it on the stand. He used it to refresh his recollection in this proceeding. I understand the rule to be that if counsel wants it he must put it in evidence.

THE COURT: Have you it in your possession?

MR. MINTON: I have the original affidavit. here.

CASE #2145

THE COURT: You have access to it.

MR. MINTON: This paper is the complaint, so-called in the Magistrates' Court.

THE COURT: The Court of Appeals held in the first Becker case that it was proper for Mr. McIntyre to obtain possession of the papers that were used by the district attorney, Whitman.

MR. MINTON: This is a court record, and I have no objection to his having the original record.

BY MR. MINTON:

Q The affidavit you refer to is a copy of the complaint which was made in the City Magistrates' Court First Division, on which the warrant was issued? A Yes, sir.

MR. MINTON: Now that complaint is here.

BY THE COURT:

Q Have you a copy of the complaint? A Yes, sir.

MR. LaGUARDIA: May I see it?

THE COURT: Yes.

MR. MINTON: There may be other private communications marked on this paper in lead pencil.

THE WITNESS: There are lead pencil notes on the back of that.

MR. MINTON: The officer states that he has a copy of the paper in his possession; and that it contains private memorandum.

BY THE COURT:

CASE #2145

Q Can you separate that sheet? A No, sir; it is right on the back of it.

MR. MINTON: I will show to him, and let him see it.

THE COURT: I will not allow any memorandum to go in evidence unless it is for the purpose of impeaching or contradicting the witness.

MR. LaGUARDIA: It is to impeach the witness.

MR. LaGUARDIA: I don't think it is proper for me to state the grounds, but I will do so, or refrain from doing so before this jury.

MR. MINTON: I object to his stating any grounds.

THE COURT: The statement of counsel is immaterial.

MR. LaGUARDIA. This voluminous affidavit contains several allegations of 2, and this witness has testified that he has no memory of other occurrences, and this is to show that his testimony was memorized at the time.

THE COURT: That is a matter of argument. You can refer to that later. The witness told you that he looked at the affidavit, that having looked at it his recollection was refreshed, and his recollection having been refreshed he was able to testify. He tells you now that there is private memoranda on this copy of the affidavit.

MR. MINTON: I consent that the original affidavit used in the Police Court go in evidence.

CASE #2145

THE COURT: Let the original go in. You can always refer to the original; you need not offer it in evidence. It is a court record.

MR. LaGUARDIA: I want the jury to have it.

THE COURT: It can go to the jury upon consent. It is a part of the court record.

MR. LaGUARDIA: In this court or the Magistrates Court?

THE COURT: It makes no difference. The papers are here.

MR. MINTON: If the Court please, I will offer no objection to the entire papers going in evidence.

MR. LaGUARDIA: I think this officer said this was an exact copy?

MR. MINTON: He has already said it was.

MR. LaGUARDIA: And this is the original affidavit.

MR. MINTON: Yes.

BY MR. LaGUARDIA:

Q This is what you kept with you all the time? A Yes, sir; I did.

Q Now on the second night what table were you seated?

A At the same table.

Q Where was that? A On the left hand side.

Q As you entered? A Yes, sir; as we entered.

Q Who sat at the table with you? A Dawson and Brady.

Q Anybody else? A No, sir; nobody else; that was all.

Q That was all? A Yes, sir; until the two women came in

CASE #2145

later.

Q What time did they come in? A About a half an hour before I left.

Q A half an hour before you left? A Yes, sir.

Q How long did you stay with them? A About half an hour at the same table; I didn't time it just only merely giving a rough guess at it.

Q The same table? A Yes, sir.

Q These two women sat at your table and used offensive language? A No, sir.

Q They did not? A No, sir.

Q Sure you had no conversation with these women outside?
A No, sir; I did not.

Q You didn't have any conversation at all? A Only from the time we left the premises, going over.

Q You talked then? A Yes, sir.

Q Where was the price fixed? A Up in the room.

Q Up in the room? A Yes, sir.

Q There was no price fixed in the saloon? A No, sir.

Q Nothing said about the price there? A No, sir.

Q Nothing said for what purpose you were going over across the street? A Yes, sir.

Q No conversation at all about the price in these premises? A Not about the price.

Q You had a conversation about the price at the girl's rooms, is that right? A Yes, sir, the rooms where the girls took us.

CASE #2145

Q Isn't it true that there was no conversation about going to any room, only on the street? A No, sir; in the rear room of the saloon.

Q Did Dawson hear that? A Dawson did hear it.

Q So did Brady? A He was within hearing distance, we were together there.

Q At one table? A Yes, sir.

Q Where was the defendant? A Standing at the table serving us.

Q He wasn't there all the time serving you, was he? A No sir; he had served others in the rear room.

Q Some of this conversation might have taken place outside of the hearing of the defendant, or were you particular that the defendant be there when talking about these things?
to the defendant

A It would not be fair to charge against him something he doesn't know anything about.

Q You wanted him particularly to hear? A I did.

Q That is why you dressed in sailors clothes, and asked for women? A Yes, sir.

Q Just to be fair to the defendant? A Yes, sir; I believe so.

Q Now, didn't you go there once in citizens clothes?

MR. MINTON: I object to that it has been answered three times.

Q Have you seen these two girls since the 17th of June?

CASE #2145

A Yes, sir.

Q You saw them in court? A I did.

Q Testified against them? A I did; I saw them since.

Q Where did you see them? A In Part II when the case was up before Judge Wadhams in the summer.

Q Talked with them? A No, sir; I did not; they were there with Thomas Bingle, the man who owned the room we made the arrest in.

Q That arrest was made for violation of the Tenement House Law? A Thomas Bingle was charged with keeping and maintaining it.

Q Not to 298 7th avenue? A No, sir.

Q That was in other premises? A 215 West 27th street.

Q That is where you went with the women? A Yes, sir; that is where the women brought us.

Q Arrested them for a violation committed in those premises? A Yes, sir.

Q You saw these women that you arrested subsequently, saw them at the Court of General Sessions with this man who was also arrested? A Yes, sir; since they served a term.

Q Do you know where they were meantime? A They were sentenced to three months in the Night Court.

Q In the Workhouse? A Yes, sir.

Q Counsel asked you about Bingle. Now you say Officer that you made some notes of this transaction on the day after each event occurred? A Yes, sir; I did.

CASE #2145

Q Subsequently did you transfer the substance of those notes to the affidavit which you signed? A I did.

Q That affidavit is substabtially a correct account of what occurred on those nights?

MR.LAGUARDIA: I object to that as leading.

THE COURT: I will allow it.

Exception.

A Yes, sir.

Q Now, you made this affidavit did you not, on the 18th of June, 1915? A Yes, sir.

Objected to; objection sustained.

Q Have you made a number of arrests since that day?

A I have.

Q In those cases had you made notes and affidavits too?

A I have.

Q How many arrests do you make in the course of a month?

A Sometimes two, four, six or ten.

Q Is your work confined to obtaining evidence against alleged disorderly houses? A Yes, sir.

Q Are you required by reason of your work, to remember conversations and incidents on various nights? A I am.

Q Do you embody them in an affidavit, and keep a copy of the affidavit? A I do.

Q You said somebody about this defendan**t** looking through a hole? A Yes, sir.

CASE #2145

Q Tell us about that? A This is a side door of an ordinary corner saloon, and it is totally dark after hours, you have to go in the side door.

Q What do you mean after hours? A After one o'clock, during prohibited hours after the legal closing hours in a saloon, and you either make a noise or knock at the door when the public door is locked, and then this defendant comes to the door, he turns on the electric light from the inside and opens a little hole.

Q How big is that hole? A I should judge about two by two and a half inches in diameter.

Q Is that what you call a peep hole? A Yes, sir.

Q Did he do that on the occasion you came there? A He did.

Q He looked through that hole? A Yes, sir.

Q Before he opened the door? A Yes, sir; he did; he turned on the electric light, and we were right under the electric light.

Q To whom did you give the money for the drinks? A To the defendant.

Q Did you see what he did with it? A Sometimes I-- once I seen him put it in his pocket, and aother time I saw him going in the baroom, whether he kept it in his pocket at the time or not I don't know.

Q How many times did you see him go back and forth from the barroom? A Several times.

CASE #2145

Q When he brought you drinks did you observe from whence he brought them? A From the barroom.

BY MR. LAGUARDIA:

Q You stated you made two, four or six arrests, and that you closely remember the conversations, is that correct? A That is what I say here.

Q Every day you make these affidavits in order to obtain a warraht, is that it? A Yes, sir, this was the reason why I did that just for the simple reason that I am out in the morning and at night, and have different cases in different courts in five boroughs, so in order to keep my memory refreshed on each and every case, I got to have a memorandum of some kind.

Q You have experience in obtaining warrants for these places? A Yes, sir.

Q You know that certain acts are necessary before you can obtain a warrant? A Yes, sir.

MATTHEW T. DAWSON, a witness called on behalf of the People, being duly sworn, testified as follows:

(The witness states he is a police officer attached to Special Squad 4.)

DIRECT EXAMINATION BY MR. MINTON:

Q Mr. Dawson, are you a member of what is know as Special Squad 4 operating from the Commissioner's office? A Yes, sir.

Q What are the general duties of that squad? A Investigating and obtaining evidence against alleged disorderly

CASE #2145

houses gambling &c.

Q Alleged disorderly houses? A Yes, sir; and gambling houses, any immoral places.

Q The Vice Squad, is it not? A Yes, sir.

Q Do you know the witness, Officer Lennon? A Yes, sir.

Q Is he a member of that squad? A Yes, sir.

Q Do you remember, Mr. Dawson, whether or not on the 16th of June, 1915, you went to the premises 298 7th avenue, southwest corner of 23rd street? A Yes, sir.

Q What time did you get there? A 2 a. m.

Q In the morning? A Yes, sir.

Q With whom? A With Officer Lennon.

Q How did you enter the premises-- state what happened everything that happened? A Entered the premises through the side door on West 27th street, and we sat in the rear room.

Q Did you see the defendant there? A I did.

Q Just state everything the defendant said and did? A The defendant approached the table at which Officer Lennon and I were seated, and asked "What are you going to have", and Officer Lennon said two glasses of lager beer. The defendant went to the front, and got it, and brought it back, delivered it and received ten cents from Officer Lennon. Around the door was seated about eight women, white and colored and about five men. After being seated a short while officer Lennon spoke to the defendant and said, "Can you fix us up with a couple of girls".

CASE #2145

Q How were you dressed? A As sailors. Officer Lennon said to the defendant "Can you fix us up with a couple of girls, we wanted to have a good time." I would have spoken to the two girls sitting next to us only I heard one say something about a man, and I don't want to get into any trouble."

Q Did you see some girls sitting near you? A Yes, sir.

Q What kind were they? A Two colored girls.

Q What did the defendant say to that? A The defendant said, "Oh, that 's all right, one of them was just talking about her man who is doing five years for white slavery. They are good-- can you give you a good time, they won't rob you, it is safe.

Q What happened after that? A Officer Lennon spoke to the defendant, "How about those two" referring to two white girls at another table.

Q Where were they seated? A At a table right opposite us.

Q What did the defendant say with reference to those two white girls? A He said, "I wouldn't recommend them, they are two bums, one of them is a negro fucker, and her friend is a Chinese lover, neither of them is any good.

Q What happened? A Officer Lennon spoke to the defendant "How about that other girl" meaning a colored girl in the outer room connected with the room in which we were sitting.

Q How far away was that room? A About a distance of fifteen-- about twenty feet.

Q What did the defendant say about that girl? A He said,

CASE #2145

"Oh, that one with the broken arm", and Officer Lennon says "Yes", and he said, "she has a guy already", he said.

Q Did he say anything else about her? A Yes, sir; he says "she took a man in a hallway to have a screw up in 41st street and a cop caught her and hit her on the arm and broke it with his night stick.

Q Now then did you see any other girls that you haven't told us about? A Another unknown colored woman entered the premises, and Officer Lennon again spoke to the defendant and asked, "How about that one who just came in", and he says, "Oh, I wouldn't recommend that bum, she has syphilis, she must have because her man is dosed up with syphilis. So she must be the same.

Q Then what else was said about girls, if you recollect? A He said, "Wait awhile, these other two that went out may come back, and I will fix it up with you all right."

Q To whom did he refer if you know? A The two girls sitting at the table whom we had previously spoken to him about.

Q When did they go out? A They had left about a few minutes after we had entered the premises.

Q Then just tell us what you remember he said about those two women? A He told us to wait awhile, they were coming back and he would fix it up all right for us.

Q Did you wait? A We told him it was getting daybreak, and we would be leaving.

Q How long were you there on this night? A About two

CASE #2145

hours.

Q During the time, can you state what, if anything you observed the other occupants of the room doing? A The women around the place were acting in a disorderly way.

Q What did you see them do, what acts, if anything? A I saw women going from table to table, and asking men to buy drinks for them; some women were smoking cigarettes and other women crossing their legs and exposing their limbs.

Q What color were those women? A Some were white and some were colored.

Q How about men, how many men in there? A About five.

Q What were the men doing, anything you observed? A The men were just sitting at the table drinking.

Q Were they white or colored men? A White men.

Q Now when was the next time you entered these premises? A June 17th.

Q Were you dressed in the same way? A Yes, sir.

Q Whom did you go with? A With Officer Lennon and Officer Brady.

Q Did you see the defendant there that night? A I did.

Q Can you remember the conversation that you and officer Lennon had with him? A I do.

Q State the first conversation that you remember? A The defendant approached the table and said to officer Lennon-- to us, "How are you tonight." And officer Lennon said "We are

CASE #2145

all right." He ordered a round of drinks, the defendant returned with the drinks, and he then spoke, the defendant again spoke to Officer Lennon, and said, "Those ^{two} girls I spoke to you about the other night were in tonight and I told them about you fellows, and they said they would be back, when they come in I will bring them to your table ".

Q Is that all the conversation you had at that time?

A Yes, sir.

Q Then did he do anything that you observed, did the defendant do anything after that conversation? A Well, a wordy argument started.

Q What happened, did anybody do anything there? A An-unknown woman ordered a round of drinks from the defendant, and after the defendant had turned with the drinks he sat at the table with her, and this unknown woman raised her clothes up, exposing her thigh, and took the money from her stocking, and paid for the drinks.

Q Who did you give the money to? A To the defendant.

Q Where was she sitting at the time she gave him the money?

A At the table, just about five or ten feet away from us.

Q Will you state whether or not you heard this woman say anything? A I did.

Q What did she say? A One woman called another woman a whore.

Q Can you remember what she said? A The other woman said yes, I am a regular whore and proud of it, and the other

CASE #2145

woman, the first responded with "I am a whore myself, but I am only a half assed whore."

Q How close were these women sitting to you? A Well, one of the women was about five feet away, and the other woman was about eight feet.

Q Now, did you observe any acts or words on the part of any other occupants of the saloon, male or female, if so, state it, any that you remember. A Well, after the defendant had served this unknown woman with a drink, he sat down at the table with her, and this unknown woman got up from the table and sat down on the defendant's knee and ordered three pints of wine, on different occasions, and each time she paid for the round of drinks she raised her clothes, exposing her thighs and paid for the drinks.

Q How many people in there at that time? A About six-- at that time-- six women.

Q Did you hear anybody else say anything in there that you remember? A There was an unknown young man at a table.

Q At what table? A At the same table with the defendant and this unknown woman were seated, and he said he was just after coming out of prison after doing six months for a lush job and the police would not have caught him only he was drunk at the time.

Q To whom did he say that? A To the defendant and this unknown woman who was sitting there.

Q Now go ahead did you see any other girls that night or

CASE #2145

get any? A Officer Lennon --the defendant got up from the table and Lennon called him and ordered a round of drinks. This defendant served them and Officer Lennon asked him did them women come in yet" whom he had spoken to him about", and he said "Yes, they are in the other room now". The defendant said, "They are in the other room now I will bring them to your table". He then left the table he was at, went into the room that was connected with the rear room, and he returned with a girl whom he introduced as Georgie.

Q What color? A A colored girl whom he introduced as Georgie.

Q A young girl? A Yes, sir.

Q He left the table? A Yes, sir, and he returned with another girl whom he introduced as Georgie's sister, another colored girl.

Q Then what did you do? A The girl sat at the table with us and this unknown woman asked Officer Lennon, "did he want to go across to her house and have a good time", which was directly across the street.

Q Who asked that? A This woman who was seated with Officer Lennon.

Q A colored woman? A Yes, sir.

Q Is that the colored woman the defendant introduced to Officer Lennon? A Yes, sir.

Q Well, what did Officer Lennon say when requested to have a good time? A Officer Lennon agreed to it.

CASE #2145

Q What did he say? A He said, "Yes, he would go across the street."

Q What did the girl say to you? A She asked me was I willing to go, and I said yes. Officer Lennon spoke to the defendant, and told him that Officer Brady didn't have any girl.

Q Was Brady in the uniform of a sailor too? A Yes, sir.

Q Then what did the defendant do, when you told him that you didn't have another girl for Brady? A The defendant said, "I will send Big Tom out to get Annabelle."

Q Did you see Big Tom in the place? A Yes, sir.

Q What does Big Tom look like? A A colored man; he was standing right near the door leading to that anteroom.

Q When the defendant said he would send Big Tom out what did Big Tom do? A The defendant talked to Big Tom for awhile and Big Tom left the premises.

Q After you saw the defendant talk to Big Tom what did you Brady and the two girls do? A Well, one of the girls who was seated with Lennon said to him "Come on we will go across to my flat, and Annabelle will be over shortly." We left the premises, and went across the street to 215 West 27th street.

Q How far away is 215 from this saloon? A Well, about 50 feet.

Q When you got to these premises where did you go? A We went upstairs.

Q When you got upstairs did you go in any place? A A colored woman took me in a room, and the unknown colored woman

CASE #2145

and the unknown colored woman had with Lennon took him into a room.

Q What happened without testifying the conversations-- what did you do in the room with this colored woman?

Objected to as incompetent and irrelevant.

Objected overruled; exception.

A The woman requested-

Q Never mind what she requested. Did you give her anything

A Two dollars.

Q Did you do anything else in the room? A No, sir.

Q Did you look out the window? A Yes, sir; I did.

Q Did you see anybody outside when you looked out? A This unknown colored woman who was in this room with me looked out the window.

Q I don,t want what she said, did she do anything when she looked out the window? A She spoke.

Q Spoke to somebody? A Yes, sir.

Q Where? A Down on the street.

Q Did you look out in the street? A Yes, sir.

Q Who did she see out in the street?

Objected to; objection overruled; exception.

A The man referred to as Big Tom.

Q Was that the man you had seen in the saloon just before you had took the girls out? A Yes, sir.

Q Will you state whether or not this woman who was in

CASE #2145

this room and the man whom you call Big Tom on the sidewalk had speech with each other? A They did.

Q At the time you were in the room with this unknown colored woman, do you know where Officer Brady was? A I do, he went into some rear room, the rear on the same floor.

Q Alone? A Yes, sir.

Q How long did you stay in those premises, 215 West 27th street? A Well, about twenty minutes.

Q After that where did you go? A We went back and changed our clothes.

Q Back to the room? A Yes, sir.

Q Where was that room? A 38th street and 6th avenue.

Q Did she do anything after you gave her the two dollars?

A She took off her outside skirt, and I told her that --

Q Did she make any offer to you?

THE COURT: State what she did.

THE WITNESS: She offered to expose her person.

THE COURT: Strike it out.

Q What did she do? (No answer.)

Q What furniture was in the room? And what things, if anything did she do? (No answer.)

Q She took off some clothes, what clothes did she take off? A The outside skirt.

Q Was there a bed in the room? A Yes, sir.

Q What did she do?

Objected to; objection overruled; exception.

CASE #2145

A She sat on the bed, and she said "Come on".

MR. LAGUARDIA: I move to strike that out.

THE COURT: Strike out she said "come on".

Q As a matter of fact you did not commit any act of sexual intercourse with her there? A No, sir; I did not.

Q About what time was it, Officer, you left the place?

A Well about somewhere around five o'clock, about five minutes of five.

Q Will you state whether or not when you left the premises you saw any one that you had previously seen in the back room of that saloon?

Objected to; objection overruled; exception.

A On the way out I saw standing at the door the man referred to as Big Tom, the colored man.

Q Did he speak to you, yes or no, or to your companion?

A Yes, sir; he said something but I don't remember.

CROSS EXAMINATION BY MR. LAGUARDIA:

Q You did not see the defendant, Daly, in the premises on 27th street, did you? A Not at 215.

Q You didn't see him there at all? A No, sir.

Q At the premises 215 7th avenue, referring to the rooms—how far away is that from the saloon? A About 50 feet.

Q Across the street? A Yes, sir, a different building.

Q A different building? A Yes, sir.

Q The only place you saw Daly was in the saloon? A In

CASE #2145

the rear room.

Q What was he doing there? A Acting as the man in charge.

Q What was he doing? A Waiting on the tables .

Q On the tables? A Yes, sir.

Q All you saw him do was wait on the tables? A He committed various acts.

Q What are those acts, wouldn't you tell us? A Well, allowing this woman to sit on her knee and allowing her to expose her limbs and allowing women to hold this conversation which consisted of vile words.

Q Was he in the room all the time? A Yes, sir; he was.

Q During this conversation? A Yes, sir.

Q Didn't you testify he was going to and fro to sell drinks? A I did.

Q Wasn't he out of the room sometime, wasn't he? A Yes, sir; he was.

Q He was out of the room sometime? A Yes, sir.

Q He didn't hear all this conversation? A He was in the room during this conversation, I say.

Q What time did you get to the saloon on the 17th? About 1.30 a. m.

Q 1.30 a. m.? A Yes, sir.

Q Where did you meet Officer Lennon? A That night I met him in Brooklyn.

Q And where did you go to? A We went to 38th street and 6th avenue.

CASE #2145

Q How long did you stay in the saloon the night of the 17th? A About three hours.

Q How many drinks did you have? A About five or six.

Q How much did you spend that night? A Somewhere around a dollar.

Q Can't you remember how much? A Not exactly.

Q Was it more or less than a dollar? A About a dollar, I couldn't say.

Q How much did Lennon spend? A I don't know.

Q What were you drinking? A I drank beer.

Q All the time? A Yes, sir.

Q Every time Lennon bought a drink, would you buy a drink?

A No, sir, not all the time.

Q Who bought the most? A Officer Lennon.

Q Did you try to get a girl the first night? A We did.

Q Did you succeed? A We did not.

Q You went there for the purpose of getting a girl, did you? A Not for that purpose.

Q What purpose did you go there for? A To obtain evidence that the law was being violated.

Q Were you ever in that saloon previous to the 17th of June? A I was not.

Q Isn't it true you went in the saloon and had a conversation with the defendant, and told him you were a Y.M.C.A. man? A No, sir; I did not.

Q Never had any such conversation with the defendant?

CASE #2145

A No, sir.

Q On the 18th ahwta time did you go to the saloon on the 18th? A I wasn't there on the 18th.

Q On the 17th? A On the 17th, I went there at 1.30 a.m.

Q That was the night you remained three hours there?

A Yes, sir.

Q How long did you remain the night before? A About two hours.

Q You walked from 38th street to the saloon? A Yes, sir.

Q Who was with you? A What night?

Q The 17th, the second night? A Officer Brady and Officer Lennon.

Q What route did you take, how did you get 38th street?

A Through 6th avenue.

Q Where? A 28th street.

Q And where did you go? A Through 28th street to 7th avenue, and then to the saloon.

Q On which side of the avenue going down? A The right hand side.

Q Going down? A Yes, sir; going south.

Q So from 38th street you went directly to this place?

A Yes, sir.

Q Did you have any conversation before the 16th and 17th as to what you were going to do? A Not that I remember of.

Q Not a word said between the 16th and 17th? A Not that

CASE #2145

I remember of.

Q How did you happen to pick this place out on 7th ave. and 27th street? A I didn't pick it out.

Q How did you go there? A By orders.

Q You received orders as to what violation you were going to find? A No, sir; there had been some investigation going on, but I don't know it.

Q You were sent there? A Yes, sir; I was.

Q To see if it was true. To see if it was true.

Q How long were you in the premises, 215? A About 20 minutes.

Q Sure of that? A Yes, sir.

Q You were not there any longer? A No, sir.

Q You were there three hours in the saloon? A Yes, sir.

Q You had how many rounds of drinks? A About five or six.

Q Rounds? A Yes, sir.

Q Three hours? A Yes, sir.

Q About two drinks an hour? A Yes, sir.

Q You were only in the premises fifteen or twenty minutes? A Yes, sir.

Q Sure of that? A Yes, sir.

Q As a matter of fact you were there about two and a half hours and in the premises 215, and only twenty minutes on the saloon? A No, sir.

Q You were not? A No, sir.

Q What is the price of beer there? A Five cents.

CASE #2145

Q Then, if you had five rounds, how many people were at your table? A Three.

Q Three? So five times three is fifteen, is it not?

A Yes, sir.

Q Five times fifteen is seventy five? (No answer.)

THE COURT: Is it necessary to cross examine the witness on his ability to multiply. Can't you do that yourself?

MR. LAGUARDIA: As to the amount of money he spent there.

THE COURT: What difference does that make?

MR. LAGUARDIA: To test the credibility of this witness. The other officer testified that he spent two dollars, and this officer testified that he spent one dollar.

THE COURT: Ask them how they spent the balance?

Q How did you spend the money then? A There was three at the table, three beers was fifteen cents, and we included the defendant in giving him a drink, and his drink amounted to ten or fifteen cents, I don't exactly remember what he was charging, but he was drinking gin, and we tipped him ten cents.

Q You did tip him? A Yes, sir.

Q Did Lennon tip him? A Yes, sir.

Q You spent about how much? A I spent about a dollar.

Q A dollar? A Yes, sir.

Q You don't know how much Lennon spent, but you know he

CASE #2145

spent more than you? A Yes, sir.

Q You only had five drinks? A Yes, sir; I did.

Q Did you drink drinks yours? A Yes, sir.

Q Lennon drank his? A Yes, sir; I couldn't say, I think he threw some in the cuspador.

Q You didn't throw any away? A No, sir.

Q Used it all yourself? A No, sir, not all of it, I didn't finish every glass, I left some in.

Q Now describe this young man who was talking about the lush job, what kind of a looking young man was he? A Light complexioned man about twenty five or twenty seven years; he had a dark suit on, and black shoes.

Q How about this woman who had her arm broken, did she have her arm in a sling? A I couldn't see, no, sir.

Q Can you describe her? A I couldn't describe her; she was sitting down.

Q Did you see her at all? A Yes, sir, I saw a part of her.

Q Was she in the other room? A Yes, sir.

Q Did Lennon see her? A I don't know.

Q Well, was Lennon sitting at the same table with you?

A Yes, sir; he was.

Q Could you see her? A I could see part of her.

Q You couldn't describe her now? A Only she was dressed in black.

Q Now, will you describe the woman who was buying the wine, and exposing her lower extremities? A She was a woman

CASE #2145

about twenty five years of age; she was about five foot seven; she weighed about 135 pounds, 125 to 135; she had a black suit on and a black hat.

Q White or black? A A white girl.

Q You say she was drinking wine, what do you mean, champagne? A I don't know what she drank, but she ordered wine.

Q Did you see the bottles served? A Yes, sir.

Q What did it look like? A It looked like a wine bottle.

Q When you say wine, you mean champagne? A Yes, sir.

Q The corks were removed without a corkscrew? A Yes, sir.

Q Three pints of that? A Yes, sir.

Q Sure of that? A Yes, sir; positive.

Q Sure that the woman on the defendant's lap is the woman who was buying all this wine? A The woman who sat on the defendant's lap.

Q Sure this woman bought the wine? A Yes, sir.

Q Now, who served this wine? A Some unknown man.

Q It was not Daly? A No, sir.

Q You don't know who it was? A No, sir; I don't know.

Q Did you arrest him? A No, sir.

Q Daly was not waiting on the table all the time? A Not at that particular time-- not at that time.

Q Where had this unknown man come from? A He entered the premises just as the defendant was sitting down at the table with this unknown woman.

CASE #2145

Q Did he disappear as suddenly as he appeared? A He was there when we left the premises.

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

Q Was there a bartender there? A Yes, sir; there was.

Q Who was in charge? A The defendant was apparently in charge.

Q The defendant apparently in charge? A Yes, sir.

Q That is of the rear portion? A Yes, sir.

Q Where was the price made, where did you arrange with this woman as to how much you should pay her? A I arranged with the woman I was seated with in the rear room of the premises.

Q Was Brady there? A Yes, sir; he was .

Q Was Lennon there? A He was.

Q Did he arrange his price there too? A I don,t know what he did.

Q You arranged in a rear room? A Yes, sir.

Q How much was the price? A Two dollars.

Q Was Lennon with you all the time? A Yes, sir; he was.

Q Now, where was the girl seated? A One girl was seated beside Lennon, and the other girl sitting beside me.

Q Could you hear the conversation? A Part of it.

Q Just a part of it? A Yes, sir, a part of it.

Q Couldn,t hear all of it? A No, sir; not all of it.

I heard no price being made or anything else.

CASE #2145

Q You didn't hear what was going on at your table but you could hear lewd language going on at the other tables, what other table? A At the other table they spoke in a loud manner.

Q You spoke in a conversational tone? A Well, I don't say what tone I spoke in, I judge it wasn't very loud.

Q Didn't you want Lennon to hear it, you were out for evidence? A Yes, sir; we were.

Q Important you should corroborate each other? A Yes, sir

Q You were taking pains he should hear everything going on? A Yes, sir.

Q The price or the fixing of the price is a necessary element in the case, wasn't it? A Yes, sir.

Q Did you take pains that Lennon should hear you? A I did.

Q Did he hear you? A I don't know.

Q Did you hear Lennon make his price there? A I did not.

Q When did you hear him make the price? A I didn't hear him make the price at all.

Q You don't know what happened in Lennon's room? A I don't.

Q Did you talk it over with Lennon? A I did not.

Q Did you hear Lennon testify in the court, when he testified against those girls? A No, sir; I did not.

Q Did you testify against the girls? A I did, against one.

CASE #2145

Q You charged that girl with a violation of the Tenement House Law? A Yes, sir.

Q That is she committed a crime at 215? A Yes, sir.

Q You didn't say anything about across the street, she wasn't charged with a crime there? A No, sir.

Q She punished for committing a crime at 215? A Yes. she was.

Q Now, how many arrests did you make in the month of aside from this case?

MR. MINTON: He wants to know what other arrests, can you remember whether those cases you had in the month of June?

THE WITNESS: I don't think I remember.

BY MR. LAGUARDIA:

Q All your efforts were concentrated on this case during the whole month? A Yes, sir.

Q What was the name of the ship you had on your cap? A Utah.

Q What name did Lennon have? A I couldn't say.

Q You can't remember that? A We had various hat bands and we would change them to suit ourselves.

Q How do you happen to remember the details of all the conversations, the exact words in the same rotation as you testified in the Magistrates' Court?

MR. MINTON: I object to that he did not testify in the Magistrates' Court.

CASE #2145

Q Did you testify in the Magistrates' Court? A I don't think so.

Q You are not sure? A No, sir.

Q You don't remember whether you testified in the Magistrates' Court or not? A I do not; I am positive I did not.

MR. MINTON: He testified against the women.

Q You testified against the women? A I did one woman.

Q Now, have you a copy of Lennon's affidavit in your pocket? A I have a copy of the affidavit, but not of Lennon's.

Q Of your own affidavit? A Yes, sir.

Q May I see that? (No answer.)

Q Have you any memorandum, private memorandum? A No, sir the affidavit only.

Q You say you haven't got a copy of Lennon's affidavit?

A It is a copy of the original affidavit.

Q You had this with you all the time since June 17th?

A Not all the time.

Q You have read it since then? A Refreshed my memory occasionally when the case was being called.

Q You read it here this morning, out here? A I did.

Q You couldn't remember these words-- what did you do, memorized that conversation? A I just refreshed my memory.

Q Was that affidavit made before the 17th of June? A It was.

Q How many days before the 17th? A Not before the 17th, after.

CASE #2145

Q How long after? A A few days after before we secured the warrant.

Q Did you make any other arrests in your saloon? A I did.

Q In this saloon? A Yes, sir.

Q And in this case? A Connected with one of the nights of our visit there.

Q Accused of selling after hours? A Yes, sir.

Q Such as a disorderly house, or keeping or maintaining it? A No, sir; no other arrests.

Q Was any crime committed there in your presence while you were there? A No, sir.

Q As far you saw the people were acting orderly? A No, sir.

Q On the 16th or 17th of June?

MR. MINTON: I object to that question. It is calling for a conclusion.

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

Q There was no crime committed there? A Only keeping and maintaining a disorderly house.

Q Only what you saw? A Yes, sir.

Q Do you know who the manager of that place is? A My opinion the defendant was the manager, acting as manager, -- I do not.

CASE #2145

Q You do not know? A No, sir.

Q Do you know James Bellows? A No, sir; I do not.

Q You have never spoken to him? A No, sir.

Q Do you know Berger? A Only from my visit to those premises, on the night of June 16th and 17th.

Q You do know Berger? A Yes, sir.

Q What position did Berger hold? A Bartender.

Q Did you testify against Berger at any time? A I did.

Q When was that? A That was a violation, charged with a violation of the liquor tax law.

Q You charged him with a violation when, on the 17th? A I don't just remember.

Q You don't remember? A No, sir; not whether it was the 16th or 17th.

Q You do remember the details of this conversation don't you? A Yes, sir; I do.

Q You don't remember the date on which you arrested this defendant, when you charged him with violating the law, and in which you testified against him? A On the 17th.

Q You testified in the Court of Special Sessions? A Yes, sir.

Q Was your testimony in that case true? A It was.

Q Did you testify that Berger served you with drinks?

A I did.

Q Is that true? A Yes, sir.

Q Did Berger serve you with drinks or did Daly serve you

CASE #2145

with drinks? A Both.

Q When did Berger serve you with drinks? A When the defendant was sitting with this unknown woman at the table.

Q How many drinks did he serve you with? A One.

Q When was that? Was that the last drink you had? A No, sir.

Q You got other drinks after that? A Yes, sir.

Q What time did he serve you? A I don't remember.

Q You don't remember that? A No, sir.

Q Did you testify what time he served you in the Court of Special Sessions? A I don't remember just what time I testified to.

Q Was the time an important element in that case, selling after hours or not? A I can't remember.

Q You don't remember that? A No, sir.

MR. MINTON: He wants to know what time he was serving drinks? A After hours.

Q What time did he serve you? A I don't exactly remember the exact time.

Q Was that an essential part of the case? A Yes, sir.

Q Did you testify against him? A I did.

Q Testify as to the time? A Yes, sir; I don't remember what I testified to.

Q You testified on the 26th of October, 1915? A I don't remember what date I testified.

Q Repeated. A No, sir.

CASE #2145

Q Yet you remember the details of that conversation that happened on the 17th day of June? And also on the 16th of June? A Yes, sir.

Q Because you talked it over with Lennon during this time, and before, didn't you? A I didn't talk it over with anybody only from my procuring a copy of the complaint.

Q You relied on that copy to testify, and you don't even remember the date you testified in the Court of Special Sessions in the month of October? A No, sir; I don't.

THE COURT: Do you think the date is of importance?

MR. LAGUARDIA: As to the credibility, your, Honor in this case. The time was the only question there, as to what time the drink was served.

BY THE COURT:

Q You were in there some time after this night? A yes.

Q Do you recall that fact? A Yes, sir.

Q You remember making the arrest of a person who served with liquor after midnight? A Yes, sir.

Q You testified to the circumstances under which the liquor was served? A Yes, sir.

Q Although you do not remember the date? A The date of the violation was the 17th.

Q You don't remember the date you were in the Court of Special Sessions when you testified? A No, sir.

CASE #2145

Q You don't remember what time you testified and said he served the drinks? A No, sir, I don't remember.

Q You know you did remember at that trial as to the time?
A Yes, sir.

Q How did you know then? A I had it in my memorandum book.

Q Now didn't you and Lennon talk this over as to what you were going to testify to here? A No, sir.

Q Not at all? A No, sir.

Q Didn't you compare your affidavit and talk it over this morning? A No, sir.

Q Did you see Lennon at the lunch hour? A I did.

Q You didn't talk about his case at all? A No, sir; I did not.

Q Not a word? A No, sir.

Q You haven't talked to him about it since the 17th of June? A We did previous to the case, when the case was to be called only to say, "Did you look at your affidavit" and pass a few words that way.

Q Now what did you say when you passed just a few words?
A I told him that I did look at my affidavit.

Q Did he read you the affidavit? A No, sir. a sort of a greeting to me in the morning, he says, "Do you know your affidavit."

Q How would say that to you? A Yes, sir.

CASE #2145

Q You had to know that affidavit, is that it? A Yes, sir.

Q And without that affidavit you could not testify? A No.

Q But you had to know the affidavit? (No answer.)

Q Were you present when that affidavit was made? A I was not.

Q You were not? A I was.

Q You were? A Yes, sir.

Q Where was it made? A In the office at Police Headquarters.

Q You heard Lennon dictating it? A No, sir, only Lennon and I would compare what we heard.

Q You made it up between you? A Yes, sir.

Q You knew that you put everything in this affidavit that you thought was necessary to obtain a warrant, is that it?
A Yes, sir; everything that I thought was a violation of law.

Q Everything that you thought was a violation of law?
A Yes, sir.

Q How long have you worked in that neighborhood, 27th street and 7th avenue? A Working in that neighborhood about six or seven days;

Q There was a fleet in the harbor at the time, wasn't there? A There was some ships, not a fleet that I remember.

Q A good many sailors on shore leave? A Yes, sir; there were.

Q Coming ~~xxx~~ from 38th to 27th street on 7th avenue did you meet these two girls you afterwards saw in the saloon?

CASE #2145

A No, sir; I did not.

Q Have any conversation with them on the street? A No, sir I did not.

Q Sure of that? A Yes, sir.

Q Where was the first time you saw those two girls? A In the rear room of 297.

Q You didn't see them on the street? A No, sir.

Q Had no conversation with them on the street? A No, sir.

Q You deny that? A Yes, sir.

Q You were there twenty minutes? A Twenty minutes in 215.

Q Did you have any conversation going from the saloon to the flat? A I did not.

Q You didn't say a word? A No, sir.

Q Silent all the time? A Yes, sir.

Q Silent going upstairs? A Passing the unknown colored man he said something I don't know what.

Q Did Lennon have any conversation in going up, where was he? A He was walking ahead of me.

Q How far ahead? A Six or eight or ten feet.

Q Hear him talk? A Seen him talking to her, I don't know what they were saying.

Q You didn't catch one word? A Apparently talking I didn't hear a word.

Q Were you under the influence of liquor? A No, sir.

CASE #2145

Q On the 16th? A No, sir.

Q Never under the influence of liquor? A No, sir; I was not.

Q Do you know how much Brady spent that night? A No, sir.

Q You say all you had altogether was five drinks? A Five or six.

Q Rounds? A Yes, sir.

Q You spent a little over a dollar? A Yes, sir.

Q Lennon spent more than you? A He bought more drinks than I did.

Q How much did Brady spend? A I don't know.

Q Did he spend anything? A I couldn't say I think he bought one round.

Q You think he bought one round? A Yes, sir.

Q How many rounds did you buy? A I bought two.

Q You bought two? A Yes, sir.

Q That cost you a dollar? A Yes, sir; pretty near it.

Q How many rounds did Lennon buy? A I don't know.

THE COURT: Haven't you gone all over that?

BY MR. MINTON:

Q You say that you have a copy of the affidavit on which the warrant was obtained? A Yes, sir.

Q Is that correct? A Yes, sir.

Q You were present with Lennon at the time that the copy of the affidavit was prepared? A Yes, sir.

Q Did you read it over after it was prepared? A Yes, sir.

CASE #2145

Q Was that substantially a true account of the transactions of those two nights? A Yes, sir.

Q It was made after your last visit to the saloon?

A Yes, sir.

Q Counsel asked you about your testimony against Berger, the bartender, in Special Sessions. Will you state whether or not Berger was convicted on that testimony? A He was.

BY MR. LAGUARDIA:

Q How did you get into this place, 227? A What place?

Q To the saloon-- how did you enter the place? A Through the side door on West 27th street.

Q Was the door locked? A It was.

Q Did you rap on it? A Yes, sir.

Q How did you get in? A The defendant looked through a hole and opened the door.

Q The same on the night of the 18th? A On the night of the 18th he looked through the door for who it was, and let us in then.

Q Can you show us the door leading into the premises from this photograph?

MR. MINTON: I don,t know that that is correct.

As you cannot see the door spoken of.

Q Is this a photograph of the premises? A Well, it could be, I am not sure that those are the premises.

W I L L I A M A. B R A D Y, a witness called on behalf of the

People, being duly sworn, testified as follows:

CASE #2145

DIRECT EXAMINATION BY MR. MINTON:

(The witness states that he is a police officer attached to Special Squad 4.)

Q Mr. Brady, you are a police officer? A I am.

Q On the 17th of June, 1915, you were a member of what is known as Special Squad 4? A Yes, sir, operating from Police Headquarters-- I was.

Q That is a so-called Vice Squad? A Yes, sir.

Q Did you go on the 17th of June, 1915, to the premises, 298 7th avenue? A I did.

Q Is that a saloon? A Yes, sir.

Q Did you go into the rear room? A I did.

Q How were you dressed? A ~~Sailor's~~ uniform.

Q With whom did you go? A Officer Lennon and Officer Dawson.

Q Did you see the defendant in there? A I did.

Q Did you hear any conversation between him and Officer Lennon or did you have any conversation with him yourself, and if so, state the first conversation that you can recall? A I heard the defendant say to Officer Lennon, "Those two girls that I mentioned to you about last night were in tonight, and they said they would be back again, and when they come back again, I will bring them over to your table."

Q Is that all the conversation you heard? A Yes, sir.

Q At that time? A Yes, sir.

Q What time of the night was this? A This was about 1.45

CASE #2145

Q How many people were in those premises when you went in there? A There were about ten women both colored and white and five men.

Q Did you hear any conversation between any of the occupants of the room? A I did.

Q Between any women there? A Yes, sir.

Q Can you remember any of that conversation? A I was in the premises a short while, when I heard one woman call another a whore, and the other woman said "Yes, I am a whore, but a half-assed whore", and this other unknown woman looked at my way smiled, and she says, "I am whore, also."

Q Now, did you see any of these women do anything or did you see the defendant do anything in those premises that you can recall? A Yes, sir.

Q State everything you recall seeing done by the defendant or by people in his presence? A The defendant then left the room and brought forth a drink to Officer Lennon, which Officer Lennon then ordered. I was then standing in the room; that this unknown woman started an argument, ordered a drink, and the defendant brought it, and he returned to the table with this unknown woman seated himself in a chair, and this unknown woman got up off the chair, and sat on the defendant's lap, and pulled up her clothes and exposed her thighs and paid for this drink.

Q Where did she take the money from? A Out of her stocking.

Q Did you notice anything peculiar about her stockings?

CASE #2145

A Well black stockings she had on. The defendant was sitting in a chair, and brought three different times drinks, and this unknown woman paid for them.

Q Each time where did she get the money? A From her stocking, and an unknown man was sitting at the table.

Q With whom? A With the defendant and this unknown woman

Q What did you hear him say? A He expressed himself how he just came back out of State prison for doing a lush job. He admitted being intoxicated at the time or the police would not have got him.

Q Did you see any more girls in there? A Officer Lennong then called the defendant, and asked him to serve him with a drink, and the defendant got up from the table, and walked over to our table, and Officer Lennon then said to the defendant "How about those girls", and he said " They are right in the room" he said "I will bring them to your table in a little while." Then the defendant left that room, and walked into another room, and brought forth a colored girl.

Q Do you know her name? A Georgie.

Q What did he say when he brought Georgie in? A "This is Georgie, she is a good little kid, she will treat you right ."

Q Who did he say that to? A To Lennon.

Q Where were you sitting? A Beside Lennon.

Q What is the next thing happened? A The defendant brought in another girl and introduced her as Georgie's sister.

CASE #2145

Q Do you know her name? A Geraldine.

Q What did he say about Geraldine, if anything? A She is Georgie's sister, and she will treat you right.

Q Who was she delivered over to, so to speak, to whom was she delegated? A To Officer Dawson.

Q Was anything said about you and a girl? A Officer Lennon then said to the defendant "How about my friend here, meaning me.

Q Who said? A The defendant then said, "Why I will get Annabelle for him". He then walked over to a colored fellow standing there, called Tom, and spoke to Tom regarding--

Q Did you hear what he said to Tom? A Regarding this colored girl--

Q You didn't hear what he said? (No answer.)

Q You heard him call to Tom? A yes, sir.

Q After he spoke to Tom what happened? A This here unknown woman that accompanied Lennon says, "Come over to my flat.

Q Where did Tom go? A He went outside.

Q Where did you go? A This unknown woman said, "Come on across the street to the flat, and Annabelle will be around in a little while."

Q Did you go to the flat? A Yes, sir.

Q How far away from the saloon? A About three doors west of the saloon, across the street, 215 West 27th street.

Q What floor did you go on? A The first floor.

CASE #2145

Q Where did Lennon go if you know-- also up to the first floor? A The three of us walked in the rear room, and these two unknown women called Officer Dawson into the room, and I was to wait for Annabelle, and this other colored girl called out, and says, "Where is Annabelle".

Q Did the woman say something out of the window? A Yes, sir.

Q Did you look out of the window? A No, sir.

Q Where were you? A Standing like in the hallway.

Q Did you see anything go on between Lennon and his girl and Dawson and his girl? A No, sir.

Q How long did you remain in there? A About twenty or twenty five minutes.

Q You waited for the girl in a room? A Yes, sir.

Q She didn't come up? A Yes, sir.

Q Where did you go? A We left the premises about five a.m.

Q Will you state whether you saw anybody on the street that you had heretofore seen in the saloon? A Yes, sir.

Q Yes or no? A Yes, sir.

Q Who? A This Thomas Dingle.
the

Q Is he a colored man with whom the defendant had a conversation just before you left the saloon? A It was.

Q Were you present at the time that Officer Lennon prepared the affidavit on which a warrant was obtained from the City Magistrate? A I was.

Q Did you read over that portion of the facts that you

CASE #2145

were familiar with? A Yes, sir.

Q Did you take a copy of it for your own use? A I did.

Q That was upon the 18th of June? A Yes, sir.

Q The day after your visit to the place? A Yes, sir.

Q Did that affidavit substantially state the true facts which you witnessed in those premises? A Yes, sir.

CROSS EXAMINATION BY MR. LAGUARDIA:

Q When did you first hear about this 298 7th avenue?

A On the afternoon of June 16th.

Q You didn't go over there with officers Lennon and Dawson on the 17th, did you? A I did.

Q Were you with him? A Yes, sir.

Q Were you there on the 16th? A No, sir.

Q You didn't go the first day? A No, sir.

Q You went the second day? A Yes, sir.

Q Did you have a conversation with Lennon and Dawson about it? A No, sir.

Q You did not? A No, sir.

Q What did they say to you? A I knew I was going up there.

Q How did you know? A Because Lennon and Dawson said that I was to go with them.

Q They didn't tell you what they you going to do? A I knew I was going up there.

Q How did you know? A Before Lennon and Dawson said I

CASE #2145

was to go with them.

Q They didn't tell you what you were going to do? A I didn't know, no, sir.

Q They said they were going to 298 7th avenue? A Yes, sir.

Q Not another word? A No, sir.

Q Said you were going dressed in sailor's clothes? A Yes, sir.

Q You didn't know what you were going there for at all?

A No, sir.

Q No idea at all? A No, sir.

Q Never said a word about it? A No, sir.

Q Now where did you meet Lennon and Dawson? A On the southwest corner of 38th street and 6th avenue.

Q You met them there? A Yes, sir.

Q Where did you put on the sailor's uniform? A On the Southwest corner of 38th street and 6th avenue, a four story brick building.

Q How long did you wait for them there? A I didn't wait for them, I met them there on the corner.

Q What time? A Around 12 o'clock.

Q Around 12 o'clock? A Yes, sir.

Q How long did you stay there? A Until about one o'clock.

Q How did you go to 27th street? A Came out of the building, walked south on 6th avenue to 28th street and through 28th street to 7th avenue, and into the premises 298 7th avenue

CASE #2145

on the south side of the street.

Q Meet any colored girls on 7th avenue? A No, sir.

Q Sure of that? A Yes, sir.

Q Didn't you meet these two colored girls that you picked up on 7th avenue? A No, sir.

Q Very sure of that? A yes, sir.

Q Did you hear the colored girl make a price with them?

A No, sir.

Q Didn't hear that? A No, sir.

Q Sitting at the table? A No, sir.

Q Were you sitting next to Dawson? A I was sitting next to Dawson.

Q Did you hear anything Dawson said? A No, sir.

Q You didn't hear that, but you could hear what was going on at the other tables? A Yes, sir.

Q You couldn't hear what was going on at your own table?

A Yes, sir, I could hear it, yes, sir, if I was paying attention to it.

Q Could you hear, yes or no? A No, sir.

Q You couldn't hear what was going on at your own table?

A Different times I could.

Q Sometimes you could not? A Yes, sir; sometimes I could not.

Q How big was this table? A A regular ordinary table, seat five to it.

Q Was Dawson whispering to this girl? A Yes, sir.

CASE #2145

Q He was whispering? A Well, I couldn't understand every word he said.

Q You were there to get evidence, weren't you? A I was.

Q It was necessary to get the conversation, wasn't it?

A Yes, sir.

Q You paid attention to what he was saying? A I did.

Q Well, then did you hear everything that he said to this girl? A No, sir; I did not.

Q You heard everything else going on in this saloon?

A Yes, sir.

Q Did you hear them have any conversation crossing the street, did Lennon have any conversation crossing the street?

A I don't know.

Q Who did you walk with? A Alone.

Q How far behind Lennon were you? A About seven maybe eight feet.

Q Did you go upstairs in this apartment? A Yes, sir; I did.

Q Did you go in there with the two girls? A Yes, sir; I did.

Q Who? A The girl named Georgiana.

Q Did you say you didn't have a girl? A No, sir.

Q Did Annabelle come up? A No, sir.

Q How many girls were there? A Two girls.

Q When did you give the girl,-- A I was with Officer Lennon--

CASE #2145

Q What time? A I was up there the day following that night, I was executing this warrant, and I wanted to make myself good with this unknown woman.

Q When one officer went in and paid her, and came out, you went in to have sexual intercourse? A No, sir.

Q Didn't you just now say that you gave her money?

A Yes, sir.

Q Is that so? A Yes, sir.

Q Are you accustomed, is it a habit in getting violations in the Tenement House Law for two men to go with the same woman? A We weren't looking for a violation of the Tenement House Law.

Q You were not? A We were in one way and in another way we was not.

Q What charge did these women have to meet in court?

A A violation of the Tenement House Law.

Q You were looking for that violation? A Yes, sir.

Q You say you were not? A Well, for the disorderly house part as well, a violation of the Tenement House Law.

Q Did you testify on that case? A No, sir.

Q You gave this two dollars out of the kindness of your heart? A I did.

Q Did you charge it in the expense account? A Yes, sir.

Q Out of the kindness of your heart you gave two dollars in city money? To execute the warrant the following night.

CASE #2145

Q When did you give the two dollars? A That night.

Q How long were you in the premises? A About twenty five minutes.

Q In the room with her after you gave her the two dollars?

A Four or five minutes.

Q How long was your predecessor in the room? A I don't know; I didn't have a watch in my pocket.

BY THE COURT:

Q What did this woman do, when you gave her the money?

A She told me it cost two dollars, and I gave her two dollars.

Q Gave her two dollars? A Yes, sir.

Q After you paid her this money did you do anything? A No, sir.

Q She was in this room? A Yes, sir.

THE COURT: Now, can't you state the reason?

The defendant 's counsel asked you why you gave the defendant this two dollars.

THE WITNESS: I gave this witness two dollars because I knew I was coming back in a few days to execute the warrant, and this unknown woman-- I went in and had a few drinks with this girl who was supposed to go with me; she wasn't around and I wanted to go back another night for this unknown woman on the warrant.

MR. LAGUARDIA: I have a right to continue.

THE COURT: Yes.

CASE #2145

MR. LAGUARDIA: I want that question fully answered.

A I gave this woman two dollars.

Q Give the reasons? A And she said, "All right." I gave this unknown woman two dollars for the purpose of securing evidence for a violation of the Tenement House Law, and I knew I was coming back in a day or two to execute the warrant charging this woman with a disorderly house, and for accepting the money for that purpose, and I knew ^{I placed} if/this unknown woman under arrest at the time I could not place the defendant under arrest, and I told this unknown woman I would be back in a few nights, and she said all right.

BY MR. LAGUARDIA:

Q Were you alone in the room when you paid her the two dollars? A I was.

Q You knew that your brother officer had been in the room with her? A I did.

Q Did he say anything to you when he came out? A I don't remember.

Q You don't remember that? A No, sir.

Q You went right in after he came out? A Yes, sir.

Q How long was he in the room with her? A About eight or nine or ten minutes.

Q He came out and you went right in? A Yes, sir.

Q In your anxiety to look at this woman because you were back going to execute the warrant? A Yes, sir.

Q That is the best excuse you can give? A Yes, sir.

CASE #2145

Q Did you get impatient waiting for Annabelle? A No, sir.

Q Kind of disappointed she didn't come up there? A No.

Q You said that you had several drinks? A Yes, sir.

Q How many did you have? A Four or five.

Q How much did you spend there at the saloon? A Well, a dollar.

Q About a dollar? A yes, sir.

Q About how much? A About a dollar.

Q How much did Dawson spend? A I don't know.

Q You don't know? A No, sir.

Q Every time that Dawson bought a drink did you buy a drink? A No, sir.

Q So Dawson bought more drinks than you? A He might have.

Q How many drinks did Lennon buy? A I don't know.

Q Did he buy more drinks than Dawson? A I don't know.

Q You were there to drink? A I didn't pay much attention to how many drinks each one bought.

Q You spent about a dollar? A Yes, sir,

Q How many at your table? A There were three of us for awhile, and after awhile these two unknown women.

Q How many drinks did the two unknown women have with you? A One or two.

Q What were you drinking? A Beer.

Q How many rounds of drinks did you buy for your dollar?
A I don't quite remember.

CASE #2145

Q You spent a dollar? A I don't quite remember how many I bought.

Q How long were you in that saloon? A From 1.30 to 4.30.

Q About how many drinks in three hours? A About five.

Q You spent a dollar?

MR. MINTON: I object to that.

Q Four dollars spent in three hours?

Objected to.

Q Which side of Tenth avenue did you walk down from 38th street? A On the west side.

Q The west side? A Yes, sir.

Q You didn't meet any girls there at all? A No, sir.

Q Sure of that? A Yes, sir.

Q Just as sure of that as you are of the kindness of your heart?

Objected to; objection sustained.

Q Did the women have anything to drink? A Yes, sir, they had two drinks.

Q What did they drink? A I can't remember.
BY MR. MINTON:

Q Who is the commander of your squad? A Detective Sergeant Donnelly.

P A T R I C K H. D O N N E L L Y, a witness called on behalf of the People, being duly sworn, testified as follows:

(The witness states he is attached to the Detective Squad 4)

DIRECT EXAMINATION BY MR. MINTON:

CASE #2145

Q Donnelly, you are a first grade detective? A Yes, sir.

Q At present are you the chief of Special Squad, No. 4?

A Yes, sir. I have charge of that.

Q How long have you had charge of that squad? A For about two years.

Q In June, 1915 was Officer Brady also Officer Lennon and Officer Dawson members of that squad? A Yes, sir, they were.

Q They worked under your personal direction? A Yes, sir.

Q Your office is in police headquarters? A Yes, sir.

Q You have no connection with an precinct? A No, sir.

Q Is that squad, the one that is known as the Vice Squad?

A Called that.

Q What are its duties? A To suppress gambling and disorderly houses and the like.

Q Now, Officer Donnelly will you state whether or not you know the premises No. 298 7th avenue? A Yes, sir; I do.

Q Have you ever seen those premises? A Yes, sir.

Q On various occasions prior to the 16th of June, 1915?

A Yes, sir; I have.

Q Now long prior to the 16th of June, 1915, can you state whether or not you had any conversation about those premises with Officer Lennon?

Objected to.

THE COURT: Just a categorical answer.

A Yes, sir.

Q Will you state the date that you had that conversation

CASE #2145

with Officer Lennon?

Objected to; objection overruled; exception.

A No, sir; I don't just know the date, a few days prior, probably the day before June 16th. a few days prior to that, to the best of my recollection.

Q At that time state whether or not you gave Officer Lennon or any other officer any directions? A I did.

(No cross examination.)

MR. MINTON: The People rest.

MR. LAGUARDIA: I move to dismiss if your Honor please, on the ground that the people have failed to show a prima facie case against the defendant, and on the ground that the People have failed to show that this defendant kept and maintained a disorderly house within the meaning of the law or had any knowledge of the acts committed by these women in any other place, assuming that any act was committed.

Motion denied; exception.

D E F E N S E.

J A M E S B T R O M B E T T A, a witness called on behalf of the defendant, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. LAGUARDIA:

Q Where do you live? A 224 West 27th street.

Q What is your business? A I am in the printing business.

Q In business for yourself? A yes, sir.

Q Do you live near 298 7th avenue? A About a half a block away.

CASE #2145

Q On the morning of the 17th of June, 1915, were you in that saloon? A Yes, sir.

Q What time did you get there? A Well, I couldn't state definitely, I should judge about ten after one, between one and half past one.

Q How long did you remain there? A Until about a quarter after three.

BY THE COURT:

Q What time did you reach there? A 10 or a quarter after one.

BY MR. LAGUARDIA:

Q Did you go in the rear room? A Yes, sir.

Q What time did you leave? A About a quarter after three.

Q Did you see three sailors there? A Yes, sir.

Q Would you recognize them if you saw them afterwards?
A Well, now, I don't know if I could or not, I might or might not.

Q Dressed in sailors uniform? A Yes, sir.

Q Did you see any girls sitting at their table? A No.

Q Was any girl sitting at their table at any time that evening? A Not while I was there.

THE COURT: Do you deny that any women were in the company of the police officers?

MR. LAGUARDIA: The defense is a denial that any women were in the company of the police officers.

CASE #2145

yes, sir.

BY MR. LAGUARDIA:

Q Did you see that night any woman buying wine in that place? A No, sir.

Q Did you see the defendant sit on the lap of a woman or the woman sit on his lap? A No, sir.

Q Drinking champagne? A No, sir.

Q Did you see the officers or the sailors leave the room? A I believe they were there when I left.

Q You left them there? A Yes, sir.

Q You left at a quarter past three? A Somewhere around that time.

Q Did you hear any girl say that she was a whore, and the other "I am a half-assed one"? A No, sir.

Q Did you hear any vile or filthy language used? A Not while I was there.

CROSS EXAMINATION BY MR. MINTON:

Q What do you work at? A In business for myself.

Q Where? A 396 Broadway.

Q How long in business there? A Close to a year.

Q How long? A Close to a year.

Where
Q Were you in business before that? A Working for the firm I took over.

Q What firm? A M. & G. Beck.

Q Where is their place of business? A 37 Wall street.

Q How do you happen to remember the 27 th of June, 1915?

CASE #2145

A I was on my way home from a ball.

Q What was the name of the ball? A The Times square Newspaper Club.

Q How many other times have you been in the back room?

A I wasn't in the back room very often, but I was in the place.

Q How often? A Three or four times a week.

Q You have been in the back room? A Yes, sir.

Q Did you always stay there until three or five o'clock?

A No, sir.

Q You know Daly pretty well, don't you? A Yes, sir, I know him from working there.

Q He manages the back room in the place nights, doesn't he? A I don't know, his job was a waiter as far as I know.

Q He has charge of the back room, hasn't he? A yes, sir.

Q He orders and serves drinks? A yes, sir.

Q The only other man in the place is the bartender?

A To my knowledge, yes, sir.

Q As I understand it you spend one or three or four nights a week in there? A Not in the back room.

Q Where? A In the man's place because he is a friend of mine.

Q You generally stay there until 3.15? A No, sir; I sometimes don't stay there until closing time.

Q Do you know Geraldine, a colored girl? A No, sir.

Q What is that? A No, sir.

Q Do you know Georgie? A No, sir.

CASE #2145

Q Did you ever see colored women in the back room? A Well, I did once in awhile.

Q How often? A Well, that I couldn't state.

Q How many colored women at times would you see in the back room? A Well, on the night of this affair, I have seen--

Q I don't want the night of this affair. I want any time-- how many colored women did you see in the back room? A Never seen more than one at one time.

Q How many did you see the night of the 17th? A I think I saw, pretty sure, I saw two at one table, and two with the gentlemen at another table.

Q Two white gentlemen, weren't they? A I think they was two.

Q There were white and colored women? A Sure they were colored.

Q It wouldn't have struck you as being anything unusual that they had been white? A Yes, sir; it would.

Q Have you frequently seen white men with colored women in there? A No, sir; not in that place.

Q Colored men with white women? A I have ^{never} seen that.

BY MR. LAGUARDIA:.

Q You went in there at 1.10? A Well, I wouldn't say on the minute, around that time.

Q You were served with drinks in there? A I had a drink there.

Q How many drinks did you have between 1.10 and the time

CASE #2145

you left? A I couldn't say.

Q What is that? A I couldn't tell you that.

Q About how many? A Well I wouldn't say, about five or six.

Q What were these sailors doing? A They were talking among themselves.

Q Did you see Daly talk to them? A yes, sir; I saw Daly speaking to them.

Q You heard Daly speaking to them? A Yes, sir.

Q To the best of your recollection it was 3.15? A About that time.

Q You thought these men were sailors, didn't you? A Well, yes, sir.

Q You had no idea they were police officers, did you?

A No, sir.

BY THE COURT:

Q Had you ever seen any persons attired in sailors clothes in this saloon before that night? A Well, I will tell you, I never did, no, sir.

Q Was there anything that night to attract your interest because of these men attired as sailors? A Something unusual for me to see in there.

Q Because these men wore sailors uniforms? A yes, sir.

BY MR. MINTON:

Q It was unusual to see sailors in the place? A Yes, sir, because I never saw them in there before.

Q How far were you seated from them? A I should judge ,

CASE #2145

I think over eight feet, not even that much.

Q How many sailors did you see? A Three.

Q And the defendant was engaged in conversation with them?

A Well, not all the while I was there, he spoke to them.

Q During part of the time while you were there you spoke to the sailors? A No, sir, not a greater part of it, only once when they wanted to have something to drink.

Q Was the defendant seated at a table? A No, sir.

Q Did you see any women in that place that morning?

A Well, I stated before that I saw two colored women at one table and two colored couples at another table.

Q Do you know what those women were doing, if anything? A Well, to my knowledge they were just drinking and nothing else.

Q You had seen them before, hadn't you, on other occasions? A I had not, no, sir; I couldn't say that.

BY THE COURT:

Q What were you doing there? A I just stopped in to have a drink.

Q How many drinks did you have? A Well, I couldn't say just how many, I should judge about a half a dozen.

Q Anybody in your company? A No, sir; there was nobody in my company, but I had a drink with the waiter, and that was Al Daly.

Q How long have you known the defendant Al Daly? A Just from going into the place.

CASE #2145

Q How long? A I should judge about pretty near a year.

Q What is your business? A Printing business.

Q Where is your place of business? A 396 Broadway.

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

Q Do you do any work for the owner of this saloon?

A Well, I done one job for him.

BY MR. LAGUARDIA:

Q Do you know the owner of the saloon? A Yes, sir; I
know him personally.

Q What is his name? A James Bellows.

Q You know ^{the} defendant was only a waiter there? A Yes, sir.

BY MR. MINTON:

Q You knew those were colored prostitutes you were
sitting around with? A There was nothing to make me know that.

Q You had no suggestion that they might be prostitutes?

A No, sir.

R A N G I E S M I L E, a witness called on behalf of the de-
fendant, being duly sworn, testified as follows:

(The witness states he lives at 315 West 23rd street.)

DIRECT EXAMINATION BY MR. LAGUARDIA:

Q What is your business? A I am an importer and man-
ufacturer of East Indian condiments.

Q You are an East Indian? A Yes, sir.

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

Q Do you know the premises 298 7th avenue, the saloon

CASE #2145

of Mr. Bellows? A Yes, sir.

Q On or about the 17th of June ,1915, were you in the rear room of that saloon? A Yes, sir.

Q Do you remember seeing three sailors there? A Yes, sir

Q Anybody sitting with them? A No, sir.

Q Did you see any women sitting at their table? A No, sir

Q Did you hear or see any women go into her stocking to get out money to buy wine? A No, sir.

Q See any woman buy champagne? A No, sir.

Q Did you see the defendant sitting on the lap of a woman or vice versa? A No, sir.

Q Was there any filthy or vile conversation between the women in the place that night? A No, sir.

Q Using obscene words? A No, sir.

Q What time did you get there? A Twenty minutes after one o'clock.

Q What time did you leave there? A About half past two.

CROSS EXAMINATION BY MR. MINTON:

Q You remember the 17th particularly, do you? A Yes, sir, the early part.

Q That is because you saw three sailors in there? A No, sir.

Q What is that? A No, sir.

Q You had seen sailors in there before? A No, sir; that is the first time I seen them.

Q The first time you had seen sailors in there? A Yes, sir

CASE #2145

Q Did you see them in there after that? A Well, I have never been there very often in that place, only once in awhile.

Q You know that is the most notorious place in the section? A The only night I seen--

Q You know that is the most notorious saloon in that section? A I don't understand.

Q You know it has the reputation of being the hang-out of prostitutes, don't you? A No, sir.

Q Never heard that? A No, sir.

Q Where do you live with reference to it? A My business address is -- I live at 41 East 22nd street-- and my office--

Q Where do you live? A 315.

Q What? A West 23rd street.

Q 23rd street? A Yes, sir.

Q Is there a saloon in 23rd street? A Yes, sir; lots of them.

Q How did you happen to come to this saloon? A Well, one of my Indian chefs that I brought from India lives on 7th avenue, 304, and I was visiting him that night, and before I go home.

Q Where do you visit him? A In his house.

Q Where is it? A A few doors from this saloon.

Q You visit him every night? A That night I happened to call at this saloon.

Q What time did you go to visit your chef? A At half past nine or ten o'clock.

CASE #2145

Q Why do you have to visit your chef every night? A In his house.

Q Why? A Because that is my private business.

Q Your private business? A Yes, sir.

Q You don't want to tell this jury why you have to visit your chef at midnight every night? A I go to ask him the news, how is everything at the hotel.

Q Midnight? A Every night at ten or half past ten.

Q Had you been in to see your friend before you wen into the saloon? A Yes, sir.

Q Did your chef go to the saloon with you? A No, sir, I had who a friend, is from San Francisco visiting me on that night, and I took him down to the saloon.

Q The friend from San francisco went to see the chef too? A Yes, sir.

Q What hotel does the chef work at? A The Hotel Breslin.

Q What connection have you with the Breslin? A Why, I brought this man from India and he vis working for me.

Q He is working for you? A Yes, sir.

Q In the Breslin, isn't he? A Yes, sir.

Q You haven't got anything to do with the Breslin? A It is like this. I place my chef and then he pay me so much, I get the commission, so much a week.

Q You went there to get a commission on this night?
A No, sir; I just asked him the news.

CASE #2145

Q What did you want to know the news about the Breslin?

A That is my business.

Q Why did you want to know? A I said have you got curry powder &c. I find out what he has got.

Q You go there every night to find out? A Yes, sir; and the next morning I send my preparation to the hotel.

Q That is the reason you went to see your chef every night? A Yes, sir.

Q Did you take your chef out to have a drink? A No, sir; not that night.

Q Ever bring him into this saloon to have a drink? A No, sir; he dont drink. I drink.

Q You went into the saloon about what time? A I went in there twenty minutes after one.

Q From ten o'clock until twenty after one were you with the chef? A No, sir; I was at his house.

Q You were at his house? A yes, sir; the first time before the saloon closed up, and I wanted to know --

Q With your chef from a quarter after ten to half past one or 1.20? A About twenty minutes to one until a quarter after when I left his house.

Q I asked you how long you were with your chef at that time-- all that time talking about the kind of curry he had used at the hotel Breslin? A And sending stock and things like that.

Q You went in the saloon alone? A No, sir; with my In-

CASE #2145

dian friend who came from San Francisco. His name is Ran Gann.

Q You mean the West Indies? A No, sir; I am not from the West Indies.

Q Now is this chef's place that you entered on the north of the

saloon or south? A The uptown side, the same side.

Q Do you know Daly? A I just seen him in and about the saloon.

Q How long have you known him? A It is about a few months going there, and I seen this man he used to wait on me and probably sometimes I seen him behind the bar, I don't know him personally only I know the time I had been into the saloon when I seen him there.

Q Did you give them your address when you were in the saloon? A No, sir.

Q You don't know how they found you? A No, sir; they found me, of course, a few days after I went there, and they told me the thing like this, and I said I would be very glad to tell the truth.

Q Did you see some women in there that night? A Yes, sir I did.

Q How many women? A Let me see, four, about five or six.

Q This is between the hours of 1.20 and 2.30? A Yes, sir

Q They were prostitutes, weren't they? A I don't know.

CASE #2145

Q They were alone, some of them? A Two girls alone.

Q You thought they were prostitutes, didn't you? A No.

Q You didn't suspect that two women sitting alone in that room between 1.20 and 2.30 might be prostitutes? A Why should I. In every hotel and restaurant women are sitting around.

Q It never entered your mind to think anything of the kind of these two unattached colored women that they might be prostitutes? A No, sir.

Q You never thought of that? A No, sir.

Q Did you see any other colored women with men? A Yes,

Q With white men? A No, sir; with colored men.

Q They were drinking? A Yes, sir.

Q Was Daly serving them with drinks? A Yes, sir; they were served with drinks.

Q Did you see Daly talking with the sailors? A Yes, sir.

Q Quite a conversation with them, hadn't he? A Well, they were talking; I didn't ~~xxxx~~ pay attention to what they were talking about, the words, they were talking about machinery and steamships and things like that.

Q Do you know a girl named Geraldine who lives in the neighborhood? A No, sir; I don't know her.

Q One named Georgie? A No, sir.

Q Did you see the sailors go out? A Yes, sir.

Q You were there when the sailors went out? A Yes, sir;
I was there when the sailors went out.

CASE #2145

Q With whom did they go out? A First the girls walked out, and they went at the same time.

Q With whom did they go out? A Themselves.

Q How about the girl that went out? A She walked first and they walked after the girl.

Q The two girls walked out? A Yes, sir.

Q The sailors walked with them? A After them.

Q Did you understand the sailors were with them when they went out? (Noanswer.)

Q Didn't you understand the men to be with the women who walked out? A No, sir; the girl walked first and the fellows followed the girl.

Q The girls didn't say anything to the sailors before they went out? A No, sir; not a word.

Q The sailors didn't say something? A No, sir; they didnt say a word.

G E O R G I E M I L L E R, a witness called on behalf of the defendant being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. LAGUARDIA:

Q Where do you live? A Jamaica, Long Island.

Q During the month of June, 1915, you were living in 27th street? A No, sir; I was not living then.

Q In 27th street? A No, sir; I was not living in 27th street.

Q Where were you living? A In 40th street.

Q 40th street? A yes, sir.

CASE #2145

Q Were you in the habit of going into 27th street?

A Yes, sir.

Q Now, Miss Miller, do you remember the 17th of June,
1915? A Yes, sir.

Q You do? A Yes, sir.

Q 1915? A Yes, sir.

Q The 17th of June? A Yes, sir.

Q Do you remember seeing Officer Lennon? A Yes, sir.

Q Where did you first see him? A On the corner of 28th
street and 7th avenue.

Q At what time? A About 12, between 12 and 12.30, I could
not exactly tell you the direct time, about that time.

Q Now, did you have a conversation with him? A I did.

Q What was it, what did he say to you? A There were three
of them together? A How were they dressed, in sailors uni-
forms, with hats? A In sailors uniforms.

Q Now, did you have a talk with him? A Yes, sir; they
said to us, "Helloe girls, where are you going", and we said "Tak-
ing a walk up the street". They said, "Whereabouts", and we
said, "Just taking a little walk." We stood there and talked
about a few minutes, and then we walked away, and left the, and
they went on too, towards 27th street and 7th avenue.

Q Why did you walk away from them? A Because we two
large men coming and we thought they were officers.

Q Afraid of officers? A Yes, sir.

Q Where did you go? A We went into the corner saloon,

CASE #2145

27th street and 7th avenue.

Q That is the place where the defendant was a waiter?

A Yes, sir.

Q With whom were you there? A With Miss Taylor, Geraldine Taylor.

Q Did you at any time sit at the table with these three men? A No, sir.

Q Three sailors? A No, sir.

Q Did you solicit them in the premises? A No, sir.

Q Did Mr. Daly, the defendant, bring you to the table of the three sailors? A No, sir.

Q Did the defendant tell them if they wanted girls? A No, sir; he did not.

Q Did the defendant tell you or at least tell the sailors "These are the girls I was referring to the night before"? A No, sir.

Q What time did you leave the saloon? A Well, we stayed in there long enough to have two drinks, I guess we stayed there about an hour; we didn't hurry out or run out.

Q About what time did you leave there? A I know it was after one because the doors of the saloon were closed.

Q It was about two? A Well about between one and two, after hours any way.

Q You can't fix the time? A No, sir; I could not.

Q Did you have any talk with these sailors in that place? A In the saloon, I did not.

CASE #2145

Q Where did you next see the sailors? A Well we went out and walked towards where Geraldine lived in 27th street, 215, and we stopped half way in the block, and they were behind us.

Q Did you talk with them? A Yes, sir.

Q Solicit them? A Yes, sir.

Q Did they go into the apartment with you? A Yes, sir.

Q What officer went with you? A Officer Dawson.

Q Who else? A That is all with me.

Q Were you afterwards arrested from there? A Yes, sir; three nights afterwards.

Q You were arrested? A Yes, sir.

Q Charged with a violation of the Tenement House Law?

A Yes, sir.

Q For committing an act of prostitution where? A In 215 West 27th street.

Q Nothing said about the saloon at all? A No, sir.

Q You were convicted? A On the Tenement House Law, three months.

Q You got three months? A Yes, sir.

Q You served the time? A Yes, sir.

CROSS EXAMINATION BY MR. MINTON:

Q How many other times have you been convicted of prostitution? A Twice, before.

Q What did you get on those occasions? A I got thirty days once, and twenty days once.

CASE #2145

Q What is that? A I got thirty days once and twenty days once.

Q What is that? A I got thirty days once and twenty days once.

Q Have you been convicted since this time? A Since the three months, no, sir.

Q Do you live in Long Island now? A I am there.

Q Did you live at 215 West 27th street? A No, sir; I did not.

Q Who lived there? A Geraldine Taylor.

Q You used to go and frequently see her there? A Yes, sir.

Q That is about fifty feet away from this saloon, isn't it, where Daly works? A I suppose so.

Q You have been in here off and on to get a drink? A yes, sir; across the street.

Q The place is right near Geraldine's place, isn't it?
A Yes, sir.

Q You and Geraldine used to go in there, and get a little gin, now and then? A Yes, sir.

Q You got to be friendly with Al, the bartender? A No, sir.

Q Well with whom did you get friendly? A No, sir, didn't get friendly with anybody; didn't go in there to get friendly, with anybody.

Q How often did you go in there at night? A Well, not very often. I would go in there if I felt like having a drink.

CASE #2145

Q You felt often like having a drink? A No, sir.

Q Well about every night would you drop in there and have a drink? A No, sir; didn't go every night.

Q Every other night? A No, sir; I did not know about that.

Q As a matter of fact you won't swear you had not been in there every other night? A No, sir; I won't swear I wasnt in there every other night.

Q Take customers in there to get a drink? A No, sir.

Q Your customers? A No, sir.

Q Men that went with you? A No, sir; never took no man in there.

Q Where would you take the men? A Didn't take them in no saloon.

Q Where did you take men to get a drink? A Didn't take them any place, no, sir, never asked them to have a drink.

Q Where would you take men to have intercourse? A To 215.

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

Q You lived in 40th street? A I did.

Q Did you ever take men to the place where you lived?

A No, sir.

Q What is that? A No, sir.

Q You had this room down there for that purpose? A No, sir; didn't have no room.

Q You used Geraldine's room? A I went there, yes, sir.

CASE #2145

Q How long have you known the defendant? A I only saw him going in the saloon.

Q How long have you known him from going in the saloon?

A Well, about two or three months, I guess.

Q Two or three months? A Yes, sir.

Q Did he ever give you a free drink? A No, sir.

Q You always pay for your drinks? A I did there.

Q Did you buy drinks this night you were in there? A yes.

Q How much money did you have with you? A I don't know; I didn't count the money.

Q What did you drink? A I drank gin.

Q How many? A Two.

Q You say you saw these sailors on the street? A I did.

Q Before you went in? A Yes, sir.

Q You thought they were three drunken sailors? A Yes, sir; they were intoxicated.

Q You thought they were three drunken sailors? A Yes, sir.

Q You and Geraldine were together? A Yes, sir.

Q You tried to pick them up? A They spoke to us first.

Q They spoke to you first? A Yes, sir; corner of 28th street and 7th avenue; they said, "Hello girls".

Q You weren't slow in making a response or answer, were you?

MR. LAGUARDIA: I object to that.

Objection overruled; exception.

CASE #2145

BY THE COURT:

Q Weren't you out that night soliciting men for the purpose of having sexual intercourse with you. Answer that question? A Sir?

Q (Repeated) A yes, sir.

BY MR. MINTON:

Q That was your business, wasn't it? A yes, sir; at that time.

Q You had no other business? A No, sir; not at that time.

Q How soon after you first saw these two men did you go into that cafe? A I left them on the corner, and I went on in there.

Q Daly knew you were a prostitute, didn't he? A I don't know that, whether he did or not.

Q That has been your business there? A I didn't tell him I was one.

Q Not in so many words? A I don't think so.

Q Not in so many words? A I don't think so.

Q How often do you suppose he had seen you in there after one o'clock at night? A I don't know.

Q Every other night, wasn't it? A No, sir; I wasn't in there every other night, after one o'clock.

Q How many times were you in there, that is before the night of June 16th? A I used to go in there.

Q How many times? A Well, I couldn't tell you.

Q About? A Well, I was in there quite often, but I

CASE #2145

couldn't count the times.

Q How often did you go there? A I was there twice a week, maybe three times a week or something like that.

Q You visited this place for how long, how many months?

A For two or three months.

Q About how many times did you see the defendant, Daly, in there? A Well, every time I went in there he was working there.

Q Did you see any other prostitutes in this place? A I don't know whether they were prostitutes or not.

Q How about Geraldine? A Yes.

Q Was she a prostitute? A Yes, sir.

Q She went out with you to solicit men on the highway?

A She was with me that night.

Q Was she there with you other nights? A We used to go out sometimes together.

Q How often had she been in your company in this saloon?

A How often?

Q How often? A Quite often, most every time I went in there because she lived right across the way.

Q Did you and Geraldine ever solicit any men in the saloon? A I never did, and never seen her solicit any in there.

Q Were there any other prostitutes, that you know who visited this place? A No, sir.

Q Do you know any other women who were in there while you were in there? A No, sir.

CASE #2145

Q Did you talk to the sailors in the saloon that night?

A No, sir; I did not; I didn't talk with them in the saloon.

Q Did they speak to you? A In the street, but not in the saloon.

Q They had just spoken to you in the street before you went into the saloon? A I said that in the street, but not in the saloon.

Q How long was it before you next saw them in the saloon?

A They came in the saloon after we did.

Q Did they speak to you when you got in? A No, sir, they did not.

Q Spoke to you on the street before you went into the saloon? A Yes, sir.

Q Didn't speak to you in the saloon? A No, sir.

Q But spoke to you as soon as you went into the saloon?

A They followed us up.

Q How long were you in the saloon? A Stayed in there long enough to have a drink.

Q How long was that? A About an hour.

Q Did they look at you, smile at you or didn't pay any attention to you whatsoever? A No, sir, didn't pay any attention.

Q As soon as you got in the street they went out and spoke to you? A Walked up the street.

Q How far were you out? A They walked behind us.

Q You only got to 215 before these men who had been sitting in this saloon came up and spoke to you on the street?

CASE #2145

A Across the street.

Q Do you know Big Tom Bingle? A Yes, sir.

Q He runs that place, 215, doesn't he? A I don't know anything about that.

Q Did you see Big Tom in the saloon that night? A No, sir.

Q How often had you seen Big Tom in the saloon? A He used to go in that saloon, but he wasn't in there that night; I didn't see him.

Q He was your pimp wasn't he? A No, sir.

Q Geraldine's pimp? A I don't know; I know he wasn't mine.

Q Who was your pimp? A I didn't have any.

Q Did Geraldine have one? A Not that I know of.

Q Didn't Big Tom run that house, and you spoit half and half, with him? A He is supposed to rent the house.

Q For prostitutes? A I don't know what he rented it for.

Q He was a friend of Daly's wasn't he? A I don't know that.

Q You had seen him and Daly together? A No, sir; I never seen them together.

Q See him the night that you took the sailors up there?
A No, sir.

Q Wasn't he around that night? A He was up in the house, but not in the saloon.

Q What was he doing in the house? A I don't know what he was doing.

CASE #2145

Q Have any talk with him? A No, sir.

Q Did you see him before the sailors left? A I am not quite positive whether I did or not, I don't think I did, No, sir.

BY MR. LAGUARDIA:

Q How long did the sailors remain up in that room with you? A How long did he remain?

Q Altogether up there in 215? A He stayed in the house long enough to enjoy himself.

Q How long? A Well, I will say about an hour.

Q He was there an hour? A Yes, sir.

Q Have intercourse with you? A He certainly did.

Q Who had intercourse with you? A Officer Dawson.

BY THE COURT:

Q Was it daylight when they left? A No, sir; not quite daylight.

(At this point the Court admonished the jury and took a recess of ten minutes.)

(After the ten minutes recess.)

GERALDINE TAYLOR, a witness called on behalf of the defendant, being duly sworn, testified as follows:

(The witness states she lives at 22 Lewis street, Paterson, New Jersey.)

DIRECT EXAMINATION BY MR LAGUARDIA:

Q Do you know the defendant, Alfred Daly? A Yes, sir; I know him.

Q On the 7th of June, 1915, were you on 7th avenue? A Yes,

CASE #2145

sir; I was.

Q Do you remember seeing Officer Lennon and Officer Dawson in uniform? A Yes, sir; I do.

Q Where did you first see them? A I met them at 28th street and 7th avenue, the corner.

Q What time was that? A About 12.30.

Q Did you have any conversation with them? A I did.

Q What did you say, who did you speak with? A I spoke with Officer Brady, and I don,t know the other officer's name.

Q What did you say? A He asked me where I was going, where I came from, and I told him I was going home, asked him if he wasn't out for a good time, and he said "Yes", and naturally seeing that it was a sailor's uniform I thought they were all right.

Q What happened then? A He stood there and talked awhile with them, and two men came down the street which I thought were officers, and I walked on, walked in the saloon, my friend and I and had a drink.

Q Then did the sailors come in? A A few minutes after they came in.

Q Now, did you talk to these men in the saloon? A No, sir; I never opened my mouth to them in the saloon.

Q Did Daly bring you to that table, and say "These are the girls"? A No, sir.

Q Did you sit at the table with them? A No, sir.

Q Did you have any conversation with them there at all?

CASE #2145

A No, sir; with them at all? A No, sir; with nobody at all, only my friend.

Q Did you solicit them in that place? A No, sir; I solicited them on 7th avenue and 28th street before I went in the place.

Q How long did you stay in there? A About half an hour or three-quarters, long enough to have two drinks.

Q Then you went out? A Yes, sir; started to go home.

Q Who did you go out with? A Georgia Miller.

Q Did the sailors go with you? A No, sir; they didn't come right out But a few minute after we got out they followed us out. I went to go down the street and he asked me where I was going again, and he said to me, "Where do you live", and I said across the street, and he wanted to know could he go up and have a good time, and we said yes.

Q You went with him? A Yes, sir.

Q Did you receive any money from Brady? A I received two dollars.

Q And from the other man? A Two dollars.

Q Where was this? A In the house 215 West 27th street.

Q You were subsequently arrested after that? A Yes, sir; I was on Friday night.

Q Charged with a violation of the Tenement House Law?
A Yes, sir.

Q Committing an act of prostitution over there? A Yes, sir.

CASE #2145

Q Nothing said about the saloon then? A No, sir.

Q You were convicted? A Yes, sir.

Q You served your time? A Three months.

Q Did the officers pay you money? A Both of them.

Q Who were they? A I don't know the names, but I could point them out.

Q (Stand up officers.) Is this the man? A That is one of them.

Q Did he have intercourse with you? A He did.

Q The other man, the second officer, have intercourse with you? A Yes, sir.

Q Which is the other one? The one with the brown suit?
A No, sir; not him.

Q Do you recognize the man? A I recognize this one only, I can't recognize this one here.

Q You don't recognize him? A No, sir.

BY THE COURT:

Q In the Magistrates' Court did you testify that the officers had intercourse with you? A I said, your Honor, I had no chance to say anything at all.

Q Did you put in any defense? A No, sir.

Q Did the Judge ask you any questions? A Yes, sir; he asked me whether I was guilty or not guilty, and naturally--

Q Did you plead guilty? A Yes, sir.

Q Did you deny that you had any relations with the officers? A No, sir; I did not deny it.

CASE #2145

Q How long have you been a prostitute? A About seven years and a half.

Q How long have you visited Daly's saloon, that is the place where Daly was employed? A Now and then, I was going to get a drink.

Q What period of time did that cover? A Well, I don't know; seven o eight o'clock.

Q How often there? A Well, probably once a week or something like that.

Q For how many months ^{or years} did you visit this place? A No years at all.

Q How many months? A Oh, about four or five months; I lived in that neighborhood.

Q How long had you known Daly before June 17th? A I never knew him before.

Q Did you ever see him in the place? A No, sir; not that I know of.

CROSS EXAMINATION BY MR. MINTON:

Q Now, how many times have you been convicted? A Well, I really don't know it has been so often.

Q You have been a prostitute seven years? A Yes, sir.

Q Always been down in that neighborhood? A No, sir; around 40th street.

Q How long have you been living at 215? A About eight months.

Q You have been convicted a number of times, haven't you?

CASE #2145

A Yes, sir.

Q Been in the Workhouse a number of times? A yes, sir.

Q Been convicted of larceny? A Never.

Q Sure about that? A Yes, sir.

Q Sure about that? A Yes, sir.

Q Your husband convicted of white slavery? A I have no husband.

Q Your man convicted of white slavery? A No, sir, the man was not.

Q You know he has been? A No, sir; I don't.

Q Wasn't your husband convicted last year of white slavery, and sent away for five years? A No, sir.

Q Sure about that? A Yes, sir; sure, positive.

Q Was there any man who lived in the neighborhood ever convicted of white slavery, and sent away? A No, sir, not for white slavery.

Q In that neighborhood where you were living? 215?

Q What is that? A 215 West 27th street.

Q Was your pimp convicted of white slavery? A I have no pimp.

Q Isn't your Tom Bingle your pimp? A No, sir.

Q What does he do for you? A He doesn't do anything for me.

Q Whose pimp is he around there? A I don't know anything about that.

Q You live in his house? A I rented a room there.

Q You remember when the officers were up there having

CASE #2145

a conversation in the window with him? A No, sir.

Q Didn't you look out of the window and have a conversation with him? A No, sir; I did not; the conversation that I had was right in the room with the officer.

Q Did you see Georgie have a conversation with Tom Bingle our of the window? A No, sir; I did not.

Q Tom Bingle was right there wasn't he? A No, sir; he was not.

Q Did you see him that night? A No, sir.

Q Wasn't he in the house? A No, sir; he wasn't there at all until the night we got arrested.

Q He wasn't in the house that night? A We got arrested.

Q How long have you known Tom Bingle? A I have been rooming with him fivemonths.

Q You tell this jury he is not your pimp? A No, sir; he is not.

Q What relation is he to you? A He wasn't anything; I had a room and paid him for it.

Q You slept with him? A No, sir.

Q Paid him for the room? A Yes, sir.

Q He knew you were a prostitute? A That I don't know whether he did or not.

Q Most of the people there were prostitutes? A That I don't know about them. I have one room.

Q Now can you tell me the name of some prostitutes that go into that saloon? A I don't know of any prostitutes that went

CASE #2145

in the saloon.

Q Hadn't you ever seen prostitutes in there? A No, sir. I never went in there, but on those occasions I went in to buy a drink.

Q While sitting there having drinks there were other prostitutes that you knew in there? A No, sir; I did not.

Q Did you see anybody else that you knew? A No, sir.

Q What time of night did you go in there, did you get there? A About seven or eight o'clock.

Q Never later? A No, sir, some nights I would go in there.

Q Never later? A This same same night that I went in there and met the sailors.

Q How late? A Not later than eleven o'clock at the latest.

Q What is that?

A Eleven o'clock, the latest I ever went in there.

Q Ever take any men in there? A No, sir.

Q Where did you take your men? A In the room.

Q Suppose your men wanted to have a drink where would you take them? A Never drink with no man in a saloon.

Q Where would you get the man a drink? A Get them a drink?

Q Or they get you a drink? A They didn't get me no driank I drink nothing but ginger ale.

Q You don't drink gin? A No, sir; or beer either.

Q Now you say these sailors came along that night, and you thought they were three drunken sailors? A No, sir.

Q A little bit under the weather? A Yes, sir, I seen that.

CASE #2145

Q Didn't you think this was a good opportunity to make a little easy money? A Yes, sir; I suppose it was.

Q Wasn't it your intention at that time if the sailors were sufficiently drunk to rob them? A No, sir.

Objected to; objection sustained.

Q You solicited them on the street, just before you went into the saloon? A No, sir; not just before.

Q How long before? A Well, I guess we had been talking five or seven minutes.

Q Asked you to have a good time? A Yes, sir; asked me where I lived.

Q You told them? A Yes, sir.

Q That was before you went into the saloon? A Yes, sir.

Q How long was it after you left this saloon that you went out, and saw these sailors? A I walked away from them as I seen two large men coming down and figured they were officers.

I walked directly into the saloon, and left them standing there at 7th avenue and 28th street. I was in the saloon a few minutes-- we were in there- he served us with one drink.

Q When you got in there how many people were in the rear room? A I don't know just how many people.

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

Q Any other women? A I didn't see any other women.

Q Were there any other women? A There might have been.

Q Any other women besides you and your friend? A No, sir;

CASE #2145

I didn,t notice.

Q Now will you swear there was no other women in there?

A Yes, sir; I can swear because I did not take notice.

Q Any men in there? A Yes, sir; there were a few men in there.

Q How many men? A I really don,t remember.

Q Colored and white? A Yes, sir, white.

Q Both colored and white? A I guess there were men in there.

Q As near as you ^{were} served the first drink these three sailors came in and sat down? A Yes, sir.

Q You recognized them as soon as they came in as the sailors you had solicited on the street, didn't you? A Yes, sir.

Q You had been interrupted by men you though to be police
A Yes, sir.

Q Isn't that right? A yes, sir.

Q Did you say hello to them? A No, sir; I did not.

Q Did you wink at them? A No, sir; I did not.

Q Did you say anything to them? A No, sir; I didn,t say anything at all.

Q Your friend Georgie, did you tell her there were the three sailors you saw outside? A No, sir; I did not.

Q Did the sailors look at you? A I don,t know whether they did or not, not in the saloon.

Q Did they make eyes at you? A No, sir,.

Q Not in the saloon, A No, sir; never in the saloon.

CASE #2145

Q Did Daly serve you with drinks? A Yes, sir; he did.

Q Both drinks? A Yes, sir.

Q Served the sailors drinks? A Yes, sir.

Q How many drinks? A I don't know, they seemed to be drinking.

Q What time was it you left the saloon? A I guess about one o'clock or a quarter to one.

Q Later than one wasn't it? A Long enough to have two drinks.

Q But it was later when you left the saloon? A About one.

Q Or half past? A No, sir.

Q It was after two? A Between two and half past one.

Q Wasn't it between half past one and two? A Between one and half past.

Q Sure about that time? A Yes, sir.

Q It was almost morning when the sailors left the house?
A Yes, sir, around about 4 o'clock.

Q You said that you left the saloon between one and half past? A Yes, sir.

Q Then the sailors came right out in the street? A When we got near the house.

Q The house is 50 feet away from the saloon? A Yes, sir.

Q They picked you up on the street? A Yes, sir.

Q Went upstairs with you at 1.30? A Yes, sir; we stood there talking.

CASE #2145

Q Stood there talking? A Yes, sir.

Q Each one had connection in that house? A Two of them did.

Q You are positive they stayed with you up until what time? A Until about 4 o'clock, I guess it was.

Q They stayed two hours and a half? A Yes, sir, near the break of day.

Q You never said a word to them in the saloon? A No, sir; never opened my mouth to them.

(At this point the Court admonished the jury, and adjourned the further trial of the case until tomorrow morning, January 13, 1916.)

New York, January 13, 1916.

TRIAL RESUMED:

W A L T E R R E Y N O L D S, a witness called on behalf of the defendant, being duly sworn, testified as follows:
(The witness states he lives at 336 West 31st street.)

DIRECT EXAMINATION BY MR. LAGUARDIA:

Q What is your business? A Working in the subway at present.

Q Doing what? A In charge of the Rapid Transit work.

Q Employed by whom? A The railroad company.

Q You are connected at present with the 7th avenue subway? A No, sir; not now.

Q The Broadway? A Yes, sir.

Q In June where were you working? A 7th avenue.

CASE #2145

Q The same firm? A Yes, sir.

Q On or about the 17th of June did you visit these premises, 298 7th avenue, Bellows' saloon? A Yes, sir.

Q Did you work that day? A Yes, sir.

Q What time did you leave work? A Half past twelve.

Q Where did you go? A I went up to the store, 28th street and 7th avenue.

Q Bellow's saloon? A Yes, sir.

Q You say halg past twelve at night? A Yes, sir; in the morning.

Q How long did you remain there? A I don't know, it was, I got home half past two or a little after.

Q Where is your home? A 35th street between 7th and 8th avenue.

Q You were home at half past two? A Yes, sir.

Q Do you remember seeing three sailors that day? A Yes, sir.

Q Did you see any women sitting at their table? A No, sir; not at their table.

Q Did you see three sailors leave the saloon? A Yes, sir.

Q With whom did they leave? A By themselves.

Q Women go out with them? A No, sir; not with them.

Q Did you see the defendant Daly bring women up to the table of those sailors, A No, sir.

CASE #2145

CROSS EXAMINATION BY MR. MINTON:

Q How long have you known Daly? A Going on two years.

Q How often do you see Daly? A At that time I used to see him every night; now I don't see him very often.

Q During what period did you see him every night? A During the period I worked on 7th avenue.

Q How long was that? A About three months I think altogether.

Q So for three months you were in the habit of seeing Saly in the saloon every night? A Yes, sir; very seldom missed a night, after I finished work.

Q What hour were you generally there? A After half past twelve in the morning, because that is the time I got through work.

Q How late did you usually stay? A Sometimes half an hour, sometimes a couple of hours.

Q You are a friend of Daly's? A Only to meet him that way.

Q Don't you know where he lives? A Yes, sir.

Q Where does he live? A I don't know where he lives now, but he did live on 31st street where I lived.

Q He lived in the same house? A Yes, sir.

Q You have called on him at his house? A I could see him going in and out.

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

Q Ever been in his house? A No, sir.

CASE #2145

Q He lived in the same building you did? A Yes, sir.

Q Naturally you are friendly to him? A Certainly.

A Naturally you are anxious to help him get out of trouble? A I am anxious to tell the truth.

Q Anxious to have him get out of trouble at the same time? A Yes, sir; if I can.

Q Do you know a prostitute named Geraldine Miller, who hangs out in that saloon? A No, sir.

Q Do you know a prostitute named Georgie Miller? A No.

Q Who hangs out in that saloon?

MR. LAGUARDIA: I object to that.

THE COURT: Who visits that saloon.

Q Frequents it? A No, sir.

Q Do you know any prostitute who visits that saloon?

MR. LAGUARDIA: I object to that. There is no testimony that prostitutes visited that saloon.

THE COURT: These two women have testified that they visited the place two or three times a week.

MR. LAGUARDIA: But there was no scarlet letter on them to make that designation.

Exception.

Q Do you know any prostitutes who visited the saloon?

A No, sir.

Q Do you know any of the women? A No, sir; not personally; I seen them in there.

CASE #2145

Q Prostitutes? A No, sir; women.

Q What color? A Both white and colored.

Q Frequently? A Yes, sir; sometimes, not frequently but I seen them there several times.

Q What hour of the night? A Well, whenever-- at that time when I used to go in there I am not out late now so I don't know what is going on there now.

Q During the three weeks you went in there every night you saw men and women both white and colored in the back room after 12 o'clock at night? A Sometimes, yes, sir, sometimes there was not.

Q They were prostitutes, weren't they? A I couldn't swear though, I never had anything to do--

Q But you know, you are in New Yorker, ain't you? A Yes, sir; a few years, I am not here so very long.

Q Aren't you able to state whether or not these women were prostitutes in the back room of that saloon? A Not positively, no, sir.

Q But the best of your belief they were prostitutes, still I couldn't say.

Q You wouldn't be able to positively state that they werr prostitutes? A No, sir.

Q But you had a general feeling when you saw them sitting there that there were some prostitutes sitting around there?

Objected.

CASE #2145

THE COURT: I think the question is a little too vague.

Q I understand that you are not able to positively state that these women were prostitutes, but you believed they were prostitutes?

Objected to; objection sustained.

Q Were these women drinking in the saloon at the time that you saw them there? A Yes, sir; they had something in front of them.

Q In company with men? A No, sir.

Q Men sitting around in this saloon? A Not always, I seen some of them.

Q Ever speak to any of them? A No, sir.

Q Ever go in the saloon with any companion yourself?
A Ladies, you mean?

Q With anybody? A No, sir.

Q You never spoke to the ladies in the rear room? A No.

Q Did the ladies ever speak to you in the rear room?

A No, sir.

JAMES BELL O, a witness for the defendant, sworn, testified as follows:

DIRECT EXAMINATION BY MR LAGUARDIA:

Q Where do you live? A 315 7th avenue.

Q What is your business? A Manager.

Q Are you the manager of the saloon, 298 7th avenue?

A Yes, sir.

CASE #2145

Q You also have an interest in it? A Yes, sir.

Q In what capacity was daly employed? A Waiter.

Q You were manager? A Yes, sir.

Q You assumed responsibility for anything conducted in that place? A Yes, sir.

Q Did you permit prostitutes to hang around that place?

A No, sir.

Q Did you give instructions what should be done in the place with anybody who misbehaved there? A yes, sir.

Q The defendant was a waiter? A Yes, sir.

Q Did he have any authority to control it or manage it in any way? A No, sir.

CROSS EXAMINATION BY MR. MINTON:

Q Who did you leave in charge when you went away? A The bartender.

Q What is his name? A Charles Berger.

Q Who did you leave in charge of the rear room? A The charge of the whole place was in the bartender,s care when I left the place.

Q Who worked in the rear room? A Alfred Daly.

Q That was his regular place? A Yes, sir.

Q He always worked there? A Yes, sir. Always did.

Q He was charged with serving the drinks in the rear room?

A Yes, sir.

Q If people acted disorderly in the place it was his duty to put them out? A It was his duty to report to the bartender.

CASE #2145

Q (Repeated) A Yes, sir.

Q You own another saloon, don,t you? A Yes, sir.

Q 28th street? A Yes, sir.

Q The same sort of a saloon? A Yes, sir.

Q Do you know Louis Acker? A Yes, sir.

Q There was a murder in your saloon a short time ago,
wasn't there? A Yes, sir.

THE COURT: How is that relevant?

MR. MINTON: By showing the general character
of the place, a man is shot in there in his saloon.

THE COURT: I will sustain the objection to that
question.

Q You don,t stay there at night at all? A I stay there
until one or two o'clock.

Q Then you leave? A Yes, sir.

Q You don't know what goes on after you leave except
what you are told? A Except what I am told.

MR. LAGUARDIA: Do you want to tell about that
murder?

A I want to tell about the murder.

THE COURT: I have excluded it. If you want to
go into it you may.

MR. LAGUARDIA: I want the jury to know every-
thing.

Q Tell us what happened? A In regard to this murder that
happened January 5th, 1913. I was behind the bar myself, and a

CASE #2145

man by the name of Thomas Hyland came in, he was a disreputable character, ordered a drink, and I refused to serve him.

Q What saloon was this in? A 298 7th avenue. I refused to serve him, and I put him out, and in putting him out I thought he had gone away for good. Twenty minutes later he came in with three other people, making four in all with myself and he still insisted upon being served with a drink. Knowing the character of these people I refused to serve them, taking my life in my hands, he pointed a gun at me, and still I refused and by way of looking him straight in the eye of this man I knew that he was in there with intent to kill, and I ordered the waiter at the time, who was John Murphy, to go out and get a policeman on the corner, as he was going out the door he turned around and shot him instead of shooting me.

Q They shot Murphy? A Yes, sir, because he was going out for a policeman.

Q You appeared before the grand Jury? A I did, convicted the man and sent him away for twenty years.

BY MR. MINTON:

other

Q How many murders in there? A Another murder in 1906-- two years prior to that my brother, at that time, my brother tried to stop this letter carrier together with two others from robbing a man, and got into a fight and this man who wanted to fight the letter carrier, turns around and shot him.

Q The same man? A Yes, sir.

Q The same man the letter carrier? A That was Thomas Hy-

CASE #2145

land.

Q Acker committed the murder three years ago, is that it? A Yes, sir.

Q Hyland committed another murder last year? A Yes, sir.

Q Are those the only murders you had there? A That is the only ones I had in my time.

Q You have to be on your guard for such people in that neighborhood, is that it? A Yes, sir; it is a mixed neighborhood, it is all classes of people there.

Q You appeared as a witness for the Prosecution in both cases? A Yes, sir.

Q Both convicted? A Yes, sir.

Q What is the character of that neighborhood there? A It is a mixed neighborhood all white and black putting in new shops -- it is making it a business neighborhood.

Q At that time you had to cater to everybody that came in? A yes, sir.

BY MR. MINTON:

Q Do you know Georgie Miller? A I didn't know her until this happened.

Q You didn't know she used to frequent your place?

A No, sir.

Q How about Geraldine? A I don't know her.

Q Do you know where 215 is? A Yes, sir.

Q You have lived right there? A Yes, sir.

Q Do you know Tom Dingle? A No, sir; didn't know these

CASE #2145

people until this case was brought up.

Q You know them now? A Yes, sir.

Q You know their characters, don't you? A Yes, sir, now, I do.

Q You didn't know it until after the 17th of June? A No, sir; not before this thing happened.

BY THE COURT:

Q On June 16th, 1915, after midnight were you in your premises? A After midnight? No, sir.

Q Did you leave anybody in charge? A Yes, sir.

Q Who? A The bartender.

Q Who is the barkeeper? A Charles Berger.

Q Who else? A Alfred Daly was there at the time.

Q What were his duties that night? A Waiting in the back room.

Q What else? A Assisting behind the bar, if it were necessary.

Q Who had charge of the back room? A Well, presumably, your Honor, the barkeeper is in charge of the whole place.

Q Who had charge of the back room, who was serving the drinks back there, who had charge of the back room? A I don't know how you put that.

Q You know what I mean? A I don't understand what you mean.

Q Who is left in control to supervise, look after it?

A The barkeeper.

CASE #2145

Q Did you see the barkeeper in the rear? A Did I? No, sir.

Q Did you know whether the barkeeper went in the rear room? A I do not. Are you speaking of that night?

Q That night? A I do not, no, sir.

Q Who had charge of the room? A The barkeeper.

Q Did you see the barkeeper in the rear room? A No, sir.

Q This was a licensed saloon? A Yes, sir.

Q You have a liquor tax certificate? A I did, up to the first of October.

BY MR. LAGUARDIA:

Q Where is Charles Berger now? A I believe he is in the Army.

Q When did he leave? A He left about amonth or two ago.

Q The day after his trial in Special Sessions? A Yes,

Q He was tried for serving drinks in the rear room? A Yes.

Q Testified to by Officer Dawson? A Yes, sir.

MR. LAGUARDIA: I offer in evidence the record of the Court of Special Sessions showing Charles Berger did serve drinks in that back room.

THE COURT: That is not evidence in this case.

Exception.

BY MR. MINTON:

Q Wasn't George Miller a witness in this murder case?

A No, sir.

Q Sure about that? A Positive.

CASE #2145

Q Not in either one of those murder cases? A No, sir.
A L F R E D D A L Y, being duly sworn, in his own behalf,
testified as follows:

DIRECT EXAMINATION BY MR. LAGUARDIA:

Q Where do you live? A 218 West 24th street.

Q What is your business, A I am a waiter.

Q On or about the 17th of June, 1915, were you employed
in the saloon 298 7th avenue? A I was.

Q What were you doing there? A I was serving drinks in
the back room.

Q As a waiter? A Yes, sir.

Q Before that, what were you doing there? A Before be-
ing a waiter I was a porter.

Q In this same place? A No, sir, 315 7th avenue.

Q Do you recall the time that the three sailors came in
the place? A Yes, sir.

Q Will you please state to the jury the first time you
saw those sailors, the conversation that you had with them,
if any, what they said to you, and what you said to them, and
which one? A Shortly after closing time, perhaps ten after one,
the two officers which I recognize now as Lennon and Dawson
came to the door in sailors' uniforms. I admitted them, and they
went and sat at a table in the southwest corner of the rear
room. I asked them what they would have, and they ordered two
drinks. I went to the bar and paid for them and served them
and collected the money from them, and I went about my busi-

CASE #2145

ness, waiting on other people that ordered drinks. And-- 153
they-- I don't know just what time it was -- they asked me-- they
said they had five days furlough, they were after leaving a
bunch at 42nd street and 7th avenue, one of them was mussy when
he got drunk, and they left him there on account of that, on the
night before they were in Brooklyn they got into trouble and
they had a fight over there, and so they said they would rather
leave him with with the others, and go about their business. I
was called away to another table, and I served drinks at that
table, when they called me over to the table for another drink.
I served it to them, and they asked me the best way to get to
Sands street, Brooklyn, the Sailors' Y. M. C. A.; I told them to
take a 28th street crosstown car, transfer to Third avenue, go
over the Brooklyn Bridge, and take another car that runs through
Sands street. They continued to buy drinks, I don't know just
how many drinks they bought, they bought a lot of drinks, and
they blew me two or three times, and I refused to take a drink
with them, and Officer Lennon tipped me ten cents, and then
they asked me about the Mills Hotel, what kind of a place that
was, and I told them it was a nice, clean place, I never was in
it, but I heard it was nice, clean rooms; they said they were
tired, they thought they would go, they might see me again. The
next time I seen them, they came back later, it was around about
some time, it might have been twenty or half past one and they

1555
CASE #2145

had a third man with them, who I recognize as Brady at the time. They also bought drinks. I had no further conversation with them. They were there perhaps an hour, might not have been an hour, I didn't take no notice what time it was as I was busy in the back room, I was back and forth to the bar, and served them drinks as they ordered them, and collected for them.

Q Did they buy any drinks the second night? A Yes, sir; I should say they had perhaps nine rounds.

Q Bought about nine rounds or ten.

Q Now did you bring any women to them, to their table, and introduce them? A No, sir, never.

Q Did you introduce Georgie or Geraldine to them? A No.

Q Did you sit on the lap of any women buying wine or she sit on your lap? A I did not.

Q Anybody buy wine in the place that evening? A No, sir; never seen any served there.

Q Never served wine in your life? A No, sir.

Q Never served champagne in your life? A No, sir.

Q Was this obscene, filthy lewd language used? A No.

Q What were your duties there? A My duties was to wait on the customers in the back room.

Q Who was in charge of the place? A Berger, the bartender.

Q Did you report to him everything? A Yes, sir.

Q You took orders from him? A Yes, sir.

CASE #2145

Q Did you know that the two witnesses, Geraldine and Georgie Miller were prostitutes? A No, sir; I did not.

Q Did you require the people in the rear room to behave there or would you permit them to carry on? A I wouldn't permit them to carry on; they have to behave and keep quiet.

Q Did you see Georgie Miller or Geraldine at any time with these three men in uniform? A No, sir; I did not.

Q You were in and out of that room? A Yes, sir.

Q Did you see those two women leave the place with the three sailors? A I did not.

Q Did they? A They did not.

Q Who left first? A I let the women out first.

Q You let them out yourself? A Yes, sir.

Q You have a family, haven't you? A I have one daughter.

Q You had a daughter? A Yes, sir, a grown daughter.

Q A grown daughter? A Yes, sir.

Q How long have you been working in that neighborhood?

A Well, in two saloons-- it was a year ago the 5th of last month.

Q What did you do before that? A I worked for the Degnon Contracting Company.

Q Daly, were you ever convicted of a crime? A No, sir; I was not.

Q Never arrested? A No, sir.

Q The first time you came in conflict with the law? A Yes.

CROSS EXAMINATION BY MR. MINTON:

Q Never convicted of the Excise Law? A No, sir.

CASE #2145

Q Not on this charge? A No, sir; never been convicted.

Q Haven't been tried on it yet? A No, sir.

Q Now when these sailors came in you thought they were regular sailors? A I naturally did.

Q You thought they were sailors ought for a good time, didn't you? A Not necessarily.

Q Did you ever have sailors come into that place before?
A Not while I was working there.

Q Never had sailors come in? A Not while I was there.

Q Sailors have the reputation of being good spenders?
A I never had dealings with them.

Q I ask you if you don't know sailors have the reputation of being good spenders? A I do not.

Q Never heard that? A No, sir.

Q Never hear anything about sailors, did you? A Certainly I have heard about them.

Q Well, what did you hear about sailors? A I haven't heard anything detrimental to them.

Q You had no idea they were police officers had you? A No, sir; I had not.

Q You were not looking for trouble that night when they came in? A No, sir.

Q So you acted just as you did or would ordinarily?
A Yes, sir.

Q You were not particularly careful that night? A I was the same as I was any night.

CASE #2145

Q You looked through the peep hole, didn't you? A Yes, sir.

Q You saw they were sailors? A Yes, sir.

Q Then you let them in? A Yes, sir.

Q That is the first night? A Yes, sir.

Q What was the peep hole for, what was the necessity of looking through it before you admitted people? A I wanted to see who it was.

Q Why? A Well, if it was an officer I wouldn't let him in.

Q Why wouldn't you let an officer in? A Because it was after hours.

Q You were violating the law, weren't you? A I was.

Q Openly violating the law? A Yes, sir.

Q Your boss told you to violate the law, didn't he? A No.

Q He knew you were violating the law, didn't he? A Undoubtedly.

Q How late did he tell you to keep the place open? A He never told me anything; I was to take my orders from the bartender.

Q How long did the bartender tell you to keep the place open?

MR. LAGUARDIA: I object to that. It is the constitutional right of this witness, charged with a crime-- it might incriminate the witness. It is conceded that the saloon was open.

CASE #2145

THE COURT: I will sustain the objection.

MR. MINTON: The defense concedes that on the 17th of June and the 16th of June, the place was open.

THE COURT: Any person has a right to decline to answer any question that would tend to incriminate him or tend to convict him of a crime.

MR. LAGUARDIA: The defendant waives his constitutional right, and the district attorney may cross examine him to his heart's content.

Q How long have you been violating the law in that way?

A I wasn't violating the law myself at all, just working there.

Q You were selling drinks after one o'clock, weren't you?

A I was serving drinks.

Q Taking the money for them? A I was paying for them before I took the money.

Q Did you take the money in your hand? A After I had paid for them at the bar, yes, sir.

Q You supplied drinks to people who came in? A Yes, sir.

Q You say you were not violating the law? A I was not personally.

Q If you were not violating the law, why was it necessary to look through a peep hole at people before you let them in?

A Well, that was the orders from my bartender.

Q What did he tell you about looking through the peep hole

A Told me to look people over.

CASE #2145

Q What people did he tell you to admit, and what people did he tell you to reject? A Anybody that looked like an officer.

Q Have you ever had any officers in there before? A No, sir; not that I know of.

Q You were pretty careful to keep them out? A They never came back, if there was any.

Q What is that? A They never came back after me if there were any.

Q Did you look through the door when Geraldine and Georgie came in? A I did.

Q They , you recognized as being old acquaintances? A I did not.

Q You recognized them as being there before? A I never refused any woman.

Q I didn't ask you that. You recognized them as being in there before? A I knew them by sight.

Q Will you answer the question. When you looked through the peep hole you recognized them as having been there before?
A I certainly did.

Q You recognized them ? A Yes, sir.

Q As being habitue' of the place? A I did not.

Q Do you know what the word habitue' is? A Yes, sir.

Q A frequenter? A I do.

Q How often would they come in there? A Well, they were in there a few times, I couldn't actually say how many times.

CASE #2145

Q Every week? A Yes.

Q Twice a week? A Might have been twice.

Q Might have been three times? A Yes, sir.

Q Other colored women of the same general appearance as Georgie and Geraldine used to come in there at least once a week?

MR. LAGUARDIA: I object to that unless the district attorney definitely states what he means by "general appearance".

Objection overruled; exception.

A I couldn't define the appearance of any colored woman, they look the same to me.

Q They looked like prostitutes, do they not? A No, sir; they do not.

Q You heard Geraldine and Georgie testify on the stand that they were prostitutes? A I did.

Q Was it a surprise to you? A I knew before this, but it was after I was arrested.

Q So you didn't learn the character of these women until after your arrest? A I did not.

Q What other women used to frequent your room? A Men came in with their wives and women came in singly or two together sometimes.

Q You mean colored women in the night time after closing hours? A What is that?

CASE #2145

Q Women who came in in the night time after closing hours were the ones that you would have to look through the peep hole at to see whether you would admit them? A I didn't have to look through the peep hole at the women; looked through to see who was at the door.

Q You looked through to see if they were women, didn't you? A Yes, sir.

Q You know whether the same women came in there? A I didn't know that.

Q Did you know the names of Georgie and Geraldine? A I did not.

Q How many women have you had there on an average of a night after one o'clock? A Well, sometimes three or four, sometimes five.

Q Singly? A Yes, sir, singly, together and with escorts.

Q Did you ever see them speak to men there? A They did not, no, sir.

Q What is that? A No, sir.

Q Never saw that? A No, sir.

Q What would you have done if they had? A I would have reported it to the bartender, and would have remonstrated with them.

Q That would have been a wrong act, wouldn't it? A It never happened, so I don't know.

Q You swear to this jury that you never saw a woman

CASE #2145

speak to a man in there that they didn't come in together? A No
 except they came in together.

Q. You swear to that before this jury? A Yes, sir.

Q And expect the jury to believe you? A I am telling the truth; you ain't compelled to believe it.

Q These women^{who} came in singly after closing hours would have drinks? A Yes, sir.

Q Sit at tables? A Yes, sir.

Q Men sitting at other tables? A Yes, sir.

Q They would be having drinks? A Yes, sir.

Q You never saw one speak to the other? A I did not.

Q Your duties kept you in the back room most of the time, isn't that so? A Yes, sir; back and forth from the back.

Q Do you know Tom Dingle? A I know him now, yes, sir.

Q Did you know him before this happened? A No, sir; I did not.

Q Was he a frequenter of your place? A I have seen him in there two or three times.

Q What name did you call him by? A I never called him by any name .

Q What name did you hear him called by? A I never heard him called by any name.

Q See him in there the night the sailors were in there?

A No, sir.

Q When was the last time before the sailors were in there you saw Tom Dingle? A Might have been three or four days.

Q Don't you know he was Geraldine's pimp?

Objected to; objection overruled; exception.

A I don't know anything about that.

Q Didn't he have the reputation in the neighborhood of being a pimp? A Not that I know of.

Q Did you ever hear people say he was a pimp? A I did not

Q You know now that he is a pimp? A I do not know now.

BY THE COURT:

Q How often have you seen him in this place? A Three or four times.

Q Was he there the night of June 16th? A He was not.

Q Nor the night of June 17th? A He was not.

BY MR. MINTON:

Q You knew where he lived? A I did not.

Q You knew where 215 was? A Yes, sir.

Q Did you know anybody who lived in that house? A No, sir; I did not.

Q How far away is that from the saloon? A I couldn't say how far.

Q About how far? A I should judge about quarter the way down the block that would be perhaps at 100 or 125 feet.

Q What sort of a house is that? A A three or four story house.

Q I mean the character of the house? A I don't know anything about the character of the house.

Q What is that? A I don't know anything about the charac-

CASE #2145

ter of the house.

Q You don't know anything about it? A No, sir.

Q Do you know that Tom Dingle lives there? A I don't know that he does.

Q Did you know that the two girls that testified yesterday lived there? A Only what I heard yesterday on the stand.

Q You have seen those girls haven't you, since the arrest? A Yes, sir.

Q You went over to Paterson to get one of them didn't you? A I did not.

Q Who brought her over? A I don't know.

Q How did you communicate with her. She appeared as your witness. Tell the jury how you persuaded her to come here?
A I don't know; I did not persuade her.,

Q Who found her for you? A I don't know.

Q Do you mean to tell the jury you don't know how you got your witnesses here yesterday? A No, sir; I do not.

Q Do you know how they found the woman living in New Jersey? A I do not.

Q When was the last time you saw these women before you went to trial? A When I was down here several times twenty five or thirty times.

Q Tom Dingle brought the women here, didn't he? A I could not say, he did.

Q Who brought the women? A I do not know.

Q It was a surprise to you when the two girl witnesses

CASE #2145

for you appeared? A I was here about ten o'clock.

Q Wasn't it a surprise to you? A No, sir.

Q Tell the jury how you got these women to come here?

A I did not know how they got them.

Q So you do not know -- and you were surprised when you saw them appear as witnesses? A No, sir; I was not surprised

Q Did you talk with them? A Naturally, yes, sir.

Q About the case? A No, sir.

Q What did you talk to them about? A Talked to them as a general conversation.

Q Tell us ^{of the} ~~some~~ general conversation that you had with two negro prostitutes? A What do you mean by a general conversation?

Q What general conversation did you have with the two negroes prostitutes that you didn't talk about the case? A I might have talked about the case, but I didn't talk about any evidence or anything else.

Q I didn't ask you if you talked about the evidence. I asked you if you talked about the case? A No, sir.

Q What did you talk about? A A general conversation.

Q Did you ask them about their families? A No, sir.

Q Did you ask them about their health? A No, sir; I don't know anything about their family.

Q What did you talk to them about? A I can't just recollect what I did talk to them about.

Q You remember the first night you saw the sailors come

CASE #2145

in-- there were colored women sitting in there? A Yes, sir.

Q Men sitting in there? A Yes, sir.

Q Did you hear a conversation between the men and the women? A No, sir? I did not.

Q What is that? A No, sir.

Q You heard nothing? A No, sir.

Q Never spoke to each other at all, is that right? A Only just sitting at the table.

Q Did you hear a man in there say he just came out of prison? A No, sir.

Q You frequently have men who just come out of prison?

A I don't know their records.

Q You know their reputations in the community, don't you-- did you hear your boss testify that it was a hard neighborhood?

A Well, I haven't worked there as long as the boss has worked there.

Q You heard him tell that it is a hard neighborhood?

A Up there in the 28th street store before I was there.

Q It isn't very far away? A Yes, sir.

Q It is very far away, is it? A Only one block.

Q The second night the police officers came in it was the 17th, wasn't it? A The morning.

Q What time did they come in that morning? A Between one and half past.

Q Now, tell me the names of some of the people who were in there the time the sailors came in? A I don't know of any

CASE #2145

names only a man by the name of Trombetti and a man named Reynolds and the East Indian.

Q How long have you known the East Indian? A I don't know him personally, only by sight, that is all.

Q How often would he come in there? A Well, he would come in once or twice a week, perhaps, when he was in that neighborhood.

Q Reynolds, is a friend of yours, isn't he? A Well, I have known him about two years.

Q He lived in the same house with you ? A At one time, yes, sir.

Q But he is a friend, isn't he? A Well, he is an acquaintance yes, sir.

Q Well, isn't he a friend? A Well, I should judge him as a friend, yes, sir.

Q Were they in there at the time the sailors came in?
A Yes, sir.

Q What women were in there? A There were four or five different women.

Q Tell me the names of some of the four women who were in there? A The only names I know of were these two which was on the stand yesterday.

Q Were they in there at the time the sailors came in?
A They were.

Q Sure about that? A Yes, sir; positive.

Q On the night of the 17th when the sailors came in the

CASE #2145

women were already in there? A The morning of the 17th?

Q The women were already in there? A Yes, sir.

Q Sure about that? A Yes, positive.

Q They didn't come in afterwards? A No, sir.

Q How soon after did the women come in-- After the sailors came in? A Well, I couldn't tell you accurately, might have been ten or fifteen minutes.

Q Had the women that came in that night been in the night before? A Not to my recollection.

Q Will you swear they had not? A I don't know, sir, I couldn't swear they were.

Q What is that? A I couldn't swear they were.

Q They came in almost everynight didn't they? A They did not, no, sir.

Q What other women were in there at the time the sailors came in? A There was a man and a lady in there.

Q A colored lady or a white lady? A White lady.

Q They were in there until how late? A I should judge they were in there about half or three quarters of an hour, perhaps only half an hour.

Q What other colored women were in there? A Two other colored women.

Q Alone? A Yes, sir.

Q What are their names? A I do not know.

Q Were they prostitutes? A I don't know.

Q Did they have the reputation in the community of being prostitutes? A I don't know; I never heard it.

CASE #2145

Q Never seen them in there before? after one o'clock?

A I have.

Q Alone? A They have been alone or have been with colored men.

Q Ever been with white men? A No, sir.

Q Sure about that, aren't you? A positive.
sitting

Q How close were the sailors, to the women? A Well, I should judge about three or four feet away from them.

Q Did you speak to them? A No, sir.

Q One of the sailors speak to the women? A No, sir.

Q Didn't say a word? A No, sir.

Q Didn't say "Hello"? A No, sir.

Q Sure about that? A Not that I heard.

Q You were there having drinks with these sailors? A I was going back and forth from the bar to the back room.

Q You were sitting at the table at one time? A No, sir.

Q Didn't you state you had drinks with them? A Yes, sir; I had two drinks with them.

Q Didn't you sit down when you had the drinks? A No.

Q Standing up by the table? A Yes, sir.

Q Walked by the girls? A No, sir.
about

Q Talked ~~no~~ the girls? A No, sir.

Q Did the sailors say anything about the girls? A No, sir not to me,

Q Did they say they wanted to have a good time? A No sir.

Q Did they say anything as far as you know, anything about

CASE #2145

the girls? A They did not.

Q Asked the bartender for girls? A No, sir; not that I know of .

Q Did they say, "Two nice looking colored girls over there"? A Not to me.

between

Q Say it to themselves? A They might have; I don't know.

Q Did you hear them say it to themselves? A No, sir; I couldn't hear it.

Q Did you hear one say to the other? A I did not.

Q How many rounds of drinks did they have that night, nine rounds? A Eight or nine drinks.

Q How long were they there? A Fully an hour anyway.

Q Were they there longer than an hour? A Well it might have been an hour and a quarter, not much longer than that.

Q You testified that they had nine rounds of drinks, isn't that correct? A Eight or nine.

Q You testified nine on the direct examination? A I said eight or nine.

Q They were there until three o'clock, were they? A They were not, no, sir.

Q They were there how late? A Well, they might have been there until two or a quarter after.

Q You were open at three o'clock, weren't you? A Yes, sir.

Q Nothing unusual in that? A No, sir.

Q Colored women there at three o'clock? A Undoubtedly.

CASE #2145

Q Colored women alone? A Yes, sir.

Q And they were there until four o'clock, weren't they?

A Who was.

Q Colored women alone? A Might have been; I wouldn't positively say whether colored women were there or was not.

Q Who went out first the women or the men? A The women.

Q How did you happen to notice that? A Because I let them out together.

Q Let who out together? A The two girls out together.

Q What did they say when they went out? A They didn't say anything.

Q Didn't say anything about the sailors? A No, sir.

Q Did the sailors say anything when they went out? A Good night or something.

Q Who said that? A I wouldn't say.

Q Did the sailors say that to the girls? A No, sir; to me.

Q Did they go out the same time the girls did? A No, sir; a few minutes after.

Q How long afterwards? A Well, two or three went out at the same time the sailors did, a couple of men that was in there.

Q A couple of men went out at the same time? A Yes, sir.

Q I am asking you how long it was after the women went out that the sailors went out? A It might have been three or four and it might have five minutes.

CASE #2145

Q Had you shut or locked the door meantime? A Yes, sir.

Q Did you hear the East Indian witness testify that the sailors walked out right after the girls-- yesterday? A I didn't take notice to it.

Q You were sitting right here? A Yes, sir.

Q He has testified that the sailors walked out right behind the girls?

Objected to; objection overruled.

A I didn't take notice to that.

Q Well, as a matter of fact they did walk right out at the same time? (No answer.)

Q Did they have drinks after the girls went out? A They had a drink on the table; they drank it up and went out.

Q The sailors told you when they went out they were going out to see those girls? A No, sir; they did not.

Q As a matter of fact, Daly, that place is what you call a black and tan joint, isn't it? A I don't know; I never heard it referred to as such.

Q Isn't it? A I never heard it referred to.

Q You know what a black and tan joint is? A No, sir; I did not.

Q Never heard that term? A No, sir; I did not.

W I L L I A M H. W A L Z E R, a witness called on behalf of the defendant, being duly sworn, testified as follows:
(The witness states he resides at 327 7th avenue.)

CASE #2145

DIRECT EXAMINATION BY MR. LAGUARDIA:

Q How long have you been in the neighborhood of that address? A 29 years.

Q Do you know the place 298 7th avenue? A Yes, sir.

Q The saloon? A Yes, sir.

Q Managed by Mr. Daly? A Yes, sir.

Q Have you been in there often? A Yes, sir.

Q What is the general character and reputation of that place? A The same pretty much as all other saloon.

Q Good reputation? A I have always found it so.

Q Been in there frequently, do you go in there often?

A Yes, sir; I have been in there often.

Q There is no any disorderly or immoral conduct there?

A No, sir.

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

Q How long have you known Daly? A About three years.

Q Do you know his reputation-- do you know what his reputation he enjoys? A The best in my estimation.

Q The best of reputations? A Yes, sir.

Q What is your business? A Manufacturer of awnings and tents.

Q You are not in the saloon business? A No, sir.

CROSS EXAMINATION BY MR. MINTON:

Q What time do you generally go into the saloon? A Passing along about my business, sometimes in the night and sometimes in the day.

CASE #2145

Q Ever go in there after one o'clock at night? A No, sir.

Q Then, as a matter of fact, do you happen to know Georgie or Geraldine, these two prostitutes who are frequently there?

A No, sir.

BY THE COURT:

Q Were you ever in the back room after one o'clock?

A Yes, sir; I have gone in after a -- I have a lot of work outside of town, up in the country, such as Locust Valley.

Q Were you ever in the rear room of that saloon after one o'clock in the morning? A Yes, sir.

Q On how many occasions? A Well, two or three times a month.

Q Were you there in the month of June, 1915? A Yes, sir; a few times.

Q After one o'clock in the morning? A Yes, sir.

Q Did you see any men and women in the place? A Yes, sir; I seen men and women;

Q Did you ever see women solicit men in the place? A No, sir; I did not.

Q How long did you remain in the place? A Half an hour or an hour.

Q During the time you were there did you observe anything out of the ordinary? A No, sir.

Q What were the women doing there? A All I seen them do was drink, the same as everybody else who was there.

Q Do you know the owner of the saloon? A Yes, sir.

157

CASE #2145

Q How far away do you conduct your business from his place? A One block.

Q Did you ever do any business for him? A No, sir.

W I L L I A M L. T W I N E N , a witness called on behalf of the defendant, being duly sworn, testified as follows:

(The witness states he lives at 71 West 107th street.)

DIRECT EXAMINATION BY MR. LAGUARDIA:

Q What is your business? A I am a salesman.

Q What line? A At the present time liquors;

Q Are you familiar with the premises 298 7th avenue?

A Yes, sir.

Q The licensed saloon there? A There was up to the first of October.

Q Managed and conducted by Mr. Bello? A Yes, sir.

Q How long have you known Mr. Bello? A Four years.

Q How long have you known the defendant? A About a year.

Q Did you have occasion to visit the saloon 298 7th avenue?

A I had occasion to visit it often, once every week, I used to be a collector for the brewery, that served the place.

Q The brewery had an interest? A Yes, sir four thousand dollars there.

Q Did you ever notice anything immoral or disorderly there? A No, sir.

Q Being carried on in that place? A No, sir; never.

Q You were interested to see that nothing of the kind

CASE #2145

took place? A Absolutely.

Q Do you know the general reputation of the defendant Daly?

A I know Daly slightly. I know he worked in the subway, and I met Daly when he got hurt in the subway.

Q Do you know that he enjoyed a good reputation? A As far as I know there is nothing against him.

CROSS EXAMINATION BY MR. MINTON:

Q You used to go there what what time? A In the day-time and in the night time.

Q After one o'clock? A No, sir; I have been there at one, not after one.

Q You never went into the rear room and sat drinking until three o'clock? A No, sir.

Q You represent the brewery? A No, sir; the brewery retired from business.

Q Do you represent any other brewery? A No, sir; I am not in the liquor business now.

Q You sell liquors? A Yes, sir.

Q You are naturally interested in the fate of any saloon? A Not necessarily only as a business man.

Q You say that the saloon has a good reputation. Did you ever hear, for instance, that there had been two murders committed in the saloon? A I hear of one murder committed there an employee was killed there.

Q You heard there was two murders committed? A No, sir;

CASE #2145

I heard of a man named Murphy, an employee being shot there; I had only heard of one murder.

Q You haven't heard much about the reputation of the place, have you? A Yes, sir.

Q You have talked about that particular saloon and its reputation? A I don't understand that.

Q You know what reputation means? A Yes, sir.

Q What is it? A Well, it is the character of the place.

Q No, it means what people say about the place. Did you ever talk to anybody about the reputation of that saloon? A Not necessarily.

Q Or its character? A No, sir.

Q What is that? A No, sir; not necessarily.

Q Did you ever talk-- just answer the question-- to anybody about the reputation of this saloon? A I never did, but I heard nothing against the reputation.

Q All you know is that you didn't see anything going on in there? A No, sir.

BY MR. LAGUARDIA:

Q Ever heard anything against the saloon? A No, sir.

Q You were interested to know whether or not this saloon was lawfully conducted? A Yes, sir; because I was interested for the people I was working for I reported to them the condition of things, part of my business.

BY MR. MINTON:

Q Ever hear anything bad about any saloon? A A Yes, sir.

CASE #2145

Q Which one?

Objected to; objection overruled.

A Which one? Will I answer that question? Well, the slide, downtown here years ago its reputation I heard about.

Q Were you present at that years ago? (No answer.)

Q Tell me about one now at the present time? A I can't just think of one now.

LOUIS WEINBERGER, a witness called on behalf of the defendant, testified as follows:

(The witness states he lives at 313 7th avenue.)

DIRECT EXAMINATION BY MR. LAGUARDIA:

Q What is your business? A Cigar manufacturer.

Q In business in the neighborhood of 298 7th avenue?

A Yes, sir; the next corner.

Q Do you know the place? A I do.

Q Do you know it is conducted by Mr. Bello? A Yes, sir.

Q How long have you know Mr. Bello? A About ten years.

Q How long have you known the defendant Daly? A About two years.

Q Ever been in that place? A Yes, sir.

Q Ever see anything disorderly or immoral? A No, sir.

Q Been there at night? A I was.

Q Ever in the rear room at night? A Looked in there very often.

Q Ever see anything disorderly or improper in there? A No

CASE #2145

Q Do you know the general reputation of the defendant Daly to be good? A Absolutely good.

CROSS EXAMINATION BY MR. MINTON:

Q You looked in the back room? A Yes, sir.

Q What for? A Well, I was a cigar dealer, and looked to see whether I seen somebody there that I knew and said "How do you do" to them and buy a drink."

Q Seen anybody you knew in there? A I seen people.

Q What time in the evening would this be? A Between twelve and one.

Q How about after one? A Never have been in there after one.

Q The back room isn't open after one is it? A I don't know.

Q What is that? A I don't know;

Q You never went in after one? A No, sir.

Q You never went in when they went to the little peep hole and looked through, did you? A No, sir; I had no occasion for that.

Q By the way, do you know a couple of colored prostitutes Georgie and Geraldine who visited the place there? A No, sir.

Q Do you know any prostitutes? A No, sir.

Q A considerable number there? A Yes, sir; I have some customers of them myself.

Q You say that the reputation of this place is good?
A Yes, sir.

CASE #2145

Q Didn't you ever hear anybody say that that place was a resort for prostitutes? A No, sir.

Q Never heard anybody say that? A No, sir.

Q Who did you ever talk to about the reputation of that place? A To my neighbors.

Q Which one? A Well, Mr. Bello is one.

Q What I mean is that you talked about the reputation?

A At the time the murder was committed in the place, a gang came in there, and they were refused service.

Q Never mind about the details of what happened-- that was the occasion, what was the reason? A This was the reason.

Q The commission of a murder caused you to talk about the place? A Yes, sir.

Q Then did you regard that this was a highly reputable place? A Yes, sir.

Q That was because a murder had been committed there?
A No, sir; because they refused service to that man, and they came back to kill Mr. Bello, and killed somebody else.

Q Did you hear about the other murder too? A Yes, sir; I did.

Q Did that come from your opinion that this was a reputable place? A It did.

Q The murders made you believe it was a reputable place?
A Made me believe because they refused service to the gangsters.

Q Did you ever hear anybody say that gangsters hung out

CASE #2145

in the rear room? A No, sir; never did; never seen them there.

Q You didn't see any gangsters there? A No, sir.

Q How about the other saloons of Bello? A The other saloon is a very fine place.

Q That is a good place too? A Yes, sir, next door to me.

Q Right next door to you? A Yes, sir.

Q Which is the best? A Well, they are both good. I find the one is the best because it is open.

Q Do you furnish them with cigars? A Yes, sir.

J O S E P H R E I N E R, a witness called on behalf of the defendant, being duly sworn, testified as follows:

(The witness states he resides at 304 7th avenue.)

DIRECT EXAMINATION BY MR. LAGUARDIA:

Q What is your business? A Store of general merchandise.

Q Do you know 298 7th avenue? A Yes, sir, right on the other side.

Q How long have you been in business there? A About five years.

Q Do you know the place 298 ? A Yes, sir.

Q Do you know it is owned and conducted by Mr. Bello?
A Yes, sir.

Q How long have you known Mr. Bello? A I have known Mr. Bello about five years.

Q Do you know the defendant, Daly? A I have met Daly about 6 months.

CASE #2145

Q Do you know the general character and reputation of the saloon, 298 7th avenue? A Yes, sir.

Q Ever have any talk with your neighbors about it? A No, sir; I did not.

Q Have you ever been in the place? A Quite often.

Q Ever been in there with any members of your family?

A Yes, sir; I was there with my brother quite often.

Q Were you ever in the rear room? A Yes, sir.

Q Ever there at night? A I was there about 7 or 8 o'clock in the evening.; I had supper there.

Q Did you ever see anything disorderly or immoral being conducted or carried on there? A No, sir.

Q Do you know whether the defendant Daly enjoys a good reputation in the neighborhood? A This I don,t know, but just by seeing him serve.

Q Never hear anybody speak about him? A No, sir; I did not.

Q But you know from your own observation that the place was conducted well, and enjoys a good reputation? A Yes, sir.

CROSS EXAMINATION BY MR. MINTON:

Q You never talked about the saloon at all, did you?

A No, sir; I didn,t hear anything.

Q You never went in there late at night? A No, sir; not late.

Q I mean after one o'clock at night? A No, sir; I close up after 7 o'clock, and I am going home.

CASE #2145

Q You go home and go to bed? A Yes, sir;

Q You don't come down to that part of the town afterwards?

A No, sir.

Q You don't know whether negro prostitutes go in and out in the night time, the rear room, or not? A No, sir.

Q You don't know what Daly duties might be in there, do you? A No, sir.

BY MR. LAGUARDIA:.

Q Have you been in there with your wife and mother-in-law? A I was in there with my brother, not my beother-in-law.

Q With your wife? A I didn't say that; I said with my brother.

S A M U E L C O H E N, a witness called on behalf of the defendant Bwery testified as follows:

(The witness states that he lives at 302 7th avenue.)

DIRECT EXAMINATION BY MR. LAGUARDIA:

Q What is your business? A Merchant tailoring, clothing.

Q How long have you lived in the neighborhood of 298 7th avenue? A Well, I don't live in 298 7th avenue.

Q How long have you known the building? A Ten years.

Q Do you know that there is a saloon there, 298? A Yes, sir.

Q Do you know the saloon is managed and conducted by Mr. Bello? A Yes, sir.

Q How long have you known Mr. Bello? A I know Mr. Bello for eight years.

CASE #2145

Q Do you know the defendant paly? A I know paly about a year and a half, nearly two years.

Q Had occasion to go into the place? A I used to go in very often there.

Q Did you ever notice anything disorderly or immoral being carried on there? A No, sir; I never did.

Q Did you ever discuss this place with any neighbors or any business men around there, talk about it? A No, sir; I never did.

Q Never hear anybody say bad about it? A Well, once I heard that it was, in the morning, about a murder case, but nothing else.

Q The time of the murder? A Yes, sir."

Q Do you know whether or not Mr. Daly enjoys a good reputation; a man of good habits? A Yes, sir, I know he is a very honest, upright and good fellow.

Q Did you ever notice anything boisterous conduct or heard any obscene or immoral language being used in the place? A No, sir; never seen that.

CROSS EXAMINATION BY MR. MINTON:

Q What time of day did you generally go in the saloon?
A I used to go in there vero often.

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

Q In the morning? A No, sir, in the evening.

Q Did you go in after twelve? A Sometimes but not very often.

CASE #2145

Q What is that? A Not very often.

Q About one o'clock? A Maybe I was there a few times after one o'clock.

Q What time do you close your business? A I close there about ten, sometimes twelve.

Q Did you ever know a couple of prostitutes there named Geraldine and Georgie? A No, sir; I never heard of them.

Q You never heard of them? A No, sir.

Q You say you once heard a murder was committed there?
A Yes, sir; I heard the next morning, when the murder case was there, but I never heard anything else.

Q Never heard anything, how do you mean? A Well, what you asked me about girls.

Q What is that? I didn't ask you about girls? A You just asked me about Georgie.

Q I asked you if you knew them? A I don't.

Q You know they are visitors there, don't you? A Visitors? I never seen them there. Since I have been in there I never saw them.

Q You never saw them, you know they hang out there, don't you? A I never seen them.

Q You heard they hang out there? A No, sir; I never did.

Q Did you hear of any prostitutes ever hanging out there?
A Never.

Q Did you ever hear about the other murder that was in

CASE #2145

there? A I did.

Q Didn't you tell the jury you only heard about one murder? A I heard about the murder next morning, when the murder case was.

Q When did you hear about the other murder? A I never did hear it.

Q You don't know until now there was another murder there?

CASE #2145

No., sir; I never did hear it.

Q During the last three years, you haven't heard much about the place, have you? A When this happened, I used to come in there.

Q Answer the question, you haven't heard much about the place, have you, you haven't heard much about it? A I never heard nothing about the place, except that case, the murder case.

Q Did you ever discuss the reputation of Daly with anybody at all? A Never.

Q You don't know anything about Daly except what you heard? A I didn't see nothing there.

Q You say he is a very nice fellow? A Yes, sir.

Q How many times in your life have you seen Daly? A I just saw him every day in the week, just come in as a customer.

Q In the bar? A Yes, sir.

Q What time in the day? A Every day there, twelve o'clock at night.

Q You never heard anybody discuss his character? A No, sir; never.

LOUIS RAGUSA, a witness called on behalf of the defendant, being duly sworn, testified as follows:

(The witness states he lives at 155 West 28th street.)

Q What is your business? A I got a steamship office.

Q How long have you been in the neighborhood? A Since 1889.

Q How long have you known Mr. Bello? A Since he has been

CASE #2145

a little boy.

186

Q Do you know his family? A Yes, sir; father and mother.

Q How long have you known Daly? A About three years.

Q Ever been in 298 7th avenue, in the saloon there?

A Yes, sir.

Q Ever there at night? A Yes, sir.

Q Ever see anything immoral, improper, or disorderly being carried on there? A No, sir.

Q Ever see any women soliciting men there? A No, sir.

Q Did you ever talk about Daly to other people, or hear other people talk about Daly in any way? A Not me, no, sir.

Q Did you know what reputation he enjoys as a good man or a bad man? A I know he is a good man.

Q You heard people say he is a good man? A Yes, sir.

CROSS-EXAMINATION BY MR. MINTON:

Q Haven't you heard people say that that place 298 was the most notorious place in New York, Bello's saloon? A No, sir.

Q Never heard anybody say that? A No, sir.

Q What did you hear them say about it? A About the saloon? I didn't hear anything, because you see, I go there very often.

Q I don't care what you did, I want to know what you heard about it? A Never heard anything.

Q Didn't you hear about the murder? A Like anybody else talking in the paper, reading in the paper.

Q As a matter of fact, you don't know anything about that saloon, except what you saw yourself? A Yes, sir; I saw nothing out of the way, just go there for a drink.

CASE #2145

Q What is that? A I saw nothing there.

Q You saw two prostitutes there, Georgie and Geraldine who testified yesterday, haven't you? A No, sir; I never saw them.

Q Never saw them? A No, sir.

Q Ever hear of them before, Georgie or Geraldine? A They have been pointed to me yesterday, outside.

Q You didn't know they lived across the street from the saloon? A No, sir.

Q You went there once or twice a week and never heard about them? A No, sir.

Q Does that make you change your opinion as to the reputation of the place? A I can't catch your word.

Q If you knew that prostitutes visited there two or three times a week, would you still say that the place had a good reputation? A If I seen myself.

Q If somebody told you whom you believed, would you still say that the place had a good reputation? A Well, yes, sir; before I pass any remark, I could see myself. I am a man like St. Thomas, I got to see and feel with his own hands.

Q You are quite a friend of Bello's? A I am a friend of everybody that is honest.

Q A friend of everybody that is in trouble? A Well, I don't know. If anybody wants to get in trouble, it is his own mistake.

Q Aren't you a friend of people who get in trouble?
A I am a friend with all honest people and good people.

CASE #2145

Q You want to help Mr. Bello out, don't you? A Help any-¹⁸⁸
body out when he is in trouble.

Q Just answer the question. You want to help your friend
out, don't you, yes or no, ^{do}/you want to help your friend out of
trouble, yes or no? A I don't know which way you mean?

Q Answer the question, please. Are you anxious to help
your friend out of trouble? A Well, I don't know what you mean
in the words-- you can excuse it me.

Q All right, I will excuse you. You would like to see him
get out of this case? A Sure, I would like to see him get out
of this case.

SEELIG FOSTER, a witness called on behalf of the de-
fendant, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. LAGUARDIA:

Q Where do you live? A 304 7th avenue.

Q What is your business? A Drygoods store.

Q That is 205 7th avenue? A Yes, sir.

Q That is not a block away from 298? A No, sir, right
opposite.

Q Do you know that place? A Yes, sir.

Q And do you know it is owned, managed and conducted by
Mr. Bello? A Yes, sir.

Q How long have you known Mr. Bello? A About ten years.

Q How long have you known Daly, the defendant at the bar?
A About a year, a little over, about two years.

Q Ever been in the saloon, 298? A Yes, sir.

CASE #2145

Q Ever see anything immoral, or disorderly, or improper 189
being carried on there? A No, sir.

Q Ever there in the evening? A Yes, sir.

Q Ever look in the back room? A I was there; I never saw
anything.

Q You didn't see women solicit men there for the purpose
of prostitution? A No, sir.

Q Hear any vile, obscene or profane language? A No, sir;
nothing at all.

Q Do you know the general reputation of the defendant Daly?

A Yes, sir; I heard he is a good man, that is all what I know.

CROSS EXAMINATION BY MR. MINTON:

Q What time at night do you generally go to that saloon?

A In the evening, after my business is done.

Q How late do you generally stay there? A Fifteen or twenty
minutes.

Q How about after one o'clock, ever go there? A After one
o'clock, I am in bed.

Q You are a good man and you go to bed at one o'clock?

A Yes, sir.

Q You don't go in the rear room after one? A No, sir.

Q You don't know what happens there? A No, sir; after one
o'clock, I was in bed.

Q You can tell us about when you are in there, around not
later than ten o'clock? A Yes, sir; sometimes after ten, or
half-past ten, perhaps.

CASE #2145

Q Not after one o'clock? A No, sir.

Q As a matter of fact, that saloon is not open? A I couldn't tell you, one o'clock I am in bed.

Q Did you ever hear about a murder committed there?

A Yes, sir.

Q You still say the saloon has a good reputation? A Yes.

Q How often have you talked about Mr. Daly's reputation?

A Well, they say he is a good man.

Q Who did you talk with him about? A Some man in my store.

Q How did you happen to talk about Daly's reputation, what started it? A Well, Mr. Daly, I heard him talking, I know he came in the store.

Q You know him from coming in the store? A Yes, sir.

Q Have you ever talked with anybody about his reputation?

A No, sir; only in the store.

Q Talked to him? A Yes, sir.

Q So, you don't know what other people say about him at all?

A No, sir.

SAMUEL MILLER, a witness called on behalf of the defendant, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. LAGUARDIA:

Q Where do you live? A No. 161 West 27th street.

Q What is your business? A Merchant tailor.

Q Place of business? A No. 163 West 27th street.

Q Do you know Mr. Bello? A Yes, sir.

CASE #2145

Q Do you know the saloon No. 298 7th avenue? A What is
that? 191

Q Do you know the saloon at No. 298 7th avenue? A Yes, sir

Q Do you know that it is owned and conducted by Mr. Bello?

A Yes, sir.

Q How long have you known the defendant? A About two
years.

Q Ever been in that saloon? A Yes, sir.

Q At day or night time? A Not very late at night.

Q What time, daytime? A Often.

Q Very often? A Yes, sir.

Q Ever see any improper, immoral, or indecent conduct
there by any people? A Not as I seen it.

Q Ever see women solicit men there for the purpose of pros-
titution? A Not that I seen.

Q Ever hear anybody use profane or indecent language?

A No, sir.

Q Do you know whether or not Daly enjoys a good reputation,
do you know him to be a good man? A Yes, sir; for this reason that he
treated me very fine.

CROSS EXAMINATION BY MR. MINTON:

Q How far away were you from No. 215 West 27th street?

A About near, not quite a block.

Q Not quite a block? A Yes, sir; 215.

Q 215? A Yes, sir; I don't know anything about 215.

Q I asked you how far away you were from there? A I don't

CASE #2145

know where No. 215 is.

192

Q No. 215 West 27th street? A That is only the next block.

Q What is that? A I thought you said 7th avenue, 27th street is the next block.

Q You live at No. 151? A Yes, sir; I am only half a block away.

Q From what? A From No. 215.

Q Not quite half a block away, across the avenue. How long do you live in the neighborhood? A Fourteen years.

Q Do you know Tom Dingle? A No.

Q He lives at No. 215. Ever hear of him? A No, sir; I don't know the man.

Q Do you know Geraldine Taylor, a colored prostitute who visits the saloon? A No, sir; I don't know anybody by that name.

Q Do you know her by sight? A Yes, sir.

Q She was here yesterday? A No, sir; I don't know her by sight.

Q Did you see two colored prostitutes here yesterday?
A No, sir; I did not see them.

Q Now, did you hear the testimony yesterday by two colored prostitutes, they frequented the back room of the saloon?

A I wasn't here yesterday; I was outside.

Q Didn't you hear that these two colored prostitutes did testify to that? A No, sir; I didn't hear about that.

Q Did you see them outside, the colored women? A Yes, sir; I seen them.

CASE #2145

Q Do you know them? A They bring work to me; that is all I know about it. 193

Q Bring work to you? A Yes, sir; what their business is, I don't know.

Q Didn't you know they were prostitutes? A No, sir; I didn't know it.

Q They live at No. 215? A I don't know that.

Q They brought you work, you say? A Yes, sir; living in 28th street when they brought me it, work; they told me to deliver the work.

Q Where did you deliver it to, 28th street? A No. 219.

Q How long ago? A About a couple of years ago.

Q About June, 1915, where were those two colored women living? A I didn't see them since.

Q What kind of work did you do for them? A Cleaning and pressing.

Q When was the last time you saw them? A I saw them yesterday here.

Q I mean before you saw them here? A About, I couldn't remember that.

Q Was it in June, 1915? A More than that.

Q Now, do you know a man named Tom Dingle, who used to live up there? A No, sir; I did not know the man.

Q Hear about the murders that were committed there? A Yes, sir; heard about that shooting.

Q Heard about it? A Yes, sir.

CASE #2145

How many murders did you hear about in that saloon?

A I heard once of a shooting.

Q How many murders did you hear took place in that saloon?

A That is the only one I heard about, a shooting.

Q Did you hear that that took place in the saloon? A No, sir; I didn't hear about that.

A L B E R T C A P O N E, a witness called on behalf of the defendant, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. LaGUARDIA:

Q Where do you live? A No. 146 West 4th street.

Q What is your business? A Restaurant.

Q Where? A No. 153 West 28th street.

Q How far is that from No. 298 7th avenue? A A block.

Q Do you know the place No. 298? A Yes, sir.

Q How long have you lived in that neighborhood or do business there? A Living in the neighborhood five or six years.

Q Do you know that the saloon is conducted by Mr. Bello?

A Yes, sir.

Q How long have you known Bello? A I have known Bello about ten years.

Q How long have you known the defendant Daly? A About a year.

Q Did you ever go into the saloon? A Yes, sir; occasionally.

Q Daytime or nighttime? A Around between eleven and twelve o'clock.

CASE #2145

Q At night? A Yes, sir.

Q How often would you go in there? A An average of three or four times a week.

Q Ever see anything indecent, improper, or immoral being carried on there? A No, sir.

Q Ever see women so licit men there? A No, sir; I never did.

Q Ever hear people using indecent or profane language?
A No, sir.

Q Do you know whether or not the defendant enjoys a good reputation? A From what I had known of him.

Q He enjoys a good reputation? A Yes, sir.

Q A man of good character? A Yes, sir.

CROSS EXAMINATION BY MR. MINTON:

Q Where is your restaurant? A No. 153 West 28th street.

Q How far is that from this saloon? A A block.

Q What is that? A One block away.

Q One block? A Yes, sir.

Q How long have you had that restaurant there? A It has been there since last June.

Q Who had it before that? A I don't know, some Greeks had it before I did.

Q Where were you before last June? A Working then.

Q Where? A Bleecker and Thompson street.

Q For whom? A For Lee.

Q What kind of a place has he? A Saloon.

CASE #2145

Q Whereabouts was that saloon? A Bleecker and Thompson street.

Q Whose place was that? A Albert Frigase owned it then.

Q How long did you work for them? A A year and a half.

Q What work did you do before that? A Porter work.

Q Do you know Geraldine Taylor? A No, sir.

Q Georgie Miller? A No, sir.

Q Do you know any colored prostitutes around that neighborhood? A No, sir.

Q Any of them eat in your restaurant by any chance? A No, sir; I don't allow them in.

Q You don't allow colored women there? A No, sir.

Q Did you ever see colored women in the rear room of the saloon? A (No answer)

BY THE COURT:

Q Are you familiar with the law that makes it a crime to refuse to permit colored people to be entertained? A Yes, sir.

Q Would you, in the face of that law, decline to allow colored persons in? A I don't decline. When they come in, they actually sit there and when they get sick and tired of waiting for me they walk out. I don't refuse them.

THE COURT: You are liable to a prosecution and punishment. A person who is law-abiding, it is immaterial what his color is.

Q Now, did you ever hear anybody say in the neighborhood that Bello's was the most notorious place in New York city?

A I never had any occasion to say that?

CASE #2145

Q Ever hear anybody say that? A No, sir.

Q What? A No, sir.

Q Never hear anybody say anything about it? A No, sir;
I never did; I never had occasion to speak to anybody about it.

Q You never had occasion to speak to anybody about it?
A No, sir.

Q You lived there since last June? A I have rented my
place since last June.

Q June, 1916? A Yes, sir.

Q You didn't live around there before? A Yes, sir.

Q How long? A I lived in 26th street. for about two and
a half years.

Q 26th street? A Yes, sir.

Q During that time, you were a frequenter of this saloon?
A No, sir; I was not.

Q Only after you got your restaurant? A Yes, sir.

Q You got that in June? A Yes, sir; in June.

Q The arrests were made in June? A That I don't know
when the arrests was made.

Q This saloon was closed up in October, wasn't it? A I
don't know anything about that.

Q It is closed now, isn't it? A Yes, sir.

Q How long has it been closed? A Well, about a month or
two to my knowledge, two months to my knowledge. When I opened
up the restaurant, I stopped in there on the way home once in a
while.

CASE #2145

Q What date did you open your restaurant? A The 15th of last June.

Q And the 16th and 17th of last June were the days on which the police officers got the evidence against this place. Now, before the 15th of June, you didn't know anything about this saloon, did you? A Yes, sir; I did.

Q You say you hadn't been in there before that time?
A I hadn't been in the habit of going in there before that time.

Q You said nobody told you about the saloon before that?
A No, sir; but I knew it was there.

Q You knew it was there, but you did not know whether it was good or bad? A No, sir.

Q Hear about the murders committed there? A No, sir.

Q You don't know anything about that saloon? A Only what I've seen, that is all.

Q The few times you have been in there since June? A A few times.

Q Did you ever testify for any other saloon? A No, sir.
FREDERICK S. WEIANT, a witness called on behalf of the defendant, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. LAGUARDIA:

Q Where do you live? A No. 95 Brandt place, Bronx.

Q Where is your business? A Conewango, Maryland.

Q What is your business? Mining and real estate business.

Q Do you know the saloon, No. 298-- where is your place of business?? A Conewango, Maryland.

CASE #2145

Q You reside in New York city? A Yes, sir; part of the time and part of the time there.

Q In business for yourself? A Yes, sir.

Q What factories do you own? A I own what is known as the Dun Drake Talc & soapstone Works.

Q Is that a firm or corporation? A I own this individually.

Q Where are these properties located? A About 16 miles from Perryville, on the main line of the Baltimore, Virginia & Washington railroad.

Q Where do you live? A No. 95 Brandt place, in the Bronx.

Q How long have you lived there? A About two months, I moved from No. 221 Wadsworth avenue.

Q Married? A Yes, sir.

Q Live with your wife at that address? A Yes, sir.

Q Have you had any occasion to visit No. 298 7th avenue?
A Yes, sir? A Yes, sir, at different times, about four or five times a year.

Q Have you visited the place at No. 298 7th avenue?
A Yes, sir.

Q You have been in there? A Yes, sir.

Q At nighttime or daytime? A Both.

Q Ever there late at night? A Yes, sir.

Q Ever in the rear room? A Yes, sir.

Q Ever see anything indecent, improper, or disorderly conduct carried on there? A No, sir, nothing out of the way.

CASE #2145

Q Never hear people using profane, indecent, or immoral language? A No, sir.

Q Ever see any women solicit men there for the purpose of prostitution? A Never.

Q How long have you known Bello? A About ten years.

Q How long have you known the defendant Daly? A I have known him perhaps three years.

Q Have you ever spoken of Daly to anybody ~~else~~ or hear anybody speak about Daly in any way? A No, sir; never heard anything against him.

Q Do you know whether he enjoys a good reputation? A As far as I know, yes, sir.

CROSS EXAMINATION BY MR. MINTON:

Q You are in the mining business? A Yes, sir.

Q How long in that business? A About nine years.

Q What business were you in before that? A Well, real estate.

Q And where? A Valley Catt, in Rockland county, New York.

Q Ever have a business in New York city? A Yes, sir.

Q What business? A Working for Murray & Johnson, 22 William street.

Q What were you doing for them? A Interested in the mining proposition in the South.

Q What did you do for them? A Acted as an agent, the selling of stone.

Q What business did you do in New York? A That is the only business.

CASE #2145

Q When coming from there, what business did you do here in New York? A Disposed of stone.

Q To whom? A To Hoadley and Doggett.

Q What business did you ever have with Bello? A Only from friendship.

Q How long have you known him? A About ten years.

Q Ever had any business with Daly? A No, sir; no business.

Q What business took you to his saloon? A A matter of friendship.

Q You testified that business took you over there? A About four or five times-- I only went to his place to see Bello.

Q Four or five times? A Business called me to New York.

Q An old friend of Bello? A Yes, sir.

Q What time of day would you go to these palaces? A The only time, any time that I might be in the neighborhood.

Q You would go to the neighborhood for the specific purpose of seeing Bello? A Yes, sir.

Q Now, will you tell me the last time you were in those premises? A 27th street and 7th avenue?

Q What one do you suppose I mean? A I didn't know whether you meant 27th or 28th street.-- along last spring.

Q What day last spring? A I could not fix the date.

Q What month last spring? A Well, the latter part of January, or the early part of February.

Q How many times were you there? A I was there once, I wouldn't want to say any more.

CASE #2145

Q How late was it when you were there at night? A I couldn't tell you.

Q Approximate it? A I wouldn't want to say, I can't

Q Can't you tell whether it was daytime or nighttime?

A I can't recall that specific date.

Q Tell us the date before that? A In there at different times.

Q I asked you for the date before that? A I can't tell you.

Q Through whom did you ever hear about the reputation of the place beside Mr. Bello? A Different people there.

Q Tell me the names of some of them? A Well, Mr. Berger, of 23rd street and 7th avenue.

Q He was a bar tender in the place? A Mr. Berger was the owner of the place.

Q What place? A 23rd street and 7th avenue.

Q A saloon? A Yes, sir.

Q When did you talk with him about the reputation of Bello's place? A Talking in general of the reputation of all places along there.

Q I am asking you when you talked with Berger about the reputation? A Last January.

Q How was the question raised about the reputation of Bello's place? A Talking in regard to business through that section of the city.

Q With what other persons has he talked about the reputation of Bello's place? A Talked in general with Mr. Neuberger.

CASE #2145

Q When? A About the same time.

Q You are not interested in the saloon business? A I know a great many.

Q Were you interested in the saloon business? A No, sir; no interest.

Q How did you happen to talk about the reputation of Bello's place? A In general, as a matter of friendship, I asked how business was.

Q Didn't you talk about the reputation of that place because somebody told you it was the most notorious place in 7th avenue? A If I had known that I would have never gone there.

Q Did you know about that? A No, sir.

BY MR. LaGUARDIA:

Q Ever hold any public office?

MR. MINTON: I object to that as immaterial.

Q What office did you hold? A Sheriff of Rockland county, 1901, 1902 and 1903.

BY MR. MINTON:

Q Were all your saloons closed up there after hours when you were sheriff? A We did the best we could, under the circumstances.

Q You still say, after saying you were Sheriff of Rockland county, you still want to say that the reputation of this saloon in 27th street and 7th avenue is good? A So far as I know, yes.

Q You don't know much about it, do you, sheriff? A Well, in a general way.

CASE #2145

Q Well, very general? A Well, I have been in there.

264

Q Did you ever hear about the murders committed there?

A I heard there was some trouble.

WILLIAM HALPIN, a witness called on behalf of the defendant, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. LaGUARDIA:

Q Where do you live? A No. 154 West 24th street.

Q What is your business? A I am not doing anything since the first of December; before that, I was ten years and eight months in the Marshal's office and an attendant in the Circuit Court of Appeals and an attendant to one of the Circuit judges.

Q Are you familiar with the premises No. 298 7th avenue?

A I know the premises, I have been in there perhaps six or seven times.

Q Do you know Mr. Bello? A I do.

Q At the times you were in there, this was in the night or daytime? A I am not around there in the daytime, except in the evening.

Q At the time you were there, did you hear any improper, immoral or anything improper, immoral or indecent being carried on? A I did not.

Q Hear any people using profane, indecent, or immoral language? A No, sir; I did not.

Q Did you see any women solicit men for the purpose of prostitution? A I did not.

Q Ever know about these things that happened there?

CASE #2145

Q Well, that murder there, I talked about that; I saw it in the paper..

Q Do you know if this defendant enjoys a good reputation?

A I never heard a word against him, that is all.

CROSS EXAMINATION BY MR. MINTON:

Q Now, in how many other disorderly house cases have you testified as a character witness? A Two.

Q What were the names of those places? A The Mediterranean, Madison Square.

Q Where located? A 24th street and 6th avenue, between 23rd and 24th streets, on Sixth avenue.

Q How long ago did you testify as a character witness in this case? A I think it is two years ago.

Q What is that? A I think it is two years ago.

Q In these courts here? A Special Sessions.

Q Is that the case in which you testified as a character witness for a disorderly house? A Yes, sir.

Q Any others? A No, sir; I can remember none.

Q You might have testified in some others? A If you will mention them, I will call them to my mind.

Q I suppose you gave the same testimony in those cases, that you did in this? A What I know, I will swear to, what I don't know, I won't swear to.

Q But you are a professional witness in these cases?

A No, sir; I am not no professional witness. I deny that.

BY MR. LaGUARDIA:

CASE #2145

Q Do you know Bello very well? A Yes, sir; I know Mr. Bello, I know him as a gentleman every time I meet him; I know him intimately the last two years.

BY THE COURT:

Q Ever been in Bello's place after one o'clock in the morning? A No, sir.

Q Ever see women in the place? A No, sir; I never did.

Q Do you know this defendant? A I have known him for the last two or three months, that is all, just know him.

Q The last two or three months? A Yes, sir.

Q Since June, 1915? A Yes, sir; Mr. Daly; I have only known him two or three months.

Q You didn't know him before last June? A No, sir.

Q Not anything about him? A No, sir.

Q When did you visit this place? A Well, I--well, in the time I visit, in the daytime, was round about 1900 and in 1912, I said I sat in the place six or seven times.

Q You don't know what went on in the premises on the 16th or 17th of June, 1915? A No, sir; I do not.

(At this point, the Court admonished the jury and took a recess.)

AFTER RECESS.

GEORGE LENNON, a witness for the People, recalled in rebuttal.

BY MR. MINTON:

Q Mr. Lennon, did you see the witness named Trombetta who

CASE #2145

testified yesterday afternoon? A I did not.

Q Did you see him yesterday testifying? A Yes, sir; I did.

Q Will you state whether or not you saw him in the rear room of the saloon on the early morning of the 17th of June, at any time? A No, sir; I did not.

Q Did you see the witness yesterday who testified here named Rangie Smile? A I did not.

Q Did you see him in the saloon that morning? A I did not.

Q Did you see those witnesses on the stand? A Yes, sir.

Q You heard they testified they were in the saloon?

A Yes, sir.

Q Did you see the witness on the stand this morning named Walter Reynolds who testified that he was in the saloon? A Yes, sir; I seen him.

Q Did you see him in the saloon? A No, sir.

BY MR. LAGUARDIA:

Q Do you remember everybody that you saw there? A Pretty fair memory of all those that were there at the time, the 16th and 17th of June.

Q Ever see any of those people before? A No, sir; I did not.

Q Did you ever see any of them since? A No, sir; I did not.

Q The only time you saw them was just at the time they testified here, never seen them any place at all? A Never seen them before they were in court.

Q Did you interview any of the people who were there at the

CASE #2145

same time you were there on the 17th of June? A No, sir; I did not.

Q Pay particular notice to who was there? A I did at the time.

Q Speak to any one? A I did not.

Q Not at any time? A No, sir; I did not.

OFFICER BRADY, a witness for the People, recalled in rebuttal:

Q Were you present in court yesterday when three witnesses testified they were in the saloon on the morning of the 17th of June, 1915? A I was.

Q Could you say whether or not on the morning you were there you saw those three men? A No, sir; I did not.

Q Did you see them there at all? A No, sir; I did not.

BY MR. LA GUARDIA:

Q How many people were there? A About ten women and about five men.

Q Ten women now? A Yes, sir.

Q Did you so testify yesterday? A Yes, sir.

Q You did? A Yes, sir.

Q Did you pay particular notice to the men? A Yes, sir.

Q You did? A Yes, sir.

Q Did you get their names? A No, sir.

Q Did you talk to any of them? A No, sir.

Q Had you seen any of those before the time that you were in No. 298 7th avenue? A No, sir.

CASE #2145

Q Have you seen any of them since? A No, sir.

Q So, you don't know who they were? A No, sir.

Q You don't know who was there? A No, sir.

MR. MINTON: Officer Dawson does not answer.

THE PEOPLE REST.

THE COURT: On what count do you wish to go to the jury?

MR. MINTON: I think on the second count, the keeping and maintaining a place for the encouragement and practice by persons of lewdness, fornication and other indecent and disorderly acts and obscene purposes. I am not going to press the third count, for the case will go to the jury on the second count.

(Both counsel sum up the case).

209

CASE #2145

OK Corrected
July 21/16

THE COURT'S CHARGE.

ROSALSKY, J.- Gentlemen of the jury:

The defendant, Alfred Daly, is charged with the crime of keeping and maintaining a place for the encouragement and practice by persons of lewdness, fornication, unlawful sexual intercourse, and other indecent and disorderly acts and obscene purposes.

The law of this State applicable to the charge laid in the indictment against this defendant reads as follows:

"Whoever shall keep or maintain a house of ill fame or assignation of any description, or a place for the encouragement or practice by persons of lewdness, fornication, unlawful sexual intercourse, or for any other indecent or disorderly act or obscene purpose therein, or any place of public resort, at which the decency, peace and comfort of the neighborhood is disturbed shall be guilty of a misdemeanor.

The keeping of a place for the purposes condemned by the law is a public offense. It has a tendency to debauch and corrupt the morals of the people, and to destroy the peace of families, and to undermine the foundations of social order and virtue.

The law of this State must be observed by every one.

CASE #2145

2

whether you, as individuals, disapprove of this statute which I have read to you is immaterial. You have been sworn to make a true deliverance in this case. It is your duty upon your oaths, to take the law as declared by the Court without questioning either the correctness or the wisdom of the law.

You are the exclusive judges of the facts, and just as sovereign as the Court is with reference to all questions of law so are you with reference to all questions of fact. If you find from the evidence, beyond a reasonable doubt, that the allegations of the indictment have been sustained it will be your duty, as conscientious men, to render such verdict as you believe the evidence warrants.

You have noted that the statute reads "Whoever shall keep or maintain a place for the encouragement or practice by persons of lewdness, fornication, unlawful sexual intercourse, or for any other indecent or disorderly act or obscene purpose."

The statute does not say that the keeper or the person who maintains the house or place, shall be the owner thereof, but the statute advisedly uses the terms keeps or maintains. So for the purpose of finding a verdict of guilty in this case, if you believe that the defendant violated the statute, and committed the acts laid against him

CASE #2145

3

in the indictment it is immaterial whether he was or was not the owner of the place. The term "keep" means to tend, care for, have the charge, oversight or custody of; and the word "maintain" means, to hold in an existing state or condition, keep in existence or continuance. An allegation that one did keep and maintain a place applies either to the one who occupies or controls the occupation, and procures or permits the illegal use of the place. The word "maintain" also means, in its ordinary use, "to uphold, to sustain, to keep up."

If you find from the evidence that the defendant kept and maintained the premises, 298 7th avenue, as a place where prostitutes resorted for the purpose of soliciting men to commit fornication or unlawful sexual intercourse or other forms of lewdness, and if you further find that prostitutes resorted to this place to commit these acts, with the knowledge and consent of the defendant, you will be warranted in finding him guilty as charged in the second count of the indictment, notwithstanding the fact that no act of unlawful sexual intercourse or fornication was committed in the premises.

Again I invite your attention to this statute:

"Whoever shall keep or maintain a place for the encouragement or practice by persons of lewdness, fornication,

CASE #2145

4

unlawful sexual intercourse, or for any other indecent or disorderly act or obscene purpose therein". It is not necessary under the second count of the indictment, that an act of unlawful sexual intercourse, in fact, should have taken place on the premises. If prostitutes, with the knowledge and consent of the defendant, resorted to this place and solicited and importuned men to commit with them lewd, obscene and indecent acts, or to commit acts of fornication or unlawful sexual intercourse, if he kept and maintained the place for such purposes, he is guilty, and you will be warranted in finding him guilty. It is not necessary that the premises should have been so kept that the neighborhood should have been disturbed by noise or that if immoral practices or conversations took place in the premises they should have been noticed or observed by passers-by. If the acts condemned by the statute, set forth in the second count in the indictment, were committed in secrecy in those premises, away from the public view they are nevertheless violations of the law.

Under our statute a person who commits or participates in an act which would make him an accessory, if the crime committed were a felony, is a principal, and can be indicted and punished as such if the crime be a misdemeanor.

CASE #2145

Was this defendant in charge or in control of the premises? Did he have oversight or custody of the place? Did he maintain it during the absence of the owner and allow and suffer the things testified to by the People's witnesses to be conducted therein. If so, you will be warranted in finding the defendant guilty.

You have noticed that before a person can be convicted of this crime knowledge must be brought home to him. You will recall the testimony that the owner of the establishment was not in the place; that he was away from his saloon that night; that he left two persons in the premises, one tended the bar and the other looked after the affairs in the rear room. Unless knowledge is brought home to the individual charged with a crime of this character there can be no conviction.

The People claim, in this case, that there is evidence which would justify you in reaching the conclusion that the defendant had guilty knowledge of what was going on in the premises. You must be satisfied that the testimony given by the witnesses as to what occurred there on the nights of June 16th and June 17th, 1915, were given by persons who are reliable and credible. If you believe what these police officers have testified to it will be for you to say whether or not this defendant had knowledge as to the

CASE #2145

reputation of the females who were introduced by him to the police officers. You have heard the testimony of the two women. They told you that they had led lives of shame; that they had committed acts of unlawful sexual intercourse; that they were plying their disreputable vocation in the immediate vicinity, but that they did not solicit the officers in these premises. They say that the officers followed them when they left the saloon and afterwards accompanied them to a house on 27th street. On the other hand the police officers told you that the defendant introduced the women to them, and that they went out of the saloon to a place where these women offered to commit acts of sexual intercourse. These women also told you that they had visited this place on many occasions prior to June 16th and 17th, 1915. What were they doing there? Did they go there for the purpose of patronizing the place-- to order drinks, or did they go there for the purpose of buying drinks and then soliciting men on the premises? If any such acts were committed were they committed with the knowledge and consent of this defendant. There is a sharp conflict on a question of fact in this case. You must scrutinize the evidence, and determine for yourselves whether the People's witnesses have told the truth, or whether the witnesses for the defense have told the truth. If you be-

CASE #2145

7

lieve that no act of solicitation occurred on these premises on the night of June 16th or June 17th, 1915, and that these women were not introduced to the police officers by this defendant, then it will be your duty to acquit the defendant. If you find that the officers followed these women out of the place, and that no act of solicitation occurred on the part of the women with the knowledge and consent of the defendant, in the place, it will be your duty to acquit the defendant.

You have heard the evidence; you have observed the demeanor and deportment of the witnesses called by the people, and by the defense, including the defendant himself. In the last analysis you must determine, from all that you have heard here, whether or not the people have established a case against this defendant.

The defendant has called witnesses who testified both as to the good reputation of the premises conducted by the owner, and also as to the good reputation of the defendant for morality, and for being an honest man. In a case of this character, a defendant is entitled to produce evidence both as to the good reputation of the place, and also as to the good reputation of the person conducting the premises. Evidence of good reputation should be considered by the jury the same as any other probative facts in

CASE #2145

the case. You have a right to consider the persons who have given evidence of good reputation and you are to determine whether those persons who testify to the good reputation are worthy of belief, and whether you will give faith and credit to their testimony. If after considering evidence of good reputation you determine that the defendant is a man of good reputation, or if you determine that the place is a place that was conducted in an orderly manner, and free from the practices testified to by the People's witnesses, then it will be your duty to give it such weight as in law it is entitled to. Evidence of good reputation, under the law may, of itself, create a reasonable doubt, where without it none would exist, and it may authorize a jury to infer either that the witnesses against the defendant have wilfully perverted the truth or exaggerated the facts. If, after a review of the entire case, including the presumption of innocence, as well as the previous good reputation of the defendant, you, nevertheless, reach the conclusion, from the proof, beyond a reasonable doubt, that the defendant committed the crime charged in the indictment, you may convict him, notwithstanding the fact, that he has heretofore borne a good reputation for morality and for being an upright person.

CASE #2145

The defendant is presumed to be innocent until the contrary be proved by your verdict. He is entitled to the benefit of every reasonable doubt arising from the evidence in the case. It must, gentlemen, be a reasonable doubt, a doubt for which a reason can be given. A reasonable doubt is such a doubt as a reasonable man may entertain after a careful and honest review and consideration of the evidence. It must survive the test of reasoning, and the mental processes of a reasonable examination.

Gentlemen of the jury in the administration of justice it is important that jurors do not permit any extraneous considerations to withdraw their attention from an honest and conscientious consideration of the evidence. Analyze what you have heard testified to by the witnesses, and then apply the law as declared by the Court, determine what you believe to be the truth, and render a verdict in accordance therewith. The proper administration of justice in a government like ours depends upon the honest fulfillment of jury duty by those who are called upon to sit as judges of the facts. In the administration of justice we should not be moved by any considerations of sympathy for a defendant nor should we be moved by any considerations of prejudice against him on account of the nature of the charge which he is called upon to answer. If this defendant is guilty do not hesitate to convict him. If he is innocent

CASE #2145

do not hesitate, likewise, to acquit him.

Your verdict in this case may be guilty as charged in the second count of the indictment or not guilty.

Any requests or exceptions.

MR. LEGUARDIA: No, sir.

(The jury retire at 3.30 and return to court at 4.50, stating that they find the defendant guilty as charged in the second count of the indictment, and recommend him to the leniency of the Court.)

MR. LEGUARDIA: I move to set aside the verdict of the jury on the ground that it is contrary to law, contrary to the weight of evidence, and on all the grounds stated in the Code of Criminal Procedure.

Motion denied; exception.

(Defendant remanded.)

CASE #2145