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People v. Pezzulich and Sgelirrach.

6/17/9

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CASE # 2647

COURT OF GENERAL SESSIONS OF THE PEACE  
City and County of New York, Part III.

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THE PEOPLE OF THE STATE OF NEW YORK:

-against-

FRANK PEZZULICH and FRANK SGELIR-  
RACH.  
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3315

Before

HON. JOSEPH F. MULQUEEN,  
Judge

and a Jury.

New York, June 12, 1919.

The defendants are indicted for robbery in the first  
degree, grand larceny in the first degree and  
assault in the first degree and receiving in the  
first degree.

Indictment filed March 31, 1919.

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

For the People: ASSISTANT DISTRICT ATTORNEY BOHAN.

For Defendants: K. HENRY ROSENBERG, ESQ.

A jury is duly impanelled and sworn.

Mr. Bohan opens to the jury.

Pierre M. Ucas, of 45 Vasey Street, is sworn to act  
as interpreter in the Croatian language.

FRANK Z I C, of 36 Beach Street, called as a witness on be-  
half of the People, having been duly sworn, testified  
as follows, through the interpreter Pierre M. Ucas:

DIRECT EXAMINATION BY MR. BOHAN:

Q Your name is Frank Zic? A Yes.

Q Where do you live, Mr. Zic? A 36 Beach Street.

Q How long have you lived there? A About four years.

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Q Did you live there on the 22nd of March this year, 1919?

A Yes sir.

Q That is in the city and county of New York, is it?

A Yes sir.

Q What floor did you live on? A The first floor.

Q Did you live there alone? A There were many people living there.

Q How many men lived with you on the first floor of 36 Beach Street on the 22nd of March this year? A Nine men.

Q Give me their names? A One is me, Frank Zic, John Bonafacto, John Zic, Vincent Zic, Nic Mraqucich; he at that time was not living in that house.

Q Did Andrew Androvich live there too? A Yes.

Q Who paid the rent? A Vincent Zic.

Q And you all paid him for the room? A We were paying all to him. The house was in his name.

Q How many slept in your room? A Two men.

Q Who paid for the food? A All together.

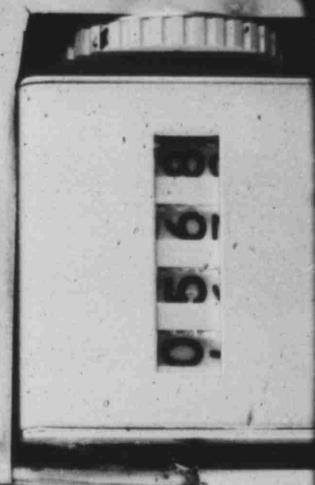
Q Who took care of the meals? A We were preparing our food, every one.

Q Each man would prepare his own meals? A No, we were cooking together for all of us and paying our part.

Q What do you work at? A I am working now in the Day Line boat and before I was working on the New York Central.

Q On the 22nd of March, 1919, what kind of work were you

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doing? A I was working on a boat.

Q Now, on the 22nd of March, 1919, that was Saturday night, was it? A Yes.

Q How many men were in the kitchen? A Seven.

Q At about eight o'clock that night did anything happen?  
A Yes. Some men came in our house.

Q What time did the men come in? A After eight o'clock.

Q How many men came in? A I did not count them but I think it was seven or eight men.

Q How were they dressed? A They had ordinary suits on them.

Q What kind of hats? A Some of them had hats; some of them caps.

Q Was there anything on their faces? A Yes, they had handkerchiefs on their faces.

Q When they came into the room what did they say? A They told us to hold up our hands.

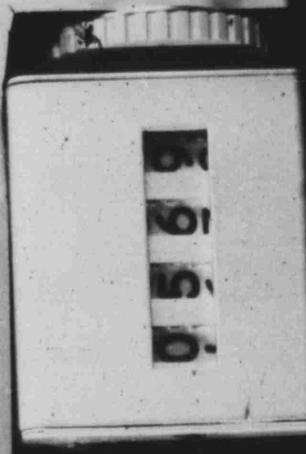
Q Did they have anything in their hands? A They had guns in their hands.

Q What did you and your friends do? A Some of us held our hands up and some of us did not.

Q Did these men speak? A They said on, "Hold up your hands".

Q What language did they speak in? A In English. They said, "Hands up".

Q Did they search you? A Yes sir.



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Q Did you have your hands up? A Yes sir.

Q Did they search you before or after shots were fired?

A After the shots were fired.

Q How many shots were fired? A Three shots.

Q Who were the shots fired at? A Towards Mike and Vincent Zic.

Q Did you have any money on your person? A Yes sir.

Q How much money did you have? A \$1,728.

Q Where did you have that money? A Some of the money I had in my pocket and some in my stocking.

Q I show you an article and ask you what that is? A Those are my trousers.

MR. BOHAN: I ask to have those marked for identification.

(Trousers marked People's Exhibit 1 for Identification.)

Q Did you have those trousers on; did you wear them on the night of March 22nd, when these men came into your apartment? A Yes sir.

Q Tell us what any of these men did to you? A I don't know what they did to me. I saw them in the kitchen.

Q Was any money taken from you? A Yes sir.

Q How much? A \$1,728.

Q How was the money taken from you? A One of them came near me and tore my pants.

Q Was he behind or in front of you? A Behind me.

Q Was that while you had your hands raised? A Yes.

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Q What did they do to your trousers? A They tore them open with a knife.

Q And these are the trousers you wore? A Yes.

Q Did they take the money from your leg? A Yes.

Q Where was it, in your stocking? A Right in my stocking.

MR. BOWAN: I offer the trousers in evidence.

MR. ROSENBERG: No objection.

(Trousers marked in evidence People's Exhibit 1.)

Q Tell us what you saw these men do to your friends or countrymen? A They searched my friends.

Q How long were they in this room? A I cannot tell exactly but I think a little more than five minutes.

Q Did you hear them talk amongst themselves while they were in that room? A No.

Q Did you hear them talk to each other or say anything?  
A I did not hear. Only when they were going away they said, "Let us go".

Q When they said that did they say that in English?  
A No, they said that in Italian.

Q Do you understand Italian? A I understood what they said. They said, "Andianno".

Q Do you understand Italian? A I understand a very little.

Q Which way did the men go out? A Through the same door they came in.

Q Did any of your friends follow them? A Yes.

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Q Who followed them? A Mike Zic.

Q Which door did he go out of? A The middle door.

Q Where did you go? A I went to the window.

Q The window of what room? A In the room near the street.

Q That was not the room where you were held up? A No, that is the room where we are sleeping.

Q The room you were held up was the kitchen and that was in the rear of the house? A Yes.

Q Did they take any money from your pocket? A \$28 which I had as my pay that week.

Q How much did they take from your leg? A \$1,700.

Q And \$28 from your pocket? A Yes.

Q When you got to the window what did you do? A I was yelling for police.

Q Did you open the window? A Yes.

Q How did you open it? A The window was open.

Q Did you break the window while you were trying to open it? A No.

Q Can you identify, or are you able to identify, any of the men that entered the kitchen on March 22nd with revolvers in their hands and held you up and your friends? A I recognize one.

Q Where is that one? A He is sitting there.

Q Will you point him out; come down and put your hand on him?

(Witness steps down from the witness chair and puts

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his hand on the defendant Sgelirrach and resumes his seat.)

Q When you got to the window what did you say? A I was calling the police.

Q How soon after did the police come? A I could not tell you exactly.

Q Ten minutes, will you say? A I don't know.

MR. BOHAN: That is all; you may examine.

CROSS -EXAMINATION BY MR. ROSENBERG:

Q You remained in the house until the police came, didn't you? A Yes.

Q That is, after the robbers left the house you stayed in the front room, is that correct? A No, I remained in that room a little while and then I came back in the kitchen.

Q Then the policeman came into the room, didn't he? A Yes.

Q How long after the robbers left the kitchen was it before the policeman first came into the room? A Some minutes; I could not tell exactly.

Q Can't you tell the jury approximately; was it as long as you have been on the stand here this morning before he came? A Not so long a time.

Q Was it ten or fifteen minutes or twenty minutes, or how long? A I cannot tell you exactly. I was not looking at any watch.

Q About how long was it? A I think between five and ten minutes.

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Q Who was the policeman who came into the kitchen after the robbers left? A I don't know.

Q You saw that policeman in the kitchen room that night, didn't you? A That man came in the house and told us to go to the police station.

Q Are you able to recognize which policeman it was who came into your house that night? A I am not sure about that.

Q The police officer who you say came into that kitchen that night, you have seen him a dozen times since that night, isn't that correct?

MR. BOHAN: I object to that.

MR. ROSENBERG: Question withdrawn.

(At this point Officers Murphy, Heitzman and Wilson enter the courtroom and face the witness.)

Q Will you please tell the Court and jury which of these three men came into your kitchen the first time after the robbers left? A I am not sure about that.

BY THE COURT:

Q Did you see any of those men in your room after the robbery? A I am not sure about that. I saw them in the police station.

Q You remember that you saw these officers before, do you? A Yes, I saw them.

Q But you are not certain whether you saw them first in your own home or in the stationhouse, is that so? A I am not sure.

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I saw the man who is standing in the center many times. (Indicating Officer Wilson.)

Q You were asked if you saw them in your room after the robbery? A I am not sure. We were standing in our kitchen and somebody told us to come to the police station and I went and took my cap to go out.

BY MR. ROSENBERG:

Q Then you walked with the policeman from your house at 36 Beach Street to the police station, is that correct? A No, I went a little after.

Q Can you identify here -- and say that the man you have previously seen was Officer Wilson, the man in the middle here?

A Yes.

(The officers leave the courtroom.)

Q Where have you seen him before? A I saw him in that police station many times.

Q In the stationhouse? A Around the police station.

Q Walking around your street? A I saw him near the door of the police station.

Q Didn't you go up to 24th Street that night with a policeman? A Yes.

Q Did you go up to 24th Street with anyone of the policemen who were in court here just a minute ago? A Yes, with the stout man.

Q Which stout man? A The man in the suit.

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Q The man in citizen's clothes, you mean? A The man that has a suit as I have.

Q That is Officer Murphy, isn't it? A I think so.

Q You have been with Murphy at least twenty-five times since this robbery, haven't you?

Objected to. Question withdrawn.

Q How often have you seen Officer Murphy since this robbery? A Many times when I came to the courthouse I saw him.

Q Was it at least twenty-five times? A I cannot tell you that. I did not count how many times.

Q When you went to the window in that apartment did you open the window yourself to call for the police? A I told you before the window was open.

Q Did any one of your friends who lived in the apartment go into the front part of the house or in the front room before you did? A Yes, Frank Zic.

Q He got there before you did? A Yes sir.

Q Didn't you run into the front room immediately after the robbers left the kitchen? A After they left the kitchen I went into the front room to the window.

Q Weren't you the first one to run into the front room?  
A Frank Zic ran before me.

Q How long before did Frank Zic, before you, to the front room window? A A very little time before me in the front room.

Q How many other of your friends that were in the kitchen

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ran into the front room? A There were two windows in that front room. 11

Q Were you excited when the robbers came in and asked you to hold your hands up? A I was a little excited.

Q Weren't you a great deal excited? A I was excited.

Q The man who took your money took it from behind where you were standing? A He was behind me.

Q And you did not see his face? A I am not sure about that.

BY THE COURT:

Q Did you ever see that man before your money was taken?

A No.

Q Did you see him at the time he was taking your money?

A I saw the man behind me but I am not sure who it was.

Q Did you ever see that man since? A No.

BY MR. ROSENBERG:

Q Now, as a matter of fact, you have testified that all of the men, the robbers who came into that kitchen on that night had handkerchiefs over their faces, is that correct? A Not all of them. Most of them, but not all.

BY THE COURT:

Q How many were there altogether? A I cannot tell you for sure.

Q About how many were there? A Oh, I think seven or eight.

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Q Seven or eight robbers came in? A Yes.

Q And how many had handkerchiefs over their faces? A I cannot tell you that for sure, but I am sure about one man; he did not have any handkerchief.

BY MR. ROSENBERG:

Q You say one man did not have any handkerchief on his face, is that correct; you are sure of that - one, you say?

A That is the man whom I recognized.

Q That is to say, Frank Sgelirrach is the man who you say did not have any handkerchief on his face at all that night, is that correct? A I could not tell if he had any handkerchief before, but when I saw him he did not have any.

Q And when do you say you saw him without a handkerchief on his face? A When he was in the kitchen.

Q Was he the man who took your money? A No.

THE COURT: We will adjourn now for recess.

Gentlemen of the jury, the Court will excuse you until two o'clock. In the meanwhile remember that the law forbids you to talk about this case with any stranger and also forbids you from discussing it among yourselves. You must wait until you hear all the evidence on both sides before you form or express any opinion. You must wait until all the evidence is in and until the Court submits it to you for your consideration and then at that time you retire and discuss it in order to decide it, but not before then. Please come back at two o'clock.

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## A f t e r n o o n S e s s i o n .

Trial continued at 2 P.M.

F R A N K Z I C resumed the stand:

CROSS-EXAMINATION CONTINUED BY MR. ROSENBERG:

Q How long did you have that \$1700 in your stocking?

A I got it at different times for long periods and short periods.

Q Was it there for over a year? A Sometimes I had it for a year; sometimes a shorter time.

Q You saw Frank Sgelirrach, the man you picked out here to-day in court, on March 23rd, isn't that correct? A Yes, I saw him.

Q You also saw him in this courtroom when Frank Strolich's case was on trial? A Yes, I saw him.

Q Were you taken to the stationhouse of March 22nd by the police officer? A They told us we were to go to the police station, but nobody brought me there. I went alone.

Q When you got to the police station you saw the same policeman who was in your kitchen just before that? A I told you before I was not sure he was in the kitchen.

Q Did you ever see that policeman again whom you saw in the kitchen? A No.

Q Didn't you go up to 24th Street with Officer Murphy and another policeman? A Yes.

Q Now, who was the other policeman? A I don't know his name.

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Q. Was he the same policeman who was at 36 Beach Street right after the robbery? A. I told you that I did not know which policeman was in our house.

Now, when the man took the money from your leg or from the stocking, you had your back to the robbers, didn't you?

A. The man that took my money was behind me.

Q. Didn't you have your back to all of the other robbers when your money was being taken? A. No sir; the man were standing around the table.

BY THE COURT:

Q. Were they in front of you? A. In front of me was the table and the others were around the table.

Q. Could you see them? A. Yes, I could see them.

BY MR. ROSENBERG:

Q. Did all of the other robbers have handkerchiefs over their faces? A. Most of them had them, but the man I recognize did not have any.

Q. The man whom you say you recognize, he did not have a handkerchief over his face; was he the only one who did not have a handkerchief on his face?

MR. BOHAN: Objected to as already answered.

THE COURT: I will let him answer it again.

A. I saw only him without a handkerchief on his face.

Q. But you saw all the other robbers, did you? A. I am not sure about those that were behind me.

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Q Well, were there any robbers behind you? A I don't know who were behind me. I only know that the man whom I recognize was standing near me.

Q How many robbers were in front of you? A There was nobody in front of me, because I was behind the table and the robbers were standing around the table.

Q Weren't you behind the door hiding? A I was not hiding behind the door; near the table.

Q Weren't you behind the door? A When the robbers came in and they opened the door and came near me; afterwards the door was pushed.

Q When the door was opened, didn't you go behind the door? A I stood where I was sitting, only that I stood up.

Q When you stood up, all of the robbers with the exception of one, were behind you?

THE COURT: You have been all over that. He said he did not know how many were behind him.

Q This was a kitchen room, wasn't it? A Yes sir.

Q And that is in the rear of the flat? A Yes, that is in the rear.

Q That is on the first floor, isn't it? A Yes.

Q Your flat was on the first floor of that house? A Yes.

Q And in order to get to your flat you had to walk up how many stairs from the street? A I did not count them. There are not many, but I did not count them.

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BY THE COURT:

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Q Is there a flight of stairs inside, or just a stoop outside? A Only in front of the house.

Q You went up a stoop and then you were on the level of your apartment, is that it? A Yes.

BY MR. ROSENBERG:

Q Can you tell the Court how many steps, about; about how high was the first floor from the sidewalk, in feet, if you know? A I did not measure that, but if you tell me to, I would find out.

Q Was it as high as you are standing? A A little more.

Q Will you please stand up. Do you know how tall you are? A I do not know.

MR. ROSENBERG: I think we can all agree he is about 5 feet 10 inches.

A (Continued) I do not say that the level of our house is as high as I am. I mean from the floor here. A little more than the floor here.

Q How high is the level of the first floor from the sidewalk? A I think there are six, seven or eight steps from the sidewalk, but I am not sure.

Q Now, there is a yard back of your kitchen, is that correct? A Yes.

Q Is the yard below the level of the street or is it the same level as the street? A I think it is on the same level but I could not tell. I never looked exactly.

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Q How far back from the kitchen in the yard is the water closet? A I could not tell you exactly.

Q You know a man named Summers, don't you? A Yes sir.

Q And Summers is the son of the janitor of that building at 36 Beach Street? A Yes.

Q Have you talked to Summers about this case? A Perhaps we were talking sometime about it.

Q Did you talk about the details of what happened on that night of March 22nd? A He knew that himself.

Q Did you talk with him? A We were talking that we have to go to the court.

Q Didn't you talk about the details of what you were going to say and what the other witnesses were going to say? A No, I did not.

MR. ROSENBERG: That is all.

REDIRECT EXAMINATION BY MR. BOHAN:

Q Were the police officers that came into the kitchen after the men left, all in uniform? A As I told you before, when the police came someone told us to go to the police station, so I am not sure he was in uniform or he was not in uniform.

Q Were there any of them in uniform? A I am not sure, because I went in the room and took my suit.

Q How long are you in America? A About seven years.

Q What part of Europe did you come from? A From Istria.

Q Is that on the Adriatic? A Yes sir.

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Q All of your friends that lived with you in 36 Beach Street, were they your fellow countrymen and did they come from the same part of Europe as you did? A Yes.

Q Did they come from the same town? A Yes.

Q Now, there are several men who have the same name as you have; are you related to any of the other men, Vincent Zic, Frank Zic and Mike Zic? A Mike Zic and I, we are related in a distant way. His grandfather and my grandmother were cousins.

Q How about the others? A They are not related.

Q They are not related to you? A No sir.

Q How long did it take you to save the \$1728?

Objected to. Objection overruled.

A About all the time that I was in America.

BY MR. ROSENBERG:

Q That is about seven years? A Yes.

Q Whom did you go to the stationhouse with; was Mr. Summers with you when you went to 24th Street? A Yes.

Q Whom did you see there? A There were many people in the house.

Q Did you see either one of the defendants in 24th Street?  
A Yes.

Q At that time did you identify, --

Objected to. Objection sustained.

Q What kind of table and how large a table was this in the

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kitchen. Was it as large as this table at which the defendants are sitting? A No, not so large; a little smaller.

Q Half as large as this table? A A little more than half.

Q When the robbers came into the room were you and your friends seated around the table? A Yes.

Q And when they gave the command to put your hands up did they all stand up in the same place where they had been sitting?

A I think all of us stood up in the same place we were sitting before.

Q Who was on your side of the table? A Androvich.

Q Who was on the opposite side? A John Bonafacto was a little further from me.

Q Was it a round table or a square table? A A square table.

MR. BOHAN: That is all.

BY MR. ROSENBERG:

Q About this money; did you ever tell anyone that you had money in your stocking? A No.

Q Why didn't you put the money in a bank?

Objected to. Objection overruled.

A Because I don't speak English and every time if I have to go to the bank I would have to have somebody with me to help me out.

MR. ROSENBERG: That is all.

M I K E Z I C, of 36 Beach Street, called on behalf of the

People, having been duly sworn, testified as follows, through

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the Interpreter, Mr. Ucas:

DIRECT EXAMINATION BY MR. BOHAN:

Q What do you work at? A In the Pennsylvania.

Q What kind of work do you do? A I am working on the cars.

Q With what railroad? A On the Pennsylvania Railroad,  
27th, 28th and 29th Street.

Q How long are you in this country and from what part of  
Europe did you come? A I am in America about six years and I  
come from Istria.

Q On the 22nd of March, 1919, were you living at 36 Beach  
Street with some of your fellow townsmen? A Yes.

Q How many of your fellow countrymen were living with you?  
A We are living there, nine people.

Q In how many rooms? A In four rooms.

Q Were you in the kitchen on March 22nd, 1919, about eight  
o'clock? A Yes sir.

Q Did any men come into the kitchen and do anything and if  
so, please tell us what they did? A Some men came in our house  
and said, "Hands up", and then they started to search us. Every-  
one of them had a gun and we held our hands up.

Q Did you have any money on your person? A \$13 and I  
gave them to a man, to one of the defendants.

Q Do you recognize in the courtroom any of the men that  
came into that kitchen on March 22nd? A I recognize both of the  
defendants.

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Q What kind of clothes did these men wear that night, do you remember? A One of them had a dark shirt on him.

Q Which one? A The stout man.

Q This man (indicating defendant Sgelirrach)? A Yes.

Q What kind of a shirt? A The same shirt he has on now.

Q Do you remember how the other defendant was dressed?  
A I don't know.

Q Did any of these men that came in, including the defendants, have anything on their faces? A The other defendant had a handkerchief on his face, but his handkerchief fell off.

Q Which defendant had a handkerchief on his face which fell off? A The man outside.

Q This defendant (indicating Sgelirrach)? A Yes, his handkerchief fell off.

Q How about the other defendant? A To the other man I gave my money.

Q You mean the defendant Pezzulich? A Yes, that one.

Q How did he take your money from you? A He was telling us, "Hands up". I gave him my pocketbook.

Q Is that the pocketbook you have there? A No, not that one.

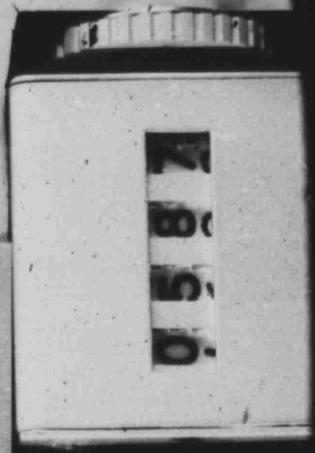
Q How much money did you have in it? A \$13.

Q Did he put his hands in your pockets? A No.

Q Did you hear any shots fired? A Three shots.

Q Tell us what these other men did; what the other robbers did to your friends? A They were searching the men and taking the

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money, and they beat Vincent Zic.

Q They beat him how? A I don't know how, or with what, but I know they beat him.

Q Were the shots fired after they beat Vincent Zic, or before?

A Right away when they came in they fired one shot and then they shot twice more.

Q Were you all seated at the table when they came in? A Yes.

Q Did you stand up in about the same place that you were all sitting? A I stood up in the same place and I held my hands up.

Q Did you hear any of these robbers say anything? A When they were going out they said something in the Italian language, but I don't know what.

Q Do you understand Italian? A Just a little.

Q Do they speak in Italian in the part of Istria where you come from? A No.

Q Who spoke in Italian; do you remember which one of these defendants? A I never saw them before; I do not know if they speak Italian.

Q Did you have a gaslight in the room? A Yes.

Q Where was the gaslight? A In the middle of the room.

Q Over the table? A No, a little on the side.

Q Where was the table, on the side of the room or in the center? A A little on the side.

Q How long were these men in the room? A I could not tell

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you exactly. I think about six or seven minutes.

Q When they left the room who was the first of your friends that followed them out? A I was the first man to go out.

Q How far behind these men were you? A I could not tell you exactly because I did not measure it. I do not know how far.

Q You got into the hallway and when you opened the door did you see any of them in the hallway running out? A I saw them running through the hall and I was running after them.

Q Did you keep your eye on any of them? A Yes.

Q When you got on the stoop did you see anyone in the hallway lying down? A No, I did not see.

Q Did you see Mr. Summers after? A No sir.

Q When you got to the stoop which way did the men run?  
A Four or five were running towards Hudson Street and I was following three of them and I caught one of them between Beach Street and North Moore Street.

Q Just tell us how the men who ran towards Hudson Street ran? A I saw all of them in the middle of the street and then they parted.

Q Did you see any of them run toward the north side of Beach Street, toward the freight station? A I saw them on the street.

Q Did you see the freight cars on Hudson Street and Beach Street? A No, I could not tell that.

Q Did you see them run towards the northeast corner of Beach

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Street and Hudson Street? A I saw them on the street but I can't tell you where they run. I run after three of them and caught one.

Q Were the four men that you referred to running in the middle of Beach Street towards Hudson Street? A I saw them in the middle of the street and then they parted.

Q Running or walking? A Running.

Q In which direction did you run? A I ran towards three of them and caught one.

Q Where did you catch one? A I caught one between Beach Street and North Moore Street.

Q When these three men got to the corner of Varick and Beach Street did they separate? A I caught one man when the policeman came and I do not know in what direction the others went.

Q Running from your house on the south side of Beach Street did you run by the stationhouse? A I was running toward the police station.

Q And did you turn the corner around Beach Street and Varick? A Around the corner.

Q And you caught this man how near the subway exit? A I cannot tell you that. I think a block and a half. But I am not sure.

Q North Moore Street is the street below Beach Street, one block, is it? A The first is Beach Street and then North Moore.

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Q North Moore is south of Beach Street, -- that is, it is downtown? A Yes, one is this side and the other is on the other side.

Q How soon after you caught this man did the policeman appear? A Right away. He caught us together.

Q Was that Officer Wilson? A That was one of the policemen that is outside now.

Q What did you do with that man? A I was cursing him.

Q Was the man that you caught the man Frank Strolich, that was tried in this courtroom last month? A Yes.

Q When did you next see the defendants, the two men on trial here, after they held you and your friends up in the room?

A I saw them in our house on the 22nd of March.

Q After that when did you see them again? A Until I saw them in the police station and then they stood them in a line.

Q Never mind about that. How long after they held you up did you see these two men the next time? A I could not tell you exactly.

Q Was it the same night? A Yes, sure.

Q How many shots were fired in that room? A Three.

Q Did you find any revolvers in 36 Beach Street? A No.

MR. BOHAN: Your witness; you may examine.

CROSS-EXAMINATION BY MR. ROSENBERG:

Q After you left your house at 36 Beach Street, running after Frank Strolich, as you testified to, how long did it take

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you to cover the distance before you caught him? A I told that before, but I am not sure how long a time elapsed.

Q Can you give the jury some idea how long it took to travel that distance? A I can't tell, because I don't know even what time it was.

Q Can't you tell the jury how long it took you to run from and 36 Beach Street to the corner of Varick/Beach and then one block south to North Moore, where you say you caught him; how many minutes or seconds did it take you to run or travel that distance?

A I should say two minutes, but I am not sure.

Q You were running all the time? A Yes.

Q Now, when the robbers came into that kitchen they called out, "Hands up", is that right? A Yes.

Q And every man in the room put his hands up? A I can tell for myself that I held my hands up, but I can't tell about the other men, but I think all of them did.

Q Don't you know what the man next to you did, your friend? A The robbers mixed among us.

Q And that is why you cannot state what the other men did, that is, your friends? A I can tell only what I know.

Q Were you frightened when the robbers called out, "Hands up"? A Yes.

Q And were you very much excited? A Every man would be frightened.

Q But you were frightened, weren't you? A Yes.

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Q And isn't that the reason why you cannot tell us what the other men, your friends, were doing at the time? A I cannot tell you that because I was sad and frightened. I only can tell about myself.

Q How long after the robbers left the kitchen did you start to run after them? A Right away after they left the kitchen I run after them.

Q How many minutes or seconds after the last robber left the room did you start in pursuit? A I am not sure about that.

Q Can't you tell the jury in minutes or seconds?

THE COURT: He said he ran after them right away.

Q When you got in the hallway were the robbers still in the hallway or were they out in the street? A I saw them while they were still in the hall because our hall is big.

Q How long is the hallway? A I did not measure it.

Q Can you give the jury an idea; is it as long as this room? A A little less. A little shorter than this room.

Q It is not as wide as this room, is it? A No..

Q Now, when the robbers were in the room they had revolvers in their hands, didn't they? A Every one of them had a gun.

Q And you were afraid of being shot, weren't you? A Yes, because they were firing.

Q When you looked into the hallway you saw the robbers; do you want to tell the jury that you still followed them in the hallway while they were there? A I can't tell about that. I can

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tell only about the man that I caught and the defendants I saw in the house.

Q That is all you can remember? A I don't know anything else.

Q Now, when you got outside of the house, all of the robbers, or the men who you thought were the robbers, were in the middle of the street, weren't they? A They were running and in the middle they parted.

Q When the men parted, three or four of the men went in one direction and three ran in another direction, isn't that correct? A No. Four or five were running toward Hudson Street and I followed three, one of whom I caught.

Q Are you sure that you recollect the one man who did not have the handkerchief on his face in the kitchen on that night?

A All of them had handkerchiefs and this defendant's handkerchief fell off his face.

Q Which defendant's handkerchief fell off? A The man outside (indicating defendant Sgelirrach).

Q Which man; this man (pointing to Sgelirrach). Stand up, Sgelirrach.

(Defendant Sgelirrach stands up.)

A Yes.

Q Is that the man? A Yes.

Q His handkerchief fell off? A Yes sir.

Q Was this question asked and did you make this answer upon

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the last trial (reading): "Q Did they have anything on their faces? A They had their handkerchiefs on their faces, but one among them did not have any. Q Which one was that? A I don't know". Do you remember saying that? A I am not sure.

MR. ROSENBERG: Is it conceded that he testified that way?

THE COURT: He said he was not sure.

BY THE COURT:

Q Did you testify once before in this court against one of the robbers? A Yes.

Q When that other robber was on trial did you say you did not know which one was without the handkerchief? A Yes.

BY MR. ROSENBERG:

Q Why did you say at the last trial that you did not know the robber that did not have the handkerchief and now you point out the two men that did not have the handkerchief? A From the other defendant the handkerchief fell off his face.

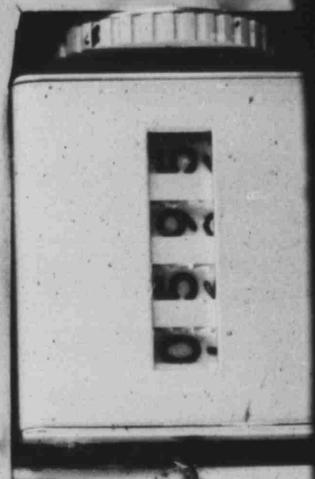
Q You mean Frank Strolch, the other man who was on trial, his handkerchief fell off? A No. That man, this defendant I am point to (indicating Sgelirrach).

Q Why did you say at the last trial that you did not know which one it was from whose face the handkerchief fell?

THE COURT: He said one man did not have a handkerchief.

Q Why did you say at the last trial that one man did not have a handkerchief?

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MR. BOHAN: I object to the form of the question because it is based upon an answer not given by the witness.

He was asked, "Did they have anything on their faces?"

A They had their handkerchiefs on their faces, but one among them did not have any". He is referring to one that had a handkerchief on and that fell off. That is an entirely different situation.

BY THE COURT:

Q Did they all have handkerchiefs or not? A I saw that all of them had handkerchiefs on their faces but the handkerchief of the other defendant fell off.

MR. ROSENBERG: That is all.

REDIRECT EXAMINATION BY MR. BOHAN:

Q Will you say all of them had handkerchiefs, or most of them?

Objected to. Objection sustained.

THE COURT: The jury will pass upon that. They will say whether there is any contradiction or not, and if so how much weight they will give it. You may ask him to explain his testimony if he can.

BY THE COURT:

Q What is your statement now about the handkerchiefs?

A The handkerchief fell off from the defendant's face.

Q But he did have a handkerchief on? A I saw when the handkerchief fell off his face.

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Q You did see him with the handkerchief on and you 31  
saw him afterwards without a handkerchief, is that it? A I  
can't tell when the handkerchief fell off his face, and I saw the  
fendant without the handkerchief.

Q And that is what you meant when you said they all had  
handkerchiefs but one; is that it? A The defendant did not  
have a handkerchief. The handkerchief fell off his face.

Q Did everyone else have a handkerchief all the time, the  
men who did the robbing? A Yes, all of them, and only on him  
the handkerchief fell off.

Q What was the color of the handkerchiefs? A White.

Q How do you know they were handkerchiefs they had? A They  
were just as I have.

Q They looked like handkerchiefs to you? A I am sure they  
were handkerchiefs.

Q Is that a white handkerchief you have in your hand?

A Yes, that is the way they had them (witness indicating by put-  
ting handkerchief over his mouth).

BY MR. ROSENBERG:

Q Do you know who took the money from Frank Zic? A No,  
I don't know who took his money.

Q How far were you from Frank Zic when the money was being  
taken from him? A He was on one side of the room and I was on  
the other.

Q Then the robbers had their backs to you? A No. I saw

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them tearing off his pants. The robbers tearing up the pants of Frank Zic.

Q Can you identify the robbers who tore his pants? A No.

Q Did those men have handkerchiefs over their faces? A Yes, only the defendant did not have one.

BY MR. BOHAN:

Q Will you take my handkerchief and show his Honor and the jury what portion of the face of each of the defendants was covered with the handkerchiefs? A Like that (indicating by covering mouth and lower part of the nose).

BY THE COURT:

Q They did not cover their eyes? A No sir.

Q Just the mouth, or the lower part of the face? A Yes.

BY MR. BOHAN:

Q Was the nose covered? A No, only the way I am showing you, about half of the nose was covered.

MR. BOHAN: That is all.

V I N C E N T Z I C, of 36 Beach Street, called as a witness on behalf of the People, having been duly sworn, testified as follows, through the Interpreter, Mr. Ucas:

DIRECT EXAMINATION BY MR. BOHAN:

Q Zic, what do you work at? A On Pier 22, North River.

Q The New York Central Railroad Company? A No, the B. & O., Baltimore and Ohio.

Q Are you related to Frank Zic, or Mike Zic? A No sir, they

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are not related to me.

Q Do you all come from the same town in Istria? A Yes.

Q How long are you in this country? A On the 25th of November will be six years.

Q Are you married? A Yes sir.

Q Where is your wife? A In the old country.

Q Were you living in 36 Beach Street on the 22nd day of March, 1919? A Yes.

Q How long were you living at 36 Beach Street? A Around five years.

Q Were you in the kitchen of 36 Beach Street about eight o'clock on March 22nd, 1919, Saturday? A Yes.

Q What were you doing at that time? A We were sitting around a table talking, after our supper.

Q Did any men enter that room, and if so, what time, and how many? A Seven or eight men came in the kitchen.

Q What time was it? A I think around eight o'clock, or a little past eight o'clock.

Q What did these men do; describe what each one of them did and tell us what kind of clothes they had on and if they had anything on their faces? A When they came in each one of them had a gun.

Q How many were there? A Seven or eight of them. Some of them had their handkerchiefs at their faces and some did not. Then they told us "Hands up". When not all of us put our hands

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up they fired a shot and after a while they fired another shot.

I did not want to hold my hands up and then they fired a shot toward me. And then they beat me on the head.

Q What did they hit you with? A I think with the butt of the gun.

Q Did any blood flow, or did you have any mark? A Yes.

Q What else did they do? A And then they beat me again on the face.

Q Have you any marks there now? A Yes, I have marks on my face and on my head. They called in the ambulance in the courthouse.

Q Did you see what they did to your fellow countrymen?

A I saw them going around the house near my countrymen.

Q Did you see what they did to Frank Zic? A I saw some of them standing near him.

Q Did you see them cut his trousers? A Yes sir.

Q Did you see them take any money from Frank Zic? A No.

Q Did you see them take any money from any of your friends?

A No. I cannot tell that.

Q Did they take any money from you? A No. They took some papers out of my pocket.

Q How much money did you have on your person? A \$1400 or \$1500.

Q Where did you have it? A I had the pocketbook around my waist.

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BY THE COURT:

Q You mean a money belt? A Yes sir.

BY MR. BOHAN:

Q You saved that money by resisting, did you? A I think they would have taken my money if I had held my hands up.

Q You were the only one that refused to hold your hands up?

A All the men that I saw in front of me had their hands up.

Q All your friends that you saw had their hands up, is that it? A Yes.

Q Did you hear any of these robbers speak? A When they were going out I heard them telling, "Andianno".

Q When they said, "Hands up", did they say that in English or Italian or in what language? A I think in English they said, "Hands up".

Q When they went out what language did they speak? A I think what they spoke was in Italian.

BY THE COURT:

Q What is your language? A Croatian.

Q Do you understand Italian? A I understand a little Italian.

Q You are not an Italian, are you? A No, I am Croatian.

Q Are you an Italian by descent? A No; I know something about Italian.

BY MR. BOHAN:

Q Did you follow the men out? A No sir.

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Q How long were they in the room there? A Between five, seven or eight minutes.

Q Who followed them out? A All the robbers went out. I was covered with blood.

Q Did you see Mike Zic go out after that? A I did not; I could not see because blood was running down my face.

Q Didn't you say all the others went out except you?

A No, some of the men went to the front.

Q Some of your friends went to the front of the house?

A Yes.

Q And some went out after the robbers? A Yes.

Q How long did you remain in the kitchen after the robbers went out? A Some minutes.

Q You took care of your wounds? A Yes, I was putting my handkerchief on me.

Q Did they take you to the hospital? A The ambulance came to the police station.

Q Did you go over to the police station? A Yes sir.

Q How long after the robbers were in the kitchen did you go to the police station? A Five or six minutes.

Q Can you identify any of the men that came into the kitchen on the night of March 22nd with guns in their hands and held you and your-friends up? A Yes.

Q Do you see any of those men in this courtroom that you saw in the kitchen of 36 Beach Street on the night of March 22nd;

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if so, please point them out? A The men that are sitting there.

Q Come down and point them out?

(Witness steps down and puts his hand on the defendants and resumes his seat in the witness chair.)

Q After the robbers left the kitchen when was the next time you saw any of them after that? A In the police station.

Q How long after? A I think it was around nine o'clock.

MR. BOHAN: Your witness; you may examine.

CROSS-EXAMINATION BY MR. ROSENBERG:

Q As soon as the robbers came into the kitchen they had guns in their hands and cried, "Hands up"; is that correct?

A All of them had guns in their hands and then they yelled, "Hands up".

Q And then how soon did they come over to you and beat you, as you have described? A They came right to me.

Q They came right over to you? A Yes sir.

Q And then you were struck on the head and on the face?

A Not right away. One or two minutes passed before they struck me.

Q You were fighting with the robbers who were around you?

A They were standing near me as I was having my hands down and pushing them away.

Q How many robbers were surrounding you trying to get your money? A First one and then two.

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Q You were the only one who resisted? A I did not want to give up my money.

Q And as soon as you were struck with the butt of a gun you became dazed, is that correct? A No, I was not dazed.

Q Do you remember this question being put to you and your making this answer/(reading): "Q. Which one of these two men struck you over the head with a revolver? A I can't tell you that because I was dazed". "By Mr. Rosenberg: 'Because I was dazed; you said? A Yes". Now, isn't it a fact that as soon as you were struck you became dazed? A I did not lose my senses. Blood was running down my face but I was not completely dazed.

Q Did you say at the last trial that you were dazed after you were struck? A I did not say I was completely dazed. I said blood was running down my face and I didn't remember quite well.

Q The same interpreter who is interpreting for you now interpreted for you at the last trial, isn't that correct? A Yes.

Q But after you were struck you did lose your senses a little, didn't you? A No, I did not lose my senses. Blood was running down my face.

Q How many of the robbers had handkerchiefs over their faces when they entered the room? A I think the most part of them had handkerchiefs on their faces. I can tell that one of them did not have any.

Q In other words you want the jury to understand that all

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of the men had handkerchiefs on their faces and one did not have his handkerchief on his face? A When they came in all of them but one had handkerchiefs on their faces.

Q And the one that did not have his handkerchief is which of the defendants here, if any? A Those defendants had handkerchiefs on their faces, but the handkerchief fell down.

Q Do you mean that there was one man who did not have a handkerchief on his face and these two men, the defendants, had handkerchiefs on their faces which fell off, is that what you want to tell the jury? A Yes.

Q Did the handkerchiefs fall off while you were being struck, or after you were struck? A Before I was struck.

Q Now, who struck you? A I can't tell that.

Q Why can't you tell, because the man had a handkerchief on his face? A The men that were near me had handkerchiefs on their faces.

Q Did you know who took the money from Frank Zic's stocking? A No.

Q Is the reason you can't tell who took the money from the stocking because that man or men had handkerchiefs on his or their faces? A They had handkerchiefs on their faces.

Q Is that the reason you cannot tell who took the money from Frank Zic? A I am not sure who took the money from Frank Zic.

Q Is that the reason, because the handkerchief was over the

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face? A Yes; I did not recognize them.

Q Was there a lot of noise and excitement immediately after the robbers entered the room? A There was some excitement.

Q And were you frightened and excited? A No.

Q You kept busy watching and holding onto your money? A Yes.

Q And how long were you fighting with the robbers to keep your money? A Right when they came in they were near me and they stood there.

Q And they stood there until they left? A Yes.

Q Do you remember a policeman coming into the kitchen a short time after the robbers left? A I remember.

Q Which policeman was it? A I don't know which policeman.

Q It was one of the policemen who were in court here at the last trial and who were in court here at this trial is that right? A I don't know because the blood was running down my face and I was wiping it.

Q Is that why you could not see the policeman, because the blood was running down your face? A I saw the policeman but I could not recognize him.

Q Didn't you go to the stationhouse after the robbery?

A Yes, sir.

Q And didn't you meet these policemen, the same policeman who was in the kitchen?

THE COURT: He said he did not know what policeman was

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in the kitchen.

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MR. ROSENBERG: I ask that the policemen be brought into the courtroom.

THE COURT: Well, he said he could not identify them.

Q You saw the three policemen here to-day, Officer Murphy, Officer Wilson and Officer Heitzman, did you? A Yes, I saw them.

Q And you saw them at the last trial, didn't you? A Yes.

Q Did you go up to 24th Street with a policeman? A No.

Q But you were in court the next morning with a policeman, weren't you? A Yes.

Q Now, what policeman was it that you were in court with the next morning? A Murphy.

Q Is that the only policeman who was there? A I don't know who was in our house.

Q Did you see any other policeman whom you recognized in court the following morning? A I don't know.

Q After the robbers left didn't a lot of people come from the street into your house? A While I was in the house nobody came in, - if not somebody that is living in the same house.

Q I am talking about people in the house. Didn't they come right down to the kitchen as soon as the robbers left?

A I did not see anyone in the kitchen. Perhaps somebody was in the hall.

Q Was there anyone in the hall after the robbers left?

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Q After the robbers came out the policeman took me to the police station and I did not see anything else.

BY THE COURT:

Q You were taken in an ambulance to the police station, were you? A Yes.

Q How long did you remain in the police station? A Three-quarters of an hour.

Q What were you doing while you were there? A The policeman washed my face.

Q Didn't a doctor come to sew up your head? A Yes, they called the ambulance.

Q I thought you were carried in the ambulance to the police station? A No, I walked there to the stationhouse.

Q Did the ambulance take you away from the stationhouse? A No.

Q You went home again after a doctor fixed you up? A Yes.

Q Then the next morning you went to the court and made a complaint, is that it? A Yes.

MR. ROSENBERG: That is all.

REDIRECT EXAMINATION BY MR. BOHAN:

Q What part of the face of the robbers was covered by the handkerchief? A Some of them up to the nose; some of them only the mouth.

Q Was there one man that came in without a handkerchief? A One was without a handkerchief.

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Q And while in the room did the handkerchief drop from the face of any of those men? A Yes.

Q Which one? A The man that is on the side. The handkerchief fell completely from his face (pointing to defendant Sgelirrach), and the other fellow only half way.

Q Was the man that struck you over the head with the revolver arrested? A I could not tell who struck me.

MR. BOHAN: That is all.

ROBERT M. WILSON, an officer of Bridge A Squad, Shield No. 6677, called as a witness on behalf of the People, having been duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. BOHAN:

Q On the 22nd of March, 1919, were you attached to the Fourth Precinct? A Yes sir.

Q Where were you on the evening of March 22nd about eight o'clock, P.M.? A At Varick Street and North Moore.

Q Where were you coming from? A I was going to work at the Eighth Precinct.

Q Did you come from the subway? A Yes.

Q Is there an exit on the northwest corner of Varick, - on the west side of Varick Street? A Yes.

Q Did you come from that entrance? A I came from that exit.

Q How far is that entrance from the Fourth Precinct police station? A About 125 feet.

Q What is the distance between Beach and North Moore Street;

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what is the length of that block on Varick Street? A About 200 feet.

Q And the police station takes in half of that block?

A Yes.

Q It faces on what? A It faces on Beach Street.

Q When you came from the exit of the subway did you see anything; was your attention attracted to anything and if so, what? A My attention was attracted by two men struggling together on the sidewalk outside of the exit.

Q Who were those two men? A One was Frank Strolich and the other was Zic.

Q What was his first name? A Mike Zic.

Q Is that the witness that was in here and that is outside now? A Yes.

Q Tell us what you saw the defendant Strolich doing?

A Standing outside of the exit struggling with Mike Zic.

Q What did you do? A I went up and separated them and inquired what was the trouble.

Q What did the defendant Strolich say?

Objected to. Objection sustained.

Q Did you take either or both of these men any place?

A Yes; I took them to the Fourth Precinct.

Q What is in Beach Street? A Yes sir.

Q How long did it take you to get from the spot at North Moore Street and Beach Street, to the station? A About a minute.

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Q When you got to the stationhouse did you see anyone else there? A Yes sir.

Q Whom did you see there? A I seen Frank Zic and a man by the name of Bonafacto and Officer Murphy.

Q Were they in the stationhouse before you got there, or after? A Officer Murphy got there about the same time as me.

Q Did you see Officer Murphy before you went to the stationhouse, or after? A I seen him right there on the sidewalk.

Q In front of the stationhouse? A Outside of the exit.

Q Outside of the exit of the subway? A Yes, he was on the same train, but he got out on the other side.

Q You and Murphy got out of the train together? A We were on the train, but I did not know he was there. He was on another car.

Q Did you and he reach the defendant Strollich and this man Mike Zic about the same time? A Yes sir.

Q Did the four of you go to the stationhouse? A Yes.

Q Was it after that that the other men were brought in the stationhouse? A Yes.

Q How soon after? A I should judge an hour.

Q You were not present at the time these two defendants were arrested, were you? A No sir.

Q Did you go to 24th Street? A No sir.

Q Did you make a search of the premises 36 Beach Street?

A No sir.

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Q Did you place the defendant Strolich under arrest? A I was in the stationhouse all the time.

MR. BOHAN: That is all; you may examine.

CROSS-EXAMINATION BY MR. ROSENBERG:

Q Officer, when you came up the exit, didn't you see the man who you afterwards learned was Frank Strolich and Mike Zic, running in your direction? A They were not running; they were standing there.

Q Hadn't they been running at all? A I didn't see them running. I got up there and they were struggling together outside of the exit.

BY THE COURT:

Q And you naturally went over to see what was the matter?

A Yes.

BY MR. ROSENBERG:

Q You brought them to the stationhouse, did you? A Yes sir.

Q You and Murphy? A Yes.

Q Murphy got there about the same time as you? A Yes.

Murphy was just coming across the street.

Q What time did you go to the stationhouse? A About twelve minutes after eight.

Q The entry was made in the blotter at that time? A The same time. I got in there that moment.

Q That was 8.12? A About 8.12.

Q Did you see Officer Heitzman there? A Yes sir.

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Q As you got into the stationhouse? A Heitzman had run out.

Q Was Heitzman in the stationhouse when you got there with Frank Strollich? A No.

Q When did you next see Heitzman? A I seen him in about ten minutes afterwards at the desk in the precinct.

Q Did he come there with Mike Zic? A Frank Zic.

Q You took Mike Zic and Strollich to the stationhouse? A Yes.

Q That officer came there with Frank Zic? A Yes.

Q Whomelse did he bring over with him? A I don't remember.

Q But you are sure he brought over Frank? A Yes sir.

Q Did you see him bring over Vincent Zic with him? A Yes.

Q Are you sure of that? A That is right.

Q Did he bring anyone else? A I don't know who he brought there outside of them two.

BY THE COURT:

Q You do not know anything more about the case than you have told us? A That is all.

BY MR. ROSENBERG:

Q By the way, 36 Beach Street is in the middle of the block, isn't it? A It is not the middle; it is nearer Hudson Street.

Q The block, Beach Street between Varick and Hudson, is about how long? A 300 feet.

Q And that would be about 200 feet then from the corner, 36 Beach Street? A About that distance.

BY MR. BOEHAN:

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Q Did you hear any outcries when you turned the corner at Varick and Beach Street, before you went to the stationhouse?

A No sir.

Q Did you see any other men running before your attention was attracted to Mike Lic and the defendant Frank Strolich? A No.

Q How many electric lights are there on either side of Beach Street between Varick and Hudson? A Three.

Q Is there one in front of the stationhouse? A Yes sir, on the corner.

Q Not electric lights, I mean. Are there lights in front of the stationhouse? A Two green lights.

Q Is there any ice plant adjoining the stationhouse? A Yes.

Q Are there any electric lights in front of that place?

A The electric lights are all suspended under a shed.

Q Were they lit on this night? A Yes sir.

Q How many electric lights between Varick and Hudson Street on the south side of Beach Street? A There is two.

Q Where is the one nearest Hudson Street? A Directly opposite. It is on the New York Central freight station.

Q It is on the north side of the street? A Yes.

Q How many electric lights are there on the north side?

A There is three between Beach and Hudson.

Q Is there an electric light near 36 Beach Street? A Yes.

Q How far, and on which side of the street? A On the north side of the street, about 30 feet north.

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BY THE COURT:

Q It is pretty hard to tell the points of the compass; they run rather irregularly there? A Yes.

BY MR. BOHAN:

Q Beach Street runs east and west, doesn't it? A Yes.

BY MR. ROSENBERG:

Q You were on patrol in that immediate neighborhood at Beach Street for a number of years? A Yes.

Q And in that way you became acquainted with Mike and Vincent and Frank Zic? A I never seen them in my life until that night.

BY MR. BOHAN:

Q Although they may have seen you? A Yes sir.

BY MR. ROSENBERG:

Q Didn't you know Mike Zic or Frank Zic? A No sir. They may have seen me going in and out of the precinct, but I did not know them.

THE COURT: We will adjourn until halfpast ten tomorrow morning.

Meanwhile, gentlemen of the jury, remember the admonition the Court gave you, you must not talk about this case with anyone, whether he is a member of the jury or not, and you must refrain from forming or expressing any opinion until you hear all the evidence on both sides. The time for you to decide it is after the Court submits it to you, then you retire and discuss it and not before then. Please be back here at 10.30 tomorrow morning.

(Adjourned to 10.30 A.M., June 13, 1919.)

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Trial continued, June 13, 1919.

M I K E Z I C, recalled for further cross examination,  
testified as follows:

CROSS EXAMINATION BY MR. ROSENBERG (CONTINUED):

Q Mr. Zic, after you caught Frank Strolich on the night of March 22nd how long was it before the policemen Murphy and Wilson got to the scene? A They caught us right away.

BY MR. BOHAN:

Q In the trial of Frank Strolich, the two defendants Pezzulich and Sgelirrach, on the 7th and 8th of last May were brought into this court room, were they not? A No, sir. I did not see them.

Q Do you remember the trial last month of Frank Strolich in this court room? A Frank Strolich was tried.

Q And did you see the two defendants who are now sitting here in this court room while you were a witness in the chair?

A I saw them.

MR. BOHAN: That is all.

G E O R G E W. H E I T Z M A N, an officer of the Fourth Precinct, shield No. 1519, called as a witness on behalf of the people, having been duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. BOHAN:

Q Officer, on the 22nd of March, 1919, were you attached

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to the Fourth Precinct? A Yes, sir.

Q Were you in the Station House about 8 P. M. on the night of March 22nd? A I was.

Q As result of instructions received by your Captain, Capt. Costigan, was it? A Capt. Costigan.

Q Did you make an examination of premises 36 Beach Street? A Yes, sir.

Q What time did you make the examination? A About 8:20; between 8:20 and 8:30.

Q Did you make an examination of the hallway? A Yes, sir.

Q Did you find anything in the hallway? A Yes, sir.

Q What did you find?

MR. ROSENBERG: I object to that. It has not been shown to be connected in any way with these defendants:-- that the condition of the hallway at the time of the finding of whatever the witness did find was in the same condition as it was, if the defendants were in that hallway xxxx at all at 8:20 or 8:30. The alleged robbery was about 8:02.

MR. BOHAN: 8:02 to 8:15 the robbers went through the hall.

Objection overruled and exception taken.

Q Did you find anything in the hallway? A Yes, sir.

Q Please produce what you found .

(Witness produces revolver).

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Q What part of the hall did you find the article?

A Behind the door.

THE COURT: It does not make any difference whether they had pistols or not. If there was a robbery and more than one robber was present it would be robbery in the first degree. It does not make any difference whether they had pistols or not. How does this testimony hurt your client, unless this pistol is connected with the robbery? There has been testimony that there were several guns used, and that there were three shots fired. I will allow this evidence. This testimony <sup>will</sup> ~~may~~ not hurt you, Mr. Rosenberg unless it is connected with the defendant.

MR. BOHAN: I offer it in evidence.

(Revolver marked People's Exhibit 2 in evidence).

Q And did you find any other article at 36 Beach Street?

Objected to. Objection sustained.

Q Did you find anything else in the hallway? A No, sir.

Q Did you find anything else inside of 26 Beach Street?

Objected to and objection sustained.

Q Did you find any articles on the corner of Hudson and Beach Street?

Objected to. Objection sustained.

THE COURT: It is excluded unless you can identify it by some one who was in that room. If you have any

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articles which any of your witnesses will testify were taken from the defendants I will let you put them in evidence, no matter where they were found.

MR. BOHAN: That is all.

CROSS EXAMINATION BY MR. ROSENBERG:

Q What time did you go to that premises 36 Beach Street?

A I went there immediately after the crime was committed, about 8:05.

Q Wasn't it 8:02? A I said about 8:05. Between 8 and 8:05.

Q Didn't you testify at the last trial that at 8:02 you were at those premises? A I said about 8:02.

Q Didn't you say at the last trial, --

MR. ROSENBERG: Your Honor, I want to show that this man at 8 or 8:02 was around these premises and he said he went there by reason of police instinct. Then I want to ask him did he see Vincent Zic and did he talk to Zic, or Mike Zic.

THE COURT: If he can show that any of these witnesses made contradictory statements, you can prove that.

Q Isn't it a fact you left the Station House at 8 o'clock?

A Around 8 o'clock.

BY THE COURT:

Q Have you any memorandum showing when you left? A No.

Q You are giving your best recollection? A Yes, sir.

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BY MR. ROSENBERG:

Q You reached 36 Beach Street at about what hour? A Between 8:02 and 8:05.

Q And you went into the premises? A Yes, sir.

Q And didn't you interview any person in the kitchen of those premises? A No, sir.

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

Q How often have you seen Frank Zic since March 22nd?  
A Probably half a dozen or a dozen times.

Q How often has he seen you, -- about the same number of times? A Yes.

Q How often have you seen Vincent Zic? A About the same number of times.

Q How often have you seen Mike Zic since March 22nd, about the same number of times? A Yes.

Q You were a witness in the last trial? A Yes, sir.

Q And you were in court every day? A Yes, sir.

Q And you saw him every day? A Yes, sir.

Q Each of those witnesses? A Every time I came here I saw them.

MR. ROSENBERG: That is all.

MR. BOHAN: Your Honor, Mr. Murphy is my last witness and he is now in the Grand Jury. With that exception I rest.

MR. ROSENBERG: I will consent that Mr. Bohan may call Officer Murphy later on, and I will proceed with my

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case in the meantime.

MR. ROSENBERG: ( Opens to the Jury ).

(Officer Murphy appears in the court room.)

It is consented by the defendants that the People's case be reopened to hear the testimony of Officer Murphy. . . J A M E S P. M U R P H Y, an officer of the Fourth Precinct, shield No. 656, called as a witness on behalf of the People, having been duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. BOHAN:

Q On the 22nd of March, 1919, this year, were you attached to the ~~fourth~~ Fourth Detective Branch? A I was.

Q That is the headquarters of the Fourth Precinct? A At Beach and Varick Streets, Fourth Precinct.

Q On the evening of March 22nd about 8 P. M. were you? A I was coming north on Varick Street between Stanton and North Moore.

Q Before or after 8 o'clock? A It was just about ten after eight.

Q Where did you come from? A I was patrolling in the precinct.

Q Had you come from the subway before that? A No.

Q Did you see Officer Wilson? A I did.

Q Did you see anyone else with him? A Yes.

Q Who? A The man that was convicted here before.

MR. ROSENBERG: I do not think that is fair.

THE COURT: Strike it out. I will tell the jury to

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disregard that statement. It is alleged that six, seven or eight men were in there and committed the robbery. You must prove that there was a robbery and that these particular defendants were concerned in it. Their guilt or innocence does not depend on the guilt of anyone else.

Q Do you know the name of the men that you saw with Officer Wilson? A Strolich or Stroliger.

Q What is the first name? A Frank.

Q You did not see either one of these defendants? A No.

Q Did you go to the Station House with Officer Wilson and Frank Strolich? A I did.

Q As a result of information received in the Station House where did you go? A I went to 408 West 24th Street.

Q With whom did you go there? A With Frank Zic, John Summers and Detective Collins.

Q What time did you get to 408 West 24th Street? A About half past 9 or a quarter to 10.

Q What floor did you go to? A The second floor. It is a high stoop and then the floor above that.

Q Did you see these two defendants? A I did.

Q What did Frank Zic do --

Objected to and objection sustained.

BY THE COURT:

Q You arrested the defendants? A Yes, sir.

Q Did they say anything to you about this case? A I spoke to them.

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Q Did you speak English to them? A Yes.

Q Did they make any admission of guilt? A No, sir.

Q No man can convict you of crime by asking you questions. That is an elementary principle of law.

CROSS EXAMINATION BY MR. ROSENBERG:

Q Didn't you get the address of Frank Strolich ~~and~~ from Frank Strolich when you arrested him? A Yes.

Q And that is the information you had that led you to the 24th Street house? A Yes.

Q And when you got there, how many men were in the room?  
A About seven or eight.

Q And was the wife of the proprietor there? A Mrs. Nazimovich.

Q And the husband was there? A The husband was in another room lying on the bed.

Q Was he awake? A I don't know.

MR. ROSENBERG: That is all.

MR. BOHAN: The People rest.

DEFENDANTS' CASE.

M A R Y N A Z I M O V I C H of 408 West 24th Street, called as a witness on behalf of the Defendants testified as follows, (through the Interpreter).

DIRECT EXAMINATION BY MR. ROSENBERG:

Q Have you been subpoenaed upon this trial as a witness for the People?

Objected to. Objection overruled.

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A Yes.

Q Did you make your statement to Mr. Bohan?

Objected to and objection sustained.

Q Do you remember the night when these two men the defendants were arrested? A Yes, sir.

Q And that was the Saturday night March 22nd of this year, is that correct? A Yes, sir.

Q Were you home that night in your house? A Yes, sir.

Q Were you home at 5 o'clock and to the time of the arrest? A Yes. I was all afternoon at home until I retired.

Q Did you prepare supper for your boarders that night?

A Yes, I prepared their supper.

Q Did a man named Frank Strolich board at your house? A Yes.

Q And did each of these defendants live at your house?

A Yes.

Q Now, on the night of Saturday March 22nd at about 8 o'clock were these defendants at your house?

Objected to as leading and the question withdrawn.

BY THE COURT:

Q Did you see these defendants there; do you know these men? A Yes.

Q Were they there that night? A Yes.

Q What time did they come there and when did they go away?

A They came in my house after 6 o'clock and they ~~stayed~~ stayed

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there all the time until the detectives came and the detectives stopped them and called them down, to go down the steps.

Q What do you mean by saying stopped them? A The defendants wanted to go out of the house to take some suits that they had bought in a store, and the detectives stopped them going out.

BY MR. ROSENBERG:

Q What time after 6 o'clock did the defendants come home?

A After 6 o'clock.

Q Well, was it 12 o'clock at night they came? A No 5 or 10 minutes after 6.

Q And during the time from 5 or 10 after 6 until they were arrested did the defendants either of them leave the house or leave your presence? A No, sir.

MR. ROSENBERG: That is all.

CROSS EXAMINATION BY MR. BOHAN:

Q You come from the same part of Istria that Pezzulich and Sgelirrach come from? A I came from another village.

Q Does your husband come from the same part of that country? A No, sir.

Q Did you know them in the old country? A No.

Q How long have you known them? A I know Pezzulich for nine months.

Q And the other defendant? A After I got to New York, five or six years.

Q How long have you run a boarding house? A I am not

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keeping a boarding house.

Q Well, a rooming house? A They tore down the house where I was living in Bank Street and I had to move and I could not find anything better and I took that small house in 24th Street.

Q Well, how long did you remain in 24th Street? A Since the 4th of March.

Q How many floors, -- how many rooms have you in 24th Street? A I have two floors. The first floor I live with my family and on the second floor I have five rooms.

Q How many boarders or roomers did you have on the 22nd of March? A About eight or nine men were sleeping in my house. They were striking.

Q Did you ever prepare meals for your roomers? A Regularly I did not prepare food for my roomers, but as they were striking that time they asked me to prepare their food as they did not like to go to restaurants.

Q Were Pezzulich and Sgelirrach on strike? A Yes, sir. All the boat crews were striking.

Q What do you mean by that? A My husband was on strike too.

Q What kind of a strike? A A union strike.

Q A strike on the boats in the river? A Yes, sir.

Q How long had the strike been on? A I don't know.

Q How long had your husband not been working on the 22nd of March? A My husband was working on the ~~Lackawanna~~ Lackawanna. And when those two young men came he took them because he had to stay

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at home to find a lawyer for those young men, and I was sick.

Q How long were these men out of work on the day they were arrested? A Pezzulich came to my house when I moved. He was working before in Germantown.

Q How long had they been on strike? A They were since they came in my house, until they were arrested, out of work.

Q They never worked while they were in your house is that so? A No, they were on strike.

Q What <sup>room</sup> did Pezzulich and Sgelirrach have? A A small room.

Q What floor? A On the second floor.

Q Who else occupied that room? A With Pete Surjan.

Q What room did Frank Strolich have? A He was on my floor in a small room in the corner together with a man named Anton

Q How long had Strolich had the room with you? A Since I moved there.

Q Four months? A Until he was arrested.

Q How long were you in 24th Street? A From March 4th.

Q Did Pezzulich or Sgelirrach live with you while in Bank Street? A Yes, Sgelirrach and Pezzulich know.

Q Did Strolich live with you in Bank Street? A Yes, he slept in one room.

Q You testified on the last trial for Strolich as a character witness did you not? A Yes. He was always good.

Q What time did Strolich leave 24th Street on March 22nd, if you know? A I know.

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Q What time? A After half past 5 he went out of the house.

Q Who went out with him? A Nobody. He went out alone. His brother asked him where he was going as he went out.

Q How do you know that; you were not in the room with him, were you? A I was there. I have there a small kitchen and a big room that is connected, a dining room.

Q Is that where these men were congregated, in the dining room? A Yes, sir.

Q Where were these men arrested, in the dining room? A Yes, sir.

Q They were in that dining room with other men when the police came there, is that it? A The policeman stopped them on the steps as they were going out.

Q On what steps? A That leading to the street, inside of the house.

Q How many men were in the room when the police entered? A Nine or ten men.

Q Give us their names? A Frank Sgelirrach and Frank Pezzulich.

Q Those are the two defendants? A Yes, and Mike Strolich.

Q That is Frank Strolich's brother? A Yes, sir, and Pete Surgan and Anton Jurman and Joe Jurman and Joe Jelovich and Martin Honovich and John Machimovich.

Q Were all those men you mentioned in the litchen and dining room from 5 o'clock until the time the police came in?

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A All of them were in the dining room, only Martin Honovich came after 7 o'clock because he is not living with me.

Q Pezzulich and Sgelirrach had their room on the same floor as the dining room? A Pezzulich was sitting and Sgelirrach was lying on a couch.

Q What room and what floor did Pezzulich occupy? A A room on the second floor.

Q That was not the same floor that the dining room was on, was it? A No.

Q What floor did Sgelirrach occupy? A On the same floor, above.

Q Is it not a fact that none of your roomers occupied any of the rooms on the first floor but that you used that floor for your family? A On the first floor there are three rooms, one after the other. Outside near the steps there is a small room.

Q How did it take for the evening meal, supper? A About half an hour.

Q What time did it commence and what time did the men finish? A I served supper at 6:15 and they ate their supper and afterwards they were sitting around. So I took the plates away and I could not remember what time they got through.

Q How many children have you? A Three.

Q What did you do after the supper was finished? A I washed the dishes.

Q What room did you wash the dishes? A It is all con-

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nected.

Q Is the dining room and the kitchen the same room?

A It is a dining room and kitchen like that (witness indicating).

Q Two rooms or one room? A There are three rooms.

Q Is the kitchen where you wash dishes in the dining room?

A There is one step between the kitchen and the dining room.

Q Is there a doorway there? A No, sir.

Q How big is the kitchen? A From here to the window (witness indicating about 10 feet).

Q What did your husband do after supper was finished?

A I was washing dishes and he was holding the baby.

Q What time did your husband go to bed? A The same time when I retired.

Q What time was that? A Around 11 o'clock.

Q Where is your bed room? A Together where we are dining, eating.

Q Isn't it a fact that your husband went to bed immediately after supper? A He was lying down, he was not feeling well.

Q He was in the bed room? A He was lying down, all dressed up.

Q Can you tell us what these men were talking about during or after supper? A After their supper they were talking about boats and about the strike and about other things that I don't remember.

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Q Do you remember what Mike Strolich was doing or saying?

A He was sitting there. Frank Strolich was out.

Q Do you remember what Mike Strolich was doing? A He was sitting and talking with the other men.

Q Do you remember what he was talking about? A I don't know. As I remember they were talking about the war and boats and the strike.

Q Do you remember what Joe Jelovich was talking about? A I don't know. They were talking among each other.

Q Did you leave the room, the dining room any time between 5 o'clock and 9:30 when the police officer arrived? A I never went out of the house. I was just going between the kitchen and the dining room that was near each other.

Q Did you go up on the next floor any time during that night to fix the beds? A I make the beds in the morning.

Q Did you go up that night? A No, sir.

Q Did you go up that night to see whether any of these men were in their rooms? A Each of them has a key and I don't bother with what they are doing.

Q Did you ever go up on the second floor that night between 5 and half past 9? A No, sir, I did not move from the first floor.

Q Did any man or any woman come in to visit you or any of these men that night? A No, sir, nobody came.

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Q Were there only two men arrested there that night?

A Two men were taken out of my house and Strolich was taken from the street.

Q And nine men were in the room? A I think about nine.

Q They did not take your husband? A No sir.

Q You are a friend of Pezzulich and Sgelirrach, are you?

A I cannot help them. I only can say what is right.

Q You would like to see them get out of their trouble, would you? A They are not anything to me. They are not my relatives, and as they were taken out of my house I look after them.

Q Are either one of the defendants related to your husband? A No.

Q Do you know Leon De Piere? A Yes.

Q Has he ever boarded at your house? A Never.

Q Do you know Ivan De Franzo? A Yes.

Q When was he a boarder at your house? A Never.

Q When was the last time you saw Leon De Piere?

Objected to. Objection overruled.

A That Sunday, the 23rd of March he came to my house. He came in my house and I told him that the defectives have been there and he went right out. He had his head all shaved.

Q How many days did he live in your house? A He never lived in my house.

Q Did he have his moustache shaved off also? A He always is shaving his moustache.

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Q Do you know Tony Tonak? A I don't remember.

Q Do you know Peter Bozgak? A No.

Q Did you see Ivan De Franzo on Sunday morning, March 23rd? A No, only Piere.

Q Did you see him before that, on the night of March 22nd? A No. I saw De Franzo a week before. He was with Frank Strolich.

Q Did Piere or De Franzo ever have a room in your house prior to the 22nd of March? A He never lived in my house.

Q The two defendants and Strolich were friends, were they not? A They know each other but they are not good friends. Frank Strolich used to go always around all alone.

Q Did you ever see Strolich and these two defendants talking together? A Possibly they were talking sometimes when they were eating together but I never saw them after that.

Q Did you see them talking together when you were preparing their meals during this strike? A The men were staying together. I never saw them that way. Did Frank Strolich eat at your house during the strike? A Sometimes he was eating in my house. Sometimes he was out.

Q Isn't it a fact he ate his meals at the same time that Pezzulich and Sgelirrach did? A Yes sir, but not that evening.

Q Isn't it a fact they came from the same part of Istria, the same village?

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Objected to. Question withdrawn.

Q Do you remember anything that Sgelirrach, this man here, said on March 23rd at supper time? A I don't remember anything specially what Sgelirrach. The only thing I know, during supper he said he was very hungry and that he was eating too much and therefore he was feeling tired and wanted to lay down.

Q Do you remember anything that Pezzulich said at supper time? A I don't know anything specially. They were talking about the strike. I don't remember anything.

Q What time did they most come in that night? A Pezzulich came at half past five. Strolich was still at home. Sgelirrach came after six, around six o'clock.

Q How long had Sgelirrach been out that day? A They were out buying some suits with Pete Surjan and Anton Jurman, and they were told to come back at nine o'clock as something had to be fixed on the suit.

Q Had they been out all day? A After dinner they went out to buy suits and they were going around.

Q What time was dinner? A 12 o'clock.

Q Did you give them three meals, breakfast, dinner and supper, for all these men during all the time they were on strike? A I was giving them only the morning coffee, then dinner and evening supper.

Q How many days a week had you been doing that for all these men? A Since they were on strike.

Q How long was that? A Since I came to that house, and

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sometimes they were eating out and sometimes in my house.

Q Did you come to that house on March 4th? A Yes.

Q And this was March 23rd? A Yes sir.

Q And you were making three meals, taking care of them, and taking care of your children and taking care of how many rooms? A I did not prepare the food every day. When my husband was working in the Lehigh Valley and comes home he is helping me at home with the children. The men begged me to prepare their food, as they did not like to go around the restaurant.

Q How old are the children? A 18 month baby, six and 10 years.

Q While these men were on strike did they spend most of their time in your dining room or in the rooms they hired?

A They were going around. They were playing in poolrooms and going around as they pleased.

Q And this Saturday did most of them stay in the dining room or in the other rooms? A They were staying in the dining room, waiting to go out in the store, to take the suits from the store and they were talking among each other.

Q To take what suit from the store? A They had bought some suits around 13 o'clock.

Q You were not with them then, were you? A I was not with them.

THE COURT: Strike out about the suit. The jury will disregard that. We want to know what she had per-

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sonal knowledge of.

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BY THE COURT:

Q Did you see the officers put these men under arrest?

A Yes.

Q Did you see these officers put these men actually under arrest? A Yes, I saw it.

Q Where were they when the policemen arrested them?

A They were in the dining room.

Q Did you not tell me they were on the stairs when they were arrested? A They were outside on the stoop.

Q Then they were not in the dining room when they were arrested? A He turned them back.

Q I asked you at the minute they were arrested when the policemen got them where they were; they were not in the dining room, you say? A They turned about and took them out of the house.

Q Did you see the policemen put them under arrest, the instant the police got them, did you see that act? A No, I did not see that.

Q Why did you tell us you did? A I saw them going out.

Q Did you see the policemen bring them back to the dining room? A Yes.

Q And that is the first time you saw the policemen, when they came into the dining room with these two men? A Yes.

Q You do not know where the policemen got them. They told you they got them outside, is that it? A Yes.

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Q The first time you saw the policemen was when they came into your dining room with the defendants, is that so? A Yes.

Q When was the last time you saw the defendants before that minute? A Two minutes before that.

Q When were the defendants when you saw them the last time before they were arrested? A In the front.

Q What do you mean by the front? A In the dining room I saw them.

Q Were they in their own room? A No, they were in the room where we are eating.

Q And they left the room, and after they left the room the police got them and brought them back to the room, is that so? A Yes.

Q You said that there was only a period of two minutes elapsed? A They were hardly outside of the door.

Q Which door, the street door or the dining room door? A The door on the first steps.

Q Leading down to the street? A The first door that leads from my house to the house door.

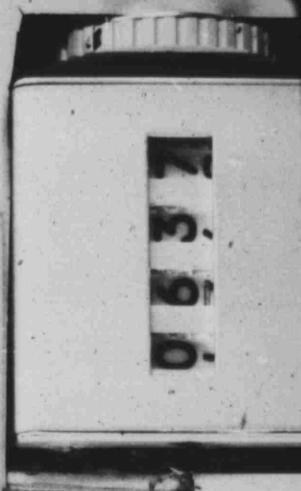
Q Do you mean from the dining room door or from the street door? A They went out of the dining room to go outside of the house.

Q And you do not know where they were when the policemen got them? A No.

BY MR. BOHAN:

Q How many men were brought back by the police officers

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when these defendants were brought back? A Three men.

Q These two defendants and one other man? A Only Sgelirrach and two other men.

Q Do you remember how Sgelirrach was dressed that night?

A He had the suit on he has now on.

Q Did he have a gray shirt on? A He has two or three shirts like that. I don't remember what shirt he had on.

Q A brown colored khaki shirt? A I could not tell you that.

Q What kind of a hat did he have? A He had a cap.

Q Did he have an overcoat? A No sir.

Q How was Pezzulich dressed? A As he is now.

Q What kind of a hat did he have? A He had a hat.

Q What kind of a coat? A I don't know.

Q Did he have a collar and tie on the night he was arrested?

A I could not tell you exactly.

Q Do you know whether De Piere was a friend of Strolich and Sgelirrach? A He knows them, but I don't know if they are friends.

Q Mike Strolich, what room did he have? A He had a room together with Yelovich.

Q Now his brother Frank, did he occupy that room with him?

A No, his brother was with Anton Kruvich.

Q Do you remember what Pezzulich and Sgelirrach did on Friday the day before? A I don't know.

Q Can you tell us anything they did on Thursday, two days

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before this Saturday? A I could not tell you that.

Q Can you tell us anything either one of these defendants did on any other day except March 22nd? A I don't know. They are going around.

MR. BOHAN: That is all.

REDIRECT EXAMINATION BY MR. ROSENBERG:

Q How long were the defendants out of your sight from five o'clock on March 22nd until the time they were arrested?

Objected to. Overruled.

A One or two minutes when they went out.

BY MR. BOHAN:

Q Do you want us to understand you had your eye on Pezzulich and Sgelirrach every minute and every second from five o'clock until the time the officers arrested them, except those two minutes? A I cannot say that, they were all the time in that room, until they went out. I was with the baby around there.

Q Where is the toilet or bathroom? A Around the kitchen. You have to go around the kitchen.

Q Did any one of them leave the dining room that night to go to the bathroom? A I did not see that.

BY THE COURT:

Q Do you know what a bathroom is? A Yes, behind the kitchen.

Q What do you use the bathroom for? A It is all open.

Q What is it used for? A To sleep.

P E T E R S U R J A N, (408 West 24th street), called and sworn as a witness on behalf of the defendants, testified as follows:

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## DIRECT EXAMINATION BY MR. ROSENBERG:

Q What is your business? A Fireman.

Q For what company? A On a boat.

Q What boat? A Lehigh Valley.

Q How long have you been a fireman on the Lehigh Valley boat?

A Six months.

Q How long have you lived at 408 West 24th street? A Around two months.

Q Do you remember March 23rd of this year? A I don't know.

Q Were you home at the time the policeman came?

Objected to as leading. Overruled.

A Yes.

Q What part of the house were you in when the policemen came?

A I was going out of the house.

Q What part of the house were you in when the policemen came, when you first saw the policemen. Were you on the roof or the cellar or where? A I was out in the kitchen. I was in the front of the house.

Q What floor is the kitchen on? A The first floor.

Q You were in the kitchen; are you sure of that? A I was in the middle of the house.

Q What room is the middle of the house? A In the middle room.

Q What other rooms are there on that floor? A Kitchen, and the front room.

Q How can the kitchen be a middle room if there are only two

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rooms? A There is the kitchen, front room and the room where our landlord is sleeping.

Q Then the kitchen is between those two rooms? A Yes.

Q Now which room were you in? A The middle room.

Q In the kitchen, is that what you mean? A No, the kitchen is on the side.

Q Were you in the house at all? A Yes sir.

Q Were you ever in the house? A Yes sir.

Q How many rooms are there on the first floor of that house?

A Three.

Q What are they? A There is three rooms. The kitchen, front room and the room where our landlord is sleeping.

Q Which one of those three rooms were you in when you first saw the policemen, if any of them? A In the middle room.

Q What is the middle room? A The front, where you come in the house.

Q Were you standing up or sitting down or lying down?

A I was sitting.

BY MR. ROSENBERG:

Q Who else was in the room when the policemen came? A All our men.

Q Tell us who they were? A Pete Surjan.

Q Well, that is yourself, isn't it? A Yes, and Frank Sgelirrach and Martin Honovich, George Jelovich, Joe Jurman, Frank Pezulich, John Nachimovich and our landlady.

Q You say these two men were there? A Yes.

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Q What were they doing, standing up or sitting down? A They were sitting.

Q When the policemen came in they were sitting, were they?

A Then we stood up.

Q Were these two defendants sitting in that room when the policemen came into it? A Yes, they were sitting.

Q The other witness said that they were going out of the front door, now which is true? A I told you before we were going out and the policemen stopped us.

Q You said you were sitting down. How could you be sitting down and going out? A But other men were sitting.

Q Did you go out or were you attempting to go out of the house with the defendants when the policemen stopped you?

THE COURT: That is excluded. He said these men were sitting down when the three policemen came in. Ask him if he wants to change that.

Q Do you want to change it? A No sir.

Q Were you sitting down or standing up when you first saw the policemen? A I know what I had to tell.

Q Now, were you on the first floor of those premises on the night of March 22nd, the night of the arrest? A I can't remember.

Q What time did you get home that night? A Around six o'clock. Supper was right after six o'clock.

Q Were you on strike then? A Yes sir.

Q Did you eat supper that night? A Yes sir.

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Q When? A In that house.

Q Who else was up eating supper in that house? A The other men.

Q Can you tell us what the names of the other men were who ate supper at the same table that you did on that night? A I told you before their names.

Q Well, tell them again. A Pete Surjan, the two defendants Frank Pezzulich and Frank Sgelirrach, Joe Jelovich, Joe Jurman, and Nachimovich.

Q How long did it take you to eat supper? A I could not tell you exactly.

Q About how long? A About half an hour.

Q And after you got through eating supper did you go out or did you stay in the room? A We were staying in the house.

Q Up to what time did you stay in the house? A 10 or 15 minutes to nine o'clock.

Q What happened at 10 or 15 minutes before nine o'clock as you say? A I and Frank Sgelirrach and Tony Jurman, we went out, we tried to go out.

Q Where did you go? A We were going out of the house.

Q Were you out of the house? A No, we were near the door of the house.

Q What happened when you got near the door of the house?  
A We wanted to go out and the policemen opened the door and stopped us and asked us where we were living.

Q What did you say? A We told them we were living upstairs.

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Q What happened? A They asked for Frank Strolich.

Q What did you say?

Objected to. Question withdrawn.

Q What happened?

Objected to. Question allowed.

A They asked us if we were living in that house.

Q Well, what happened? A We told them, yes, he has a room in that house.

Q What happened? A Then the detectives said they were going to look for Frank Strolich.

Q What did they do with these two defendants? A Frank Sgelirrach asked them if they want to see Frank Strolich and they said yes.

BY THE COURT:

Q Tell us anything else that Frank Sgelirrach said. A I don't know.

Q Who was with the police officers at the time? A I know only the tall man.

Q What is his name? A I know only the tall detective.

Q Wasn't there some one with the detectives, Frank Zic or Mike Zic? A There was some men with them.

Q They did not arrest you, did they? A No.

Q But they put the other two men under arrest? A No.

Q What did the detectives do? A They were asking only about Frank Strolich and that they were going to look for him downtown.

Q Did not they arrest any one there? A No.

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BY MR. ROSENBERG:

Q Did they take anybody away from the house? A The detectives told us that we are going to see Frank Strolich, and Pezzulich and Sgelirrach went with the detectives.

Q Did the defendants or either of them leave the house from the time that you began to eat your supper until the detectives took them away? A No. We did not go out after supper.

MR. ROSENBERG: That is all.

CROSS EXAMINATION BY MR. BOHAN:

Q How were the men dressed, the two defendants when the officers arrested them? A They had the same suits on that they have now.

Q Did they have the same coats? A I don't know.

Q Did Sgelirrach have the same kind of a shirt that he has on now? A Something like that.

Q Did Pezzulich have a collar and tie on? A Yes.

Q You got home at 10 minutes after six? A Yes, something like that.

Q Did you see Frank Strolich? A No sir.

Q Did you see him that night? A I did not see him that night.

Q Did you see him that day? A No sir.

Q Did you see his brother Mike? A Yes sir.

Q Was his brother Mike in the room when the policemen came there? A Yes sir.

Q You were on strike, you say? A Yes sir.

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- Q What company was on strike? A The Lehigh Valley.
- Q Did Pezzulich and Sgelirrach work with you? A No.
- Q Do you understand my questions in English? A Very little.
- Q Do you come from the same village in Istria that Sgelirrach and Pezzulich come from? A We are not from the same village.
- Q How long do you know Pezzulich? A More than six years.
- Q How long are you in this country? A Six years.
- Q Are you a citizen? A No sir.
- Q What part of Istria do you come from? A Fiume.
- Q Are you related to Sgelirrach or Pezzulich? A No.
- Q How long have you and either one of the defendants lived with Mrs. Mary Nachimovich? A I was living there a long time.
- Q Who lives in your room with you? A Frank Sgelirrach.
- We have the same room.
- Q You mean the defendant Frank Sgelirrach? A Yes sir.
- Q Who else occupies that room? A Nobody. It is a small room.
- Q Had you and Sgelirrach been together there that afternoon?
- A Yes sir.
- Q For how long? A We were all day together.
- Q Did you both come in together? A Yes sir, to take our supper.
- Q Where were you and Sgelirrach during the day? A We were around the city.
- Q Did you see Sgelirrach at any time during the day with

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Frank Strolich? A I did not.

Q Were you at any time that day in the house of Emily Strolich at 826 Greenwich street? A No.

Q Were you ever in that house? A Yes sir.

Q How long before March 23rd were you in it? A Did you ask me if I was in the house of Emily Strolich?

Q Yes. A I was many times there.

Q Were you there during the week of March 23rd? A I can't remember.

Q Do you know Leon De Piere? A Yes.

Q And Ivan De Franzo? A Yes.

Q And do you know Tony Tonak? A Yes.

Q And do you know Peter Bozgak? A No.

Q Did you see any of those men in 408 West 24th/<sup>street</sup>Friday, March 23rd? A No.

Q Were any of those men living or did they have a room in 408 West 24th street during that week? A From what I know they did not.

Q Did you see Leon De Piere on Sunday morning? A Yes.

Q Did you see Tony Tonak Sunday morning? A No.

Q Did you see Ivan De Franzo? A No sir.

Q Have you ever seen Leon De Piere since that Sunday morning? A Yes.

Q Where? A He came to the house where we were living.

Q When? A Before our dinner. We were just getting our dinner.

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Q That was Sunday, March 23rd, was it? A It was Sunday.

Q That was the last time you ever seen him, was it not?

A Yes.

Q Do you speak Italian? A Very little.

Q Do you understand Italian? A Yes, I understand a little.

Q In that boarding house did they speak Croatian and Italian?

A Mostly Croatian.

Q But some of them speak Italian, or spoke Italian, did they?

A We speak always Croatian but sometimes some for foolishness just speak Italian.

Q Can you speak Italian? A I can speak a little.

Q Can you understand Italian if it is spoken to you? A If somebody speaks to me in the Italian language in the dialect they use in that part of Istria there I could understand it.

Q In Fiume? A Yes.

Q How long have you lived in Fiume? A I did not live in Fiume. I was living in Istria.

Q How far from Fiume? A With the boat it takes two or three hours.

Q Did you know Pezzulich and Sgelirrach in the old country?

A Yes sir.

Q Both of them? A Yes sir.

Q Did you ever hear Pezzulich and Sgelirrach talk Italian?

A I do not know.

Q Did you ever <sup>hear</sup>/any one talk to Pezzulich or Sgelirrach in Italian? A I think I heard some one.

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Q Are you related to Pezzulich or Sgelirrach? A No.

Q Did you leave the dining room on March 23rd at any time between 10 minutes after six when you entered and a quarter to nine when you started to go out? A No.

Q Did you see any of the other men leave the room? A Nobody went out.

Q Did any of them go upstairs on the next floor to their own room? A No.

Q Did they go to your room? A No sir, we were sitting around the table.

Q Was your room on the same floor or was your room on the next floor? A The second floor.

Q Where was Mr. Nachimovich? A In the house.

Q Was he in bed sleeping? A No, he was not sleeping.

Q Where was he when the officers came in? A He was in the house.

Q What was he doing? A Nothing.

Q Do you remember anything that was said by Pezzulich or Sgelirrach during the supper time; what were you talking about?

A I don't know, I can't remember.

Q Do you remember anything that was said by any of those ten men during that whole night? A We were talking about the strike.

(At this point Frank Zic and Mr. Summers appear in the court room, and Officer Murphy.)

Q Is this the officer that came there that night (referring

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L to Officer Murphy), or these two men (referring to Frank Zic and Summers)? A I don't know. 84

Q Don't you remember Officer Murphy coming in with two men?

A He came with two men that looks something like these men but I can't tell exactly, because that was the first time I saw them.

Q Do either of these men speak Croatian? A Yes. They did not speak anything.

Q Did you hear what either one of these two defendants said when either one of those men that was with Officer Murphy spoke?

A Pezzulich was talking to the detective.

Q Were all the men in the dining room when the conversation was carried on? A Yes.

Q Did you hear Pezzulich or Sgelirrach talking Croatian?

A No.

Q Did you hear them say anything? A They were talking English.

Q What did they say? A As the detective asked about Frank Strolich, Pezzulich answered him in English.

Q How long was the officer in the dining room when he left with Sgelirrach and Pezzulich? A A very short time.

Q Did any of the men that came with the officer speak any Croatian to any of the men in the room? A I did not hear.

Q Before the officer left, Pezzulich and Sgelirrach, did Pezzulich and Sgelirrach tell you where they were going? A Nobody told me.

Q Did they say what the officer intended to do with them?

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Objected to. Question withdrawn.

Q How long were you on strike? A There were two strikes.  
Each time about 15 days.

Q And were Pezzulich and Sgelirrach on strike? A I think,  
yes.

Q Did you go near your place of business every day? A Yes  
sir.

Q Did Pezzulich and Sgelirrach work at the same place with  
you? A No.

Q During the strike, you would see them during the day time?  
A Yes.

Q Where would you see them? A In the house where I was  
living.

Q That is the only place where you would see them during  
the strike? A We often go outside.

Q How many meals did you eat each day during the strike?  
A I could not tell exactly how many times.

Q Did you eat three meals a day? A No sir.

Q Every night while you were at your room in this 408 West  
24th street, where did you spend most of your time after supper?

A I went outside. Sometimes I retired.

Q Did you spend any time in your room? A Yes sir.

Q When the officer came in, what was Jelovich doing?

MR. ROSENBERG: Objected to as not within the issues.

THE COURT: I think it is proper cross examination,  
allowed.

A Nothing.

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Q Can you tell us what any of the other men in that room were doing outside of Pezzulich and Sgelirrach that night? A We did not do nothing. We were sitting there talking about the strike, what pay and what hours we are going to get.

Q Did any of the men go to the bathroom or toilet that night?

A I don't know.

Q Where was Mrs. Nachimovich between six and nine o'clock?

A In the house.

Q Did she leave the dining room and go upstairs to fix the beds in the rooms? A She fixes the beds in the morning.

Q Did you see her go upstairs on the second floor and go into any of the rooms? A No.

Q Did you see her put the children to bed? A No.

Q Did you see her wash the dishes? A Yes sir.

Q Who helped her? A Nobody.

Q Did any of the men go out and come back during that Saturday evening? A Mike Strollich went out.

Q Who was the first one that the officers spoke to when they came in? A They asked for Frank.

Q Who was the first man they spoke to. Did they talk to you? A No.

Q Did they talk to Frank Pezzulich the defendant? A They were talking with our landlord.

Q Do you mean to Mr. Nachimovich? A Yes sir.

Q Who else did they talk to? A With Frank Pezzulich.

Q And Frank Sgelirrach? A No.

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Q They didn't talk to Joe Jelovich, did they? A I don't know.

Q The only men they spoke to then was the landlord and Frank Pezzulich, is that right? A Yes sir.

Q And after that talk they left the room with Pezzulich and Sgelirrach? A Yes sir.

Q And those two men that stood here before looked like the two men that were in the room at the time the police officer spoke to the landlord and to Pezzulich? A Yes.

Q How long were they in that room? A A short time.

Q You are a friend of Pezzulich and Sgelirrach? A Yes.

Q You would like to help them? A What I could rightly do I would help.

Q You would like to see them get out of their trouble?

A Yes sir.

Q Do you remember what they did the night before, on Friday?

A I don't know.

Q Do you remember where they were Friday afternoon, the day before they were arrested? A I don't know. Everyman is going around about his own business.

Q Can you tell us any place they were, any day that week except Saturday? A They were many times out but I do not know where they went.

Q Where is Mike Strolich? A Here.

Q Is he outside here? A Yes sir.

Q How many times have you spoken to any one about this case

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since March 22nd? A I don't know.

Q Were you down in the court room or outside of the court room every time the case was on during the trial of Frank Strollich? A I was once here.

Q Did they tell you what the witnesses said about Strollich and Pezzulich and Sgelirrach in that trial? A No sir.

Q Do you know what Pezzulich and Sgelirrach are charged with? A They are charged with robbery, because somebody told that against them.

Q Who told you that? A Our men.

Q When was the first time you heard that Pezzulich and Sgelirrach were charged with robbery? A The second time, Sunday.

Q And that is when De Piere and Tony Tonak came to your house before dinner? A Leon came after dinner.

Q Did you go to court at 9th street and 6th avenue the next day, Monday? A No.

Q How many times have you talked about this case with Mrs. Nachimovich and Mr. Nachimovich and Pete Surjan and Mike Strollich and the other men who were with you on March 22nd or who you say were with you? A I cannot tell you that.

Q Are all the men except Pezzulich and Strollich and Sgelirrach still rooming with Mrs. Nachimovich? A Frank Sgelirrach has his room with me.

Q Are the same men now there at 408 West 24th street who were there on March 22nd except Pezzulich and Sgelirrach? A They are working.

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Q But have they all still got the same rooms? A Yes.

Q Does Mrs. Nachimovich prepare the meals for you? A No.

Q Do you still go into that dining room every night? A Yes.

Q Do you talk about this case? A Some times.

Q Did you talk with the lawyer Mr. Rosenberg? A I spoke this morning with Mr. Rosenberg.

Q How many times have you spoken to Mike Strolich about this case? A We were working together. I am not working now.

Q Where does Mike Strolich work? A Lehigh Valley boats.

Q Where was he last month, on the 7th and 8th of last month?

A He was working.

Q What kind of weather was it on March 22nd? A I don't know.

Q Was it cold or snowing or raining? A It was not raining.

Q Can you tell us anything else that happened on March 22nd that you remember? A No.

Q Did you buy a suit of clothes on March 22nd? A That Saturday.

Q Did you buy a suit? A Yes sir.

Q Did you get paid that day? A Yes sir.

Q What did you get paid for; you had been on strike three weeks? A What I had saved before.

Q When did you get paid? A The 15th and the last of the month.

Q The last of February? A The time I was working.

Q How long before the 22nd of March were you paid? A I don't

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know. They pay us every 15th and the last of the month.

Q After the strike started were you paid off? A Yes sir.

Q How long before March 23rd were you paid? A I don't know.

Q How much did you pay for your room, to Mrs. Nachimovich?

A \$8.

Q Did that include board? A No sir.

Q \$8 for the room? A Yes sir.

Q Each man paid \$8. Is that \$8 a week or \$8 a month? A A month.

Q How many men were in your room? A Sgelirrach and I.

MR. BOHAN: That is all.

REDIRECT EXAMINATION BY MR. ROSENBERG:

Q Was Mike Sgellirrach there at the time of the arrest?

A Yes sir.

Q And was the husband of Mary Nachimovich there at the time of the arrest? A Yes, he was in the house.

Q Where were you on Saturday afternoon with Sgelirrach?

A Outside.

Q Did you go to any tailor place?

Objected to as leading. Sustained.

Q Can you tell the Court and jury any particular place that you were with Sgelirrach that Saturday afternoon, March 23rd?

A Yes.

Q Where were you? A On the street.

Q What street? A On 8th avenue and 38th street.

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Q And what kind of a store, if any? A In a store where they are selling suits.

Q Did you buy a suit of clothes? A Yes sir.

Q At nine o'clock, as you say, that you were about to go out of the house, where were you going to?

Objected to. Sustained.

MR. ROSENBERG: May I not show he was going to the tailor?

THE COURT: It is immaterial where he was going. We are dealing with the whereabouts of the defendant.

Q Where did you intend going with Frank Sgelirrach on the night that he was arrested as you indicated at about nine o'clock or a quarter of nine that evening?

MR. BOHAN: Objected to as incompetent and immaterial.

Objection sustained and exception taken.

MR. ROSENBERG: That is all.

THE COURT: Gentlemen of the jury, we will take a recess until two o'clock. In the meanwhile remember that the law forbids you to discuss this case with any one whatever, and you must not form or express any opinion as to the guilt or the innocence of the defendants until you hear all the evidence on both sides. Please be back at two o'clock.

Thereupon the Court adjourned until two o'clock P.M.

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TRIAL CONTINUED

Two o'clock P.M.

P E T E R S U R J I A N, recalled to the stand, was further examined and testified as follows:

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BY MR. BOHAN:

Q You say the ten men all had supper together that night?

A Yes.

Q How were they seated at the table? A Around the table.

Q Who sat next to you? A I don't remember.

Q Where did Pezzulich sit? A Near the corner of the table.

Q Where did Sgelirrach sit? A I am not sure, some where near there.

Q How many sat around the table? A The men that were eating.

Q How many were there? A I don't know, eight or nine men.

Q What did you eat for supper that night? A Pot roast.

Q What else did you eat? A Bread, coffee and beer.

Q What did you eat for lunch that day? A I had lunch in the restaurant.

Q What did you eat for lunch that day? A I don't know.

Sometimes I get my lunch in a restaurant, sometimes in saloons.

BY THE COURT:

Q What did you have that particular day on the 23rd of March?

A I don't know.

Q Do you know what you had for supper then? A I know what we were eating then.

Q Do you have a pot roast every night in the week? A No.

BY MR. BOHAN:

Q What did you have Friday night, the night before, for supper? A I could not remember.

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Q But you do remember that you had pot roast on Friday night?

A Yes.

Q Do you remember what you talked about at the supper table?

A We were talking about the strike.

Q What did you have the next day for Sunday dinner? A Soup and meat.

Q Do you have your principal meal at midday or at night?

A It is all the same.

MR. BOHAN: That is all.

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M I K E S T R O L E G O, of 408 West 24th Street, called as a witness on behalf of the defendants, having been duly sworn, testified as follows: (Through the Interpreter Mr. Ucas).

DIRECT EXAMINATION BY MR. ROSENBERG:

Q How long have you lived at 408 West 24th Street? A I think since the first of March.

Q What is your business? A Fireman.

Q For what company? A Lehigh Valley Railroad.

Q Are you on the railroad or are you on the boats? A On the boats.

Q How long have you been a fireman on the boats for the Lehigh Valley Railroad? A Seven months on this boat.

Q Do you remember the night the detective took these defendants from the house at 408 West 24th Street? A Yes, I remember very well.

Q That was on the Saturday night, was it? A Yes, sir.

Q What time did you get home that night? A After half past five.

Q How long after half past five? A It was about 15 minutes to 6.

Q From 15 minutes to 6 on that night where <sup>were</sup> you until the policemen took the defendants away from the house? A I was all the time in the house.

Q Where did you eat your supper that night? A In that house.

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Q On what floor did you eat your supper? A On the same floor where we are living.

Q What room do they call it? A That is the room in the middle of the house.

Q Who served the supper? A Our landlady.

Q Can you tell us the name of some of the people who were at the supper table eating supper that night? A Yes. I am the first one, those two men the defendants, Jelovich, Pete Surjin, Tony Jurman, and Joe Jurman. There must have been more men, but I can't remember now.

Q Was the boss there, the husband of Mary Nachimovich?

A Yes.

Q Did he have supper there too? A Sure.

Q Did the defendants or either of them leave the house at any time from a quarter to six when you got there until they left with the policemen? A They did not leave the house from 15 minutes to 6 up to the time when they left to go with another man to take the suit and then the policemen stopped them and brought them back.

MR. ROSENBERG: That is all.

CROSS EXAMINATION BY MR. BOHAN:

Q You are the brother of Frank Strolich who was arrested and tried in this court room last month? A Yes.

Q You did not appear as a witness? A No, but --

Q Please answer the question.

MR. ROSENBERG: Let us have the answer.

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THE COURT: I do not see how it is material. He may not have known anything about his brother. The less reference there is to the last trial, the better. The only purpose for which you can properly refer to it is for the purpose of showing that someone who testified in that case gave different testimony in this case.

Q Are you related to either one of these defendants?

A No.

Q What room did you have? A I didn't have a room, a steady room as I am living on the boat. When I come on shore then I go to my countrymen.

Q How many nights did you sleep in 408 West 24th Street during the week ending March 22nd? A Seven days.

Q Did you stay there every night for seven days preceding March 22nd? A Yes.

Q What room did you sleep in? A Upstairs.

Q Who slept in that room with you? A Another man that was on there because of the strike.

Q What was his name? A Marcus Skarlis.

Q Were Pezzulich and Sgelirrach's room on the same floor with you? A Yes.

Q Did you take your meals in this house also? A If we ask our landlady to prepare food for us, I took it there.

Q Were you on strike? A Sure.

Q How long were you on strike? A There were three times a strike.

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Q How long was the strike in operation before March 22nd?

A I think the strike lasted 22 days.

Q So that you had not been working for 22 days before March 22nd? A I could not have worked because there was a strike along in the harbor.

Q Were either of these two defendants working with the same company you were working with? A No.

Q Do you come from the same village in Istria that the two defendants come from? A No.

Q Did you know them in the old country? A Yes, sir.

Q How long do you know Pezzulich? A 18 years.

Q How long do you know Sgelirrach? A 11 Years.

Q Do you understand Italian? A No, sir.

Q Do you speak any Italian? A No, very little, a few words.

Q What part of Istria do you come from? A Fiume.

Q Do they speak Italian in Fiume? A Yes. There are five or six languages spoken there.

Q Where were you on the afternoon of March 22nd? A I was going from the house in a saloon.

Q Were you with either of the defendants on the afternoon of March 22nd? A Yes, I was with Frank Pezzulich.

Q Where were you with Frank Pezzulich in the afternoon?

A We were some time in the saloon and then we went to 828 Greenwich Street to visit a cousin.

Q Is your cousin Emily Strolich? A Yes.

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Q You went there with the defendant Pezzulich? A Yes, sir.

Q What time did you go there and what time did you leave 828 Greenwich Street? A We went there around 4 o'clock and we left after 5 o'clock. I could not tell exactly what time.

Q Isn't it a fact you left there with your brother Frank Strolich? A No. When the detectives went out with those men I went after them.

Q But in the afternoon did you see your brother while you were with Frank Pezzulich at your cousin's house in 828 Greenwich Street? A I found him in the house when we came there.

Q Did you leave your brother there or did you leave your brother and Frank Pezzulich there? A My brother went out alone.

Q When you went to 408 West 24th Street you got there at a quarter to 6, -- did you go to your room? A When I went to the house I went right straight in but I don't have a room there.

Q Did you go in that room that you slept in during that week before you had your supper? A No. I sat down at the table right away and we got supper.

Q Who was at the table? A Seven or more of our men.

Q How long did it take to eat your supper? A Around three-quarters of an hour, and then we sat around talking.

Q What did you eat for supper? A Rabbit.

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Q What kind of rabbit? A Tame rabbit.

Q Are you sure it was rabbit? A Yes, rabbit.

Q Did you have rabbit any other night that week? A What we order the landlady to serve for us.

Q Who ordered the rabbit? A All our young men.

Q Who bought the rabbit? A Our landlord.

Q Did you have rabbit any night before that? A Yes, many times.

Q Every night? A No, sometimes.

Q What did you have the night before for supper? A I don't remember.

Q What did you have for dinner the next day, Sunday?

A Soup and chicken.

Q What did you talk about at the dinner table? A We were talking where we could get better work.

Q Did anybody go to bed after supper? A No.

Q Did Mike Nachimovich the husband of your landlady go to bed? A No.

Q Did he remain at the table? A Sure.

Q What time did the police officer come in? A Between 8 and 9 o'clock.

Q Before he came in did anybody remain seated at the table? A We were sitting around the table and then some young men started to go out to take some suit.

Q Which ones started to go out? A Frank Sgelirrach and Surgin and Tony Jurman.

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Q Did you all remain seated at the table from the time supper was finished up until the time the policemen came in?

A We were sitting around the table. Only the men that had to go out to take the suit, they prepared to go out.

Q Did anyone of the men who had supper with you leave the room up until the time the policemen came in?

A No, sir.

Q What was Mrs. Nachimovich doing? A Washing dishes.

Q Was she in the same room washing dishes? Or in the next room? A She was in the next room. There is a door open that is connecting the two rooms.

Q Where was Mrs. Nachimovich's children? A The father was playing with them.

Q Did anyone leave the room and go to the toilet? A No, sir.

Q Did anyone leave the room and go upstairs? A No.

Q How was Frank Pezzulich dressed that night? A Just as he is now.

Q Did he have a collar and tie on that night? A Yes.

Q How was Sgelirrach dressed? A The same shirt and the same things he has on now.

Q The same tie and the same shirt? A Yes.

Q Did he have a cap? A Yes, sir.

Q Did you have your picture taken with Frank Pezzulich?

A No, sir.

Q Did you ever have your picture taken in a cowboy's uni-

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form with Frank Pezzulich? A Yes, Sgelirrach.

Q Did you ever own a gun, revolver? A Yes, I had a cowboy revolver.

Q Did you own it while you lived in 408 West 24th Street?  
A I don't know.

Q When did you own that revolver? A Never.

Q Where did you get the revolver that you had your picture taken with? A You get that revolver, ~~with~~ that funny (phony?) revolver when you get your picture taken.

Q How many people came in with the officer? A Four  
whom I recognized  
men came, of ~~which~~ the tall detective.

Q Are all the men that came in that night outside in the hallway now? A I don't recognize anybody only the four detectives.

Q Look at that man (indicating Frank Zie): did you ever see that man before today? A The first time I saw him was in the small court.

(At this point Mr. Summers enters the court room).

Q Look at this man (indicating Summers) did you see that man in the dining room in 24th Street? A I could not remember that. When I saw the man the first time, I could not remember.

BY THE COURT:

Q You will not swear that they did not go there with the officer will you? A I cannot swear that. I don't know if they were those men.

BY MR. BOHAN:

Q How many men came in with the officer? A Four men came

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in. I don't know who else.

Q That is four men including the officer? A There was two detectives and two other men. I know four men came. I don't know if there were more or less.

Q How long after Frank Sgelirrach and Anton Jurman and Pete Jurman left the dining room did the officer come in with the four men? A Less than a minute.

Q Where was Frank Pezzulich when the officer came in and what was he doing? A He was sitting, and when he saw the policeman he stood up.

Q What did he say? A Nothing.

Q Did the officer or any of the men talk to him? A Yes, sir.

Q Did he say anything to them or to anyone after they spoke to him? A No.

Q Did any of the men that were with the police officer speak ~~in~~ Croatian? A No.

Q Did you hear anything that Sgelirrach said to the policeman in the dining room? A No.

Q But these four men were in the dining room with the policeman? A Yes.

Q How long were they in there before they left? A I think they stood there about ten minutes.

Q Who left with them? A Frank Pazzulich and Frank Sgelirrach.

Q Do you speak Croatian? A The same language I speak now

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Q Do you understand any other language? A No, sir.

Q You are a friend of Pezzulich and Sgelirrach, are you?

A I am a friend.

Q You would like to help them? A If I could help them I would because they are good, honest men.

Q When did you first learn that Sgelirrach and Pezzulich were arrested? A The same night.

Q Who told you? A Tony Kreulich.

Q Are you still living at 408 West 24th Street? A I am not living there. When I come to visit them I go there.

Q How many nights a week on an average do you eat and sleep in 408 West 24th Street? A Sometimes in three months I never come there.

Q How many times have you slept and eaten in 408 West 24th Street since March 22nd? A About seven times.

Q Have you talked about this case at 408 West 24th Street when you had your meals, or at any other time? A We were talking that those men that are tried are both honest, and that the real culprits are out.

Q You know Leon DePiere? A Yes.

Q Do you know who the real culprits are? A I don't know.

Q Do you know De Franzo? A Yes, sir.

Q Do you know Tony Conak? A Yes, sir.

Q Do you know Peter Bozgak? A I don't know.

Q Did you see De Piere, De Franzo or Tonak on Saturday,

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