

START

1491

CASE

CASE #1491

-: INDEX :-

	Direct.	Cross.	Re-D.	Re-C.
Virginia Garrison,	2	9		
William Travers Gibb, W.D.,	49	50		
Jennie Ambrosini,	53	58		
Max Wald,	73			
Benjamin Samuels,	74			
Stamione Constantino,	75			
Antonio Vetro,	76	77		
Jim Vetro,	83			

CASE #1491

COURT OF GENERAL SESSIONS OF THE JUDGE,
CITY AND COUNTY OF NEW YORK, PART II.

1604

THE PEOPLE OF THE STATE OF NEW YORK:

-against- Before
HON. WARREN W. PORTER, J.,
and a Jury.

JIM VETERO.

New York, February 16th, 1912.

Indicted for Rape in the Second Degree, Assault in the Second
Degree and Abduction.

Indictment filed January 16th, 1912.

APPEARANCES.

For the People,

ASSISTANT DISTRICT ATTORNEY V. CHANNON PRESS.

For the Defendant,

JAMES E. SHANKS, Esq.

A jury was duly impaneled and sworn.

James E. Lynch,
Official Stenographer.

CASE #1491

VIRGINIA GARRISON, called and duly sworn as
a witness on behalf of the People, testified as follows:
Residence 11 Morton street.

DIRECT EXAMINATION BY MR. PERSS:

Q Where did you live, Virginia, two weeks before Thank-
sgiving?

MR. BRAUER: Objected to as leading.

Objection overruled. Exception.

A 11 Morton street.

Q Do you know a girl by the name of Jennie Ambrosini?

A Yes, sir.

Q Do you go to school? A Yes, sir.

Q What school were you going to two weeks before Thank-
sgiving?

MR. BRAUER: Objected to as incompetent, immaterial
and irrelevant, and not bearing upon the issue.

Objection overruled. Exception.

A Public School 3.

THE COURT: You need not pursue that line further.

MR. PERSS: No, your Honor.

Q Where did you meet Jennie Ambrosini first? A At the
school.

Q Do you recollect two Sundays before Thanksgiving?

A Yes, sir.

Q On that day did you see Jennie Ambrosini? A Yes, sir.

Q At what hour on that day did you see her?

MR. BRAUER: Objected to as incompetent, immaterial
and irrelevant, and not bearing upon the issue upon which
we are being tried.

MR. PERSS: Coming right directly to the issue, your
Honor.

Objection overruled. Exception.

A Half past four.

Q Where did you meet her? A At her house.

Q Where is her house? A 111 Christopher street.

Q From there where did you go? A Down to see the mov-
ing pictures, to see what it was going to be.

Q Where was that moving picture show? A On Elecker
street.

Q Do you know near where or what the number was?

A I don't know the number, but I know it was on Elecker
street.

Q Now, while there did you see this defendant? A Yes,
sir.

Q At the time that you saw him first what were you doing?

A We were looking at the moving picture signs.

Q When you say "we" do you refer to yourself and Jennie
Ambrosini? A Yes, sir.

Q What did the defendant say to you? A He said to us

where were we going. So we said we were going home to get
some money to go to the moving pictures, and he said, "Take
this quarter and go," he said, "never mind going home".

Q Did you take the quarter? A Yes, sir.

Q Where did you go after you got the quarter? A To the
moving pictures.

Q That same place where the bill-boards were? A Yes, sir.

Q When you came out of the moving picture show did you see
the defendant? A No, sir.

Q When did you next see the defendant? A The Sunday
after.

Q Was that the Sunday immediately before Thanksgiving?
A Yes, sir.

Q What time of the day was it that you saw him on the
second occasion? A About half past four.

Q Were you going into the moving picture show or coming
out? A Coming out.

Q What did the defendant say and what did you say to him?

A He said to us where were we going, so we said "home". He
said "We must come to see him sometime" and we said we would.
So that evening at seven o'clock --

Q One moment, did he tell you where he lived? A Yes,
sir.

Q Do you recollect the address that he gave you? A Yes,
sir.

Q What was the address? A 16 Sixth avenue, by Third street.

Q And after that did you go home? A Yes, sir.

Q Now, did you later that evening see your friend Jennie Ambrosini? A Yes, sir.

Q At what hour? A At a quarter to seven she came to my house.

Q At your house? A Yes, sir.

Q What did you do? A She called for me and we took a walk and we said for the fun we would go up there.

Q Up where? A Up to this house.

Q 16 Sixth street or 16 Sixth avenue? A Yes, sir.

Q Now, just describe to his Honor and the jury what you did when you got to this place, what kind of house it is and how you got to it? A We went up to this house, we knocked at the top floor door.

Q How many flights of stairs did you go up? A Two flights of stairs.

Q And you knocked at the door? A Yes, sir.

Q Did any one open the door? A The gentleman opened the door.

Q What gentleman? A Jim Vetro.

Q This man here, the defendant? A Yes, sir.

Q What did he say to you and what did you say to him?

A He said to come in and we went in.

CASE #1491

Q After you went in what did he do? A He locked the doors downstairs and he locked the upstairs doors.

Q Then what kind of place were you in? A There was all tables and machinery and all coats on the tables.

Q Yes, now did you stay in that room? A No, sir.

Q Where did you go? A He told us to go into the next room.

Q And what was in that room? A In that room there was a folding bed and a box and a chair.

Q Where did you seat yourselves? A I sat myself on the chair.

Q Where did your friend Jennie Ambrosini seat herself?

A On the box.

Q Where did the defendant seat himself? A On the bed.

Q Now, what was the first thing he did? A He told the girl to come over.

Q What girl? A Jennie Ambrosini.

Q Yes? A And she did not want to, so he said he would not hurt her, so he pulled her over by the coat.

Q Pulled her over where? A By the coat.

Q By the coat? Go on, tell your story? A So he asked her to take down her drawers and she did not do it. So he opened the side and then he done wrong to the girl.

THE COURT: Strike that out.

CASE #1491

Q How long after that did he do anything to you? A Half an hour.

Q About half an hour after? A Yes, sir.

Q Now, tell us just exactly what he did to you? A He told me to come over to him. So I didn't want to and he pulled me over too and he said "As long as the other girl does it I should do it too." So I went over and then he pulled me over by the coat too and he took down my underdrawers and he done wrong to me too.

THE COURT: Strike out "he done wrong to me too."

Q What do you mean, he did to you? A He put his thing in me.

Q After that what did you do? A I put on my coat and we were going downstairs and he says "Wait a minute, I want to give you something." So we wanted to go down and he says, "Take this" and we didn't take it. So he handed us each a collar and he would not open the doors unless we took it and went down.

Q Were you ever married to this defendant? A No, sir.

Q What age are you? A 15 years old.

MR. BARNES: Objected to.

THE COURT: Overruled. Exception.

Q When was your last birthday? A My last birthday was September 28th.

Q On that birthday you were 14, you say? A Yes, sir.

CASE #1491

MR. WAHDE: That is objected to again.

Q September 26th, 1911? A Yes, sir.

Q Is this place No. 16 Sixth Avenue in the County of New York? A Yes, sir.

Q Now, when did you next see the defendant, this man here? A I don't understand you.

Q When did you next see the defendant, when after that did you see him, or when you were leaving his place did he say to you anything about calling again? A Yes, sir, he said that we should come up Thanksgiving and we didn't go. We promised we would but we didn't go.

Q Did he say anything to you about telling any one?

A Yes, sir, he said we should not tell whom.

Q When after that was it that you saw him again?

A One day I was going up to the 11th Street Store and he was coming, he called me over, so I went over and spoke to him.

Q What did he say to you? A He said was this girl friend of mine making up there and I said her mother didn't want her to go out or go any place like that.

Q What did he say? A He said all right, he says take this question, go away.

Q Did he say anything to you about telling any one at that time? A He asked me did I tell anybody and I said yes, I did tell.

Q Then when did you see him after that? A I didn't see

him no more.

Q Didn't you see him afterwards when he was in the custody of the officers? A Oh, yes, sir.

Q That was the next time that you saw him? A Yes, sir.

Q Where have you been for the last two weeks? A I was in the Washington Square Home.

Q Living at the Washington Square Home? A Yes, sir.

Q Is your mother alive? A No, sir.

Q Is your father alive? A No, sir.

Q With whom do you live? A My sister.

Q Her name, please? A Isabel Salan.

INQUEST EXAMINATION BY MR. WAHDE.

Q Who is Isabel Valan? A My sister.

Q How old is she married? A Yes, sir.

Q How many children? A None.

Q Did Isabel Valan permit you to stay out late at night?

A No, sir.

Q How late did you stay out at night? A Half past nine.

Q When did you first meet the defendant, you say?

A On Eleventh Street, two weeks before Thanksgiving.

Q Two weeks before Thanksgiving? Now, how did you fix that in relation that it was two weeks before Thanksgiving?

A Because we remember that he told us to come up Thanksgiving.

Q Well, what day was it on, two weeks before Thanksgiving,

do you remember?

MR. WAHDE: What day, what? I object.

Q Was it the fifth of the month, sixth of the month, seventh of the month or tenth of the month?

MR. WAHDE: I object.

THE COURT: When you get through with this question then we will rule on it. If the witness understands

the question and can answer it she does not, she may

answer.

A I don't know what date it was on.

Q Well, how do you fix it was two weeks before Thanksgiving?

A Because I remember he said to come up Thanksgiving, and was it in the middle of the month that you met him? A No, sir, it was on a Sunday.

Q Right, you said it was two weeks before Thanksgiving,

didn't you, a Yes, sir.

Q Now, two weeks before two weeks, don't you know that?

A Yes, sir.

Q So that two weeks before Thanksgiving would mean that

you met him two weeks before Thanksgiving, wouldn't it?

A Yes, sir.

Q Is he still living? A Yes, sir.

Q Now you know that, do you understand the question?

A Yes, sir.

CASE #1491

CASE #1491

CASE #1491

Q Two weeks before Thanksgiving means two weeks before Thanksgiving, you know that? A Yes, sir.

Q And he told you to come up on Thanksgiving Day, didn't he? A Yes, sir.

Q That's right, so that you met the defendant on a Thursday, didn't you? A No, sir, it was on Sunday evening we met him.

Q You just said two weeks before Thanksgiving: now, Thanksgiving falls on what day, if you know? A The 30th.

Q On Thursday? Now, if you know so much that Thanksgiving falls on Thursday, and you have said two weeks before Thanksgiving, how didn't you meet him on Thursday? Thanksgiving is on Thursday, isn't it? A Yes, sir.

Q You know that, do you not? A Yes, sir.

Q If you do not, say so. Now, how what day Thanksgiving is on? A Yes, sir.

Q What day is it on? A Thursday.

Q Now, you say you met the defendant two weeks before Thanksgiving? A Yes, sir.

Q That's right? A Yes, sir.

Q I go then to meet him on Thursday, two weeks before Thanksgiving, now, is that so? A Yes, sir, two weeks before, but I don't know. I think it was on Sunday I met him.

Q Sir, just wait and think. Now, don't give us any guess. A I know it was on Sunday that I met him.

Q Well, but you don't know what Sunday it was, do you? A I know it was two weeks before Thanksgiving, though.

Q And who has been talking to you about this case since you have been in the Washington Home? A Mr. Pisarra and Mr. Press.

Q And Mr. Pisarra and you went over this case quite some times, haven't you? A Yes.

Q And you got this into your head from Mr. Pisarra about two weeks before Thanksgiving, didn't you? A No, sir.

Q When did you first state two weeks before Thanksgiving? A I don't know. Mr. Pisarra, two weeks before Thanksgiving.

Q What do you mean by saying two weeks before Thanksgiving? A I mean that was when I met him.

Q You did not know this man, did you? A No, sir.

Q He did not know you? A No, sir.

Q And you say that you and this girl were standing on the street, is that right? A Yes, sir.

Q And he came over and said something to you? A Yes, sir.

Q And that he afterwards gave you 25 cents? A Yes.

Q And that you took the 25 cents? A Yes.

Q And you went in to see the show? A Yes.

Q With your friend? A Yes.

Q And he walked away? A Yes.

Q And nothing more was said, is that right? A Yes, sir.

Q And nothing more was done? A Yes, sir.

Q And you and this girl friend of yours went into this moving picture show? A Yes, sir.

Q Were you permitted to go in there without a guardian?

A No, sir, we asked a lady to take us in.

Q Who was the lady? A I don't know the lady.

Q Had you been in that show before? A Yes, sir.

Q You had been in there before? A Yes, sir.

Q How many times had you been in that show before,

Bleeker street and Thompson street? A I went with my sister there.

Q What? A I went with my sister twice there.

Q Oh, Mrs. Walsh? A Yes, sir.

Q And with the Ambrosini girl? A No, sir.

Q Were those the only two times you went there, with your sister Mrs. Walsh? A No, sir, I went with this girl two times about.

Q You went with another girl two times? A No, with Jennie Ambrosini.

MR. PRESS: She said "with Jennie Ambrosini".

MR. BRAUER: Now, I am examining this witness.

Q Who was the girl you went there two times before with? A Jennie Ambrosini.

Q That is, before you met this defendant? A Yes, sir.

Q When you went with Jennie Ambrosini who did you get the money from? A My sister.

Q Your sister used to furnish you with money? A Yes.

Q And you don't know who furnished Jennie's money?

A No, sir.

Q Sure about that? A Yes, sir.

Q Where did you say Jennie lived? A 111 Christopher street.

Q 111 Chrystie street? A Christopher street.

Q And you lived in Morton street? A Yes, sir.

Q After you say that you went in to see the show, after receiving 25 cents from the defendant, what did you do, did you come out of the show afterwards? A Yes, sir.

Q What did you do after that? A We went home.

Q Directly home? A Yes, sir.

Q And no appointment was made with this defendant and you? A No, sir.

Q Was the other girl? A No, sir.

Q No then you say on another occasion you accidentally met again? A Yes.

Q When was that? A That was two Sundays before.

Q When? A That was one Sunday before Thanksgiving.

Q That was the Sunday before Thanksgiving? A Yes.

Q Now, if it was the Sunday before Thanksgiving how many days was it before Thanksgiving? A It was a week before

CASE #1491

Thanksgiving.

Q You just said to this jury it was the Sunday before Thanksgiving. Now, you remember that? A Yes.

Q Now, how many days is that before Thanksgiving?

MR. PERKS: Is not that a matter of computation?

MR. FRANK: Now, your Honor, I want no refreshing of the memory of this witness.

THE COURT: Mr. Brande, let me suggest that you cultivate a different manner in making your statements.

MR. PERKS: The child says it was the Sunday before Thanksgiving, your Honor. She has stated that Thanksgiving was on a Thursday.

MR. FRANK: Now, you see, your Honor, there it goes again. I object to the District Attorney leading or making any statement before the witness which will go to have her answer the way he wants her to answer.

THE COURT: When you gentlemen finish I will rule.

Objection overruled.

BY THE COURT:

Q Answer, if you can? A It was four days before Thanksgiving.

BY MR. FRANK:

Q Now, we have got it. Now, when you met him the four days before Thanksgiving, where was it? A It was on Bleecker street.

CASE #1491

Q At the same place? A Yes, sir.

Q Although you had no appointment? A No, sir.

Q No arrangements? A No, sir.

Q And accidentally met again? A Yes, sir.

Q And then he spoke to you again? A Yes, sir.

Q Did you see him first or did he see you first, do you know? A We saw him first, but we didn't talk to him first.

Q Where was he when you first saw him? A On Bleecker street.

Q Near what street? A Coming off like down a stoop and he was walking down.

Q Coming off down a stoop, what stoop? A In a safe place.

Q Well, is that on the same side as the moving picture house? A No, sir, on the other side.

Q Were you on the opposite side? A We crossed over and walked up.

Q What side were you on when you first saw the defendant, on the moving picture side? A On the moving picture side.

Q What were you doing there? A We came out of the moving picture.

Q Did you had been in the moving picture already? A Yes, sir.

Q What time had you got in the moving picture show that

CASE #1491

day? A We went there about half past three and come out about half past four.

Q Half past three? A Yes, sir.

Q And got out about half past four? A Yes.

Q And you were walking up? A Yes.

Q And you saw the defendant on the other side? A Yes.

Q Coming down a stoop, you say? A Yes.

Q And you and your friend walked over to the other side?

A Yes.

Q What, to speak to the defendant? A Well, we wanted to speak to him. We didn't know he was --

Q What is that? A We wanted to speak to him.

Q What did you want to do? A We spoke to him, we said, "Hello".

Q You went over to speak to him? A Yes, sir.

Q And what did you say to him? A We said "Hello".

Q You went over to speak to him and what did you say to him? A We just said "Hello".

Q Yes, and then what? A That's all we said.

Q That is all was said "hello"? A Yes.

Q And you went away? A No, sir.

Q What else took place? A He said to us, "Where are you going?" We said "We are going home." He says, "You must come up to see me some time." We said we would. So that evening the girl called for me and we went up. We said we would

CASE #1491

go up for the fun of it.

Q The defendant told you to come and see him some time?

A Yes, sir.

Q And you said you would? A Yes.

Q Made no date? A No, sir.

Q No particular time? A No, sir.

Q No time specified? A No, sir.

Q And you left? A Yes, sir.

Q He went his way? A No, he told us his number where he lived.

Q Well, he told you where he lived? A Yes, sir.

Q And after that was done you went your way? A Yes, sir.

Q And he went his way, is that right? A Yes, sir.

Q Now, when did you next see the defendant? A We saw him in his house.

Q Where? A Up in his house that night.

Q What night? A The same night.

Q What night was that? A Sunday night.

Q Do you remember the day of the month? A No, sir.

Q You don't remember the day of the month? A The 26th.

Q The 26th? A Yes, sir.

Q Why did you go away the 26th? A Because I remember it.

Q Now, wait a moment. Let me have that complaint. You are sure it was not the 3rd day of December, are you? A No.

CASE #1491

sir.

Q Sure about that? Was something said in the Police Court by you about its being on the 3rd day of December?

A No, sir.

Q Sure about that? A Yes, sir.

Q You signed the affidavit, didn't you? A Yes, sir.

Q Do you know what you signed? A Yes, sir, I signed to tell the truth.

Q I am, do you know what was in the paper? A No, sir.

Q You don't know what was in the paper? A No, sir.

Q You signed something that you don't know what you were signing, is that right? A Yes, sir -- no, sir.

Q I asked you, you signed the paper, didn't you, up in Court? A Yes.

Q When you signed that paper did you read it? A No, sir.

Q Apparently not to be sure? A No, sir.

Q You don't say you don't know what you signed, do you? A Yes, sir.

Q What? A Yes, sir.

Q Now, wait a moment. Do not say yes, sir, we don't know what you signed. You don't know what was in the paper?

A I don't understand what you are saying.

Q In Jefferson Market Court, that is up on Sixth Street, you know where that is? A Yes, sir.

CASE #1491

Q Were you brought in before the clerk, do you remember that? A Yes, sir.

Q And there Mr. Pisarra or some other officer who had you in charge asked you to sign a paper? A Yes, sir.

Q And you did sign the paper? A Yes, sir.

Q And you were asked to raise your right hand? A Yes, sir.

Q Whether you were telling the truth or not? A Yes, sir.

Q When you signed that paper had you read what was in the paper? Do you know how to read and write? A Yes, sir.

Q Now, if you know how to read and write, did you read the paper before you signed it? A No, sir.

Q Did anybody else read it to you? A No, sir.

Q So that you signed the paper and you didn't know what was in it, is that right? A Yes, sir.

Q Now, as far as -- is that your signature (indicating)? A Yes, sir.

MR. STANLEY: Your Honor, the pleadings are always in evidence, but I will offer these papers in evidence so that I can refer to them.

MR. STANLEY: No objection.

Placed Defendant's Exhibit A1.

Q When you were before the clerk there in the Police Court, Virginia? A Yes, sir.

Q Did you hear Mr. Pisarra state to the clerk that this happened on the 3rd day of December? A No, sir.

Q Nothing was said about that at all? A No, sir.

Q No mention made of it whatsoever? A No, sir.

Q Sure about that? A Yes, sir.

Q And that afterwards it was changed to the 30th day of November? A Yes, sir.

Q Is that right? A Yes, sir.

Q But no, so it was changed from December 3rd up to the date of the 30th of November? A Well, that was the date I met the man, the 30th.

Q What I want to know is this, Virginia, I see it on the papers here, on the 3rd day of December came into play in this case, do you know anything about it? A No, sir.

Q Did you ever make mention of that fact to Mr. Pisarra? A No, sir.

Q When did you next see the defendant? A I was the Sunday before Thanksgiving, or after this -- I don't understand what you mean.

Q Do you remember the day that this sexual intercourse took place, do you remember the date? A Yes, sir.

Q Was it on the 30th of November or the 30th? A The 30th.

Q What day was that? A That was a Sunday.

Q That was on a Sunday? A Yes.

Q And that was the Sunday you say before Thanksgiving?

A Yes, sir.

Q What time of night was it? A Seven o'clock.

Q Who else was in the building? A Just the man alone.

Q Just him alone? A Yes.

Q Did you and the Astorini girl go there for the purpose of having sexual intercourse with this man? A No, sir.

Q What did you go there for? A He went up to see him.

Q What for? A Just went up to see him.

Q Well, was it just him and the other girl? A No, around seeing him? A No, sir.

Q Well, now when if you went there for the first time out of your way, to the 10th Avenue to the top floor -- see a man you only met once? A Because we were seeing -- well around and we didn't want to go there just for the fun of it.

Q What was going on in the room? A Nothing, just to see if it was the right number.

Q Why did you want to know if it was the right number? Why were you interested in the right number of 10 Sixth Avenue, to see a man whom you hadn't known except to meet him once or twice? A We didn't go up there for anything wrong. We just went up there.

Q What I want to know is this, you lived in Horton street? A Yes, sir.

Q And this girl lives in Christopher street? A Yes.

Q This place you say was at 16 Sixth avenue? A Yes, sir.

Q And that is away out of the way of Horton street and Christopher street, isn't it? A It's around the corner.

Q What? A You go through Cornelia street and you walk right around to Sixth avenue.

Q Now, wait, where is Horton street? A Horton and Bleeker I live.

Q Are you sure that Horton crosses Bleeker, or don't it stop at Ferry? A Stops right at Bleeker across Horton street.

Q Don't it stop at Ferry? A No, sir.

Q Sure about that? Now, come down to Bleeker street then, who went to meet each other first, you or Christopher street or the girl from Christopher street to your house?

A The came to my house.

Q The Ambrosini girl came to your house? A Yes.

Q That is on Horton street from Christopher? A Yes, sir.

Q Then you and the Ambrosini girl made up your mind to go and see this man? A Yes, sir.

Q And you started from 11 Horton street? A Yes, sir.

Q Now I see, which is? A Yes, sir.

Q Did you tell me, which where you were going? A No, sir.

Q What time was this? A About half past three.

Q Half past three, and you went from the house to the moving picture place? A Yes, sir.

Q After you got out of the moving picture place you saw the defendant again? A Yes, sir.

Q After you got out of the moving picture place then you went where? A Home.

Q And you and the girl went alone, the Ambrosini girl? A Yes, sir.

Q After you got home did the Ambrosini girl make for her home? A Yes.

Q Then you and she made a date to meet again? A Yes, sir.

Q That night? A She came down to my house.

Q And that was that time? A That was seven o'clock at ten minutes to seven.

Q You looked at the back of houses? A Yes, sir.

Q You did? A Yes, sir.

Q You had a look down? A Yes, sir.

Q What? A Yes, sir.

Q With whom? A With the girl.

Q With the Ambrosini girl? A Yes.

Q To go with? A To take a walk.

Q Now, you had been to a moving picture show all day.

Q Didn't you? A Yes, sir.

Q And after coming home you wanted to take another walk?

A Yes, sir.

Q And the girl came at ten minutes to seven to your house? A Yes.

Q Then you and the girl went out? A Yes.

Q And as soon as you got out on the street it occurred to you to go right to this man's place? A No, sir, we walked around just a little while.

Q Wait a moment.

OK, please let her answer.

Q All right. A We walked around a little while, then something put it into our heads that we should go and see if this number was true, and go up to see this man, so we went up to see him.

Q When you left the house 11 Horton street, did you walk around a little while, where did you walk? A For a little while? A We walked from Bleeker street, then we turned around by Cornelia street and walked up Sixth avenue.

Q So you walked up from Horton street to Bleeker street? A Yes.

Q To Bleeker? A Yes.

Q And from Bleeker? A Yes.

Q Now I see, that was.

Q Was to the street side and only way you could go to 11 Sixth avenue, wasn't it? A Yes.

Q So that you did not talk around before you went to 11

CASE #1491

CASE #1491

Sixth avenue? A We just walked down Elecker street, down
Carline.

Q Well, that's the only way you could get to 16 Sixth
avenue, wasn't it? A Yes.

Q Well then, you did not walk around; how many stories
in that building, floors I mean? A Two floors and a basement
and a store.

Q And what? A And a store underneath.

Q That is a basement, store and two floors? So you got
to 16 Sixth avenue and you walked right into the place?

A We looked around for the number first and then we seen it.

Q When you found the number you walked in? A Yes.

Q And you went upstairs? A Yes, sir.

Q To the top floor? A Yes, sir.

Q Did you go on the roof? A No, sir.

Q Sure you didn't? A No, sir -- yes, sir.

Q Now did you go on the roof? A No, or didn't go on
the roof.

Q Now, you said yes, sir. Now tell the truth, didn't
you go on the roof? A No, sir.

Q That did you mean by saying "Yes, sir"? Now, tell
the truth? A He didn't go on the roof.

Q Didn't you go on the roof and see the boys flying with
pigeons up there? Now, be truthfully. Now, tell us, Virginia,
we are not going to hurt you? A No, sir, not that day we

didn't.

Q Sure about it? A Yes, sir.

Q And didn't somebody put you off that roof? A No, sir.

Q You and the boys that were up there flying pigeons?

A No, sir.

Q Sure about that? A Yes.

Q Why did you hesitate and stop and think when I asked
you about the roof? A I didn't know what you meant.

Q Don't you know what a roof means? A Yes, sir, but
we didn't go up to the roof.

Q I ask you a plain question, didn't you go up on the
roof? A No, sir.

Q Then you stopped and thought, now, how were any boys
on that roof then you know, that you would not be over it?

Q Now, didn't you know that you would not be over it?

Q Now, didn't you know that you would not be over it?

Q Now, didn't you know that you would not be over it?

Q Now, didn't you know that you would not be over it?

Q Now, didn't you know that you would not be over it?

Q Now, didn't you know that you would not be over it?

Q Now, didn't you know that you would not be over it?

Q Now, didn't you know that you would not be over it?

Q Now, didn't you know that you would not be over it?

Q Now, didn't you know that you would not be over it?

Q Now, didn't you know that you would not be over it?

Q Now, didn't you know that you would not be over it?

1

Q Well, what was he? A He was a candy man.

Q Now, where was the candy man? A He was on the corner
of.

Q On the corner of where? A Of Third street.

Q And what avenue? A Sixth avenue.

Q How many times did you go down to the candy man? A We
went once. We didn't go in there. We stood by the candy
stand and bought candy.

Q What did you say to him? A And he asked us to do
something with him.

Q He asked you to do something with him? A Yes.
sir, he asked me to do something with him, and this girl and
I was there and said "No," and he started in asking us ques-
tions and we said, every question he asked us, we said we would
not, and he said he was a girl and he said that he would give us
a dollar if we would go down in the back of his store when his
wife was out, and he said he wouldn't go.

Q That is the candy man? A Yes, sir.

Q And you had not seen the candy man before then?

A No, sir.

Q You don't know of any reason why a man when you had
not seen before in your life, selling candy, was going to ask
you to do it with him, do you? A No.

Q What did you understand by saying "do it with me"?

A Well, because he said that to us.

CASE #1491

CASE #1491

Q Well, I know, but here is a candy man selling candy, and you say you are buying candy from him and he says to you: "Come and do it with me;" now, did you understand what he meant by saying, "Come and do it with me?" A No, he didn't say it in that way.

Q Well, in what way did the candy man say it? A He said to me "Is there anything doing?"

Q Oh, the candy man said "Is there anything doing?"

A Yes.

Q And you say you are "filling" it, is that right?

Q And you understood in that "Is there anything doing?" that he meant, did you? A Yes, sir.

Q Now, what did he mean? A He was saying "Go wrong."

Q What do you mean by "going wrong?" A And what

was it?

Q That? A He was saying

THE COURT: Is that what you mean?

THE COURT: I don't understand it.

THE COURT: I don't think you had all you wanted

on that score, is that right?

Q Then, before the candy man, had another man said to

"Is there anything doing?" A Never.

Q That? A Never.

Q On the first time that you ever heard this phrase "Is

there anything doing?" was on the day you went to Ninth Avenue? A

CASE #1491

3

sir.

Q And notwithstanding it was the first time you heard

the phrase mentioned, you know what it meant? A No, sir.

Q Well, now, if you didn't know, how can you say here that you knew what he was saying? A Well, I know what the

candy man meant after this happened.

Q That is what I am talking about, the candy man. You

say you had never before heard the phrase "Is there anything

doing?"

Q Never before? A Never.

Q And notwithstanding that was the first time you heard

it from the candy man -- A Yes, sir.

Q You knew what he meant? A Yes, sir.

Q Did the candy man understand you? A Yes, sir.

THE COURT: I don't know. The other girl can

answer how she understood it.

THE COURT: Objection sustained.

Q Is there any one else in that neighborhood that you

knew around there? A Yes, sir.

Q Any one else? A Yes, sir.

Q Now, let me go up to the room. You say you got up-

stairs and knocked with a door? A Yes, sir.

Q You didn't hear any one knock at? A Well, there

was only one door that you could hear through.

CASE #1491

4

Q One door you could see a light through? A Yes.

Q You knocked at that door? A Yes, sir.

Q And you say the defendant answered? A Yes, sir.

Q The door went out? A Yes, sir.

Q Now, you say the man was all alone? A Yes, sir.

Q What did you do when the door went out? A Well, he said "Come

in."

Q He said "Come in" and you got in there, and you say the man was all alone, was that right? A Well, he was

alone in the other door and looked out the door.

Q You remained upstairs, didn't you? A I went through

the back door.

Q You went up to the room, didn't you? A Yes.

Q With the girl? A Yes, sir.

Q Did you look out the window? A No, sir.

Q Would you look out if you wanted to? A Yes, sir.

Q Yes, you say the defendant was in the room? A Yes,

sir.

Q And what did he say? A Yes, sir.

Q Then you go further and say he got downstairs and

knocked the door? A Yes, sir.

Q Now, if you were upstairs in the room, how do you know there was a light out there? A Well, he was there and looked out the door at the window.

Q How could you hear the door

CASE #1491

5 plan and you could hear him locking the door.

Q You could hear that all the way down in the room?

A Yes.

Q You were so sensitive, so frightened that you picked up your ear and could hear all this two floors up? A Yes, sir.

Q And still you made no move to go downstairs? A We couldn't go out if the doors were locked.

Q That door was locked? A Locked by the operator.

Q I mean out of the big door, we couldn't go out? A Well, we didn't know he was there. That was the trouble. We didn't know that.

Q You knew how to get out? A Yes.

Q But you didn't want to know how to get out? A Yes, there was the door.

Q Well, didn't you have to go through doors to go out? A We went through the door.

Q And you had to get out of the door to get out? A Yes.

Q Well, you had to go through doors to get out the door? A Yes, sir.

Q Well, if you knew your way up why is it that you didn't know your way down? A Because the doors were locked.

Q That door was locked? A The big door was locked that led to the big room.

Q We were they locked, was there a latch on the set-

6 ton there? A On the big door there was a big bolt on the outside of it.

Q Which door is the big door? A Where you go in to like the factory.

Q Where you go into the factory? A Yes.

Q That was bolted from the inside? A From the outside.

Q Who bolted that? A The man did.

Q How you saw him do it? A We didn't see him do it, but when we went out we saw the door.

Q Well, did you see him do it? A No, sir.

Q The door was bolted from the outside, you say?

A Yes, sir.

Q The didn't see the defendant do it? A No, sir.

Q But you didn't see the defendant turn the door handle, is that right? A We heard him locking the door handle.

Q Now, you were in the big room? A Yes, sir.

Q When the door is off the factory, you say? A Yes, sir.

Q And there is a door called? A Yes, sir.

Q And that door is the door of stairs? A Yes, sir.

Q And with all that you were to tell these twelve gentlemen that you didn't see the door being bolted? A Yes, sir.

7 Q Now about that? A Yes, sir.

Q What were you doing all the time, in the meanwhile?

A We stayed up there listening.

Q Listening? A Yes, sir.

Q Did you know the door was going to be locked? A No, sir.

Q When the defendant went out why didn't you go out with him? A Because he said "Wait here until I come back."

Q Now, you are sure that the big room had a door? A Yes, sir.

Q Which door? A Yes, sir.

Q Leading into the shop? A Yes, sir.

Q And that door was bolted? A Not leading into the shop from the big room.

Q Now, A. We from the big room. Through the door, it leads into the shop.

Q Well, the door leads into the hallway? A Yes, sir.

Q And that door was bolted? A Yes, sir.

Q Now, is the door bolted right? A Yes.

Q If you were leading to it? A Yes.

Q And that door was bolted? A Yes.

Q And that door was bolted? A Yes, sir.

Q Now, you are sure about that? A Yes, sir.

Q Can't be otherwise? A Yes, sir.

Q If you had to go back to the defendant at 11

CASE #1491

CASE #1491

CASE #1491

Q You say "No, sir", why did you kiss him? A Because

MR. PHIBBS: Well, I did.

MR. PHIBBS: Now, do not get excited.

MR. PHIBBS: Now, write out "He not get excited."

Let me suggest, Mr. Phibbs, if you question with less belaboring you will get your answers with less delay.

BY MR. PHIBBS:

Q Now, Miss, are you ready to proceed? A Yes, sir. He asked me, he asked me to lay on the bed. He said "No." And he said "Go on, it won't take a minute," he said, "I won't hurt you." So he said me to lay down and I lay down. Then he put his thing into mine.

BY MR. PHIBBS:

Q Did you say he said "He not get excited"?

A Nobody.

Q Sure about that? A Yes, sir.

Q Did you say then? A I sure was when he hurt me and we didn't get off.

Q I ask you did you? A No, sir.

Q You did not wash a thing? Did you have open drawers? A Closed.

Q Did you bleed any at all? A No, sir.

Q Not a drop of blood? A No, sir.

Q It was the first time you saw that a man stuck a thing into you? A Yes, sir.

Q Sure about that? A Yes, sir.

CASE #1491

Q You are sure he stuck in you? A Yes, sir.

Q And not a drop of blood? A No, sir.

Q How long did he stay on top of you? A About half an hour.

Q About half an hour? A Yes, sir.

Q Where was the other girl? A I don't know where she was.

Q Looking out of the window? A No, sir, sitting on the box.

Q On the box? What box? A On the trunk.

Q Did you other girl leave at all? A No, sir.

Q Did you see him? A Yes, sir.

Q Did you see him? A Yes, sir.

Q Did you see him? A Yes, sir.

Q Did you see him? A Yes, sir.

Q Did he have his clothes off? A No, sir.

Q And you didn't see any clothes off? A No, sir.

Q You were not surprised? A No, sir.

Q You were not surprised? A No, sir.

Q And the other girl was not crying and she was not screaming? A No, sir.

Q After that time you got there -- what time did you leave the place? A I don't know.

Q After that time you got there -- what time did you leave the place? A I don't know.

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Q After that time you got there -- what time did you leave the place? A I don't know.

CASE #1491

Q So that you got there at about ten minutes or so?

A Yes, sir.

Q How long was he on top of you other girl before he got on top of you? A The same time.

Q About half an hour? A Yes, sir.

Q Did you see the other girl? A I don't know where she was.

Q Looking out of the window? A No, sir, sitting on the box.

Q On the box? What box? A On the trunk.

Q Did you other girl leave at all? A No, sir.

Q Did you see him? A Yes, sir.

Q Did you see him? A Yes, sir.

Q Did you see him? A Yes, sir.

Q Did you see him? A Yes, sir.

Q Did he have his clothes off? A No, sir.

Q And you didn't see any clothes off? A No, sir.

Q You were not surprised? A No, sir.

Q You were not surprised? A No, sir.

Q And the other girl was not crying and she was not screaming? A No, sir.

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CASE #1491

CASE #1491

CASE #1491

CASE #1491

CASE #1491

Q How many men did you speak to before you met this man?
A No men.

Q You never spoke to a man before in your life? A No, sir.

Q Never? A No, sir.

Q You don't know any men? A No, sir.

Q You don't know any boys? A Yes, sir.

Q You do, who are the boys? A One boy he used to come and play cards up in our house.

Q What? A One boy, he used to ride on a truck with my brother-in-law.

Q Did you ever have anything to do with him? A Never.

Q Never? A Never.

Q You want me to believe that it is so, that this is the first time that you ever had sexual intercourse with anybody? A Yes, sir.

Q How about it? A Yes, sir.

Q And who did you first speak to about this, I mean?
A To my sister.

Q Mrs. Walsh? A Yes, sir.

Q How long after was that? A I don't know how long. I think it was a couple of weeks after that I spoke to her.

Q A couple of weeks? A She seen me with some money. One week, I think it was after, she seen me with thirty cents, so she asked me where I got it and I didn't want to tell her.

CASE #1491

Q Well, you had a quarter before that, didn't you?
A Yes, sir.

Q Did she see you with the quarter? A Yes, sir, she kept the money.

Q No question said about the quarter, was there? A Well, that concerns the money.

Q What? A I had ten cents left from the dollar and a quarter.

Q When you went to the moving picture show, you said Mrs. Walsh supplied you with the money? A Yes.

Q How much was that money? A Five cents.

Q How many times a week would you go? A I would go with the money on Saturday night, and on Sunday I would get five cents and go again.

Q How many times would you go on Saturday and on Sunday with yourself and the Amerind girl? A No.

Q Is your sister married, Mrs. Walsh? A No.

Q Any children? A One child.

Q Have you ever been taken to the Children's Home? A No, sir.

Q How about that? A Yes, sir.

Q Now, you say, at least you have not, when I am mistaken, and I just want to ask you, Virginia, did you get the silver girl on the bed or on the trunk? A On the bed.

Q That's all.

CASE #1491

WILLIAM TEAVERS DICK, M.D., called and duly sworn as a witness on behalf of the People, testified as follows:

(Residence, 42 West 11th Street).

DIRECT EXAMINATION BY MR. PERRO:

Q Your business? A Physician.

Q Daily licensed to practice under the laws of the State of New York? A Yes, sir.

Q Connected with any hospital? A I am visiting surgeon at the Parkland and City Bone Hospital, St. Elizabeth's Hospital, I am consulting physician for the Society for the Prevention of Crime and Children.

Q Doctor, did you examine the last witness, Virginia Harrison? A Yes, sir.

Q When? A On the 6th day of January of this year. May I ask you now, I see at some of these cases?

Q Certainly, refresh your recollection. A At the best of my recollection, at the present time, on the 6th day of January, but I can tell better looking at my notes. Yes, sir, on the 6th day of January of this year, I examined the witness, Mrs. Harrison, 42 West 11th Street.

Q What was her condition, Doctor?

MR. PERRO: I object to it on the ground that the time is too remote from the date allowed for the testimony.

CASE #1491

MR. ROBERTS: My question is on the ground that it is not the way to prove it.

Q Now, you don't know whether she phoned him, and
placed a year or a month or two months or three months after,
do you? A I have no way of finding out, no, I don't.

Q It might have been a year, might it not? A I don't know.

CASE # 1491

CASE 22191

girl? A No, sir.

Q Did you go with her to the store where was the defendant at the time? A Yes, sir.

Q Now, when was that, if you remember? A Two weeks before.

Q About two weeks before what? A Before Thanksgiving we went up to this man's place.

BY MR. PRUSS:

Q Where was his place? A No 16 Carmine street, near 3rd street.

Q How many floors did you go up to his place? A Three floors up.

Q Three floors up, who opened the door when you knocked?

A A man.

Q What man? A The father.

Q Is this the man, the defendant? A Yes, sir.

Q Was he with you when you went up to that house? A No, and Virginia Garrison.

Q What did he say to you? A He said, "Hello."

Q How did you say? A Yes, sir.

Q Now, tell us just exactly what happened. A He came out and he brought us into the little bed room and he sat on the bed and the Virginia Garrison sat on the bed and we told him we were there.

Q And he said?

BY THE COURT:

Q What did he say?

BY MR. PRUSS:

Q What did he say to you? A He said, "Hello."

BY THE COURT:

Q Did he say "Hello"? Are those the words he used?

A Yes, sir, he said it with him.

Q Now, tell us the very words he used? A He told us

he had things with him.

Q Now, did he say "He had things with him," were those the words, or was it "Hello, he had things with him"? A He told us that he had things with him.

Q He said, "Hello, he had things with him."

Q Well, as questions in what words he said it, he said it with him, he said it with him, he said it with him.

Q Now, I am not sure you said that, but I am not sure you said it.

Q Now, I am not sure you said that, but I am not sure you said it.

Q Now, I am not sure you said that, but I am not sure you said it.

Q Now, that was the word he used, was it? A Yes, sir.

BY MR. PRUSS:

Q And what did he do to you, if anything? A He said

he had things with him, he said it with him, he said it with him.

Q He said it with him, he said it with him, he said it with him.

Q How long after was it that he said it to your girl?

Friend? A Half an hour, about.

Q Was that girl friend Virginia Garrison? A Yes, sir.

THE COURT: Mr. Pruss, perhaps to satisfy the state-

you had better be a little more precise as to the act.

Q What did he do to your girl friend? A He did the same that he did to me, he said it.

Q How long after was it that he said it to your girl friend?

Q How long after was it that he said it to your girl friend?

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Q How long after was it that he said it to your girl friend?

within her privacy? A Yes, sir.

Q You saw that? A Yes, sir.

BY MR. HENRI:

Q Did you hear your friend say anything to Mrs. Hendon at that time? A No, sir, she believed.

Q And after he got through with his act? A He kissed her and he said to her that he didn't want to take it. He was near the door and he went downstairs. He opened the door and he got in the house, and he says, "Now, take this girl, and don't give any more."

Q You say he kissed her? A Yes, sir, he kissed her. He was near the door and he went downstairs. He opened the door and he got in the house, and he says, "Now, take this girl, and don't give any more."

Q What? A Yes, sir, he kissed her.

Q And, after that, did you see him?

A Yes, sir, I saw him.

Q What, after you got through?

A Yes, sir, I saw him. He was near the door and he went downstairs. He opened the door and he got in the house, and he says, "Now, take this girl, and don't give any more."

Q What time was that? A Yes, sir, I saw him.

Q What time was that? A Yes, sir, I saw him.

Q What time was that? A Yes, sir, I saw him.

Q What time was that? A Yes, sir, I saw him.

Q What time was that? A Yes, sir, I saw him.

Q What time was that? A Yes, sir, I saw him.

Q Did he say anything to you at that time? A No, sir.

BY MR. HENRI:

Q You say this took place, this had or wrong, the wrong before Thanksgiving, was it? A Yes, sir.

Q What about that? A Yes, sir, I saw him.

BY MR. HENRI:

Q Just a moment, now, where was he?

A He was near the door.

BY MR. HENRI:

Q Now, Mr. Hendon, did you see him after that?

A Yes, sir, I saw him.

Q What time was that?

A Yes, sir, I saw him.

Q What time was that? A Yes, sir, I saw him.

Q What time was that? A Yes, sir, I saw him.

Q What time was that? A Yes, sir, I saw him.

Q What time was that? A Yes, sir, I saw him.

Q What time was that? A Yes, sir, I saw him.

Q What time was that? A Yes, sir, I saw him.

Q What time was that? A Yes, sir, I saw him.

Q What time was that? A Yes, sir, I saw him.

Q What time was that? A Yes, sir, I saw him.

Q What time was that? A Yes, sir, I saw him.

Q What time was that? A Yes, sir, I saw him.

Q What time was that? A Yes, sir, I saw him.

at that time.

Q You left at nine o'clock? How long did he stay in the other girl's?

A Half an hour.

Q Did he leave at that time? A Yes.

Q And half an hour? A Yes, sir.

Q And half an hour? A Yes, sir.

Q And half an hour? A Yes, sir.

Q And half an hour? A Yes, sir.

Q And half an hour? A Yes, sir.

Q And half an hour? A Yes, sir.

Q And half an hour? A Yes, sir.

Q And half an hour? A Yes, sir.

Q And half an hour? A Yes, sir.

Q And half an hour? A Yes, sir.

Q And half an hour? A Yes, sir.

Q And half an hour? A Yes, sir.

Q And half an hour? A Yes, sir.

Q And half an hour? A Yes, sir.

Q And half an hour? A Yes, sir.

Q And half an hour? A Yes, sir.

Q And half an hour? A Yes, sir.

Q And half an hour? A Yes, sir.

Q And half an hour? A Yes, sir.

Q And half an hour? A Yes, sir.

Q And half an hour? A Yes, sir.

Q And half an hour? A Yes, sir.

Q And half an hour? A Yes, sir.

Q And half an hour? A Yes, sir.

Q And half an hour? A Yes, sir.

Q And half an hour? A Yes, sir.

Q And half an hour? A Yes, sir.

Q And half an hour? A Yes, sir.

Q And half an hour? A Yes, sir.

Q And half an hour? A Yes, sir.

Q And half an hour? A Yes, sir.

Q And half an hour? A Yes, sir.

Q And half an hour? A Yes, sir.

Q And half an hour? A Yes, sir.

Q And half an hour? A Yes, sir.

Q And half an hour? A Yes, sir.

Q And half an hour? A Yes, sir.

Q And half an hour? A Yes, sir.

Q And half an hour? A Yes, sir.

Q And half an hour? A Yes, sir.

Q And half an hour? A Yes, sir.

100

CASE #1491

Q You said "Nothing doing"? A Yes, sir.

Q You knew perfectly well what he meant? A Yes, sir.

Q Certainly. Now, when did you first know what that meant, how long ago? A I never knew it in my life before except I knew when he started to laugh.

Q Who started to laugh? A He says "You know what I mean," he says to me.

Q That is, you knew what he did mean? A First off I didn't know it.

THE COURT: She has answered that.

Q You say you had just left 16 Carmine street? A Yes, sir.

Q There the defendant had done it to you? A Yes, sir.

Q He was not surprised when the candy man said "Anything doing," were you? A Yes, sir.

Q What? A Yes, sir.

Q You were surprised? A Yes, sir.

Q You didn't say to him, "Well, I just had it done some ago, he is tired", did you? A No, sir.

Q That did not occur to you at all, did it? A No, sir.

Q You didn't think of it any more? A No, sir.

Q It went out of your mind? A Yes, sir.

Q Then you went down to Bleeker street? A Yes, sir.

Q To the moving picture show? A I don't know what

CASE #1491

about the moving pictures, the sign.

Q To see what? A Went down to see the signs, what was about the moving pictures.

Q What signs did you want to see? A What vaudeville was it.

Q Well, did you go into the show? A No, sir, the signs were outside.

Q The signs, you want to read them? A Yes, sir.

Q But not to see the show? A No, sir.

Q You were interested in the signs? A Yes, sir.

Q This was after nine o'clock? A Yes, sir.

Q Quite a dark neighborhood from Sixth Avenue over Bleeker street, isn't it? A What?

Q Quite a dark neighborhood from taking Sixth Avenue down Carmine street over to Bleeker street, that is quite a lonesome and dark neighborhood, isn't it? A We went down to Carmine and down through Bleeker.

Q And that was away from your house? A Yes, sir.

Q Where did you say you went to buy the candy? A Mr. Viasche.

Q Where is Mr. Viasche's place? A In Bleeker street.

Q Near what street? A Near the corner of Leroy.

Q So that after you say you left Carmine street you went to Bleeker street, through Leroy? A Yes, sir.

Q To buy candy? Now, after you got the candy you went

CASE #1491

back up Bleeker street to Thompson street to the moving picture house, is that right? A Yes, sir.

Q So you reached the moving picture house about what time, ten o'clock? A No, sir.

Q What time? A It was about a quarter after nine.

Q A quarter after nine? Why, you just said that you left 16 Carmine street at nine o'clock, didn't you? A Yes, sir.

Q And you had some talk with a Shoney man, as you say? A The Shoney man talked up over and he talked me up.

Q Yes, well, and some talk with him, he was talking you with him. Now, what took some time, didn't it? A It didn't take any time.

Q How long? A As long as he says that was it, he said "I will give you a dollar," and I said "I don't need a dollar," so he didn't say.

Q Did you tell him "I have got a dollar somewhere"? A No, sir.

Q Then from there you say you went to Leroy and Bleeker street? A Yes, sir.

Q To Viasche's? A Viasche's.

Q How much did you spend there? A I spent around a quarter's worth of candy it was.

Q Then you went from Leroy street to the moving picture show? A Yes.

CASE #1491

Q Kiecker and Thompson street? A Yes, sir.

Q Now, how long did you stay there? A We didn't stay very long.

Q You just went to look at the signs and back again?

A Yes.

Q Did you have a date with some of the boys up there?

A No, sir.

Q Where did you spend the other money? A I spent it in the morning.

Q Where? A In the morning.

Q You go to school, don't you? A Yes.

Q Did you go to school last morning? A No, sir.

Q What day was the following morning, was it Saturday or Sunday? A It was Sunday -- no, it was on Sunday.

Q It was on Sunday and you had time to spend? A No, sir.

Q Where did you go to spend your money? A I went down to the 14th Street Store and we bought some -- things.

Q What was the name of the store? A No, sir.

Q Some time to buy some hair ribbon.

Q You and Virginia went to the 14th Street Store the following morning? A Yes, sir, and we saw some kids and two there, and then when twelve o'clock came we went home.

Q And you told your mother -- have you got a mother?

A Yes.

CASE #1491

Q And father? A Yes, sir.

Q And you told your mother you had come home from school?

A Yes.

Q And you had not been to school? A Yes, sir.

Q So you lied to your mother? A Yes, sir.

Q Now, how much money did you have left when you came home and lied to your mother? A Around a dime left.

Q You had a dime left? A Yes, sir.

Q Funds were getting pretty low? A Yes, sir.

THE COURT: Now, no, we not go into that. We had a dime left. Now, you have said that. Is there anything else you want to ask about?

MR. DISTRICT: Yes, your Honor.

Q Now, how long did you stay home after the money was spent?

THE COURT: A I was home about a quarter of eight. I went back to school.

Q Did you go to school? A Yes, sir.

Q With the dime? A No, sir, I spent it at the 14th Street Store.

Q Was it in the class room?

Q Were handy? A Yes, sir.

Q Are you sure that you never had sexual -- you know what sexual intercourse means? A No, sir.

Q You don't know what that means? A No, sir.

Q Now, you just used a word in the stenographer here, where did you hear that for the first time? A I heard a boy

CASE #1491

in the street say it.

Q You heard a boy in the street say it? A Yes.

Q If you heard something you don't know anything about, then do you know what it meant? A I asked a girl what it meant, and she said she didn't know.

Q Who was the girl? A I don't know her name. She used to go to school. She was in my class.

Q She lived with her father? A Yes, she was living.

Q How long? A I don't know how long she lived there.

Q And I went to the 14th Street Store, I asked a girl what it meant.

Q Now, how long did you stay at the 14th Street Store?

THE COURT: A No, I don't know how long I stayed there. I don't know how long I stayed there. I don't know how long I stayed there.

Q So that after you saw you left in the 14th Street Store, you didn't go with the girl who was the 14th Street Store?

A No, sir.

Q Were you ever alone with all night? A No, sir.

Q Did your mother and father ever come in the night when you were alone with all night, for sleeping with her?

A No, sir, I never heard of any one else who was alone with her. I should be home by half past eight or nine o'clock.

Q When did you start to sleep that night? A I started to

stay out like when I used to go to the moving pictures in
Bleeker street, I used to get out about nine o'clock and
go right straight home from that.

Q How long ago is that, a month, or two months, six months
or a year? A About around about eight months ago.

Q That is when you started to sleep out last? A Yes, sir.

Q Is that when you got along, when you were out?

Q I was sleeping about two months ago.

Q Two months ago? A Yes, sir.

Q Were about that? A About that.

Q You did not know Virginia was with you when you went?

A Yes, sir.

Q That is true, is it?

Q Is it true that I got out of bed?

Q And the way that this man was out of bed?

Q Chasing him up? A Yes, sir.

Q The Sunday, when this happened?

Q Yes, that is true? A Yes, sir.

Q That is true? A Yes, sir.

Q And you were out of bed?

Q Yes, sir.

Q Yes, sir.

Q Yes, sir.

Q Yes, sir.

Q Yes, sir.

Q Yes, sir.

Q Yes, sir.

Q Yes, sir.

Q Yes, sir.

Q Yes, sir.

Q Yes, sir.

Q Yes, sir.

Q Yes, sir.

Q Yes, sir.

Q Yes, sir.

Q Yes, sir.

Q Yes, sir.

Q Yes, sir.

Q Yes, sir.

Q Yes, sir.

Q Yes, sir.

Now, unless Mr. Brande will permit me to introduce
this witness bringing in the Health Department, about this
certificate of birth?

THE COURT: That is what you are going to prove by
this witness?

MR. BRANDE: Yes, sir.

MR. BRANDE: I do not suppose I will get you to the
trouble of looking up this. I will submit that the Court
has from observation that the child is to be less than eighteen
years.

THE COURT: It is going to be the part of the witness
at that the child is to be less than the age of
eighteen years, for the purpose of this inquiry. Is
that right, Mr. Brande?

MR. BRANDE: Yes, sir.

MR. BRANDE: That the People seek.

The Court thereupon adjourned the case to be heard
again at 10:30 A.M. of the Court of Criminal Sessions,
and adjourned the further trial of the case to Thursday,
February 14th, 1919, at 10:30 o'clock, A.M.

New York, February 13, 1919.

-TRIAL RESUMED-

THE COURT: Now, Mr. Brande, you may make your re-
sponse.

MR. BRANDE: May it please the Court, I ask your
Honor to direct the jury to acquit upon the count charging
the defendant with the crime of abduction, upon the ground
that the People have failed to legally prove the commission
of such a crime against this defendant.

THE COURT: Motion denied.

MR. BRANDE: I ask your Honor to advise the jury to
acquit on the charge of rape in the second degree on the
first count, the People have failed to prove the
charge against the defendant.

THE COURT: Motion denied.

MR. BRANDE: I ask your Honor to direct the jury to
acquit on the charge of rape in the second degree on the
second count, the People have failed to prove the
charge against the defendant.

THE COURT: I deny your motion.

MR. BRAUER: To all of which I respectfully except. Your Honor, I desire to say this, that you will find in the evidence that there is no corroboration in the evidence such as is required by law in this case.

THE COURT: I have denied your motion. Now, you may open to the jury.

MR. BRAUER: Now, I ask your Honor to direct the District Attorney to elect upon which count he is trying the defendant, so that I may prepare for the defense.

THE COURT: I deny the application except if the District Attorney cares to be say announce his election.

MR. BRAUER: Exception. I now ask your Honor to direct the District Attorney to call the witnesses whose names appear on the indictment and whom he has not already called for purposes of a cross examination.

THE COURT: I decline the application.

MR. BRAUER: May I ask your Honor's permission to recall the Garrison girl?

THE COURT: I never call a witness. If you want a witness call the witness yourself.

MR. BRAUER: I ask will your Honor permit me to call the Garrison girl?

THE COURT: Certainly, you may call any witness you wish.

MR. BRAUER: I simply want to recall the Garrison

CASE #1491

girl for one question.

THE COURT: What is the question you want to ask? You can make her your own witness.

MR. BRAUER: All right, your Honor, never mind then.

THE COURT: I think we will stop here. I told you we would adjourn early to-day.

The Court admonished the jury in accordance with Section 415 of the Code of Criminal procedure, and excused the jury until 1:30 o'clock p.m.

At 1:30 o'clock p.m.

Trial resumed.

THE DEFENSE.

MAX WALD, called and duly sworn as a witness on behalf of the defense, testified as follows:

DIRECT EXAMINATION BY MR. BRAUER:

Residence 147 Edgemoor avenue.

Q What is your business, Mr. Wald? A Wholesale clothing.

Q Where is your place of business? A 2 to 3 Astor Place.

Q Do you know the defendant at the bar, Dr. Vetro? A Yes, sir.

CASE #1491

Q How long have you known him? A Six years.

Q Do you know what business he is in? A Makes clothes. He has got a factory and makes clothes for wholesale houses.

Q Does he make clothes for your house too? A Yes.

Q Do you know other people that know him? A Yes.

Q What is his reputation for truth, veracity and honesty among the people that know him? A Well, as far as I know he has been truthful, as long as he has been working for me.

Q For how long? A About six years. I never found anything wrong with him.

Q And you say you know other people who know him?

A Yes, sir.

Q And his reputation among the people who know him is what, good or bad? A Good.

(No cross examination)

BERNARD S. S. called and duly sworn as a witness on behalf of the defense, testified as follows:

DIRECT EXAMINATION BY MR. BRAUER:

Residence 140 West 113th street.

Q Mr. S., what is your business? A Clothing.

Q Where? A Wahl & Spizer, 2 Astor Place.

Q How long have you known the defendant? A Seven years.

Q Do you know other people who know him? A Yes, sir.

Q Do you know what his reputation is among the people who

CASE #1491

know him for truth, veracity and honesty? A Yes, sir.

Q What is it, good or bad? A Good.

(No cross examination)

STANRIONE, CONSTANTINO, called and duly sworn as a witness on behalf of the defense, testified as follows:

Residence 440 Central Avenue, Jersey City, New Jersey.

DIRECT EXAMINATION BY MR. BRADY:

Q Mr. Stanrione, speak up loud so these gentlemen can hear you? A Yes.

Q How long have you lived at this present address?

A I am living there since the first of the month.

Q The first of this month? A Yes, sir.

Q Before that what number did you live at? A I used to live at 432 Central Avenue.

Q Was that in Jersey City or New York? A In Jersey City, New Jersey, all the time.

Q Do you know the defendant Vetro? A I do know him on account of his brother boarding with me.

Q Who boards with you? A My brother Vetro.

Q His brother? A Yes.

Q How long has his brother been boarding with you?

A Since he has been working out there, five months.

CASE #1491

Q Do you remember seeing this defendant in Jersey City in the month of November? A I do.

Q Do you remember the date? A I think it was on the 26th, on the Sunday before Thanksgiving Day.

Q What time was he there, if you remember? A He came there between half past one and two o'clock with his brother and then his brother dressed himself and both of them went out together.

Q At about what time did they go out? A At about two or quarter after two, 2 or 2:15, something like that.

Q In the afternoon? A Yes.

Q And that is all you know about that, that date?

A That's all I know about that.

Q That's all.

(No cross examination)

ANTONIO VETRO, called and duly sworn as a witness on behalf of the defense, testified through official interpreter Villanena, as follows:

Residence 432 Central Avenue, Jersey City.

DIRECT EXAMINATION BY MR. BRADY:

Q What is your first name? A Antonio.

Q How old are you, Antonio? A 25.

Q How long are you in this country? A About a year and a half.

Q What is your business? A Barber.

Q Do you know where you work? A Jersey City, Central Avenue.

Q Is the defendant at the bar your brother? A Yes, sir.

Q Did you see him in Jersey City in the month of November last? A Yes, sir.

Q Do you remember when it was that you saw him? A The 26th day of November.

Q Do you know what day that was? A Sunday.

Q How do you remember that you saw him on the 26th day of November? A Because I wrote him a few days previous to that a postal card asking him to come over and see me in order to make an appointment to go out, we saw him, Thanksgiving Day, that was the week following.

Q Did he come? A Yes, sir.

Q What time did you see him? A About half past one or two o'clock in the afternoon.

Q How long did he stay with you that day? A He remained with me until about half past ten or eleven o'clock. Then he left me and he came to New York.

Q And he was in your company all that afternoon up to ten or eleven o'clock? A Yes, sir.

CROSS EXAMINATION BY MR. BRADY:

Q When did your brother visit you before that in Jersey City? A He did always come to see me but I don't remember.

CASE #1491

Q Do you remember the date when he visited you before the 26th of November? A I don't know the exact date, but I know this, that he did always come to see me.

Q How frequently did he visit you since the 26th of November? A He came on Thanksgiving Day.

Q When did he come after Thanksgiving Day to visit you? A I didn't see him any more after that.

Q You have not seen him since in Jersey City, have you? A No, sir.

Q But you cannot tell us or give us the date when he visited you prior to the 26th of November? A I don't remember.

Q No, but you do remember the 26th of November? A I remember that distinctly because I wrote him a postal card a couple of days previous to the 26th day of November asking him to come over and see me so we could make an appointment to go out on Thanksgiving Day.

Q You had never written him a postal card before that? A Yes, sir, sure, we did correspond always.

Q When did you write him before that? A I couldn't state the date, but I know that he sent me a letter once that he received from my family in Italy and I returned the letter back to him in writing.

Q You don't remember the date of that, do you? A No, sir.

Q Now, where did you meet your brother on the 26th of

CASE #1491

November? A He came to where I was living in Jersey City, in Central Avenue, because I wrote to him.

Q I am not asking what you wrote him about. I am asking when you saw him? Now, at what hour of the day did he arrive at your place in Jersey City? A About half past one or two o'clock.

Q It was not 2 or 3, was it? A Between half past one and two o'clock, that's the time.

Q Now, what did you do when you met him there? A He went out.

Q Where did you go? A (Continuing) He went out, we saw him, going around Jersey City, going to see some moving pictures.

Q Where was the moving picture show? A At West Hoboken. I am not exactly familiar with the streets there in Jersey City.

Q But you did "see the moving picture show"? A Yes.

Q What time did you get to the moving picture show there?

A I couldn't state the hour that we were over there. We went around, first we had a drink and then took a walk. I don't know where these things would happen.

Q You don't know where you went that day after the moving picture show? A Walking.

Q You were walking all the time? A Yes, until about half past ten or eleven o'clock and then he left me.

CASE #1491

Q How many drinks did you have between the time you met your brother and the time he left you? A We drank, we had fun. Why, when you go out you don't count the glasses that you drink.

Q You don't know how many glasses you drank that afternoon? A How could I state the number of glasses that I drank? One, two, three, four or five we drank.

Q But you can remember the 26th of November, can't you? A I remember that date because I wrote him a postal card calling him to come to see me in order to make an appointment to go out on Thanksgiving Day.

Q You wrote him the postal card? A No, I wrote to him "Next Sunday come to me because I want to talk to you" so --

Q That is all I want.

MR. HARRIS: Let him finish the answer.

A So when he would come to me then I would make an appointment with him to go out together on Thanksgiving Day.

Q I see, now, where did you leave your brother that evening, where did you part from him? A By the street where I live in Central Avenue, he took the car and went about his business and I went home.

Q You did not go any place, you didn't go to visit any one after your brother left you? A It was late when I went home.

Q You carry a watch, do you? A Yes, sir.

CASE #1491

Q When your brother was leaving you you looked at the watch, didn't you? A No, I have the custom that when I get home in the evening, whatever hour I get home I fix my watch so that I would have the alarm fixed at the time in the morning that I want to get up, and that's the reason why I looked at the clock.

Q I see, you did look at the clock on this occasion and you saw it was half past ten? A Yes, because I looked at the clock.

Q Now, from the time you met your brother on that day until he left you, how many of your friends did you and he meet? A We met a good many people, but I don't know of any one around that neighborhood because I just moved there in that vicinity for a little while before this, that is one of the reasons that I went out with my brother, because he knew the streets better.

Q We what? A We knew the streets better.

Q But you have been living with this landlord Stansione for five months, haven't you? A Yes.

Q And you have been a barber in Jersey City for that time, isn't that true?

MR. BRADY: May it please the Court, the question is rather vague. The testimony shows that five months up to to-day, not five months from November down. Now, get that right before the jury.

THE COURT: You will have your opportunity when the re-direct examination is undertaken.

Q How many months before the 28th of November, 1911, were you a barber in Jersey City, in Central avenue, or wherever it was? A It is five months now altogether that I am working there.

Q And this is the month of February, isn't it? A Yes, sir.

Q And this is what day of the month? A What is to-day, Thursday?

Q Yes, this is Thursday. A The 14th.

Q The 14th? You are quite certain that this is the 14th? A Well, I couldn't tell you exactly, but if you give me three minutes' time I will let you know just exactly what day is to-day. (Continuing after a pause) 16th day of February.

Q The 16th day of February? You are certain of that now? A Monday the 12th, Tuesday the 13th, Wednesday the 14th, Thursday the 15th.

Q That is all right, we have it now. Now, during the time from the time that you went to live at Central avenue, during the time you have been a barber in Jersey City have you made any acquaintances there? A Now, yes, but at that time no.

Q You did not know any one at all except your landlord?

A Yes, that is all, in fact I went to live in Jersey City because I had no friends there.

Q So you did not meet anybody between the hour your brother met you and the hour he left you on the 28th of November, you didn't meet any one that you knew? A No, I had no friends at that time.

JIM VERTRO, the defendant, called and duly sworn as a witness on behalf of the defense, testified as follows: Residence 16 Sixth avenue.

DIRECT EXAMINATION BY MR. BRADY:

Q How old are you, James? A 30.

Q What is your business? A Tailor.

Q Where is your place of business? A 16 Sixth avenue.

Q What kind of business do you conduct there? A Coat maker.

Q How many men do you employ? A About 16 or 17 men.

Q How many girls or women? A About six or seven inside and a few outside that take work home.

Q Women that take work outside? A Yes, outside.

Q When do you work for? A I work for Wahl & Walker, I work for Samuels, and M. H. Freedman, then I got some more houses, I got Ballinger Brothers, they employ before, I can get a few other houses.

Q How long have you been in this country? A Going on

about twenty years.

Q Have you ever been arrested in your life? A No.

Q You saw two girls on the witness stand yesterday?

A I seen them here.

Q Tell me the first time you saw these girls before you saw them here yesterday? A I seen them one time when Mr.

Pisarra came over to my shop, what is his name, Pisarra or some other man?

Q Well, it was the officer of the Society? A Yes, I don't know who he is. They told me it is Pisarra. He says, "Who is the boss?" I said, "I am the boss". He taken me in the hallway and he said, "Do you know that girl?" And I said no.

Q Which girl was it, the little or big one? A The dark girl.

Q The little one? A Yes, the little one, the last one sitting here.

Q What did he say? A He said, "Do you know that girl?" I said "No, I never saw her". So he asked the girl, "I don't know what he said, so he said, 'Take your coat and come with me.' I went with him and I said, 'What's the matter?' He says 'Come up to court.' So I went to court and they put me in a cell there. I didn't know what was the matter with them.

Q What happened when you got up there? Besides this little girl did you see another girl? A I seen her about a

CASE #1491

couple of days after.

Q You had been in the cell a couple of days before they brought another girl around? A Yes, they brought another girl up there.

Q Was that the big girl who was here yesterday? A The blonde girl that was here.

Q What happened when she came there a couple of days afterwards? A They took me down, the man, what you call him, Pisarra took me and he said, "Do you know that girl?" He said "Here is two girls here. I said "I don't know none of them."

Q You told Mr. Pisarra that you knew nothing about the two girls? A That is what I told him, and if Pisarra is here I can tell him. He can talk, is Pisarra here?

Q Wait a moment, James, we will get him here. A Well, I want to tell what is true.

Q Did you see these girls on Eleaoker street at any time? A I never seen these girls.

Q Did you ever give them 25 cents? A No. What for I got to give them 25 cents?

Q Never mind, say yes or no? A No, I didn't give them any 25 cents.

Q Did you have them up in your room? A No. I didn't have nobody in my room.

Q Did you have sexual intercourse with any of these

CASE #1491

girls? A No, I never knew them.

Q Did you ever hand them any dollars? A No.

Q Did you tell Mr. Pisarra when you were arrested, when he had told you, when you heard the date, this thing was supposed to have happened, where you had been? A He told me up in Jefferson Market.

Q What? A He told me up to Jefferson Market.

Q And where did you say you had been that Sunday?

A I told him I was not in New York, that I was to New Jersey.

Q You told Mr. Pisarra that? A Sure I told him.

Q That is all.

MR. JAMES: No cross examination.

MR. JAMES: The defense rests.

MR. JAMES: The People rest.

MR. BRADLEY: Now, may it please the Court, I renew my motion upon the ground that the people have failed to prove a case.

THE COURT: What do you want to submit to the jury, Mr. District Attorney?

MR. JAMES: Rape in the second degree and abduction as charged in the indictment.

THE COURT: I will not require any election. I will submit both counts to the jury.

MR. BRADLEY: Your honor denies my motion?

CASE #1491

THE COURT: Yes.

MR. BRANDS: Will your Honor permit me to put my grounds upon the record?

THE COURT: Yes.

MR. BRANDS: I move that your Honor direct the jury to acquit the defendant, upon the ground that the people have not established a case in law, in that the legal corroboration is not here. If your Honor will bear with me one moment?

THE COURT: I do not want any argument, Mr. Brands.

MR. BRANDS: But I would like to call your Honor's attention to the fact --

THE COURT: You are not stating the ground now. You are arguing. I do not care for argument. I made up my mind to submit this to the jury.

MR. BRANDS: The ground of my motion is, that the crime alleged in the indictment is alleged to have occurred on the 20th day of November, as your Honor knows. The so-called attempted corroboration of the last witness upon that stand, the young girl, shows that it was two weeks before that, if it was at all, so that where is the corroboration of the 20th?

THE COURT: I will deny your motion. You may go to the jury.

MR. BRANDS: Exception.

CASE #1491

Mr. Brands thereupon closed the case on behalf of the defense.

THE COURT: Mr. Brands, let me interrupt you a second. I have suggested to the District Attorney the propriety of withdrawing the abduction count and going to the jury on only one count of the indictment, for the purpose of simplifying the issue for the jury's decision, and the District Attorney agrees that the count charging abduction may be withdrawn, so that the only question for the jury to decide is whether or not the defendant is guilty of rape in its second degree.

MR. BRANDS: Very well, your Honor.

Mr. Press thereupon closed the case on behalf of the People.

CASE #1491

THE PEOPLE vs. JIM VETTER

THE COURT'S CHARGE.

HON. WARREN V. POSTER, J.

THE COURT:

Now, gentlemen, a word as to the law, and the case is with you for determination.

No conviction of this defendant can be had on the unsupported testimony of the female alleged to have been raped. You must find corroboration and support of her testimony. In other words, you must not predicate a conviction on her word alone. The People claim to have corroborated in every essential detail, her testimony. It is for you, weighing all the evidence pro and contra, to determine the case, and in weighing it, it is for you to say what credence shall be given to it. You may believe or refuse to believe the testimony of any of these witnesses.

If you entertain any reasonable doubt about this case, give the defendant the benefit of it, and do not convict him unless satisfied of his guilt beyond any reasonable doubt.

So much for the general principles of law. The particular law that applies to this case defines this offense as rape in its second degree. Rape, to the lay mind, implies a ravishment by force and arms, and the overcoming of

CASE #1491

2

the will by a superior force. Rape in its second degree is sometimes ^{called} statutory rape, and it implies the care, the jealous care with which the law surrounds children and young women.

The law makes it a criminal offense for any man, not being married to the complaining witness, to have sexual intercourse with such a female, under the age of eighteen years.

So that, stripped of all legal verbiage and unnecessary technicalities, the question submitted to you is this --for I take it there is no dispute about the fact that the defendant was not the husband of the complaining witness? Am I right about that, Mr Brande?

MR. BRANDE: Yes, sir.

THE COURT: That being out of the case, the next question is to determine whether or not the complaining witness was under the age of eighteen years. If she was, and the defendant had sexual intercourse with her--and any penetration however slight, is sufficient under the law to constitute sexual intercourse--he is guilty of rape in its second degree. In other words, if a girl is under eighteen and not married to a man, and the man has sexual intercourse with her, no matter whether she consented or did not consent, no matter whether she importuned the man or did not importune the man, no matter whether the man

CASE #1491

3

paid for what he got or whether he did not pay for it, if he had sexual intercourse with her, she being under eighteen years of age, he is guilty of rape in the second degree.

Whether or not he is guilty is the only question for you to pass upon. I will not complicate this case by submitting to ^{you} the other counts of the indictment, nor by charging you further. The issue is short, sharp and clearly defined. Take it and decide it.

MR. BRANDE: May it please your Honor, I want to ask your Honor to charge the jury that before they can convict the defendant of the crime charged against him, and which your Honor has submitted to them, they must find that the complaining witness was corroborated as to the date.

THE COURT: Did I not say they must find in all essential details, corroboration? I have charged the jury that once. I do not need to say it the second time.

MR. BRANDE: But, your Honor, I want the jury to understand that corroboration must refer to the date alleged in the indictment.

THE COURT: In all essential details, I did charge that.

MR. BRANDE: It is charged that they must find that there is corroboration as to the date?

CASE #1491

4

THE COURT: Yes, in all essential details.

The jury retired at 2:57 P.M. and returned at 3:28 P.M., and rendered the following verdict:

We find the defendant guilty of rape in the second degree.

MR. BRANDE: What day does your Honor want to fix?

THE COURT: I do not know whether to-morrow will do or not. Put it over until next Tuesday?

MR. BRANDE: Yes, sir, and I will reserve my rights to make my motions on that day?

THE COURT: Yes, you may do that, and ask some one of the probation officers to investigate and report to me.

CASE #1491

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

THE PEOPLE OF THE STATE OF
NEW YORK

against

JIM VETTERO.

New York, February 23, 1912.

Indicted for rape in the second degree, assault in the second
degree and abduction.

Indictment filed January 18, 1912.

APPEARANCES:

For the People, ASSISTANT DISTRICTS PRUSS and ELLISON.

For the Defendant, JAMES H. BRANDT.

The defendant is arraigned for sentence before HON.
WARREN W. POSTER, J.

James E. Lynch,
Official Stenographer.

THE COURT: What have you to say, Mr Brandt on be-
half of the defendant?

MR. BRANDT: First of all, I ask the Court to set
aside the verdict of the jury upon the ground that it is
against the evidence, contrary to law. Your Honor remem-
bers the evidence in this case?

THE COURT: Very well, you need not refer to that.
I remember all about the facts developed on the trial.

MR. BRANDT: Your Honor denies the motion, I take it,
and I take an exception.

Now, may it please the Court, the defendant is thirty
years of age and has been in this country since boyhood
and lived an honest and upright life, and has been in busi-
ness for himself for some years at this very place where
this crime is supposed to have occurred. He still main-
tains he is innocent. He don't know these girls and
never saw them. I believe that the evidence in the case
was rather shady as to whether or not this man was guilty
or not.

THE COURT: No, I do not think there is any doubt
about it, or the jury did not think so and it is their re-
sponsibility. Now, is there any reason on earth why mercy
should be shown this defendant?

MR. BRANDT: I think there is every reason in the
world, on the evidence.

THE COURT: Now, tell me the reason why this Court
should be merciful to this defendant?

MR. BRANDT: Well, your Honor, from your experience,
there is no use arguing on that question. It is a ques-
tion of this man's standing in the past. It is true this
jury has convicted this man, and now all we have to do is
to see whether this man's standing in the community is to
help him or not, in view of all the evidence in the case.
That is all I have to appeal to the Court on, our standing.

THE COURT: Jim Vettero, you have been convicted of
rape in its second degree, the seducing of little girls
from the path of virtue, girls who were too young to know
the nature and quality of the act which you solicited them
to perform. You have started them on the downward path.
It was quite needless, this crime. The law has a jealous
regard for the virtue of young women, and fixes a severe
penalty for those who violate it. I am heartily in accord
with it, heartily in accord with the good work that the
Society for the Prevention of Cruelty to Children is doing.
They are seeing to it that whenever the rights of children
are violated and crimes are committed upon them, no effort
is spared to bring to the bar of justice the guilty. Your
conviction is a triumph for this Society, and the law and
order of the community, that you and the likes of you may

CASE #1491

CASE #1491

CASE #1491

96
be deterred from doing this detestable crime.

The Court must inflict a sentence that will be a deterrent and not as a warning. The indeterminate sentence law applies. You are too old for Elmira. Therefore the sentence of the Court is that you be imprisoned in State Prison at hard labor for not less than two years and six months and not more than five years and six months.

I may say here that there are two cases against you. We have proof here of your having perpetrated rape upon two young girls, and you are sentenced only ^{or} one indictment.

MR. BRAND: May I ask your Honor to hold the commitment for a week?

THE COURT: What do you want to do, appeal?

MR. BRAND: Yes, your Honor.

THE COURT: Then I will hold it until next Wednesday. That would give you time to get busy with your appeal.

*I hereby certify that the foregoing
is a true and correct transcript
of the proceedings had upon the
trial of this case.
James E. Lynch
Official Stenographer*

CASE #1491