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CASE #1743

COUNT OF GENERAL SESSIONS OF THE PEACE,
CITY AND COUNTY OF NEW YORK, PART II.

THE PEOPLE OF THE STATE OF NEW YORK

-against-

JACK WILDER.

Before
HON. WARREN W. FORTSON, J.,
and a Jury.

New York, July 6th, 1913, etc.

Indicted for violation of section 2460 of the Penal
Law.

Indictment filed June 6th, 1913.

A P P E A R A N C E S :

For the People:

ASST. DISTRICT ATTORNEY ROBERT C. MCCORMICK.

For the Defendant:

MR. SAMUEL KAHAN and K. HENRY ROSENBERG.

A jury was duly impaneled and sworn.

James T. Lynch,
Official Stenographer.

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MR. KAHAN: Your Honor, there being only fifteen or seventeen minutes left before adjournment, let us try the case to-morrow morning and start it to-morrow morning.

THE COURT: Well, I am inclined to grant your request. We cannot make very much progress. Mr. McCormick, I am asked to adjourn this case because it is so near the hour for adjournment, and I do not believe that any public interest would be prejudiced by pleasing defendant's counsel to that extent.

MR. MCCORMICK: I agree with your Honor.

The Court then admonished the jury in accordance with section 415 of the Code of Criminal Procedure, and adjourned the further trial of the case until Wednesday, July 9, 1913, at ten o'clock a.m.

New York, July 9th, 1913.

-TRIAL RESUMED-

MR. ROSENBERG: I ask that witnesses be excluded.

THE COURT: All witnesses are excluded from the room.

MR. MCCORMICK then opened the case on behalf of the People.

I D A W I L L E R, called and duly sworn as a witness on behalf of the People, testifies as follows:

(Residence 245 West 13th street).

DIRECT EXAMINATION BY MR. MCCORMICK:

Q Where were you living about the 1st of October, 1912?
A 202 East 13th street.

Q You will have to speak just as loud as you can?

MR. MCCORMICK: May I ask what name the witness gave?

THE STENOGRAPHER: Ida Miller.

Q Now, repeat your answer? A 202 East 13th street.

Q Now, remember that you must keep your voice up so that this last gentleman can hear every word you say. What sort of building was that? A It was a five story tenement building with a saloon on the corner.

Q We cannot hear you? A There were five floors in that building and there was a saloon underneath on the first floor.

Q Well, it was an apartment house or a tenement house?

A It was a tenement house.

Q How many rooms -- or did you live there? A I lived there.

Q With whom did you live? A With Jack Miller.

Q That is this defendant? A Yes.

Q How long had you been living with him? A I lived with him for about six months.

Q Had you ever been married to him? A No, sir.

Q Speak loud? A No, I was never married.

Q Do you remember, or how many rooms were there in the apartment that you and Miller had? A Just one.

Q Only one room? Do you remember playing cards up there one day about the 1st of October, 1912? A I do.

Q Who were in the room at that time? A Jack Miller, Mr. Tasker and myself.

Q Three of you? A Three.

Q This defendant, Tasker and you? A Yes.

Q While you were playing cards did anybody else come in?

A Yes, sir, a man come in with another man and he asked --

Q Now, just wait a minute. A man come in? A Yes, sir.

Q Do you know who he was? A I do.

Q Who was he? A He was a man that used to bring fellows to the girls.

Q Yes, around 13th street and Third avenue? A Yes, sir.

Q Did he talk to Jack Miller? A Yes, sir, I did.

Q Did he talk?

BY MR. ROSENBERG:

Q Did you?

MR. MCCORMICK: Now, wait.

MR. ROSENBERG: She said "Yes, I did."

THE COURT: Go on, ask your questions.

BY MR. MCCORMICK:

Q Did this man who came into the room talk to Jack Miller?
A He spoke to Jack first.

Q What did he say to Jack? A He told Jack that he had a man for me and could I stay with him, and Jack said "Yes."

Q And then did Jack Miller say anything to this man? A He told him to wait a while until the game was over and then he told me to go up and go into the man's room next door, and I done that.

Q When you went out of the room, in which the card game was being played, did you meet a man? A I did, the man was there with the other man.

Q Who was the man that came in the room first, what was his name? A His name is Sam. I don't know his second name.

Q Well, it was not Sam that you met outside, was it? A No.

Q It was the man that Sam brought there? A He brought the other man.

Q When you met the man that Sam brought there, where did he take you? A He took me to the man's room next door.

Q That is to the room next door to the room where you had been playing cards? A Yes, sir.

Q What did you and he do in that room, tell us what happened there? A He asked to stay with him, which I did.

Q What do you mean by staying with him?

MR. ROSENBERG: We all know that.

BY THE COURT:

Q Did he have sexual intercourse with you? A He did.

BY MR. MCCORMICK:

Q Did he pay you any money? A He did, he paid me one dollar.

Q That is, for the sexual intercourse? A Yes, sir.

Q Then after -- or how long were you and he in that room? A We were in there about five minutes.

Q And then after he had sexual intercourse with you and paid you one dollar, what did he do and what did you do? A We walked out of the room and I walked into the room where we were playing cards, and I handed Jack the dollar, as I walked in. He took that, put that in his pocket and we sat down. Then he asked Mr. Tanker for change of a dollar, which Tanker did not have, and he took a quarter out of his pocket and he handed it to this other man, about fifteen minutes after, this other man come up.

Q You mean Sam? A Sam, and he says to Mr. Tanker, "It does not pay for seventy-five cents."

Q You mean this defendant gave Sam twenty-five cents out of the dollar? A Out of the dollar.

Q How long had you known the defendant? A I knew him for three years.

Q How long had you been living with him as his wife? A Six months.

MR. MCCORMICK: Your witness.
CROSS-EXAMINATION BY MR. ROSENBERG:

Q Are you dressed any differently to-day than you usually

dress? A No, I am not.

Q Aren't you dressed so as to make you look more youthful to-day than you usually dress? A I always dress this way.

Q You always try to look youthful, is that it? A No, not youthful. I dress to suit myself.

Q But you didn't dress to-day so as to make yourself appear as young as possible? A No, sir, I did not.

Q They did not tell you to do that? A No.

Q Where have you been living for the last month? A 245 West 15th street.

Q For the past month, 345 East 13th? A West.

Q Do you understand the question? A I understand.

Q What is the name of that place where you are living?

A The Florence Crittenton Mission.

Q The Florence? A Crittenton Mission.

Q The Florence Crittenton Mission? A Yes.

Q You are there undergoing imprisonment, is that right?

A No, not imprisonment at all.

Q You are free to do as you please, is that it? A I am.

Q And you have been there ever since this defendant had been arrested, is that right? A That's right.

Q And how long is that? A Six or seven weeks.

Q You are not under any restraint there at all? A No, not at all.

Q How old are you? A Twenty-one, I will be the 16th of July.

Q And you first had sexual relations with this defendant about six months ago, is that right? A I don't know what you mean.

Q You know what sexual intercourse is? A Oh, no, I had it two years ago, or three.

Q That is not anything new to you, to talk of your having sexual intercourse with men, is it? A No, sir.

Q Now, let us see, when did you first begin to have sexual intercourse with men? A Six months ago.

Q For the first time? A Oh, no, not for the first time.

Q Now, do you understand my question? A Well, I don't understand what you mean.

Q Well, if you don't understand, please say so. When did you first begin to have sexual intercourse with men for money?

A Oh, six months -- the time Jack asked me to go out for him.

Q And that was about six months ago? A That's more than six months ago.

Q Well, will you please give the jury some idea when you first became a prostitute? A That was a year ago May.

Q May a year ago? A A year ago.

Q That's the first time that you fell from grace? A I did.

THE COURT: No, no, do not say "fell from grace."

Q Well, the first time that you wandered from the path of virtue? A Yes.

Q And you fix that date as a year ago last May? A Well I remember it about a year ago last May.

Q Yes, that would be a year ago last May, you are sure of that? A Sure.

Q Now, that's the first time you had anything wrong with you with reference to men, is that right? A That's right.

Q Now, that was May, 1912, is that right? A That's right.

Q Now, there is no doubt about that date, is there? A No.

Q And you understand my question? Now, will you please talk and not shake your head, you understand the question?

A I do.

Q Now, then, when did you first have sexual intercourse with this defendant? A About two and a half years ago.

Q Didn't you tell the jury it was only in May, 1912? A Well I mean that was the time I went out prostituting for this fellow Jack, that's what I mean.

Q In May, 1912? A 1912.

Q Now, didn't I ask you when was the first time that you had any sexual intercourse with any man and you said "May, 1912"?

MR. MCCORMICK: Now, I object to that.

THE COURT: She may answer.

MR. MCCORMICK: She has explained her testimony already.

MR. ROSENBERG: That's what I am trying to get her to do.

THE COURT: Do not talk one to another. Mr. Rosenberg, you are out of order. I have allowed your question.

Q Will you please answer the question?

(Last question repeated by the stenographer).

Q Is that correct? A That's what I said, but I didn't understand what you meant. I thought was that the first time I ever went out prostituting for Jack.

BY THE COURT:

Q Now, let me ask you a few questions. You say you went out prostituting for Jack about six months ago? A No, I lived with him for six months, but at that time I went out for him for a year ago May.

Q Then a year ago last May you began prostituting yourself for his benefit? A I did.

Q Is that right? A That's right.

Q Now, had he prior to that time had sexual intercourse with you himself? A He did.

Q When did he first have sexual relations with you?

A I don't remember the date.

Q What is your best memory? A It's about two and a half years ago.

THE COURT: Now, Mr. Rosenberg, you have got the

Facts. You need not repeat them.

Q Two and a half years ago the sexual relations first began, and a year ago last May you began prostituting yourself for him, and about six months ago you lived with him, and you continued prostituting yourself for his benefit, is that right? A Yes, sir, that's right.

BY MR. ROSENBERG:

Q Now, did you know a man named Benny Samuels? A I did.

Q Was he your friend? A Well, I knew him by working with him.

Q And wasn't he the man whom you first had sexual dealings with? A He was.

Q Now, when did that occur, how many years ago was that? Is it so long ago that you can't remember? A I remember.

THE COURT: Now, just wait.

Q Now, tell the jury when it was? A It's about four years ago in November.

Q In November, four years ago? A Four years ago.

Q How long did you live with Benjamin Samuels, if you ever lived with him? A I never lived with him.

Q Did he seduce you? A He did, but I never lived with him.

Q And you had but one act of sexual intercourse with him? A Just one.

Q That's all? A That's all.

Q And then you ceased to have any further business with him, is that right? A That's right.

Q Then you remained in that condition until you met another man, didn't you? A I did.

Q Now, was Isay Bernstein the second man? A No.

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

Q Can you give the jury any idea who the second man was? A I don't remember.

Q Well, was it an unknown man? A No, it was not an unknown -- I don't know his name. I didn't come up here to tell you with who I was.

Q Possibly the jury might be interested to know.

THE COURT: Mr. Rosenberg, what is your object in asking these questions?

MR. ROSENBERG: Well, your Honor, I would like to show and have this jury understand the previous conduct and history of this young woman who makes the charge that this defendant --

THE COURT: Well, that goes to credibility. She admits she has been a public prostitute.

MR. ROSENBERG: No, she only admits it because she says my client compelled her to become a prostitute.

THE COURT: Well, she admits it. Now, I can see no useful purpose that can be subserved by going further into the relations she has had with a great many others.

BY THE COURT:

Q You received a great many, didn't you? A Yes, sir.

BY MR. ROSENBERG:

Q And that was long before you knew this defendant? (No answer).

BY THE COURT:

Q You may answer the question, before you met this defendant you had sexual relations? A I was, but I am not up here to tell you what I am. I am up here to tell you I was out prostituting for him.

Q Now, do not volunteer anything.

THE COURT: Now, I would not go any further into that line, testing credibility. You have got enough on that point.

MR. ROSENBERG: Well, I do not think so, your Honor.

THE COURT: Well, I do, and you must subside. You may have an exception.

BY MR. ROSENBERG:

Q Were you a prostitute before you met this defendant?

MR. MCCORMICK: I object to that.

THE COURT: She has said she was.

BY THE COURT:

Q Have you not? A I was never out prostituting until he told me to go out.

Q Well, then, answer that question?

BY MR. ROSENBERG:

Q Were you a prostitute before you met this defendant?

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A. No, I was not.

Q Now, I ask you when was it that you met the second man whom you say you don't want to give his name?

MR. MCCORMICK: I object to that on the Court's ruling.

THE COURT: Let me ask that question in a different form.

BY THE COURT:

Q Prior to the time when you met the defendant at the bar, you have testified, if I correctly remember, that you had sexual relations with different men, is that right? A That's right, yes, sir.

Q Did you have sexual relations for money prior to that time? A No.

Q You never prostituted -- A (Interrupting) Well, I wasn't with so many fellows to get money off them.

THE COURT: Now, go on.

BY MR. ROSENBERG:

Q Maybe I can refresh your recollection. Were you with Issey Bernstein? A No.

Q You never had sexual relations with him? A No.

Q Do you know Issey Berkowitz? A No, I don't know any one by that name.

Q You don't know him? A I know him, but not by the name of Issey Berkowitz.

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Q What name? A I know Issey Bergstein, but I never had any dealings with him.

Q Do you know Sam Finn? A I know him.

Q Did you ever have any sexual relations with him? A No, with nobody.

Q Did you ever know Harry Katz? A I did.

Q Did you ever have sexual relations with him? A Yes, once.

Q When? A That was about four years ago, when I first--

Q (Interrupting) How long did you live with Harry Katz, if at all?

MR. MCCORMICK: I object to that.

A I never lived with him.

Q How often did you stay with Harry Katz? A Once.

Q Only once? A Once.

Q Did you obtain any money from him? A No, I never got any money off him.

Q It was for love, was it? A Yes, for love.

Q Now, do you know "Louis the Wop"? A No, I don't.

Q Do you know who I mean by "Louis the Wop"? A No, I don't.

Q Do you know an Italian by the name of Dominick Natale?

THE COURT: Now, I shall stop this line of examination, unless it is for some other purpose than to test credibility. Assuming that, I hold that you have had ample

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latitude, and I direct you to desist from that line of questioning as affecting credibility.

MR. ROSENBERG: Will your Honor let me ask as to this one, Dominick Natale? That is an important person in this case?

THE COURT: Well, of course, I only restrict you as to matter affecting credibility. If it has any other bearing, then she may answer that question.

Q Do you know Dominick Natale? A I do.

Q Is he an Italian? A He is.

Q Is he the person whom I have referred to as "Louis the Wop"? A No, I don't know "Louis the Wop".

Q Did you ever live with Dominick Natale? A I never did.

Q Do you remember having been arrested upon the complaint of your mother? A I was --

Q Do you? A I do.

Q When was that?

MR. MCCORMICK: I object to this as incompetent, immaterial and irrelevant.

THE COURT: She may answer that.

A I was not arrested for living with him because I never did. I struck my mother. She put me away for that, and then she took me out for twenty-five dollars.

Q Weren't you living with Dominick Natale -- A (Inter-

rupting) So.

Q (Continuing) -- at the time your mother caused your arrest? A No, I was not.

Q Are you sure of that? A I am positive.

Q Weren't you sent away for three months because of the fact that you were living with Dominick? A No, I was sent away because I struck my mother and she took me out after that.

Q All right. Now, then, what court were you brought to? A I was brought to Brooklyn.

Q Brooklyn court? A Yes.

Q Will you give the Court and jury some idea of the date when you were arrested on that charge? A I don't know. I know it was in July, but I don't remember when.

Q How many years ago? A Before I met Jack. It's about three years.

Q How many years ago? A About three years ago.

Q Weren't you arrested and charged by your mother with living with Dominick Natale at that time? A No, I was not.

Q Didn't your mother claim you were living with him? A I didn't hear her say that.

Q Didn't she tell the Judge that? A No, not that I heard it, no.

Q Was that in the Children's Court, Brooklyn? A I don't know.

Q What street was it in? A It is on Bedford Avenue.

Q Then you were sent away for six months? A No, said six months, but I was there a week when my mother took me out.

Q Didn't you just tell the jury you were fined twenty-five dollars? A I was not fined twenty-five dollars. My mother paid twenty-five dollars to take me out.

Q What, to the lawyer? A To the lawyer.

Q Then you don't know what you were sent away for, is that it? A No, I know I struck my mother. She said she would get even with me and she put me away for that.

Q Were you living home that time? A No, I was living with my sister.

Q Where were you living at the time when you claim you struck your mother? A I was living home with my mother that time, but just because I struck her she told me to get out and I went to my sister and I lived there.

Q What is your sister's name? A Her name is Bessie Edicks.

Q Bessie Edicks? A (Spelling) E-d-i-c-k-s.

Q Where does she live now? A She lives in Ridgewood.

Q Ridgewood, Long Island? A Ridgewood, Brooklyn.

Q Well, do you know the name of the street? A No, I don't.

Q Do you know the number of the street? A I don't.

Q How long did you live there? A I lived there for four days.

Q Are you sure that your sister is living there under that name? A I am sure.

Q After you got out of the institution, or by the way, what was the name of the institution to which you were sent?

A The House of the Good Shepherd.

Q And you got out within a week? A Within a week.

Q Are you sure of that? A I am positive.

Q Under what name were you committed to the House of the Good Shepherd? A Under the name of Ida Benasovitz.

Q Ida Benasovitz? Well, that is your real name, isn't it? A That's my real name.

Q What other names have you been known under? A Miller.

Q Any other name? A That's all.

Q Do you remember being known under the name of Mrs. Natale, Dominick's wife? A No.

Q You were not? A No, I was not.

Q Is your sister married?

MR. MCCORMICK: I object to that.

Q Is your sister married?

MR. MCCORMICK: Do not answer that. What has that to do with the case?

Objection sustained. Exception.

Q Was your sister living there alone in the street in Ridgewood which you don't know the name of?

MR. MCCORMICK: I object to that.

MR. ROSENBERG: Well, I will come back to that later.

Q How long did you know Sam Zinn?

MR. MCCORMICK: I object to that.

MR. ROSENBERG: She said she had one act of sexual intercourse with him.

Q Have you now told the jury all of your criminal experience?

MR. MCCORMICK: I object to that.

MR. ROSENBERG: I want to show she has another criminal record other than that she has testified to.

THE COURT: I sustain the objection to the question because it calls for an opinion.

MR. ROSENBERG: Will your Honor rule upon the other two questions asked, the two other questions asked by me? Will you repeat them?

(The stenographer repeats as follows: "Was your sister living there alone in the street in Ridgewood which you don't remember the name of?")

Objected to. Objection sustained. Exception.

(The stenographer repeats as follows: "How long do you know Sam Zinn?")

Objected to. Objection overruled.

Q How long do you know Sam Zinn? A I knew him a long time before I ever met Jack.

Q And you had sexual relations with him, didn't you?

MR. MCCORMICK: I object to that. She answered that question a long while ago.

Q You say you had no sexual relations with him? Will you tell the jury?

MR. MCCORMICK: I object to it. It has been answered a long while ago.

THE COURT: Let her answer the question.

Q Will you answer the question? A No, I did not.

Q Then Mr. McCormick was mistaken when he said you had connections with Sam Zinn a long while ago?

MR. MCCORMICK: No, I said she answered the question a long while ago.

Q Were you ever convicted in the Borough of Manhattan in the Night Court for soliciting? A I was.

Q Where? A The 4th of March.

Q The 4th of March of this year? A This year.

Q And you were soliciting a police officer, weren't you? You were arrested for soliciting a police officer? A I was.

Q Is that right? A That's right.

Q And you were soliciting on the public street? A Yes.

Q Were you? A I was. I was with Jack when I was arrested.

Q You want to tell the jury that you were with Jack, the defendant, while you were soliciting a police officer? A No, I

did not solicit a police officer. I was with Jack and this police officer thought I solicited him and he picked me up.

Q And you were convicted for that? A I got three months' probation.

Q Did you tell the Judge before whom you were brought up for your trial that you were walking with Jack on the day the officer claims you were soliciting him? A I told him --

Q (Interrupting) Did you, yes or no? A I did.

Q Now, you remember the day you were brought to the night Court, is that right? A That is right.

Q And the officer charged you with having solicited four or five different men on the street, didn't he? A He did.

Q What time of the night did the officer say that you were soliciting men on the street? A He didn't mention any time at all.

Q Well, it was in the night time? A It was at ten o'clock.

Q At what street was it? A 38th street and Madison avenue.

Q And you were there, weren't you? A I was there.

Q Did you tell the Judge that you did not solicit four men? A I admitted it, I told him I did.

Q You admitted it? A I did.

Q That you had solicited four men for prostitution? A I did.

Q And then you were convicted? Now, you are sure you admitted it? A I did.

Q And that was last March? A March.

Q Before Judge Murphy, was it? A Yes, sir.

Q And then your finger prints were taken? A They were.

Q Didn't you have your mother in court the following day?

A I did.

Q And didn't you claim that you were a respectable girl?

A I did not.

Q Did you claim to the Judge that you were a respectable girl living with your mother at that time? A No, I did not. I told the probation officer that I was out soliciting, and I told her not to tell my mother, and she said she would not tell her.

Q She would not? A No.

Q Then the probation officer last March was Miss Smith, was it? A It was.

Q That is not the lady who brought you to court here?

A She was there.

Q Well, I am asking you a question, Miss Smith, the lady whom you claim you told you were a prostitute last March, is not the lady who brought you to court to-day, is that right? A That is right.

Q Now, did not Miss Smith put in writing what you told her? Did she, yes or no? A I did not see, I didn't look at it.

Q Don't you remember Miss Smith going before Judge Murphy on the following day after you were convicted, and telling Judge Murphy that you were a respectable girl, that you had made a mistake and you were going to go and live with your mother? A I didn't hear that, no, I didn't hear that.

Q Well it was all done in your presence, wasn't it? A She was talking to him but I was not listening.

Q You were standing alongside of her? A No, I was not.

Q Weren't you standing within two feet of her? A I was standing quite a distance away but I couldn't hear what she said to the Judge.

Q Your mother thought you were a respectable girl? A My mother don't know what I am or what I do.

Q That is, your mother didn't know all these years what you were doing? A My mother knew what I was but she never knew I was out for Jack.

Q But she knew you were out with other men? A She did.

Q How long did your mother know that? A She didn't know it long ago, until I told her.

Q She didn't know it all these years? A No, she did not.

Q You had not been living home? A I always lived home, only when she told me to get out, when I struck her.

Q How often did she tell you to get out? A Once.

Q That was four years ago, wasn't it? A Yes.

Q Then you were sent to the House of the Good Shepherd and you want to tell the jury that you lived with your mother ever since, continuously? A I did. I was living with my mother at the time I raised my hands to her.

Q Let us get past that. We have gone beyond that. We have got to the point where you got out of the House of the Good Shepherd? A Then I went home.

Q How long did you stay home? A I stayed home up to the time Jack told me to go out.

Q When was that? A That was a year ago in May.

Q Last May, is that right? A That's right.

Q Then you did not tell your mother where you were going, did you? A No, I did not.

Q You went without her consent? A I did.

Q You did not communicate with her, is that right?

A That's right.

Q You did not let her know where you were? Will you please talk? A No, I didn't let her know where I was.

Q Did you let your sister know? A Nobody.

Q Did you let anybody know? A Nobody knew outside of Jack.

Q And you were living on 11th street all the time? A All the time.

Q From last May up to the time of your arrest here? A I was living there until October, then I was taken to the hospital

side.

Q I know all about that. You were taken to the hospital in October? A I was.

Q What part of October were you taken to the hospital? A The 11th of October.

Q You are sure of that? A Positive.

Q And you gave birth to a child in the hospital on what date? A The 12th of October.

Q Now, will you please tell the jury if you can, what date it was that this alleged card party took place? A It was around the 1st of October.

Q You were in a high state of pregnancy, weren't you? A No, I was only seven months --. It was not very high.

Q It was not very high? A Well, high enough.

Q Didn't you deliver a full nine months' child?

THE COURT: Now, do not go into those facts further. The witness says she was seven months pregnant. Is not that enough? Whether it was high or low, is not important.

MR. ROSENBERG: But, your Honor --

THE COURT: I do not mean to argue with you. I am merely laying down for your information the attitude of the Court. Now, do not pursue that inquiry further.

MR. ROSENBERG: Won't your Honor permit me to prosecute that inquiry to show that on the 12th of October she gave birth to a child in the hospital?

THE COURT: That is another matter altogether. I

only say do not go further into that other question.

Q Well, isn't it a fact that you gave birth to a child in the hospital on the 12th of October, 1912? A I did.

Q What hospital was it? A The Lying-in.

Q The Lying-in Hospital? A Yes.

Q And there you represented the defendant as your husband, didn't you? A I did.

Q And the reason you did that was that they would not take you unless you represented him as your husband? A No, he took me there and he signed --

Q Never mind about signing. I ask you, didn't you tell the defendant that it was necessary to say that you were a married woman? A No, I did not.

Q And they wouldn't take you there unless you were a married woman? A No, they take any one in whether they are married or not.

Q And you knew that, didn't you? A I knew that.

Q Who told you that before the 12th of October? A No-body told me that. I knew it myself.

Q And then you remained in the hospital how long? A For two months.

Q Was there anything about this particular -- Question withdrawn.

Q How often have you played cards with Jack, as you call

him? A Quite often.

Q How often had you played cards with Jack and Tasker? A Often too.

Q Quite often? Well, won't you please talk as we all can hear you? How frequently did you meet Tasker up in the 11th street apartment? A He came up mostly every night because he was a friend of ours.

Q He was a friend of "ours"? Now, who was the other person to whom you refer as the friend? A Jack and myself.

Q Wasn't he a friend of May's? A May who?

Q You never heard of that name? A I heard of her, yes.

Q Well, May, who do you think I refer to?

THE COURT: No, do not examine that way.

Q Now, did you live in the 13th street apartment with another young woman? A No, she had a room of her own. She never lived with me.

Q She had a room in the same building? A In the same building.

Q What is that young lady's name? A May Stein.

Q Is it Stern or Stein? A Stein.

Q Tasker was the friend of May Stein, is that right? A I don't think so.

Q You never saw them together? A We were all together.

Q Well, was May Stein in the room on this day in October that you speak of? A No, she was not.

Q Sure of that? A Positive.

Q But was not Tasker the friend of May Stein? A We introduced her to him, but I don't know whether they were ever together. That's a thing I never seen.

Q Well, she is a prostitute, isn't she; isn't she, be honest with us?

MR. MCCORMICK: I object to that.

THE COURT: I sustain the objection to the question.

MR. ROSENBERG: May I not show her company?

THE COURT: Do not ask of me. I am not under examination.

MR. ROSENBERG: I except to your Honor's refusal to permit me to interrogate the witness on that subject.

Q Isn't it a fact that the tenement house which you have described is a furnished room house? A It is a furnished room house.

Q Why didn't you tell the jury it was a furnished room house and not an apartment house?

MR. MCCORMICK: I object to that.

THE COURT: She may answer that in her own way.

Q Answer it? A Well, I didn't know what you meant. You said, "What kind of building was it."

Q I didn't ask you, Mr. McCormick asked you. He is not so fierce in his talk with you as I am.

THE COURT: Now, you know the impropriety of that.

Q Well, Mr. McCormick is more gentle with you than I am?

THE COURT: That is quite out of order.

Q Why didn't you tell the jury in answer to Mr. McCormick that this was a furnished room house, and not an apartment house?

A Well, I didn't understand what he meant when he said what kind of building was it. If he said --

Q In other words, it is a building where young women live, is that right? A That is right.

Q And there are only women occupying rooms there, isn't that right? A That's right.

Q And they are all occupying it for purposes of prostitution, is that right? A No, it is not.

Q Not all? A Not all.

Q Well, a great many of them are, is that right? A That's right.

Q And among others, May Stein, is that right? A May Stein only lived there two days.

Q When did she live there? A Well, I don't know what month.

Q You don't know what month? A No, I don't.

Q What is that? A She lived there the time I lived there, which is in October before I went to the hospital.

Q You charge that this game was being played in the house on 13th street? Now, what house was it? A 202 East 13th street.

Q Did May live in that house with you? A She lived there, but not at that time.

Q Did Tasker live in that house at that time? A No.

Q What? A He did not live there.

Q Where did May live at the time of this supposed poker game? A She lived on 16th street.

Q What number? A I don't know.

Q Near where was it? A Between Seventh and Eighth avenues.

Q She lived alone? A She was boarding with some woman.

Q Was it a furnished room house? A I don't know her business. She never told us anything about that.

Q Now, was Tasker living in 202 East 13th street at the time? A No, he was not.

Q Where was he living? A He was living on 16th street.

Q What number? A I don't know.

Q Was it between Seventh and Eighth avenues? A No, between Third and Fourth.

Q You don't know the number? A He was living in a building where he is superintendent of.

Q Now, was, or how many games were you playing, or how frequently did you play cards with Jack, Tasker and yourself in 202 East 13th street? A We played it quite often, mostly every night.

Q Every night? A Mostly every night.

Q And this is the only occasion, is it, where some one came up and asked you to stay with a man? A Yes, in that house.

Q In that house? A Yes.

Q Well, is there any other house in which Tanker witnessed it? A No, not Tanker.

Q Who witnessed in any other house? A May Stein witnessed it.

Q In what house did she witness it? A 222.

Q East what? A 13th street.

Q When was that? A That was in July.

Q July of what year? A 1912.

Q Did you keep any record of that? A No, I can just remember it was in July.

Q Did you keep any record of the date in October? A No, I know it was just a couple of weeks before I went to the hospital.

Q A couple of weeks before you went to the hospital?

A Well, a few days.

Q That is why you remember it? A That is why I remember it.

Q And that's the only reason you remember, is that right? A That's right.

Q Now, a couple of weeks before you went to the hospital-- you were playing cards almost every night with the same people.

wasn't you? A No, not every night.

Q Well, almost every night? A Almost.

Q What is there that impresses itself upon your mind as to fix this particular day? A Well, I know it was during the month of October because eleven days after that I went to the hospital.

Q How long did you live at 202 East 13th street? A I think I lived there about two months.

Q And can you fix the date when you moved in and when you moved out? A No, I can't, I don't remember.

Q What is that? A I know we moved in, in September.

Q You moved in, in September, and you moved out when? A I didn't move out because I went to the hospital. It was him that moved out.

Q You don't know when he moved out? A No, I don't know when he moved out.

Q How long did you live at 222 East 13th street? A I think I was living there two months, about.

Q When did you move in there and when did you move out? A I moved in there, I think it was towards the end of July, and we moved out of there the beginning of September.

Q From July to September? Now, where was it that May Stein lived, in either of these houses? A She lived in 16th street.

Q Well, did she ever live in 202? A She lived there

for two days while I lived there, then I don't know where she moved to.

Q Did she live with you? A No, not with me.

Q On the same floor? A Yes, but a separate room.

Q A separate room? A Yes.

Q Have you talked the matter over about the testimony that you gave here on the stand to-day with May Stein? A No, I didn't talk anything.

Q Have you, yes or no? A No.

Q Have you talked it over with Tanker? A No.

Q Have you talked it over with any one? A No one.

Q So that the first time you ever told the story which you are telling on the stand is when you are telling it on the stand to-day, is that right? A That's right.

Q Now, is that May Stein's correct name?

MR. MCCORMICK: I object to that.

MR. ROSENBERG: Well, never mind. She will be on the stand, I assume.

Q Now, May Stein, is she a friend of yours? A She is.

Q How long have you known her? A I know her for about eight years.

Q And you are a very good friend of hers? A I was.

Q Well, aren't you now? A I am now. I see her on and off --

Q And while you have been in the institution at the Flor-

once Crittenton Mission, she has visited you, hasn't she?
Isn't that a simple question? There is nothing hard about that?

THE COURT: Now, do not do that. Ask questions.

Q Has she visited you since you have been in the Florence Crittenton Mission? A She has.

Q How often? A About twice.

Q And you have spoken to her since this case has been on?
A I have spoken to her but not about this case.

Q She did not speak to you about it? A No, it is not allowed.

Q Didn't you compare notes as to the date when she is supposed to have seen the defendant? A No, we have not.

Q Did you tell her? A No, I did not.

Q Have you spoken to Tasker about the date when he is supposed to have seen you and the defendant? A No, I did not.

Q Did he tell you? A No, he did not.

Q Have you heard the date mentioned? A I have not heard anything.

Q Have you been anywhere, where Mr. Tasker was asked the date when he is supposed to have been in the card party where the defendant received some money? A No, I didn't hear anything.

Q You never were examined at any place where Tasker or

Stain were, where the case was discussed? A No, nothing was ever said in front of me. We were all called in separate.

Q What? A I say nothing was said in front of me. We were all called in separately.

Q You said you never talked with any one? A No, I never did.

Q Where were you called in separate? A When we had to come to talk with the District Attorney or to the Grand Jury, we were all called in one by one.

Q That is, you were called in the Grand Jury room one by one, and that's the only place where you told your story, is that right? A That's right.

Q And you told it to no one else? A Outside of Mr. McCormick.

Q Now, didn't you understand when I asked you before, did you state it to any one, didn't you understand that? A I understood that, but I mean --

Q Now, then, didn't you say "Yes, we told it in the Grand Jury room, where we were called in one by one," is that right, and didn't you then say that's the only place you ever told the story to? A Well, I didn't understand whether you meant did I ever talk it over with my District Attorney.

Q With your District Attorney? Well, we will cut out "your" for the present. He is not your District Attorney just yet.

THE COURT: Now, please do not testify. You question the witness if you have any further questions.

Q When did you have the pleasure of talking the case over with my friend Mr. McCormick?

THE COURT: Do not put your question that way.

Q Well, when did you talk it over with Mr. McCormick?

THE COURT: Yes, that is much better.

A I think it was last week.

Q Are you sure of that? A Positive.

Q Can't you give us the date? A I think it was last Thursday.

Q Don't you remember the date? A No, I don't.

Q And that's the first time that you ever spoke to Mr. McCormick about the case? A That was the first time.

Q Or with any one about the case, except in the Grand Jury room?

MR. MCCORMICK: I object to that. Of course it was not the first time she ever talked with any one about it, but over and over.

THE COURT: Go on, please?

Q Will you please answer, what is your answer? A Well, I spoke to him one day last week, I don't remember the date.

Q You don't remember the date and you don't remember the day of the week it was? A It was on Thursday.

Q Who was with you when you spoke to Mr. McCormick? A My-

self and Miss Luther.

Q And who? A Miss Luther.

Q Miss who? A Miss Luther.

Q Miss what? A Luther.

Q She is a lady connected with the Florence Mission?

A She is.

Q Was any one else present when you spoke to Mr. McCormick? It was only last Thursday? A I don't think there was.

Q Don't you know whether any one else was present when you spoke to Mr. McCormick last Thursday? A Yes, May Stein was there, but I think she walked out of the room.

Q Did you tell your story to Mr. McCormick when May Stein was present? A No, I did not.

Q Are you sure of that? A I am.

Q Were you present when May Stein told her story? A No.

Q Are you sure of that? A Positive.

Q Did you tell Mr. McCormick that last July May Stein witnessed some act, did you tell him? A I did.

Q But you had never spoken to May on the subject, you had never spoken to May on that subject previously? A I didn't speak to her about it at all, but she told what she knew.

Q Well, she told Mr. McCormick? A Yes.

Q Well, then, if you were not there, how do you know she told Mr. McCormick? Well, won't you answer that? If you were

not there when she was telling her story, how do you know she told Mr. McCormick that? A I think she was there, if I ain't mistaken.

Q Well, now, do you want to change your testimony, then, that you just gave? A I don't want to change, but I have to remember -- I got to recollect whether she was there or not, because I was so excited, that day that I did not see anything.

Q That is, you were up in Mr. McCormick's private office, is that right? A That is right.

Q And you were so excited then? You are not excited now, are you? A Well, I didn't tell half of what I had to say.

Q You didn't tell half of what you had to say? A No.

Q Well, you are not excited now, are you? A No, not at all.

Q And you are here before a jury of twelve men and the Court and every one else, is that right? A That is right.

Q Now, was May Stein present when you were giving the statement to Mr. McCormick? A I think she was.

Q And she heard you tell Mr. McCormick that she was present last July when something occurred with the defendant, is that right? A That's right.

Q Now, what was it that you told Mr. McCormick in the presence of May Stein, about May being present? A I told that she was in the room, Jack and myself, and a friend of mine come

and I gave Jack the wink, and he got up and walked out with May Stein, and sat down on the stoop, and waited until I got through with that man. She seen that.

Q And that's all you told Mr. McCormick? A And I told him --

Q (Interrupting) Is that all you told him on that subject? A On that subject.

Q Did you tell him the date that occurred? A It was some day in July, but I don't remember the date.

Q Did you tell him in what house it was? A 222 East 13th

Q And May was there listening to that, is that right?

A I think she was.

Q And then May told Mr. McCormick, "Why, yes, I remember that." Didn't she say that? A I don't know.

Q Didn't May say that then and there, didn't she? A I don't know.

Q Well, what did May say in response to that? A Well, May said she was in the room at the time the fellow come up, and Jack was there and they both walked out on the stoop and they sat down.

Q And did she say she remembered it was in July, as you just said? A Yes.

Q And did Mr. McCormick write that down? A He did.

Q And was a stenographer there? A He was.

Q And it was written down and then after it was written

down it was typewritten, is that right?

MR. MCCORMICK: How does she know? I object to that.

MR. ROSENBERG: Well, maybe she does know.

MR. MCCORMICK: Well, go on.

Q Well, was it typewritten? A No, it was not typewritten while I was there. The typewriter was taking it down but it was not typewritten. He was just writing it down with a pencil.

Q Well, didn't you read the statement after you made it to Mr. McCormick? A No, he read it to me.

Q But when he read your statement to you was not May there? A May was there.

Q And May heard your statement read? A She heard it read.

Q And you heard May's statement read, didn't you? A Well, I never said anything about 222. It was May that said she remembered that. It was May that brought out about it first.

Q You did not tell Mr. McCormick about 222 at all? A She spoke about it first. Then I spoke about it and I said that was true.

Q Now, May had her statement read in your presence, isn't that right? A Well, I don't know. He read the statement what we both said together, and I don't know whose statement that was, whether it was hers or mine.

Q Now, was not Mr. Tasker there? A Mr. Tasker was not there.

Q Was Mr. Tasker there at any time? A Not with Mr. McCormick, no.

Q Who was Mr. Tasker with? A I don't know. Mr. Tasker seen Mr. McCormick himself.

Q How do you know that? A Because he was not there.

Q Well, how do you know he saw Mr. McCormick himself? A Because he rang up on the phone and he said he would see him himself.

Q That is, Mr. McCormick rang up Mr. Tasker in your presence? A No, Mr. Tasker rang up Mr. McCormick and told him he could not come down as he had to go away to the country, and he would see him Monday.

Q When was that? A That was when I was up to see Mr. McCormick, last Thursday.

Q That was last Thursday? A Last Thursday.

Q Well, how do you know that? A Because I heard it through the phone.

Q That is, you were present when Mr. Tasker was telephoning? A I was.

Q Then you knew that Mr. Tasker was going to come down to Mr. McCormick and make a statement? A I did.

Q To corroborate your story, is that right? A That's right.

Q And you talked it over with Mr. Tasker about corroborating your story? A I did not talk it over with Mr. Tasker.

Q And you were with him when he telephoned? A Well, I didn't talk to him, did I?

Q Well, didn't he tell you what he was going to tell Mr. McCormick? A No, he did not.

Q Did you ask him what he was going to tell Mr. McCormick? A No, I did not.

Q Well, was there anything spoken to you by Mr. Tasker as to what he intended to say to Mr. McCormick? A No, he did not.

Q Did Tasker ever tell you what he told Mr. McCormick? A No, he did not.

Q Now, is not May Stein also known under the name of Nellie Abraham? A Well, that's her maiden name. She is married now.

Q Where is her husband?

Objected to. Objection sustained. Exception.

Q Does May Stein live alone?

MR. MCCORMICK: Objected to.

THE COURT: She need not answer that question.

MR. ROSENBERG: Exception.

Q Is her husband, in May Stein's husband in New York?

MR. MCCORMICK: Objected to.

THE COURT: She need not answer that question. I ask

some these questions go to credibility?

MR. ROSENBERG: I want to show her associates.

THE COURT: I know it, and I have told you that you could not further go into the matter of credibility along that line, and you pay no attention to me at all. Of course you do not mean to be guilty of contempt, but you technically are when you persist in a line of questions which the Court says you should not follow. Now, I want to give you every opportunity along proper lines, but do not ask any more questions tending to affect credibility.

MR. ROSENBERG: But, your Honor --

THE COURT: Now, I have said it and it is on the record and you may except.

MR. ROSENBERG: Well, I except to your Honor's statement, and the implied--

THE COURT: Oh, that is not for the jury. They will pay no attention to what I have said to you.

Q Now, did you tell, or what was the name of the probation officer to whom you told your story in last March, after you were convicted of soliciting by Judge Murphy? A Miss Smith.

Q And do you know what her first name is? A I told it to Miss Smith. There was another woman present there and she heard it too.

Q Now, did you mention Jack, the defendant's name to Miss

Smith on the day that you got your suspended sentence? A No, I did not.

Q Did you tell Miss Smith that you were supporting a man as the result of prostitution? A I did.

Q To Miss Smith, in last March? A I told her I was --

Q I am asking you about the time?

MR. McCOONICK: Let her answer.

Q I am asking you about the time that you told your story to Miss Smith and then you got a suspended sentence from Judge Murphy; now, did you tell Miss Smith at that time that you were a prostitute and you were giving your earnings to a man?

A No, I didn't tell her I was giving my earnings to a man, but I told her it was true that I was out prostituting and I told her not to say anything to my mother, but I mentioned no names.

Q And you told her you were prostituting your body for yourself? A I did.

Q Didn't she ask you to swear to that? A No, she didn't ask me to swear.

Q Didn't you go before the Judge and swear to that?

A I didn't swear to that at all.

Q Well, was that the truth or was it a lie? A Well, it was a lie. I lied to save him.

Q Didn't you lie to get a suspended sentence? A No, I did not. I didn't know I was going to get a suspended sentence.

Q Now, that was last March, weren't you required to re-

port to Miss Smith once a week? A I was.

Q And every week after that month of March you reported to Miss Smith, didn't you? A I did.

Q Every week? A Every week.

Q And didn't you tell Miss Smith that you were working honestly during all the time you were on a suspended sentence?

A I never worked. I always did housework.

Q I ask you did you tell Miss Smith you were working?

A No, I did not.

Q What did you tell her? A I told her I was doing housework and I was home with my mother.

Q Was that the truth? A That was the truth.

Q So from March up to the time of the defendant's arrest you were living home with your mother? A With my mother.

Q Sure of that? A Positive.

Q And you told Miss Smith that? A I did.

Q Now, during that time you did not live with the defendant, did you? A No, I did not.

Q All relationship between you and the defendant ceased after your arrest? A (Interrupting) No.

Q (Continuing) -- and conviction in the Magistrate's Court, is that correct? A No, we were still going together and I was still doing the same thing until I was arrested.

Q Well, you have said that you were living home with your mother doing housework. A I did, but --

Q And you were not doing anything else? A No, not when I was on probation, no.

Q Now, you were on probation from March until June, weren't you? A I was.

Q And you were doing nothing wrong? A Nothing wrong.

Q Not even with the defendant? A Yes, I was with the defendant.

Q Well, you do not call that wrong, is that it? A No, well, I ain't out making money then.

Q You were not out taking money? A No.

Q But you were meeting him, weren't you? A I was.

Q And you were lying to Miss Smith every time you reported to her, isn't that right? A Lying? I don't call that lying.

Q You don't call things like that lying?

THE COURT: You need not answer that question.

MR. ROSENBERG: May I show, your Honor --

THE COURT: Do not ask me questions; I am not on the stand. Now, I have told you to stop this examination into credibility because I have held that it was enough. Now, you are not only disobeying but you are wasting the Court's time by that.

MR. ROSENBERG: Well, I except to your Honor's remarks and I except to your Honor's refusal to permit me to continue my cross-examination. I claim that it is not

what your Honor stated it was, and now, in view of the fact that your Honor stated in the presence of this jury that I am wasting the time of the Court, I ask for the withdrawal of a juror and a mistrial.

THE COURT: Gentlemen of the Jury, you will pay no attention to what I said. I said it for counsel's benefit. It is not evidence and should not be regarded by you at all. You are to determine the case from the evidence only. Now, if you have other questions than those tending to affect credibility, proceed.

MR. ROSENBERG: I except to the Court's refusal to withdraw a juror and declare a mistrial upon the prejudicial remarks of the Court.

BY MR. ROSENBERG:

Q Now, did you write any letters to Miss Smith, the probation officer? A No, I did not.

THE COURT: Now -- well, the question is answered.

Q Now, did you have any quarrels with the defendant at any time? A Quarrels?

Q Yes? A I did have a quarrel with him one night, he asked me to go out and give him money like Sadie does and he will talk to me and go with me, and I turned around and I says to him that I am on probation and I couldn't do it. And that's just why he would not talk to me.

Q Now, weren't your quarrels with the defendant because

he refused to marry you? A No, it was not.

Q Didn't you want him to marry you? A No, I didn't want him to marry me. His mother come and asked me to marry him, to go up and ask District Attorney Lockhart, and she cried. So I went up and I asked because his mother begged and cried so much, so he sent me to Miss Luther's Mission.

Q Did you ask Mr. Lockhart whether or not you could not marry the defendant? A I asked him --

Q Did you, yes or no? A Yes, I did.

Q Now, didn't you also go to the Jefferson Market Prison where the defendant was confined and say that you wanted to marry the defendant? A No, I did not.

Q Did you go there as a visitor? A No, I did not.

Q Are you sure that you did not get a pass from the Commissioner of Charities for the purpose of visiting this defendant while he was in Jefferson Market Prison? A No, I did not.

Q On Friday, May 23rd? A No.

Q When was it that you went to see Mr. Lockhart? A I went up to see Mr. Lockhart, it was on Friday, but I don't remember what date, because his mother seen me Thursday night and she asked me to go up. She says, "Jock will marry you just so he won't get no bit, he won't get sentenced." So I went up and I asked him.

Q You would not even marry him for the purpose of preventing him from being sentenced? A I would not marry him, no.

Q You are very bitter against him, aren't you? What is your answer? A I am.

Q How long have you been bitter against the defendant?

THE COURT: You need not answer that question.

MR. ROSENBERG: I except.

Q How long have you entertained a feeling of animosity?

THE COURT: Now, wait a moment. I told you that that question would not be allowed.

MR. ROSENBERG: I am changing the form of the question.

THE COURT: You are not changing the question. You are changing the words.

MR. ROSENBERG: But, your Honor --

THE COURT: I will not argue with you, proceed.

MR. ROSENBERG: I except to the Court's refusal to permit me to put a question to this witness.

THE COURT: Have you any other questions?

MR. ROSENBERG: Does your Honor know what question I am going to put?

THE COURT: Proceed, if you have any other questions.

MR. ROSENBERG: I except to the Court's refusal to permit me to continue the question which I was about to ask.

Q Now, isn't it a fact that you first met the defendant while you were seeking employment? A I did.

Q And where was that? A That was in 101 and 103

Thompson street.

Q And that was for the International ^{Trucking} ~~Trucking~~ Company?

A Yes.

Q The defendant was employed there? A He was.

Q When was that? A That was in November.

Q Of what year? A About 1910.

Q And you continued -- you were then employed, weren't you? A I was not employed, but he came after me and he seen that I got the position there.

Q Well, you finally got a job there, didn't you? A I did.

Q And how long did you work there? A I worked there about a year.

Q In what capacity? A I worked there as a doubler.

Q As what? A Doubler.

Q Will you please tell the jury what that is?

MR. MCCORMICK: I object to that.

Objection sustained. Exception.

Q Now, after you -- or how long did you work there?

A I worked there about a year, on and off.

Q And then you worked there until about November, 1912?

A No, it was in February that I left.

Q February, 1912? A 1912.

Q Now, have you done any work since? A No, I did not.

Q From February, 1912, until the time that you were taken into the Florence Mission, he was a prostitute, is that cor-

rect, is that correct?

MR. MCCORMICK: I object to that.

THE COURT: Objection sustained because already answered.

MR. ROSENBERG: Exception.

Q Now, have you ever left him other than the time that you have mentioned here? A Other times --

THE COURT: You need not answer that question.

MR. ROSENBERG: Exception.

Q Now, then, you claim that in October, or can you give the jury the exact date in October when you claim that card party took place?

MR. MCCORMICK: Objected to as having been gone over several times already.

Objection sustained. Exception.

Q Can you give us the day of the week when you claim the card party was taking place and this person came in to solicit you for prostitution purposes? A I think it was on a Sunday night.

Q And you are sure it was Sunday night? A I am not sure. I say I think, I am not positive.

Q Can you give the jury the exact date? A No, I can't. I know it was the beginning of October, but I don't know what date it was.

Q When you say the beginning of October, is there anything

by which you can fix the exact date when that occurred?

MR. MCCORMICK: I object to that. She said she cannot. She thinks it was Sunday.

THE COURT: Well, she may answer.

A Well, I told you I thought it was around the 1st because a week or so after that I went to the hospital, and that was the 11th of October. It was just a week or so before that, that it happened.

Q All right, can you give the jury about what hour of the night it was? A I know it was towards evening, around eight or nine o'clock.

Q Didn't you usually go out soliciting about that hour?

A Well, I didn't go out then.

Q Wasn't that your usual hour to go out soliciting, between eight and nine, soliciting for the purpose of prostitution?

A Well, sometimes I went out, nine, ten, according to how I felt like going out.

Q Now, then, on this particular Sunday night that you claim the card party was going on, a man came into your room, is that correct? A That's right.

Q What is the name of this man, the supposed agent? A His name is Sam, but I don't know his second name.

Q When had you last seen him? A That was the last night I seen him.

Q Was that the first time you saw him? A No.

Q How long did you know this man? A Well, I know him since we moved to 322.

Q You were only living there two months? A Well, I knew him because he used to walk around that block. I seen him bring up other men to girls, besides the one he brought to me.

Q That is, he was a man that solicited business for the girls? A Yes.

MR. MCCORMICK: I object to this.

THE COURT: Now, do not go over that again. You have had that several times.

MR. ROSENBERG: I have never asked a question upon that subject.

THE COURT: I have ruled.

MR. ROSENBERG: I except to the Court's refusal to permit me to interrogate this witness on the subject concerning which I have not interrogated the witness at all.

BY THE COURT:

Q Was there more than one man who brought customers there?

A No, he was the only man.

Q You have told about him, have you not? A I did.

MR. ROSENBERG: On direct examination, but I am entitled on cross-examination to interrogate her concerning it.

THE COURT: Have you any further questions?

MR. ROSENBERG: I except to the Court's refusal to

permit me to interrogate this witness concerning the man who was supposed to have brought --

THE COURT: Well, what is your question?

MR. ROSENBERG: Your Honor would not allow me to interrogate her.

THE COURT: I did, under the impression that you had gone into it. You now say that you have not, and it is possible that I mistook the situation. Therefore, I will withdraw the ruling. I did not intend to shut you off. I merely intended to say that you should not go into it ^{there} ~~any~~, that is all. Now, if you have not, you may do so.

BY MR. ROSENBERG:

Q Now, you knew Sam for about two months, and you knew Sam to be a man who solicited men for the purposes of prostitution? A I did.

Q And you knew that he solicited indiscriminately for all the girls that lived in the house? A Not for that house, for every other house.

Q Well, for all the houses? A All houses.

Q And you knew that a long time? A I knew it, because I seen him bring up men to other girls. That's how I knew it.

Q Now, had he ever brought men to you before this night? A He did.

Q Are you sure of that? A Positive.

Q There was no arrangement between you and Sam to bring man to you, was there? A No, not between me and him, but there was between him and Jack.

MR. ROSENBERG: I ask that the answer be stricken out as not responsive.

MR. MCCORMICK: I object.

THE COURT: No, that may be stricken out. I will strike out the answer as requested.

BY THE COURT:

Q What do you know about any arrangement made between Sam and Jack, so called? A I know Jack told me that he was going to have him.

Q Who is Jack, the defendant? A Yes, sir.

Q Now, what did he say? A He told me he was going to tell this man to bring up men so I would not have to go out into the street, because I was pregnant.

BY MR. ROSENBERG:

Q When did he tell this man that? A He told it to me one night in the house. I don't remember what night, when that was.

Q Was any one present when he told you that? A No, no one was present.

Q Can you fix the time? A No, I cannot.

Q Did he introduce the man to you? A No, I seen the man on the street and he spoke to me.

Q You knew the man, didn't you? A I knew him by sight but I never spoke to him.

Q You had never done any business with him, is that it? A He used to bring up the man.

Q For all the girls in the house, didn't he? A He did.

Q Now, have you seen that man since? A No, I have not.

Q Did you tell Mr. McCormick on the day, last Thursday, about that man? A No, I did not.

Q In your statement to Mr. McCormick, did you say one word on that subject? A I told him --

Q Did you, yes or no?

MR. MCCORMICK: I object to that. It is not brought out as to whether I asked her.

THE COURT: She may answer that.

A Well, I went and I told Mr. McCormick that he was the man that brought the other men in, up in 202, ^{when} Jack gave him the quarter out of the dollar, that he was the same man.

Q Is that what you told Mr. McCormick? A That's what I told him.

Q Did you tell Mr. McCormick that this defendant made the arrangement with Sam to bring customers to you? A No, I didn't tell that to Mr. McCormick.

Q Well, why didn't you tell Mr. McCormick that when he was taking down the statement, preparing the case for trial?

A Well, it never came to my mind because he didn't ask me a

question, that I should say that.

Q Didn't he ask you to tell him everything about the case? A He told me to tell him everything, but I simply went and I told him more about the dollar than about anything else.

Q All right. Well, now, was Ray present? (No answer).

Q Now, do you remember the Sunday night that you speak of, the card game, where was Sam -- do you remember the Sunday night of the card game, Sam entered the room, is that correct? A He knocked at the door, he come right in with this other man and he spoke to Jack.

Q Did he speak to Jack? A He did, he asked Jack could I stay with this man.

Q Could you stay with him? Is that what he said? A He asked Jack could I stay with this other man.

Q What did Jack say? A Jack answered "Ten."

Q That is, was the arrangement that Jack should give his permission? A It was.

Q And you would not stay with men unless Jack permitted it? A Well, because --

Q Is that it? A No, that's not it.

Q All right, if that's not it, that's enough. Now, then, you went next door, did you? A I did.

Q Was Tasker there at the time? A Tasker was there.

Q And did not Tasker object to your going into the next

room? A Well --

Q Did he object? A No, Tasker did not say anything.

Q Did he object, that's the question, yes or no? A No.

Q Did he say anything? A He didn't say anything.

Q He was there and saw and heard it? A He heard it.

Q He made no protest of any kind, did he, yes or no?

A I don't remember whether he did or not.

Q Now, are you merely saying you don't remember whether he did or not to get through with it? A No, I want to talk and you won't let me talk.

Q You have said enough, and all I want is an answer to my question? A I don't remember.

Q You don't remember? A No.

Q In other words, you say you don't remember in order to get through with it, is that it? A No.

Q Now, did Mr. Tasker protest against going into the room with that man? A He didn't say anything while I was there, I don't know.

Q Did he protest when you came back? A No, I didn't hear him say anything.

Q You continued the game of cards, didn't you? A We did.

Q In other words, the game of cards was temporarily interrupted while you went next door? A It was.

Q Who paid for the room next door? A We didn't pay for the room next door. That was a furnished room next door.

Q Well, whose room was it? A It was a man's room.

Q The man himself? A No, it was a man's room next door, but this man wasn't home and he was a friend to this Sam, and this Sam said we can use this man's room because he wasn't there.

Q That is, the man whose room you used was a friend of Sam's? A Yes.

Q And do you know who that man was? A He was a friend of Sam's.

Q What is his name? A I don't know his name.

Q Was he single? A Yes.

Q Did he tell you he was single? A I know he was single because he didn't live with any one.

Q Did you hire the room, the furnished room in that building? A Jack hired it.

Q From whom? A From the landlady.

Q Were you there when he hired it? A I was there with him.

Q What is the name of the landlady? A Mrs. Mandel.

Q Mrs. Mandel? A Yes.

Q Where does she live? A 202 East 13th street.

Q And you were present? Now, what was said when he hired the room? A We simply asked for the room, we asked the price and she told us three dollars, that was all.

Q Oh, that was all there was to it? A That is all.

Q Did she ask you the name? A She asked us the name.

Q You said you were husband and wife? A He said we were husband and wife.

Q And you said the same thing? A He said that.

BY THE COURT:

Q Did you say anything at all? A I didn't say nothing. He was standing there doing the talking, not I.

BY MR. ROSENBERG:

Q At that time that the room was hired in 202, you were pregnant? A I was.

Q You were about five months gone? A I was.

Q It was noticeable, wasn't it? A Yes, sir.

THE COURT: Now, you are going into the question of whether it was high or low again.

Q Who hired the room at 202? A Jack did. He hired them all there.

Q Who hired the room in 202? A Jack did.

THE COURT: She answered that.

Q Were you present? A No, he was there himself.

Q You paid the rent, didn't you? A He paid it the first week.

Q You paid it next? A I didn't pay it next. It was either he paid it or I paid it.

Q During all this time you say you were on terms of intimacy with the defendant, was he working, yes or no? A I don't

know. He was working one day and six days he wasn't.

Q That is, he worked one day and six days he did not work? A No.

Q Are you sure of that? A Because his place burned down and he couldn't work.

Q Was not he working for the Braid Company during all the time you were there? A No, he was not, because it was in the slow season and there is no work in the summer time.

Q Did he work anywhere else? A I don't know.

MR. MCCORMICK: Will your Honor permit us to call Mr. Tasker now?

THE COURT: Well, have you finished now with this witness?

MR. ROSENBERG: Well, if it becomes necessary, may I recall her?

THE COURT: Yes, if it becomes necessary.

MR. ROSENBERG: That is all I want.

THE COURT: You have finished now, I understand.

ROBERT TASKER, called and duly sworn as a witness on behalf of the People, testified as follows:

(Residence, 133 East 16th Street).

DIRECT EXAMINATION BY MR. MCCORMICK:

Q Mr. Tasker, what is your business? A I am superintendent of a building, an office building.

Q What was your business in October, 1912, October 1st?

A The same.

Q Did you know this defendant, did you see him on or about the 1st of October? A In regard to the date I wouldn't say, but I have known that defendant for two years, or about.

Q Did you ever see him in an apartment at 202 East 13th street? A Yes, sir.

Q Do you remember a game of cards being played there?

A Yes, sir.

Q Do you remember about when that was? A It was on a Saturday night.

Q Well, what year? A It was last year.

Q Well, about what time of the year? A Well, we have had so many games of cards in that house that I couldn't tell you.

Q Well, do you remember one time seeing somebody hand--

MR. ROSENBERG: I object to that.

MR. MCCORMICK: I withdraw that. I was trying to save time.

Q Do you remember one occasion when you were playing cards with him and Ida Miller? A Yes, sir.

Q Do you know a man named Sam? A Yes, sir.

Q Do you remember Sam coming into the room? A Yes, sir.

Q Now, tell us what happened on that occasion? A We were

playing cards at Mr. Miller's apartment at this address, on the corner of 13th street over the saloon, and a man came to the door and knocked, and Mr. Miller said "Come in," and the man didn't come in. So Mr. Miller went to the door and he said it was -- he came back and he said to his wife, or to Ida Miller, he said that there was a man out there for her, and she said she didn't feel well enough to go out with him, and he said he couldn't do anything in the room because I was in the room. Then he said, "Well, wait a minute." Mr. Miller went outside and made arrangements with the man Sam next door in the next room on the same floor. He said, "All right, you can go in and see Sam's room." So right there he went to work, and his wife went out and went into the next room, Sam's room, and this other man went in with her.

Q Well, did she come back into the room? A A few minutes afterwards Mrs. Miller came back in the room and gave Mr. Miller a one dollar bill. Then we resumed playing cards. About ten minutes, ten or fifteen minutes after that another man came and knocked at the door and Mr. Miller said "Come in," and the man came in, and he asked me if I had change. I said I had not. Well, he said he wanted a quarter. So then he said, "Well, never mind, I have it myself." And he gave this man a twenty-five cent piece, and he said to me that there was not much in the game when you only get seventy-five cents for the transaction.

Q Who was that man to whom the defendant gave the quarter, was that Sam? A No, sir, another man, whom I saw on the street afterwards and Mr. Miller pointed out to me as the man that brings people up for him.

Q What did Miller say about him, what did Miller say to you about that man when he pointed him out to you on the street? A He said that that was the man that brings men up to Ida. That's the man he gave the quarter to.

Q Did he say anything else to you at any time? A At any time?

Q Yes, about Ida? A About Ida?

Q Yes? A On several occasions he has told me various amounts that she has made in that line, and also the reasons he has moved from previous addresses, the reason he moved to that address --

MR. ROSENBERG: I object to that.

MR. MCCORMICK: Well, that is all. Your witness.

CROSS-EXAMINATION BY MR. ROSENBERG:

Q You live at 133 East 16th street? A That's my place of business. I don't live there.

Q You were asked where you lived, weren't you, and you answered 133 East 16th street? A At that time I did live there, but I now, I am married now and I don't live there.

Q Where do you live? A I live at 1154 East 38th street.

Q 1154? A East 38th street, Brooklyn.

Q With your wife? A Yes.

Q When were you married? A On the 7th of December last, in St. George's Church.

Q The 7th of last December? A Yes, sir, 1912, in St. George's Church.

Q Is your wife a New York girl or a Brooklyn girl?

THE COURT: Now, what difference does that make?

MR. ROSENBERG: Well, this was Saturday night, your Honor, and I would like to show --

BY THE COURT:

Q Well, did you get a wife in Brooklyn, Hoboken or New York? A My wife was a New York girl. She lived in New York. ~~was~~. She is a Swedish girl.

BY MR. ROSENBERG:

Q Now, you have told a story on the stand concerning this defendant; you appreciate that? A Yes, sir.

Q Did you ever tell that story to any person before this day? A I did make a statement in the presence of one of the District Attorney's men. The District Attorney's name was -- I just forget the District Attorney's name, but Mr. Lockhart sent me to this attorney. I had been to so many attorneys, this being my twelfth appearance I have forgotten which one it was, and I made a statement.

Q You never met Mr. McCormick before to-day in this case? A Not on this case, no, sir, outside of seeing him when I was

here yesterday.

Q But you had never spoken to Mr. McCormick about the case? A No, sir.

Q Sure of that? A Positive.

Q You have had the pleasure of seeing him yesterday and to-day? A Yes, sir, and telephoning to him.

Q What is that? A Telephoning to Mr. McCormick.

Q When did you telephone to him? A Mr. McCormick telephoned to me, being as I am on vacation, you know, to know whether I would be away or whether I would be here.

Q When did he telephone you? A Last Thursday morning.

Q Where did he telephone to you to? A To my office.

Q And you were there? A Yes, sir.

Q Was any one there with you when he telephoned you?

A Yes, sir.

Q Who? A One of my men, a porter.

Q Was any one else there with you? A No, sir.

Q Are you sure of that? A Positive.

Q Is that the only talk that you had with Mr. McCormick over the telephone, was last Thursday morning? A Yes, sir.

Q Now, was Ida, the complaining witness, there? A No, sir.

Q Did you tell Ida that Mr. McCormick telephoned you?

A No, sir.

Q Now, Ida, you know, is the girl who is making the complaint here, Ida Miller. A Yes, sir.

Q Now, have you spoken this case over with Ida? A No, sir.
Q Were you up in Mr. McCormick's office to make a written statement? A No, sir.

Q Up to the time that you spoke to Mr. McCormick, was he the first man whom you told anything about this case? A I never told Mr. McCormick anything about the case.

Q So that he put you on the stand without ever having spoken to you? A About the case, yes, sir.

Q Now, who else in the District Attorney's office did you speak to about this case, if any one? A One of the District Attorneys that the District Attorney Lockhart from the First Magistrate's Court sent me to this building, third floor, to some District Attorney here, and that District Attorney had no time to take my statement, but he sent for a stenographer, and it was to that stenographer I gave my statement in a different room, in the presence of this man and the stenographer did I make the statement.

Q Did you sign that statement? A No, sir.

Q Do you remember the day it was made? A No, sir.

Q How long ago was it made?

MR. MCCORMICK: I object to this, your Honor, it is wasting a lot of time and does not mean anything.

THE COURT: Well, the Court of Appeals has passed on that, and therefore I will allow the question.

MR. MCCORMICK: I except to the statement made by

the District Attorney and I except to the statement made by the Court.

Q Now, will you please answer the question?

THE COURT: Do not regard any statement made by me to counsel. I have said that before, gentlemen. Your oath requires you a true verdict to find in accordance with the evidence. When I have occasion to pass upon motions and speak to counsel, that is not evidence and should not be permitted by you in any manner to affect your judgment.

Now, have you anything else?

Q Will you answer the question? A I don't remember the date nor the day.

Q How long ago? A It is about four or five weeks. It may not be so long, it may be less. I have been so many times that I couldn't state what particular day it was, not having kept track of any dates or days, but it was sometime ago. It was the day that I went down to the District Attorney Lockhart and in the afternoon he sent me right from there here.

Q That was about four or five weeks ago? A Well, it was sometime ago. I couldn't give the exact date.

Q Can you give the jury the date? A No, I cannot.

Q Can you give the jury the month? A Why, last month, I should think it would be.

Q That is last month would be June. A June, yes.

Q And can you give the jury an idea whether it was the beginning of June or the latter part of June? A No, I cannot. I can say it was in the afternoon about three or four o'clock.

Q And that person is the only person to whom you spoke about this case? A That and Mr. Lockhart, of course.

Q Mr. Lockhart is the gentleman having charge of the Magistrate's Court, Third District, meaning the Essex Market, is that right, 1st street and Second avenue? A Yes, sir, that's the man.

Q And that was about two or three weeks ago? A Well, it was longer than that when I made my statement to Mr. Lockhart. He sent for me and asked me what I knew about the case.

Q Now, you have no memory for dates, have you? A Not of this particular case, no, sir.

Q Well, on no occasion -- it is outside of your business and naturally you don't have a memory for dates, is that correct? A (No answer).

Q Will you please answer the question? A Well, if I can fathom what you are asking me I will. I am trying to think that you mean by your statement.

Q Do you recall dates readily? A No, sir.

Q Now, you understand that, don't you? A I understand that, yes.

Q Now, what house was it that you say you were playing cards in with this defendant and Ida? A The one over the

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houses on the corner of 15th street and Third avenue.

Q What number is that? A To the best of my memory, 323, but I wouldn't be positive of that. I know it is on the corner, but the number I wouldn't be positive about, because Mr. Miller has lived since the time I have known him in three houses in that street on the same side.

Q Do you know the number of houses Miller lived in on that street, and this defendant? A No, sir, but I could find them. I don't remember the numbers of them.

Q Do you know during what period of time he lived in the respective houses on that block in 15th street? A Approximately two to three months at each place.

Q Do you know where he lived in July of last year on 15th street? A I can't say that I do.

Q Do you know where he lived in August in that street, 1912? A I can't say that I remember the dates, but I have known Mr. Miller for sometime, but as to what dates or months he has been in the respective places I can't remember, not having thought it necessary to remember the same.

Q Are you able to state to this jury where Mr. Miller, this defendant, lived in October of 1912? A On 15th street, in one of the houses on 15th street.

Q That is your best answer, isn't it? Is it one of the three houses on 15th street, is that correct? A Yes, sir, one of the three houses on 15th street.

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Q Can you tell this jury where the defendant lived in the month of September, 1912? A Well, as his wife went to the hospital some time in the latter part of last year, I couldn't say, because what date it was I don't know. I didn't keep track of any dates at all of Mr. Miller's whereabouts. I can't say for dates whatsoever in any shape or form, but I know while Mr. Miller's wife was in the hospital he was not living at that address. He was not living at 15th street. He went back home again.

Q How long before the woman whom you have described as Mrs. Miller went to the hospital, did this card party and the introduction of the twenty-five cents take place? A About a month or five weeks.

Q A month or five weeks? A Yes.

Q And you know a month is four weeks? A Yes.

Q About thirty days, is that right? A About that, yes.

Q That would be at least 38 or 40? A Well, it was a little time before she went to the hospital.

Q Well, you have fixed it between four and five weeks?

A Well, it was about that time. I will not swear to the date, because I used to pay Mr. Miller calls on several occasions, because Mr. Miller was not suited in his position, and I was trying to place him in a better position, because Mr. Miller had promised as soon as his wife came from the hospital he was going to marry Mrs. Miller, and it was with that intention that I

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was looking around and trying to get him a better position.

Q That is, Miller was working during the time that he lived on 15th street? A Part of the time he was working and part of the time he was not working.

Q Now, do you remember when Mrs. Miller went to the hospital, don't you? A Yes, I remember the occasion.

Q You remember the occasion, don't you? A Yes, I remember the occasion she went to the hospital, yes.

Q Now, are you able to state the date when the transaction took place between this man Sam, Miller and Mrs. Miller? A No, I can't. I can only say that it was on a Saturday night.

Q Well, are you sure it was Saturday night? A I am positive it was Saturday night.

Q Why are you sure it was Saturday night? A Because it was Saturday night, and I went around there to loan them some money to pay their rent, because Mr. Miller was out of work at the time, he so stated to me.

Q And that's why you remember it was Saturday night? A Because it was my pay day and I went around there and loaned him ten dollars.

Q And you got the money back, didn't you? A I got the money back afterwards, yes, sir.

Q Now, you were playing cards with Mr. Miller and the complaining witness on this particular Saturday night? A Yes,

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sir.
Q And you were playing cards with Mr. Miller and this woman on other days of that month? A Well, I think that was about the last game of cards we had, but previous to that we had played cards.

Q Well, previous to this particular occasion you had played a number of games of cards with them? A Undoubtedly.

Q And didn't you play cards with them after that night?

A No, sir.

Q Sure of that? A Positive.

Q Now, Mrs. Miller was a participant in the card game, is that correct? A Yes, she played cards.

Q And a knock came to the door? A Yes.

Q Who was it that entered? A Nobody.

Q No one entered? A No, sir.

Q But some one from the outside called or beckoned to Miller to go outside, is that correct? A No, sir, Mr. Miller went to the door in response to the knock. The party never came in. Mr. Miller went to the door.

Q And went outside the door? A He just simply stayed there with the door half open and half shut, with the man outside.

Q Did you hear the conversation? A Yes, sir.

Q Did you see who it was that was inside, or at the door?

A A man, I saw a man dressed in a black uniform, black or blue

clothes.

Q Do you know who the man was? A No, sir.

Q You knew Sam, didn't you? A No, sir.

Q It was not Sam, was it? A The first knock was not Sam, no, sir.

Q Well, you knew Sam, didn't you? A Oh, yes, sir.

Q What is Sam's full name? A I couldn't tell you.

Q How long before that did you know Sam? A About a month before that.

Q You knew him on the block as being a solicitor for women, didn't you? A No, sir.

Q What did you know him as? A I knew him as being a roommate next door.

Q He had a room next to the Millers? A Next to the Millers, yes, sir.

Q Sure of that? A Positive.

Q And that was the man that knocked at the door? A No, sir.

Q Well, who knocked at the door, if you know? A A strange man knocked at the door.

Q Oh, the strange man did not enter the room, did he? A No, sir.

Q You were playing cards at the time? A Yes, sir.

Q Sam went to the door? A Mr. Miller went to the door.

Q Or the defendant went to the door. A Yes.

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Q And held a whispered conversation with that unknown man, is that correct? A No, sir.

Q Well, he held a conversation with him? A Yes, sir.

Q And you don't know who the man was? A No, sir.

Q You saw him, didn't you? A Yes, sir.

Q You don't know what he said, do you? Do you know what he said, what Sam said to the man? A Sam was not there.

Q The defendant, I mean, excuse me. Do you know what the defendant said to the man? A He said, "Just a minute." He turned around.

Q He said "Just a minute"? A Yes.

Q Did you hear what the man said to Sam? A No, sir.

Q Or did you hear what the man said to the defendant?

A No, sir.

Q You were near enough to hear him, weren't you? A Why, yes, sir.

Q And you were closer to the door than the complaining witness Ida, weren't you? A No, sir.

Q Was she nearer than you? A Yes, sir.

Q Weren't you seated around a table? A Yes, sir.

Q Was it a small table? A Yes, sir.

Q How large? A About the size of this (indicating the stenographer's table).

Q About 2 by 3? A Yes, sir.

Q And if she was nearer the door, she could only have

been a foot nearer, is that correct? If she was nearer the door than you she could have only been a foot nearer? A She was more than that, because at the time when the knock came Mrs. Miller jumped up and was about to go to the door and she was on her feet by the closet. She was between the door and the table.

Q But Mrs. Miller did not participate in the talk, did she?
A No, sir.

Q After some talk with the man which you did not hear, Sam, or the defendant beckoned to his wife, is that correct?
A He turned around to his wife and said, "Here is a man out here, you better go with him."

Q Now, you are sure of that? A Positive.

Q There can be no mistake about it? A No mistake.

Q "Here is a man outside, you had better go with him," is that what he said? A Well, either "you better"-- or, "there is a man outside for you."

Q "Here is a man outside for you?" A Yes, the exact words I wouldn't say, but that was the meaning thereof, because Mrs. Miller said she was not feeling well and did not want to go, and he said, "Well, you can't go here because Tasker is here, and I will go in the next room." He went in the next room and said he seen Sam and he said, "All right, you can go in there." Then she left the room. We had a couple of hands of cards while she was in there, two-handed. Then in

came Mrs. Miller and resumed playing cards.

Q But during all of the time that the defendant was making arrangements as you thought in the next room with Sam, the unknown man was outside? A Standing outside, yes.

Q You are sure that room next door which was to be occupied was Sam's room? A Yes, sir.

Q Sam told you that, didn't he? A No, sir.

Q Who told you that? A Mr. Miller told me.

Q Didn't you see Sam there a number of times? A Yes, sir.

Q In that room? A Yes, sir.

Q And he lived there, didn't he? A Yes, sir.

Q You know Sam's last name? A No, sir.

Q After waiting a few minutes while the complainant was in the next room, the defendant and you continued to play cards? A Yes, sir.

Q Then Mrs. Miller, the complaining witness re-entered the room? A Yes, sir.

Q The man never returned? A No, sir.

Q Did Mrs. Miller, the complainant, do anything when she came into the room? A Before she went -- before she sat down to play cards she handed Mr. Miller one dollar.

Q Did she say what that was for? A No, sir.

Q She just handed him a dollar? A Just handed him a dollar, yes.

Q Did the defendant say anything about that, yes, or no?
A He just took the dollar, that's all, and put it in his pocket.

Q He put it in his pocket? A Yes.

Q And nothing else happened, nothing else took place?

A Well, she said that was all she got from the man was one dollar, Mrs. Miller said.

Q And Sam put it in his pocket, or the defendant put it in his pocket? A Yes, sir.

Q And you continued to play the game of cards? A Yes, sir.

Q And after the game continued you broke it up? A After the game continued another man came and knocked at the door.

Q Who was the other man? A The other man was the man to whom Mr. Miller gave the twenty-five cents.

Q Now, who was he? A He was the man that Mr. Miller gave the twenty-five cents to, the man that brought the first man up there.

Q The man that is supposed to have brought the first man up there, is that it? A Yes, sir.

Q You are sure of that? A Positive.

Q Now, you know that man, don't you? A By sight, yes.

Q How often have you seen him? A Two or three times.

Q Was he a friend of Mrs. Miller, the complainant? A I couldn't tell you, I don't know him to that effect.

Q Well, you know he was what they call a "steerer"? A I knew him afterwards, after Mr. Miller pointed him out on the sidewalk, that was the man that brings people up to them.

Q How many days after was it that you say Miller pointed this man out as being the man that brings men up to the rooms? A Sometime during the following week, some evening.

Q And then you say the defendant told you that that is the man that brings the men up to the room? A Yes, sir.

Q Now, did you see that man come upstairs for a quarter? A Yes, sir.

Q And you saw Mr. Miller give him a quarter? A Yes.

Q Did he enter the room? A Yes, sir.

Q What did he say when he entered? A He came right in to the room, he didn't say anything.

Q Did he say "I want my commission"? A He didn't say anything whatever, just came right into the room. Mr. Miller said, "I had change and I said I hadn't. He said, 'I think I have it myself,' and he turned around and gave the man a quarter.

Q And the man didn't say anything? A The man said, "Good night." We thought he was going to play cards, but he didn't.

Q No words passed between you outside of that? A Nothing at all.

Q Now, does that man to whom the quarter was given look

anything like the strange man that entered the room? A Why, the strange man did not enter the room.

Q I mean the room, Sam's room? A Well, I didn't see--

Q Did he look anything like the man who entered Sam's room? A Why, he was about the same height, but the other man was more respectably dressed.

Q Did he look anything like Sam, the man that got the quarter? A He was about the same height, but he was not the same man, because this man, this other man was very respectably dressed, and this man that received the quarter was not.

Q How was Sam, was he dressed very good? A On this occasion I didn't see Sam. I only knew it to be Sam's room.

Q And Sam didn't come up at any time? A Not to that room, no, sir, not in my presence.

Q And you didn't see Sam that evening, did you? A No, sir.

Q How long were you in that room altogether, this Saturday night you speak of? A About two hours.

Q And you got there about what time? A About half past six.

Q And you left about eight o'clock? A A little after eight, yes.

Q What time was it this man knocked at the door for the purpose of introducing the man to Mrs. Miller? A Well, it was just after they lit the lights. I should say it would be about

half past seven.

Q Well, this was about September, was it, or October? A Yes.

Q Or was it earlier? A It was somewhere around that time.

Q Well, when was it? A The date I can't remember.

Q Do you know the month? A I remember the occasion.

Q Do you know the month? A I think it was in October. I don't swear to dates, not having kept any check on them.

Q Who told you it was October? A No one at all.

Q What makes you think it was October? A Because it was about that time.

Q What makes you think it was October, rather than September? A Well, it was a couple of months before I got married. That's the reason I know.

Q You were married when? A In December.

Q The early part of December? A Yes, sir.

Q A couple of months would be November, October -- now, was it in October? A Well, the exact date I will not swear to.

Q Now, you are merely guessing, is that it? A I don't know what date it was.

Q Are you merely guessing as to the month? A The month I don't know. I didn't keep any track of any months or dates. I know it was on Saturday night.

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Q Well, this was about September, was it, or October?

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Q Or was it earlier? A It was somewhere around that time.

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Q Was it warm or was it cold? A Well, it was between the two, because we had our coats off playing cards.

Q Now, weren't you living in either one of those houses with May Stein? A No, sir.

Q Do you know May Stein? Look towards the jury. Do you know May Stein?

MR. MCCORMICK: Never mind where you look.

A The name I can't tell, but I have seen several women in this man's apartment.

Q Do you know May Stein? A The name I can't tell you, I don't know the name, but I may know the girl if she was before me.

Q Do you know Nellie Abrahams? A I couldn't tell you. If they were before me -- I have seen several women in this man's company, but the names I couldn't tell you.

Q Do you know a woman named May, who was a friend of Mrs. Miller? A Mrs. Miller had so many friends calling there so many times I have been there during her sickness, I couldn't tell you which was which. The names I don't remember.

Q Never mind the sickness, and before her sickness?

A Well, the names I don't remember at all.

Q Did you ever pay the rent for May Stein in that house?

A No, sir.

Q What? A No, sir.

Q Did you ever pay the rent for any woman who lived in

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Q Never mind the sickness, and before her sickness?

A Well, the names I don't remember at all.

Q Did you ever pay the rent for May Stein in that house?

A No, sir.

Q What? A No, sir.

Q Did you ever pay the rent for any woman who lived in

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either of the houses where the defendant lived? Is that such a hard question that you have to think of it? A Well, which house do you mean?

Q Well, how many houses did you pay rent for, for any woman, and how many houses? A Well, I didn't pay rent for any woman in any house.

Q In 16th street? A In 16th street, no, sir.

Q Or 13th street? A No, sir.

Q You are sure of that? A Positive.

Q Did you ever have sexual intercourse with any woman in the defendant's apartment?

MR. MCCORMICK: I object to that.

THE COURT: Of course that is a question that I think improper and therefore sustain the objection.

MR. ROSENBERG: To which the defendant excepts.

Q Did you ever bring a woman into the defendant's apartment for the purpose of having sexual intercourse with her?

A No, sir.

Q Was this Mrs. Miller in a high state of pregnancy when she was playing cards on the last day you say you did play with them? A Yes, sir.

Q She was? A Yes, sir.

Q And you knew that she was going out to have sexual intercourse with a strange man, didn't you? A Yes, sir.

Q And you knew she was going out to prostitute her body,

didn't you? A Yes, sir.

Q Did you object to her going out? A Yes, sir.

Q What did you say? A I told Mr. Miller he ought to be ashamed of himself to allow a woman to go out when she cried about going out.

Q She cried about going out? A Yes.

Q She did not want to go out? A No, sir.

Q And you protested loudly, is that correct? A No, sir, I did not loudly, because not being in my own house I did not say too much, but I had spoken to Mr. Miller on several occasions about why he did not marry this woman.

Q I am now talking about this last Saturday night that you say you were there? A Yes, sir.

Q When the twenty-five cent matter was discussed? A Yes, sir.

Q Did you protest against Mrs. Miller going into the next room? A Yes, sir.

Q (Continuing) To have sexual intercourse? A I did.

Q And you protested to Mr. Miller, you say? A To Mr. Miller.

Q And you protested to Mrs. Miller? A No, sir.

Q You did not protest to her? A No, sir.

Q Well, didn't you say that after protesting she cried? A Yes.

Q Well, then, you protested to Miller in the presence of

Mrs. Miller? A Yes.

Q By Mrs. Miller, I mean the complainant? A Yes, sir.

Q And after that protest she began to cry? A Yes, sir. Well, she was crying before I began. It was her crying that made me speak to him.

Q After she came back did she continue to cry? A No, sir.

Q Didn't you, after she came back continue to protest about prostituting her body while she was in that state of pregnancy?

A No, sir, I didn't say anything more about it then.

Q You continued to play cards with them then? A Yes.

Q And made no further mention of it? A Yes, sir.

Q Now, you are sure of that? A Yes, sir, &

Q That is all.

MR. MCCORMICK: That is all.

MR. ROSENBERG: Your Honor, I have a witness who is also going to leave town. It is merely a character witness.

THE COURT: Well, call your witness.

MR. ROSENBERG: Will the stenographer note that this witness is called out of order?

MARK E. MORRIS, called and duly sworn as a witness on behalf of the defendant, testified as follows: (Residence, White Plains, New York).

DIRECT EXAMINATION BY MR. ROSENBERG:

Q What is your business, Mr. Morris? A Mail order busi-

ness.

Q What is the name of the firm? A Mark E. Morris Company.

Q Where is it located? A White Plains, New York.

Q Do you know the defendant? A I do.

Q What is his name? A Jacob Miller.

Q How long have you known him? A About four years.

Q How long, or did he ever work for your concern? A He did.

Q During what period? A Between July, 1908, and December, 1912, or rather, December, 1908, and July, 1912.

Q Did he work continuously for you during that period, or off and on? A I believe it was continuously.

Q At all times? A At all times.

Q From what dates were those? A December, 1908, to July, 1912.

Q What was his duty? A He had charge of the shipping and receiving department of our concern.

Q Did his duties require him to be personally present every day? A At all times.

Q Have you examined the books of your concern to see whether or not the defendant had been in your employ during that period? A I did.

Q Was he absent during any period of that time? A He may have been.

Q Well, if it was, it was but a short time? A It may have been for a day or two, but not more.

Q But he was continuously in your employ and on your pay roll during the period you have mentioned? A Yes.

Q What were his duties, shipping clerk? A Shipping and receiving clerk.

Q What were his earnings? A I believe about thirteen dollars a week.

Q Well, was it week work or piece work? A Week work.

Q Do you know other people who know the defendant? A Why, all of the employees.

Q Do you know whether his reputation in the neighborhood is good? A As far as I know, it is.

Q Well, is that his reputation in the neighborhood where he was employed, among his fellow workmen? A Very good.

Q That is his reputation, is it? A Yes.

CROSS-EXAMINATION BY MR. MCCORMICK:

Q What is your name? A Mark E. Morris.

Q What is the first name, Mark? A Mark.

Q What is your address? A White Plains, New York.

Q What concern did you say the defendant worked for for three years or part of it? A For the International Braid-
ing Company.

Q What was your position there? A I was President

of the concern.

Q Is it still running? A No.

Q When did it cease to run? A In March of 1913.

Q So he stopped working there in July, 1912, did he?
A July, 1912.

Q Who has got the books that you spoke about? A I have.

Q Where are they? A Why, some of them I have in my possession at my office.

Q Why didn't you bring them down here? A I didn't think it was necessary.

Q You knew you were going to be questioned about whether this young man was employed there, whether he was really there? A I thought it probable.

Q But he has not been there since July, 1912? A No.

Q Do you know whether he was there any days in July, 1912? Can you swear of your own knowledge that he was there any day in 1912, July? A I think he was. My pay roll book shows it.

Q Are you going to Buffalo to-day? A I intended to.

BY MR. ROSENBERG:

Q Can you have your pay roll brought down here by any one, can you have it sent down? A Yes, I can.

BY MR. MCCORMICK:

Q Will you have that done to-day? A Yes.

BY MR. ROSENBERG:

Q Or to-morrow? When was the fire in your place, if

There was a fire? A I believe in August, 1915.

Q And isn't that the time that the defendant quit work?
A That's the time he ceased his engagement.

Q He ceased to be employed when the fire was? A Yes.

Q Where was the business conducted of that company?

A New York.

Q What street? A 101 and 103 Thompson street.

Q Was Ida Bessowits an employe of your company for a short time? A I don't recollect the name.

MR. ROSENBERG: Will you stand up (indicating)?

A She was.

Q Can you fix about the time she was there? A I cannot.

Q That is all.

MAY EITHN, called and duly sworn as a witness on behalf of the People, testified as follows:

(Residence, Middle Village, Long Island).

DIRECT EXAMINATION BY MR. MCCORMICK:

Q Did you know or did you ever see the defendant in a house on 13th street? A Yes, sir.

Q Where was it? A I seen him in 206 West 15th street and 202 West 13th street -- I mean east -- in another place near Third avenue, but I don't know the number.

Q Do you remember having a talk with him about Ida? A Yes, sir, I often used to talk with him.

Q And about a book that he had? A Yes.

Q What was that conversation? A He showed me that book and he said that that was the money that Ida made every day.

Q How much money was it, do you remember? A It was written on there, eight, ten, twelve.

Q On different days? A Yes, sir.

Q Did he ever show you any money? A And he took out another time, he took out the money and he said that that was money that Ida made.

MR. MCCORMICK: Your witness.

CROSS-EXAMINATION BY MR. ROSENBERG:

Q Is this the first time that you ever told the story that you are now telling to this jury? A Yes, sir.

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

Q You didn't tell it to Mr. McCormick before to-day, did you? A Did I tell --

Q Did you tell that story to Mr. McCormick before to-day? A Before to-day, yes, sir.

Q What is that? Now, listen to me? A I don't understand what you mean.

Q Well, you understood the question when Mr. McCormick asked you, didn't you?

MR. MCCORMICK: Now, ask the witness your questions.

Q How long have you been in New York? A Since I was a child six years old.

Q How long ago is that? A I don't remember the date.

Q How old are you now? A I will be twenty-two in August.

Q And you have been in New York at least sixteen years?

A I guess so.

Q And you went to school, didn't you? A Yes, sir.

Q And you read and write, don't you? A Yes, sir.

Q English? A Yes, sir.

Q Now, did you tell the story that you told on the stand to-day to any one before to-day?

MR. MCCORMICK: I object to that. She answered it, she said "No."

THE COURT: She may answer that question. I think she has but she may answer it again.

A No, sir.

Q Now, have you ever been in Mr. McCormick's room with the complaining witness Ida? A Yes, sir.

Q When? A Some days last week.

Q What day? A I don't remember what day.

Q Can't you give the jury some idea of the day? A No, sir.

Q Was it Monday? A I can't remember.

Q Was it Tuesday? A I can't remember.

Q You can't tell what day of the week it was, what? A No, sir.

Q Well, now, what did you do up in Mr. McCormick's room?

A I was called there and asked if I was going, if I am willing

to be a witness for Ida and I said "Yes."

Q Is that all that was asked of you? A Yes.

Q And that's all you said? A That's all I said.

Q That is, Mr. McCormick said to you, "Are you willing to be a witness for Ida?" A Yes, sir.

Q And you said "Yes"? A And what I know about the case, and I told him.

Q Well, did you tell him? A Yes, sir, I told him.

Q Was there a stenographer there? A I didn't see any.

Q Was there a man writing on a typewriter? A No, sir, I didn't see any.

Q Did Mr. McCormick write down what you said? A No, sir.

Q Well, was any one else in the room with you? A There was Ida and Miss Luther, Mr. McCormick and myself.

Q Well, now, you are sure of that? A I am positive.

Q Well, did Ida tell her story to Mr. McCormick? A I don't know what Ida said, but I know what I said myself.

Q Well, you were supposed to be there last week and you can't remember what Ida said? A I didn't listen to what Ida said.

Q Well, it was only a small room, wasn't it? A Well, I just looked after my own affair and not after Ida's affair.

Q Now, Mr. McCormick's room unfortunately is a very small room up on the third floor, is that right? A Yes, sir.

Q It's about 3 feet by 7 feet, is that right? A Yes,

sir, I don't know, I didn't measure it.

Q Well, it's a very small room. He ought to have a larger one, I admit, but it's a very small room, isn't it? A I suppose so.

Q And it was all you could do was to get three or four people in it, is that right? A I suppose -- Well, I don't know nothing about their affairs. I was just called up there and asked what I know about the case and if I am willing to be a witness, and I said "Yes," and I told them what I knew about the case.

Q Now, who brought you up there? A I was subpoenaed.

Q By whom? A I don't know. They sent me a subpoena where I get my subpoenas at 57 West 10th street.

Q What is 57 West 10th street? A Care of Mrs. Barnett.

Q Who is Mrs. Barnett? A Mrs. Barnett is a social worker of some society, of the Jewish society, I think.

Q For the uplifting of prostitutes, or something like that? A I don't know anything about that.

Q You don't know about prostitution? A Well, if I didn't know about it I wouldn't be a witness in this case.

Q Have you ever been convicted of prostitution? A Yes, sir.

Q How often? A Just once.

Q When was that just once? A Last August, the 29th.

Q Under what name were you arrested? A May Stein.

Q Well, that's not your right name, is it? A No, my right name is Mollie Abrahams.

Q When you were called here as a witness, you swore your name was May Stein? A But I told --

Q How, didn't you swear to that? A I swore to that but people in court know my name is Mollie Abrahams, because I told it to Mr. McCormick that my name is Mollie Abrahams and I didn't want my right name to be mentioned in court.

Q So therefore you were willing to deceive the jury? A I am not willing to deceive. I didn't mean to deceive because I know the people, but I told Mr. McCormick about that before, that Mollie Abrahams is my right name.

Q Are you a married woman? A Yes, sir.

Q Do you live with your husband? A Yes, sir.

Q Now? A My husband --

Q Now, do you live with your husband? A No, sir.

Q Well, what did you mean, didn't you understand what I meant when I asked you if you were living with your husband? A Yes, I understand.

Q Where is your husband now? A My husband is away.

Q Away where? A What has my husband got to do with this case? My husband ain't got nothing to do with this case.

Q Well, isn't he in State Prison? A What has this got to do with my husband? My husband ain't in this case. I refuse to answer that question.

Q We would like to bring him into this case? A Would you like to bring him? I refuse to answer where my husband is, because my husband ain't got nothing to do with this case.

Q What is your husband's name?

MR. McDONNICK: I object to that.

A I refuse to tell my husband's name too.

MR. ROSENBERG: Your Honor, this woman goes on the stand and swears under the name of May Stein, and she then says her name is Morris Abraham.

THE COURT: Well she has a perfect right to go as May Stein.

MR. ROSENBERG: Yes, then I asked her what her husband's name is, and she refuses to answer.

THE COURT: She need not answer any question if in her judgment to answer it might tend to incriminate or to degrade her.

MR. ROSENBERG: But your Honor has something to say on that.

BY THE COURT:

Q If in your judgment to answer a question might tend to incriminate or degrade you, you are excused from answering it.

BY MR. ROSENBERG:

Q Now, I ask you what is the name of your husband? A I don't want to give the name of my husband. My husband ain't

got nothing to do with this case.

BY THE COURT:

Q If you say it might tend to incriminate or degrade you, you are excused from answering.

BY MR. ROSENBERG:

Q I ask you what is your husband's name? A I refuse to answer.

MR. ROSENBERG: I ask your Honor to direct her to answer.

THE COURT: I have already instructed the witness.

MR. ROSENBERG: Well, she says she refuses to bring him into the case.

THE WITNESS: Yes, I refuse to. He is my husband and I refuse to give his name.

THE COURT: Counsel, I do not think you ought to press that question.

BY THE COURT:

Q Witness, do you hear me? A Yes, sir.

Q Do you think it would tend to incriminate or degrade you to mention your husband's name? If so, you may refuse to answer it; otherwise, I must tell you to answer it?

BY MR. ROSENBERG:

Q Now, I ask you, what is your husband's name? A I didn't understand what your Honor said. I don't want my people to know anything about this case.

BY THE COURT:

Q It would degrade you then to bring him into this, would it? A Yes, sir.

Q Therefore to answer it might tend to degrade you, would it? A Yes, sir.

Q Very good, that being your view, you need not answer the question.

MR. ROSENBERG: I except.

BY MR. ROSENBERG:

Q Who has supported you for the past year?

MR. McDONNICK: I object as immaterial and irrelevant.

BY THE COURT:

Q Have you been living by prostitution? A Yes, sir, until last August, and last August I was arrested.

THE COURT: Now, I sustain the objection. You cannot go further. She has been living as a prostitute and you have all that you can ask. Now, the idea of taking up the names of different men is one that is repugnant to my sense of propriety.

MR. ROSENBERG: If it is conceded that this woman has been living on prostitution, that is enough.

THE COURT: Go on.

BY MR. ROSENBERG:

Q Well, since last August, how have you supported your-

self? A I was put under probation for six months and I have been good ever since. My husband has supported me ever since.

Q You are being supported by your husband ever since?

A After last August I went home to my people in Middle Village, Long Island, and they supported me. Then after December 7th I was married then, and my husband supported me after then.

Q And you were married on December 7th of last year?

A Yes, sir.

Q You remember, or do you know Mr. Tasker? A Yes, I know him.

Q Well, he was married on the same date? A I don't know nothing about him.

Q Well, is there any connection between Mr. Tasker and yourself on the subject of marriage? A No, sir.

Q You did not marry him, did you? A I can show my marriage papers on what day I was married.

THE COURT: No, you need not go into that.

Q You did not marry Tasker, did you? A No, sir.

Q You knew Tasker, didn't you? A I knew him by coming up in Ida's house and I was introduced to him by Ida.

Q By Ida, you mean the complaining witness? A Yes, sir.

Q How long have you known Tasker? A I just met him about five or six times, that's about all.

Q And you were introduced regularly at Ida's house on 13th street? A Yes, sir.

Q And you played cards together. A Oh, yes, once we had a game of cards, the four of us, that's about all, just once.

Q Under what name were you introduced to him? A He knew-

Q Under what name were you introduced to him? A As May Stein.

Q And he called you under that name, didn't he? A Yes, sir.

Q Is that right? A Sometimes. I couldn't remember about them things. It is since last year.

Q After he left the stand here to-day, did you speak to him outside? A No, sir.

Q Did he speak to you? A No, sir, I only asked him when he is going away and he said he is on his vacation now. That's all he answered me.

Q How did you know he was going away? A Because I heard him say it.

Q When? A I met him some days, and he told me that he was going away on his vacation, and I heard him say it yesterday in Court to Mr. McCormick, that he wanted to case hurried up, being he was going away on his vacation.

Q And you spoke to him yesterday, didn't you? A No, sir.

Q Well, you were with him yesterday? A I was with him in this court room but I didn't speak to him.

Q But he saw you and you recognized him, didn't you? A Yes,

I just bid him the day, that's all, I just said "Hello," and he answered me.

Q Did he say "Hello, May"? A He didn't mention my name, no. He just said "Hello."

Q When he was leaving to go away, did he say "Good-bye"? A I did not see him.

Q I mean to-day? A When he went away I didn't see him, no. I only seen him in the morning and I said "Hello," and he shook his head back, that's about all.

Q Tell the Court and jury how frequently you met Tasker in Ida's home, how often? A I met him up there about twice, two or three times, that's about all.

Q Didn't he give you any presents, Tasker? A Presents? I should say not.

Q You wouldn't take them from him? A He never offered to give me presents.

Q That's why you didn't take them?

THE COURT: No, no.

Q Did he give you any money? A Yes, once.

Q When did he give you money? A Where did he give me money?

Q When? A Sometime last year before I was put on probation.

Q What did he give you the money for?

THE COURT: Now, what is the use of this?

MR. ROSENBERG: Your Honor, I will tell you personally what I want and the reason for the question, or I will tell Mr. McCormick in your Honor's presence.

THE COURT: Very well, go on.

Q What did he give you the money for?

BY THE COURT:

Q Answer the question? A Because I told you I was a prostitute, because I went with him and he paid me for my work that I done.

THE COURT: Now, is there anything else that you want?

BY MR. ROSENBERG:

Q And did you meet him by appointment or up in Ida's home?

MR. MCCORMICK: Objected to.

THE COURT: I sustain the objection.

MR. ROSENBERG: Your Honor, if you will recall Tasker's testimony -- of course, I will give her the cue.

THE COURT: Well, go on, if you have some reason for it.

Q Now, tell us where you met Tasker? A The first time?

Q No, where did you make the arrangement to go out and have a good time with Tasker? A I never made any arrangement to go out and have a good time with Tasker.

Q Well, then, you met him accidentally? A Well, I met him once in front of Ida's door. He was on his hour, his lunch

hour and I met him and I spoke to him, that's about all.

Q And he recollected you as a girl Ida introduced him to?

A I suppose so.

Q Did he call you by name? A No.

Q Didn't you tell him, "Why, I am May Stein?" A I didn't tell him nothing, I just spoke to him. Must you tell your name every time you speak to a person?

Q Didn't he call you anything? A He didn't call me, no.

Q Did he know where you lived? A No, he didn't know where I lived neither, nobody knew where I was living at that time.

Q All right. Then you went up into Ida's home and had relations with him? A Not in Ida's home.

Q Then next door? A Not next door.

Q What room did you use? A We went out some place outside Ida's place.

Q And that was about last December? A Last summer, around July or August, I believe. If last summer, I don't know when it was. In December I was married.

Q Well, Ida went with you, didn't she? A No, Ida was not there when I met him.

Q Well, did he ever call you by name during all the time you met him? A No, never that I remember.

Q Did Ida call you by name when she introduced you to him? A Did Ida?

Q Yes? A I don't remember.

Q Well, how did she introduce you? A It is no long ago. She introduced me by my name, that is all.

Q Now, was it -- are you sure that you were only convicted once? A Yes, sir, sure.

Q Under what name were you convicted? A Eh?

Q Under what name were you convicted? A Under what name I was convicted?

Q Yes? A May Stein, but I told the probation officer my right name.

Q That was in the Night Court? A Yes.

Q Judge Murphy, was it? A I don't remember what Judge,

Q Now, then, did you talk to Ida, or the complaining witness, about, or did you tell Ida about seeings a book which you claim the defendant showed you? A Did I tell--

Q Did you tell her? A She was present when I said, when he showed me the book, she was present.

Q When was that? A That was last summer, sometime last summer when they lived up in 206.

Q That is, it was sometime before last June or July?

A It was last summer, around July. I don't remember what date.

Q And it was a record of supposed proceeds? A Yes, was Jack said to me that this the money that Ida makes every day.

Q And Ida was alongside of him? A Yes.

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Q Now then, that was in the street, wasn't it? A No, up in the house 206, where they lived.

Q 206 East 13th? A Yes.

Q And that was in July? A I don't remember. It was last summer. I don't remember what date or what month.

Q Did you ever live in 13th street? A I lived there for a couple of days with Ida.

Q In her room? A I come up there one time, she asked me to stay with her over night and I stayed there. Jack was there too.

Q That is, you stayed at her home? A At her home. She had a room. It was no home. It was a furnished room.

Q You stayed in that room? A Yes.

Q You did not occupy any other room in that house?

A I occupied a room for a couple of days.

Q You used the other room? A No, not for clothing, just for me to sleep there. It was a little bit of a room.

Q You didn't take any men up into that room? A No, I never did.

Q Well, that was when you were doing business?

THE COURT: Now, is there anything else?

MR. ROSENBERG: Just one moment.

Q Did Mr. Tasker ever pay your rent? A When I took that room up in, next to Ida, I told him I didn't have no money and I didn't have the means of getting along, so he said he would

lend me a few dollars until I had it and give it back to him. So I said all right, and he gave me a dollar and a half to pay to the landlady for that room.

Q That was not the day that you went out with him for the good time, was it? A I never went out for a good time with him, I told you.

Q Did you ever apply to the International Braiding Company for a job? A Yes.

Q When was that? A This was a long time ago, I believe when Ida first met him.

Q And you did not get a job? A He told me I should come around some day next week and they might take me on, but I never came around again.

Q You never came around? You had a quarrel with the defendant, didn't you? A Quarrel, when? Oh, yes, one time, it was about a week before Ida had him arrested, we met him on Grand street, Ida and I and he called Ida aside, and he was speaking to her. Finally they came over to me, and he said something to Ida and she says, "Oh, you are not good enough for me." So I said to Ida, "Well, you were good enough when you went out making money for him." So he said, "You shut up, you cheap punk, I am not talking to you."

Q And for that reason you got sore on him? A No, no, I was not sore at all. I simply came up here to tell the truth about the case.

Q Didn't you advise Ida to have the defendant arrested?

A Did I advise her?

Q Yes? A I should say not.

Q Did Ida consult with you before she made the charge? A No, she never did.

Q Now, you have told the Court and jury that to-day and the time that you were up in Mr. McCormick's office was the only time you had discussed or spoken about the testimony you gave here to-day, is that correct? A What do you mean, testimony?

Q The first time you ever spoke about the story that you told on the stand to-day was when you spoke to Mr. McCormick last week, is that right? A Yes.

Q What? Isn't that the first time that you ever told the story? A Was that the first time?

Q Yes? A I don't know. What do you mean to tell? I was called to Mr. Reynolds' office and asked what I knew about the case also.

Q When was that? A That was one week when it was put off for this court from the Third District Court.

Q Can you fix the date of that? A No.

Q Did you make -- did you tell your story to Mr. Reynolds of the District Attorney's office? A I told him.

Q Did you, yes or no? A Yes.

Q Did he put it down in writing? A I did not see.

Q Was there a stenographer there? A No, no.

Q Well, did you go before any other jury of twenty-three or twenty-four men? A No, no.

Q You said you did not go before any jury consisting of about twenty odd men to tell your story? A No, sir.

BY THE COURT:

Q Did you go before the Grand Jury? A Oh, yes, up on the fourth floor, when Mr. Burke was there.

BY MR. MCCORMICK:

Q Now, didn't you tell the Grand Jury that your name was May Stein? A I told him, but they knew -- I told Mr. Burke my right name was Nellie Abrahams.

Q Who is Mr. Burke? A That gentleman over there (indicating).

Q Well, which gentleman? A They all knew my right name.

Q One moment. Is this the man you refer to as Mr. Burke (indicating)? A Yes, I don't know what is his name.

MR. ROSENBERG: Will you let us have the name of the process server of the District Attorney's office?

MR. MCCORMICK: William E. Perlmutter.

Q You have identified as Mr. Burke, William E. Perlmutter? A I don't know what is his name.

Q You have identified William E. Perlmutter, process server of the District Attorney's office, as Mr. Burke, is that

correct? A Well, I don't know. Excuse me if I made any mistake.

Q Well, didn't you just say this was Mr. Burke, referring to Perlmutter?

MR. MCCORMICK: Objected to as incompetent, immaterial and irrelevant.

THE COURT: Objection sustained. It is answered once. I wish you would pay the jury the compliment of having intelligence enough, having heard a thing once, to remember it, and do not ask it twice over.

Q I ask you now, didn't you say that Mr. Perlmutter, who is of the District Attorney's office, was the man whom you told the story to, and you said, his name was Mr. Burke?

MR. MCCORMICK: I object to that.

THE COURT: You need not answer that. We have heard that question now several times. We all heard it and we all saw it and we do not need it twice.

MR. ROSENBERG: Does Your Honor refuse to permit the question to be answered?

THE COURT: Go on with something new.

MR. ROSENBERG: I except to your Honor's refusal to permit the last question to be asked.

Q Did you make a charge against the man whom you now claim is your husband? A No.

Q Did you make a charge against the man whom you say is

your husband, the same charge as we are now trying? A No, sir, I never did.

MR. MCCORMICK: I object.

Q Did you have him arrested? A No, sir.

Q Are you sure of that? A I am sure of it, I never did.

Q Did you have any man arrested? A Oh, yes, once.

Q What was the charge? A Of rape and abduction.

Q For living off your prostitution? A No, I did not.

Q What was the name of that man whom you had arrested?

A Mike Albert. That was in Brooklyn.

Q When was that? A Oh, that was about three or four years ago.

Q And you had him arrested for rape and abduction?

A Yes.

Q And the case never came to trial? A No.

Q Now, you are a friend of Ida's, aren't you? A I certainly am.

Q And you would like to help her along? A I am not trying to help her along or anything else. I am just trying to tell the truth about the case, being I was brought here.

Q You were subpoenaed to come here to-day? A Yes.

Q Have you seen Ida since she has been in the Florence Mission? A No, sir.

Q Sure of that? A I only seen her by the time coming

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to court.

Q Have you seen Ida in the Florence Mission? A No.

Q You know where the Florence Mission is, don't you? A I was told that it was on 13th street but I don't know where it is.

Q Will you please look at this jury when I am examining you?

MR. ROSENBERG: I am told, your Honor --

THE COURT: You must not tell us what you are told. You may put the person who told you on the stand if you wish.

Q Now, look toward this jury, they are just as good looking as any other person in the room.

THE COURT: Now, question the witness and let the witness testify.

Q Now, where is the Florence Mission? A On 13th street, but I don't know what number.

Q When was the last time you were ever there? A I was there once when Miss Luther took me there to have dinner, when he was first arrested, so we had, we were supposed to come in the afternoon to see Mr. Reynolds, so Miss Luther took me over there to have dinner. At two o'clock we came back here to see Mr. Reynolds. That was the first time I was there.

Q That was the first and last time? A Yes.

Q And you have not been there since? A No, sir.

Q Did you see Ida when you were there that time? A She went along with us.

Q Did you see her in the Mission? A Yes.

Q Did you speak to her? A I spoke to her, yes.

Q Did you speak about this case? A I didn't have nothing to say about the case, no.

Q Did she tell you anything about the case? A No.

Q Have you been there any other time? A No, sir.

Q That is all.

MR. MCCORMICK: The People rest.

(The Court then admonished the jury in accordance with section 415 of the Code of Criminal Procedure and adjourned the further trial of the case until Thursday, July 10th, 1913, at 10 o'clock A.M.)

New York, July 10th, 1913.

-TRIAL RESUMED-

MR. ROSENBERG: The defendant moves for the acquittal --

MR. MCCORMICK (Interrupting): Well, I want to put a concession on the record by consent of defendant's counsel. The places referred to in the testimony are in the County of New York.

MR. ROSENBERG: Yes, sir.

MR. MCCORMICK: Now, the People rest.

MR. ROSENBERG: The defendant moves for an acquittal upon the ground, first, that the facts proved do not constitute a crime; the facts proved do not constitute the crime charged in the indictment; that the People have failed to establish the commission of the crime charged in the indictment beyond a reasonable doubt; that the People have failed to establish the guilt of this defendant beyond a reasonable doubt; that the People have failed to establish a case which authorizes it to be sent to the jury; that the People have failed to establish a case required by law, authorizing it to be submitted to the jury; that the People have failed to corroborate the testimony of the female, the complaining witness Ida Beasovitz, as required by subdivision 9 of section 2460 of the Penal Laws of the State of New York.

THE COURT: I will deny your motions.

MR. ROSENBERG: Will your Honor hear me?

THE COURT: I will hear you, if you desire.

MR. ROSENBERG: I will be very brief, only on the question of corroboration.

THE COURT: Well, I am quite convinced that there is a sufficiency of that to require me at least to submit the case to the jury.

MR. ROSENBERG: Well, if your Honor has your mind made up --

THE COURT: Oh, yes, I should not have ruled on your motion as I did, otherwise.

-THE DEFENSE-

MR. ROSENBERG: Your Honor, it is conceded by the District Attorney that this complainant was convicted in the Magistrate's Court and sentenced to the House of the Good Shepherd in Brooklyn, and that she remained in the House of the Good Shepherd continuously from July 27th, 1910, to and including September 23rd, 1910.

MR. MCCORMICK: Leave out the word "continuously" and I will concede it.

THE COURT: Well, that is of no importance, I take it.

MR. MCCORMICK: Well, no.

THE COURT: Well, whatever you agree upon.

MR. ROSENBERG: Well, she went to the House of the

Good Shepherd. Will you concede she was there continuously?

MR. MCCORMICK: I will concede she was there.

MR. ROSENBERG: As a prisoner?

MR. MCCORMICK: Yes.

MR. ROSENBERG: All right, as a prisoner.

LEONMAN HERTZBERG, called and duly sworn as a witness in behalf of the defendant, testified as follows:

(Residence, 526 West 139th street).

DIRECT EXAMINATION BY MR. ROSENBERG:

Q Mr. Hertzberg, what is your firm name at the present time? A Now the firm has been changed, Eckstein & Hertzberg. It used to be L. Hertzberg & Company when Mr. Miller worked for us.

Q Confine yourself to the firm of L. Hertzberg & Company, what was their business? A Selling millinery goods.

Q Where? A 548 Broadway, New York.

Q Manhattan? A Yes, sir.

Q Did the defendant work for that firm? A Yes, sir.

Q When? A He worked with me the early part of August.

Q The early part of August of what year? A 1912.

Q How long did he continue to work for your firm? A Up to the time we went out of business, up to April 1st.

Q Of what year? A 1913.

Q Then your firm went out of business? A Yes.

Q What were his duties while he was in your employ?

A Salesman.

Q And do you know whether he was regularly employed? A He was, because I was there to see that he was, he was regularly employed up to that time.

Q He was there daily? A Every day.

Q Do you recall what his salary was? A I have a book here that I brought, a cash book, with the record.

Q First give from your recollection, and if Mr. McCormick disputes it, or give the book to Mr. McCormick? A He was working on commission and averaged about fifteen dollars a week.

Q And the book which you produce is what? A Shows his drawings every week.

Q Now, do you know other people who know the boy? A Other salesmen in the neighborhood that know him, the same as I do.

Q That is, different business people? A Different business people in the same line.

Q Do you know what his reputation is among the business people? A Good, as far as I have heard from different friends and business associates, always spoke well of him.

Q Have you always found his accounts correct? A Yes, sir.

THE COURT: No, no.

Q Well, all right, or one moment, that old firm went out of business April 1st, 1913? A Yes, sir.

Q Now, then, was there a new firm organized? A New firm organized now in a different branch of the same business.

ness, commission business, Hertzberg & Bokstein, handling lines on commission in the same millinery business.

Q At what address? A 621 Broadway.

Q Has the defendant remained in the new firm's employment, did he continue to remain in the employ of the new firm?

A After we started I employed him, but the season had not started yet and there was no business done, the fall season.

Q About when was it that you re-employed him? A About a week ago last Monday.

Q That is from April until last Monday? A A week ago last Monday we were ready to do business, but the season had not started yet and there was no business done by him yet.

Q That is, he did not work for you during that period?

A I engaged him a week from last Monday to start with me.

Q He started with you again a week ago last Monday?

A Yes.

Q Now, the book which you have produced contains his salary? A I marked off there the items that we paid him.

CROSS-EXAMINATION BY MR. McCOORMICK:

Q How long have you known him? A I have known him from the time he was employed with me.

Q How long have you known him, about? A Less than a year, about nine months.

Q Who introduced him to you? A I advertised for a salesman and he applied for the position.

Q When did he apply? A About the 15th of July last year.

Q Do you mean to say there is an entry in this book prior to the first of October, showing money paid to him by you?

A Yes, sir, September. I have them marked off there.

Q Now, the first entry in this book is September 20th, isn't it, showing money paid to him? A According to the book, I don't just know it by heart.

Q You paid him \$18 on September 20th, didn't you? A Whatever it is, I don't know by heart.

Q And the next one is October 1st, is that right? A Well, he got weekly payments, he got weekly drawings, fifteen dollars a week and we gave him sometimes two or three dollars a week, expenses.

Q Why didn't you have any entries in the book prior to the latter part of September if you paid him weekly and he was there in the latter part of August? A Well, there was no business done that time.

Q Do you know where he was every day in the month of September? A From the time I employed him he reported to me every morning and every evening.

Q Where did his duties require him to be? A To see the trade around New York City and Jersey, wherever business was.

Q And he might have been doing that business near 13th

street and Third Avenue? A Well, he had no customers there.

Q How do you know where he got his customers? A Because I had a record of it.

Q You don't know where he spent his days? A I don't know where he went. I only know when he came back, I have report from him, and any business he did I received it.

Q Did you talk to him every day? A Yes, sir.

LOUIS S. FREED, called and duly sworn as a witness on behalf of the defendant, testified as follows:

(Residence, 727 East 156th Street).

DIRECT EXAMINATION BY MR. ROSENBERG:

Q Mr. Freed, what is your business? A Manufacturing ladies' hats.

Q Do you know the defendant? A Yes, sir.

Q Did he ever work for you? A Yes, sir.

Q When? A The early part of May.

THE COURT: What do you want to show here?

MR. ROSENBERG: I want to show his continuous employment, your Honor. He worked only about a week with this gentleman.

BY THE COURT:

Q He worked for you one week, did he? A Yes, sir.

BY MR. ROSENBERG:

Q Up to the day of his arrest, is that right? A Well, I don't know exactly when he was arrested.

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BY THE COURT:

Q Well, about that time? A Yes, sir.

BY MR. ROSENBERG:

Q Then you heard he was arrested? A Yes, sir.

Q Will you fix the time?

THE COURT: Well, the date of the arrest is shown in the papers.

Q It was May of this year, wasn't it? A Yes.

Q What were his duties? A He was selling.

Q On commission? A Salesman on a commission basis.

CROSS-EXAMINATION BY MR. McDORMICK:

Q You do not know where he spent his time while he was not in your office? A Well, he was all around.

Q Answer the question, do you know? A Yes, sir.

Q Where? A Well, I gave him a list where to go every day.

Q Well, he told you, didn't he -- A (Interrupting) I gave him a list where to go every day.

BY THE COURT:

Q Well, you do not know whether he went there or not?

A I did not follow him.

BY MR. McDORMICK:

Q You don't know where he spent his evenings? A No, I do not.

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BY MR. ROSENBERG:

Q You got orders from him, didn't you? A Yes, he brought in some orders.

CLIFFORD J. GORDON, called and duly sworn as a witness on behalf of the defendant, testified as follows:
(Residence, 568 Grand street).

DIRECT EXAMINATION BY MR. ROSENBERG:

Q Mr. Gordon, where do you live? A 568 Grand street.

Q In this Borough and city? A Yes, sir.

Q Do you know the defendant? A Yes, sir.

Q How long? A About seven or eight years.

Q Are you employed by the City of New York? A Yes, sir.

Q In one of its departments? A Yes, sir.

Q How long have you been so employed? A Seven years.

Q Now, you are connected with what department? A The Charities.

Q Now, do you know other people who know the defendant?

A Yes, I know a lot of people that know him.

Q Do you know his neighbors where he lives? A Yes.

Q Do you know what his reputation is among his neighbors and friends? A Yes, sir.

Q What is his reputation, good or bad? A Very good.

Q That is all.

MR. McDORMICK: No questions.

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ANNIE FRIEDMAN, called and duly sworn as a witness on behalf of the defendant, testified as follows:
(Residence 150 Clinton street).

DIRECT EXAMINATION BY MR. ROSENBERG:

Q Mrs. Friedman, where do you live? A 150 Clinton street.

Q You are a married lady? A Yes, sir.

Q With a family? A Two children.

Q And you have a place of business on Clinton street?

A A florist's store.

Q Do you know the complaining witness, Ida Bassowitz, the young woman (indicating)? A Yes, sir, I know her a few weeks, about three or four weeks.

Q Three or four weeks from now? A Not from now.

Q From when? A Since she went away, since she was arrested.

Q Since who was arrested? A Since they took her away, before I knew her three or four weeks.

Q Now, did she come into your store? A She came in to buy flowers.

Q Now, do you remember an occasion when Mrs. Miller, the mother of the defendant, was in your store on Clinton street? A Yes, sir, they meet each other there.

Q Who met each other there? A Mrs. Miller and this girl.

Q Will you please tell the Court and jury what happened the first time, or first fix the time, if you can, when was it that Mrs. Miller, the mother of the defendant, and Ida Bessowits met at your store? A Before they took her away, a few days.

Q Before they took her away? A That girl, before they took her away. Since I didn't see her to come in my store.

Q Do you remember when the defendant was arrested?
A Sir?

Q It is admitted that the defendant was arrested on May 23rd? A Yes, sir, my son was in the court.

Q May 21st of this year the defendant was arrested. Now, keep that date in your mind. Now, with respect to that date, can you tell the Court and jury when it was that Mrs. Miller and the complaining witness were in your store? A She used to come around every second week.

Q When was this particular time when they met? A In the same week they arrested her and him.

Q Now, will you tell the jury and the Court what took place what words were said between them? A She come in my store and she find Mrs. Miller in my store. So she said, "Mrs. Miller, I will let you know that I will kill your son, I will shoot him," and she smiled by it, "I will kill him." So she said, "How will you kill him?" "I shoot him." So she said "Why?" "Because I want he to marry me." So she said "How

can you, how do you want that my son should marry you, you know that I don't want to hurt your feelings, that you used to live with an Italian fellow, and being of a respectable family," So she said "I should worry." That's what she answered.

Q Now, did she say anything else, the complainant, Ida?
A No, after she come in again herself.

Q Keep at that one talk? A Yes.

Q The first occasion, was there a quarrel or a fight between them? A Well, they fight, the mother told her that she don't want that, that the son should marry a girl like that, that used to live with an Italian, and with more other fellows, because she worked very hard in her life --

BY THE COURT:

Q No, no, leave all that out.

BY MR. ROSENBERG:

Q I want to know what else did the complaining witness, Ida Bessowits, say about the defendant Jack, what she would do to him? A She said that she got plenty of people who will help her out, and she will do away with him, that he will never see more daylight." So the mother said, "What do you have so much power to do that?" So she said, "I got men, don't worry, and I got lady friends who will help me."

Q Now, was your son in court the day of the arrest?

A Yes, sir, my son told me that, otherwise I would not know.

He was in the First Street Court and he said, "Mother, that fellow is arrested."

Q Never mind what he said? A He come home and told me that.

THE COURT: Strike that out.

MR. MCCORMICK: I move to strike out all her testimony if it is --

THE COURT: Well, I do not know what you mean by all. Strike out the last answer of the witness.

CROSS-EXAMINATION BY MR. MCCORMICK:

Q Did you say that you heard the girl say all that?

A Yes, sir.

Q Then later you said that somebody else told you that she said that? A The girl was in my store and the mother, and I heard the argument.

Q That is all. A They were both of them strange to me.

LEAH MILLER, called and duly sworn as a witness on behalf of the defendant, testified as follows:

(Residence 11 Ridge street.)

DIRECT EXAMINATION BY MR. ROSENBERG:

Q Now, Mrs. Miller, talk loud so we can all hear you?

A Yes, sir.

Q You are the mother of this defendant? A Yes, sir.

Q And where -- Has the defendant, your son, lived with

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you up to the present time? A Every day and night of his life.

Q Well, except when he has been arrested on this charge?
A Yes, sir.

Q He was in jail for some time after the arrest? A He was, that was the only time he was not living with me, he was in jail then.

Q Now, just answer questions.
BY THE COURT:

Q Do you mean to say that every night of your boy's life he slept at home in your house? A Yes, your Honor.

Q Has he never been to the Catskill mountains or Coney Island, or any place like that? A No, sir, never, only during the day, until about eleven or twelve o'clock in the evening.

Q Very well, go on.

BY MR. ROSENBERG:

Q Now, Mrs. Miller, do you know the complaining witness Ida? A I do.

Q Have you had occasion to speak with her? A Very often.

Q Do you remember an occasion after your son was arrested?
A Yes, sir.

Q After he was arrested? A Yes.

Q Did you go to Ida and cry and ask her to go to the District Attorney and have him withdraw the charge? A No, sir.

I --

Q Now, one moment. Just answer questions, please?

A No, sir.

Q Now, have you ever had talks with Ida Bessowitz? A Before she arrested him.

Q I know that, but has she ever been to your house?

A She has been very often, she come up.

Q Now, one moment. Before your son was arrested, which took place on May 21st, 1913, was Ida at your home? A She was in front of Mrs. Friedman's door.

Q I am not talking about Mrs. Friedman, I am talking about your own home? A She was very often in my home, yes, sir, she was up to my home, she come and ask me to give her permission, consent to have Jack Miller marry Ida Miller, Ida Bessowitz as I know her by name, and I says, "How can you, Ida Bessowitz, expect a good boy of good reputation to marry the likes of you, I have heard so much about you?"

Q Well, that was long after the first introduction, that was towards the end, is that right? A Toward the end that was, about three days before she made the arrest, she wanted my consent.

THE COURT: No, no, strike that out. Hold this witness to legal evidence.

Q Now, please only answer questions? A Yes, sir.

Q How many times did she come to your house and see you

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or your husband in your presence, and ask whether you would consent to allow your son to marry her, how many times, roughly speaking? A Well, about four or five times.

Q And upon each occasion what did you answer? A I answered her that she was not worth marrying the likes of my son.

Q You objected, didn't you? A I did.

Q That is all I want to know. Now, do you remember another occasion, or rather what did Ida say after you told her you would not give your consent to your son's marrying her?

A She said she would either shoot him down like a dog if I don't give consent, or she will put him away for ten to twenty years' prison, that he will never see daylight, and I says, "My dear girl, have you got the power to do it?" She says, "Why, I have plenty of friends that will help me, and even swear false to get him there, but I could not take him" -- whichever name she answered, for I am not acquainted with such language. She says "I was taught to take him on white slavery to make sure he will marry me then." So I says, "How can you, I don't think the law will stand for anything like that, because they could tell the difference between you and him," and she says, "Well, Mrs. Miller, I have a man and woman that will swear to my word, even if it is a lie, that they are going to put him up for twenty years' prison, if he don't marry me, and if you don't give consent as a mother." Then furthermore, she had no earthly use for me --

THE COURT: Now, one minute, what was that last?

(Repeated by the stenographer as follows: "Then furthermore, she had no earthly use for me--")

THE COURT: Now, you know what you want to prove by this witness, go on.

Q Now, do not answer more than I ask you, please? A Yes, sir.

Q Do you remember an occasion before your son was arrested, when you met at Mrs. Friedman's store on Clinton street?
A In the store, yes.

Q Do you remember that? A Yes, sir, I do.

Q Will you please tell the Court and jury in your own way what happened between you and Ida on that occasion? A Well, I tell you, counsellor, I was disgraced to have the likes of that.

Q Never mind about your disgrace, what was the talk?
A She told her story to Mrs. Friedman before I entered Mrs. Friedman's store. Mrs. Friedman told me, she says, "Mrs. Miller."

THE COURT: No, no.

Q One moment, just tell us what Ida said to you and what you said to her? A Well, she says she wants the consent of me and my husband to marry with Jack Miller, that he should marry her, otherwise she is threatening to shoot him. So I told her she can't have the consent, because she is not

worth marrying the likes of a good son like Jack Miller, who was brought up by his father and mother, and she says, "Well, if I won't get consent I will help myself and I will kill him or put him away for ten or twenty years, that he will never see daylight," and I says, "Have you got the power to do that?"

BY THE COURT:

Q You have told us that once, have you not? A (No answer).

BY MR. ROSENBERG:

Q Well, did that take place at your home or at Mrs. Friedman's house? A Well, that took place first at Mrs. Friedman's, then in my house three days after.

Q Well, now, upon another occasion did you go with Ida Bessowitz to the Jefferson Market Police Court? A Yes, sir, that was the day after she had him arrested.

Q That is, your boy was arrested? A She came up to my house.

Q One moment, the boy was arrested? A Yes.

Q Then she came to your house? A She did.

Q Where did you go with her? A I went with her, she came up --

Q Where did you go with her? A I went with her to 20th street to get a pass.

Q Who brought you up there? A Ida Miller, Ida Bessowitz.

Q How do you come to call her Ida Miller? A Well, she

claims the name -- she said if it is only for one day the boy has to marry her, that the name was an honor to her, that she has to -- if it is only one day, she would not live with him any longer than a week and she can earn her living, but she does it just for the honor's sake, she wants the name. So I says, "Is the name so honorable?" "Well," she says, "it does not make any difference whether it is or not," and that she loves him too dearly to let him go.

Q Now, one moment, because you love your boy, you are naturally interested in talking the way you do? A Well, I speak to a mere stranger, counsellor, the truth.

Q Just answer questions, please? A Yes, sir.

Q Did you go with Ida to Jefferson Market Prison? A I did.

Q Did Ida bring Jack any presents or any food? A She brought him oranges, which I wanted to pay for them, and she paid for her lunch, she says her mother gave her a few cents to take dinner.

Q Can't you answer the question, did she bring him anything? A She brought him oranges, she brought him the Journal and the World. She went down, she couldn't get the man to give her clam chowder and she borrowed a can and she walked for two blocks and borrowed a can and bought clam chowder and took it up to Jack Miller. Then she said -- then she stood there patting him, "Jaky, darling, Jaky dear, tell your mother and

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father to give you consent." We says, "Well, well, if you know your place and act as a lady", then she stood there, and she says, "If you will be man enough to tell me and go to your munt's in Hoboken you will come Monday morning out of jail and I won't appear, and you will go to Jersey and marry me. It is only for one day," and I even told her -- she said she was afraid to go home to her mother to ask for the amount of marriage, because my son told her it would cost her from five to ten dollars. He wants to go to a rabbi, as if she knew to behave and act like a lady that he would gladly marry her to please his father and mother, because they were very much against it, but as to please his good, dear parents he will do as they tell him, as a good son should.

Q Now, one moment, did that all take place in the prison?
A In the Tombs, yes, sir, she patted him through the bars, "Jakey dear, Jakey darling, come and marry me and I will elope with you." Well, when I went to the District Attorney--

Q Well, then, you left Jefferson Market, did you, with Ida?
A Yes, sir.

Q What did she tell you she was going to do then?
A She went to the District Attorney.

Q That is, Mr. Lockhart, of Essex Market Court? A Yes, sir, if the gentleman is here he can face me.

Q Now, one moment, you went with Ida over to First street and Second Avenue? A Yes, sir.

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Q Where the Magistrate's Court was held? A Yes, sir.
Q Mr. Lockhart was the District Attorney there, the assistant? A Yes, and he said --
Q Now, will you please listen? A Yes, sir.
Q Now, you got to the court, didn't you? A Yes, sir.
Q And Ida spoke to Mr. Lockhart, didn't she? A Yes.
Q What did Ida tell you she said to Mr. Lockhart? A Well, she said that she would go in and plead for him very much, she will take back her charges which she didn't know the meaning of, white slavery, and I asked her, "Why did you go so hard against Jack Miller if you wished him to marry you as a good man should and make a good woman out of you, all things will be forgiven." So she said, "You wait a while out here, don't make believe that I come with you at one time, I will let you know what he said." Finally she was in there about five minutes and I walked in personally myself after her. When I come to Mr. Lockhart, Mr. Lockhart says, "Well, I am sorry, Mrs. Miller, that you are giving your consent to the likes of that to marry a good boy like your son."

THE COURT: Now, now!

Q Now, one moment.

THE COURT: Now, do not wait for me to tell you to stop.

Q Well, that is all.

THE WITNESSES: One moment, I am going to tell you

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what Mr. Lockhart said.
BY THE COURT:

Q No, madam.

THE COURT: Now, cross-examine.

CROSS-EXAMINATION BY MR. MCCORMICK:

Q You say that Ida Miller came to see you? A Yes, sir.

Q Didn't you go to see her? A No, sir, I never went near Ida Miller.

Q When was your son arrested? A My son was arrested on Wednesday. I can't recollect the date, but it was on Wednesday.

Q I do not want a long speech, I want to know about when, May? A Well, about that, yes, this is July.

Q 1913? A Yes.

Q A few days after he was arrested she came to see you?
A The next day. She arrested him Wednesday and she came to me on Thursday. Friday morning I went with her to Mr. Lockhart.

Q Didn't you go and ask her to marry your son? A No, sir, I would be disgraced for the likes of that to marry my son.

BY MR. ROSENBERG:

Q Now, please answer questions.

BY MR. MCCORMICK:

Q Didn't you go to a member of the District Attorney's

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staff and ask him about it? A No, sir.

Q Before you saw the girl? A No, sir, I did not.

Q That is all.

ELIAS MILLER, called and duly sworn as a witness on behalf of the defendant, testified as follows:
(Residence, 11 Ridge Street).

DIRECT EXAMINATION BY MR. ROSENBERG:

Q Mr. Miller, do you know where your son was employed between the years 1906 and 1908? A Yes, sir.

Q Where? A 1906 and 1908 he was employed with the International --

Q (Interrupting) Where are you employed? A Leo Schlesinger & Company.

Q How long have you been there? A Twenty-two years.

Q In the one place? A One place.

Q And what is their business? A Tin toys and brass goods, manufacturers.

Q Did your son work in that house with you? A Yes, shipping clerk.

Q Can you fix the date? A All my sons worked there.

Q But fix the date when this son worked there, Jack? A He worked there around 1905 or 1906 or 1907, around that.

Q How long did he work there? A About three years.

Q That was after he left school, was it? A Yes.

Q And from there he went to the International Braiding

Company? A Yes, sir.

Q Now, do you know Ida Bessowitz? A Yes, sir.

Q Have you ever seen her at your home? A Yes, sir.

Q Have you ever talked with her about your son Jack? A Yes, sir.

Q What did she say to you about him and what did you say to her? A When she first came up, I had all the highest respect for the young lady. Later on I heard different rumors.

MR. MCCORMICK: I object to this.

Q First tell us and cut out everything except coming down to that part of the year about May, 1913, just before Jack was arrested? A Your Honor, around that time before my son was arrested I rejected her from the house. I told her my son -- she wanted the consent of me and my wife that the boy should marry her. I rejected her on the ground that I heard different rumors.

MR. MCCORMICK: I object to that.

Q You opposed the match, did you? A Yes.

Q And you told her that, did you? A Yes.

Q What did she say? A She said if she can't get him, that way she will put him away where he will never see daylight.

Q Did she make any other threats? A No; to me, but I had very little conversation, when I told her, when I went out of the house after that.

Q Was your wife there at the time? A My wife was there

at the time.

Q Was she there on any other occasion when you were there? A Yes, sometimes. Sometimes she was home and she came up when I was not home.

Q Well, when she came up when you were not home, you cannot speak about? A No.

Q Have you seen her since the arrest? A Yes.

Q Did you have a talk with her? A Yes.

Q What was that about? A She came up the house the day after the boy was arrested. So I says, "Ida, is this true, what you are saying about Jack?" She says, "No," she says "It's the only way I can get Jack to marry me." I says, "Well, that's a funny thing, why didn't you come up and tell me these things before, why didn't you tell me you were going to have him arrested in this case?" "Well," she says, "that's the only way I can get even on him and make him marry me." I says, "Well, why didn't you come and tell the District Attorney that thing?" So she went away, and next morning I go to work. I come home from work the following day and my wife tells me Ida was over.

Q Never mind that. I want to know what was said by Ida to you, if anything? A She said she was going to the District Attorney's and tell him that she wanted to get married to the boy, that he works. She said she was told to say, that some woman was pushing her to do this thing. Who this

woman is or what I don't know.

Q That is all.

CROSS-EXAMINATION BY MR. McCOMBICK:

Q So you are the father of this boy, you say? A Yes, sir.

Q You say that it was after your son was arrested that she came to see you? A Yes, sir.

Q Did she ever come to see you before he was arrested? A Yes, sir.

Q How many times? A Oh, she come up there dozens of times, she was up to the house. The last time I seen her up to the house was in the month of April.

Q Where was your son living? A Home with me.

Q On the 1st of October, 1912? A Home with me.

Q During the year 1912, was there any night that he stayed away from home? A He stayed away? He comes home at twelve or one.

Q Now, answer the question? A He stayed away, no, sir.

Q Was there a single night in 1912 that he stayed out of your house all night? A He might have stayed --

Q Can't you answer? A One moment, your Honor, I am willing to answer. He was always up in the morning when I got up, he was home.

Q Will you answer the question, do you know whether or not there ever was a night in 1912 that he did not come home? A I

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seen him home every morning when I got up.

BY THE COURT:

Q Well, did he not take any vacation, did he not go to the country? A No, sir, I am a hardworking man, I don't make enough to leave my children go to the country. The few dollars they make they have to have brought home.

BY MR. McCOMBICK:

Q Well, in the few years just before October, 1912, did he ever stay out all night that you know of? A Not to my knowledge.

Q That's all.

HARRY COAN, called and duly sworn as a witness on behalf of the defendant, testified as follows:

(Residence, 453 Grand street.)

DIRECT EXAMINATION BY MR. ROSENBERG:

Q Mr. Coan, what is your business and your business address? A Merchant tailor, 450 Grand.

Q You know the defendant? A I do.

Q How long? A Probably twelve or fifteen years.

Q And you know other people that know him? A I do.

Q You know what his reputation is? A "A I."

Q Is his reputation good? A Good.

Q Have you seen him frequently within the last couple of years? A Very often, he lives in my immediate vicinity, I

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see him very often, mostly every day.

Q That is all.

MR. McCOMBICK: That is all.

MR. ROSENBERG: Have I exhausted the character witnesses, your Honor?

THE COURT: Well, you have had three, have you not?

MR. ROSENBERG: Well, I have, but some were on other matters.

THE COURT: Well, I apprehend the people will offer no contradictory evidence on that. If they do, you may apply for leave on my part.

JACOB MILLER, the defendant, called and duly sworn as a witness on behalf of the defense, testified as follows:

(Residence, 11 Ridge street.)

DIRECT EXAMINATION BY MR. ROSENBERG:

Q Now, Miller, your full name is what, what is your true name? A Jacob Miller.

Q You are called Jack, are you? A Yes, sir.

Q And you are indicted here under the name of Jack Miller? A I don't know if it is Jack or Jake.

Q The boys call you Jack, is that it? A Yes, sir.

Q Now, talk loud so that all these gentlemen can hear you and look right square at them. Where do you live? A 11 Ridge street.

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Q With whom do you live? A My parents.

Q Have you ever lived with any other person other than your parents? A No, sir.

Q That is, to live? A No, sir.

Q And have you lived there ever since you have been a child? A Yes, sir.

Q Have you ever been convicted of any crime? A No, sir, never been in any court in my life.

Q Up to the present time? A Up to the present day.

Q When did you leave school? A I left school, I think, in 1906.

Q Now, after you left school, where did you go to work?

A Leo Schlessinger & Company.

Q How long did you work at Leo Schlessinger & Company's? A About two years.

Q What did you do at Schlessinger's? A Well, I was, they took me in there and I helped around, the shipping department, and they learned me to be shipping clerk.

Q Your father worked there at the time too? A Yes, sir.

Q From Schlessinger's place, where did you go to work?

A I went to work for Mark E. Morris, the International Braid-ing Company.

Q How long did you continue with the International Com-pany? A About three and a half years, or from 1908 up to

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1912, when they burned down and went out of business.

Q When did that firm burn out? A They burned out the latter part of July.

Q Of 1912? A I think the 30th of July, 1912.

Q It was because of that you left their employ, is that right? A Yes, sir.

Q What did you do with the International Company?

A Shipping clerk, receiving clerk, and towards the latter part of 1912 I went out and done a little helling for them.

Q When you left, after leaving the International Company, were you out of work, and if so, how long? A I was out of work for a couple of weeks, about two weeks, I think, from the beginning of August until August 15th.

Q August 15th about, where did you go to work? A I went to work for L. Hertzberg & Company, 548 Broadway.

Q That is the gentleman that was on the stand? A Yes, sir.

Q How long did you continue to work for Hertzberg? A I have worked for Hertzberg from the 15th of August until April, when he went out of business, dissolved partnership.

Q April, 1913? A Yes, sir.

Q What did you do for Hertzberg? A Salesman.

Q In April, 1913, they went out of business? A Yes, sir.

Q Then there was a new firm organized? A Well, the new

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firm was organized while I was arrested.

Q Now, you were arrested when? A May 21st, 1913.

Q And you worked up to April 1st? A Yes, sir, I have worked before, though; I have worked after April.

Q Now, you worked to about April 1st with Hertzberg?

A Yes, sir.

Q What did you do after you left Hertzberg? A I looked for a position, it was getting near the end of the season, and in May I found a position with Mr. Freed of the Eclipse Hat Company.

Q That was the gentleman that was here to-day? A Yes, sir.

Q How long did you work for him? A They made Turkish toweling hats that did not sell this season, and I worked one week for him.

Q Were you working for Mr. Freed at the time you were ar- rested in this case? A No, sir, I left Mr. Freed about two days before. Wednesday I was arrested, I left Mr. Freed on Saturday night.

Q Were you working when you were arrested? After you left Freed, what did you do? A I was off for three days looking for a position.

Q Then where did you go to work? A I was arrested three days after I quit Mr. Freed. After I left Mr. Freed I was out of a position three days.

Q Now, did you on or about the 1st day of October, 1912, receive or accept one dollar from Ida Bessowitz? A No, sir.

Q Did you on that day receive one dollar from her as the proceeds or earnings from her, Ida Miller, while she was engaged in prostitution? A No, sir.

Q Did you receive any money from her on or about October 1st, 1912? A No, sir. I know the girl two and a half years and I never received a cent off her as long as I know her.

Q Did you ever give her money? A Yes, sir.

Q Now, did you ever receive a dollar or any other sum or consideration from her as a result of her prostitution?

A No, sir.

Q Do you know what I mean? A Yes, sir.

Q Did you ever know that she was out earning money as a prostitute while you knew her, while you were acquainted with her, not what you found out afterwards? A While I was acquainted with her, she was arrested in March, that was the first I knew of her.

Q Well, did you know of that? A No, sir.

Q You found that out afterwards? A After she was arrested.

Q Well, but what I mean is, while you knew her and while you went with her did you know she was a prostitute? A No, sir.

Q When did you become acquainted with her? A I became ac-

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quainted with her in 1910, while in the employ of the International Braiding Company, she applied for a position.

Q And she was employed with that company? A Yes, sir. I got her the position with the International.

Q Now, subsequently you had some relations with her, didn't you? A Well, we formed a friendship, being I gave her the position.

Q Well, you finally became intimate with her? A Yes, sir.

Q And that intimacy resulted in this woman becoming pregnant, isn't that a fact? A Yes, sir.

Q And were you responsible for that pregnancy? A I figured I was until I have heard others talk.

BY THE COURT:

Q Oh, no, you figured you were? (No answer).

BY MR. ROSENBERG:

Q You figured you were? A Yes, sir.

Q Ida claims you were responsible, didn't she? A Yes, sir.

Q Where was she living in March, 1912, about? A March, 1912, she was living with her mother.

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

Q Where was her mother living? A 189 North 5th street, Brooklyn.

Q And was she living with her mother? A She lived with

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her mother.

Q Up to when? A Until June, 1912.

Q Sure of that? A Yes, sir.

Q Now, in June, 1912, did she go to live on 13th street? A Yes, sir.

Q As what, or by the way, did you hire any rooms for her in June or July, on 13th street? A No, sir.

Q Did you hire any rooms at 202 East 13th street, from a woman named Mrs. Mandel? A No, sir.

Q You personally? A No, sir.

Q Did she have a room in that house? A Yes, sir.

Q Was it in June? A No, sir.

Q Where was the room that she first hired, if she did hire any? A 206 East 13th street.

Q Did you hire that room? A No, sir.

Q Who did? A She did.

Q What did the room consist of, a furnished room?

A A furnished room, just one room.

Q When was that? A That was in June, 1912, after she left home.

Q In June, 1912, is that correct? A Yes, sir.

Q And you took up with her, didn't you, you went over to that place, didn't you, in 13th street? A Yes, sir.

Q Did you sleep there at night? A No, sir.

Q Where did you sleep? A I have slept at home with my

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parents.

Q You went there, though, frequently, didn't you? A Yes, sir, very frequently.

Q You do not deny that, do you? A No, sir, I was there very frequently.

Q Now, then, she started to keep a furnished room in about June, 1912, is that right? A Yes, sir.

Q Now, the first house she lived in was 206, is that correct? A 206.

Q And about how long did she live there? A She lived there a couple of months.

Q A couple of months? Did you support her while she lived there? A Yes, sir.

Q Now, after the couple of months she lived at 206, did she move? A Yes, sir.

Q Where did she move to? A 222.

Q That is on the same block? A The same block.

Q Did you support her while she lived there? A Yes, sir.

Q How long did she live in 222? A About two months.

Q That will be June, July, August. Now, then, did she move again, and if so where did she move to? A She moved to 202, to a cheaper room, as I told her I couldn't give her so much money.

Q She moved to 202 when, if you remember? A About August.

Q Did you hire the room? A No, sir.

Q Who did? A She did while I was at business.

Q Now, did you upon any occasion while playing cards with Ida Beasowitz, and Mr. Tasker, the witness who was on the stand, receive -- or hear a knock on the door and go to the door and have a conversation with an unknown man, and then tell Ida to go into the next room for the purpose of having sexual intercourse? A No, sir.

Q Did any such thing occur? A No, sir.

Q On the 1st of October, or any other time? A No, sir.

Q You are sure of that? A Positive.

Q Did you on an occasion when you were playing cards with Ida Beasowitz and Mr. Tasker hear a knock on the door, and Sam, a man named Sam entered the room? Do you remember any such occasion? A No, sir.

Q Do you remember any -- or did any such thing occur? A No, sir.

Q Did Sam ask you whether you would allow Ida to have sexual intercourse with a man and you tell Ida to go in the next room with the man? A No, sir.

Q Did any such thing as that occur? A No, sir.

Q Did Ida return to the room and give you a dollar, and you put the dollar in your pocket and offer Sam or ask for twenty-five cents from Mr. Tasker; did any such thing as that occur? A No, sir. She did not leave the room.

Q Well no such thing happened? A No such thing hap-

pened.

Q Is that right? A Yes, sir.

Q Do you know this man Sam who has been mentioned here yesterday? A No, sir, I don't know what Sam they are referring to.

Q Did you ever hire any man to solicit business for Ida? A No, sir.

Q Did you hire any man to act as a steerer for Ida in her business as a prostitute? A I did not know she was doing any business.

Q Did you hire any man? A No, sir.

Q Did you upon any occasion ask Mr. Tasker whether he had change of a dollar and that you wanted a quarter? A No, sir.

Q Did you ever tell Mr. Tasker that the amount of seventy-five cents received did not pay, or words to that effect? A No, sir, we never had any conversation like that.

Q Did you three or four days after, about the 1st of October, or in the month of October, leave with Mr. Tasker and see a man on the street and say "That's the man to whom you gave the twenty-five cents"? A No, sir.

Q Did any such thing as that occur? A No, sir.

Q Well, now, you know Mr. Tasker, don't you? A Yes, sir.

Q Have you frequently met him and played cards in the room?

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A Yes, sir.

Q Was that anything unusual to play cards with Ida up there? A No, sir.

Q Was she pregnant at that time, wasn't she? A Yes, sir.

Q And she was sick, wasn't she? A Yes, sir.

Q And it was a friendly game of cards, wasn't it? A Yes, sir, always played for pennies.

Q For pennies? A Yes, sir.

Q Now, did you upon any occasion while playing cards with Ida and while Tanker was there, know that Ida went to the next room and had sexual relations with a man and then come back and continue the game of cards? A No, sir.

Q Did any such thing as that occur? A No, sir.

Q Did you ever meet, or did you know May Stein, who was a witness here, also known as Mollie Abrahams? A I never knew her name was May Stein. I knew her as Mollie Abrahams.

Q Did she frequently come up to the house or up to the 13th street room? A I have only met her on two occasions, as she would never come up if she knew I was there.

Q Was there any feeling against her? A Yes, sir.

Q You had expressed some feeling against her? A Yes, sir, I did as far back as two and a half years ago when I first met her.

Q When you first met her? A Yes, sir.

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Q And you quarreled with her? A Yes, sir.

Q Now, did you ever in the summer of 1912 or at any other time, meet May Stein or Mollie Abrahams, otherwise known as Mollie Abrahams, and exhibit a book which you had on your person and tell her that that book contained the receipts of moneys that Ida was making for you? A How could I say that if I never had a book and never received any money off Ida?

Q What is that? A Never received any money off Ida.

Q Did you ever have any book where you kept a record of moneys that you received off her? A No, sir, never received any money.

Q Did you ever tell May Stein you had such a book? A No, sir.

Q Did you ever tell May Stein that you entered in it the amount she received daily? A No, sir.

Q Was there any talk on that subject or from which such a statement could be drawn that you had made any such statement? A No, sir, I had very little to say to May Stein on any occasion that I ever met her.

Q You had quarreled with her about two and a half years before? A Yes, sir, and quarreled almost every time I ever met her.

Q You met her only twice, you say? A Two or three, or three or four times.

Q Now, then, do you remember the time that you were ar-

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rested? A Yes, sir.

Q Do you, or were you arrested outside, or did you walk into court with May Stein yourself, or with Ida Bensowitz yourself? A Ida Bensowitz, I walked into court with Ida.

Q You walked into court yourself with her? A Yes, sir.

Q Now, before you walked into court on May 21st, 1913, had you had arguments with Ida Bensowitz? A Yes, sir.

Q About what? A She wanted me to marry her, and I told her --

Q Did you refuse to marry her? A Yes, sir.

Q Did you tell her why you refused to marry her? A Yes, sir.

Q Now, just say yes or no? A Yes, sir.

Q You told her the reasons why you refused? A Yes, sir.

Q And how long was that going on, she asking you to marry her and you refusing? A Well, that has been going on --

Q How many days, weeks or months? A Since she left the hospital, which was the Sunday before Thanksgiving, of last year.

Q 1912? A Yes, sir.

Q That is, in November, 1912? A Yes, sir.

Q Until May, 1913? A Yes, sir.

Q She was approaching you on the subject of marriage?

A Yes, sir.

Q And insisting upon you marrying her? A Yes, sir.

Q And did she say what would happen to you if you did not marry her? A She said she would swear my life away, she would send me away, she would blow my brains out, and if she couldn't do that she would get somebody to do it for her.

Q Now, just before you went into court with her on May 21st, will you tell the Court exactly the circumstances under which you went into court with her? A On Wednesday morning, May 21st, in the first mail I received a postal from Ida asking me to meet her at 12:30, as she wanted to go to the dressmaker's. I waited from 12:30 until one o'clock, when she appeared.

Q You finally met her? A Yes, we were standing talking and she threw her arms around my neck and kissed me on the street. I asked her if she was crazy.

BY THE COURT:

Q Do you mean crazy for kissing you? A On the street.

Q Did that suggest insanity to you? A What is that, right on the public street?

Q Did that suggest that she was insane, the fact that she wanted to kiss you? A On the public street, that's something she never done before in her life as long as I know her.

BY MR. ROSENBERG:

Q Now, then, what happened between you? A We were talking there a while until about 2:15.

Q What were you talking about? A Well, she was asking me if I wanted to go out for a ride, and so forth, and

she had to go up to the dressmaker. We went up to the dressmaker after we left my mother, and then she first told me, she says, "Jack, if you don't get married to me, I have got an appointment with Mrs. Barnett to meet her and I am going to prefer charges against you." I says, "Charges for what?" She says, "Neyer mind for what, you will see when you get there." She says, "I want to go up to the dressmaker first," which was about 2:15 or 2:20. At the dressmaker's she was busy and at half past two I said to Ida, "If you want to do anything like that I don't think you have any grounds for doing a thing like that after the way I have treated you, there is no use waiting at the dressmaker, we will go to court, and you tell the Judge what you have to say and I will tell him what I have to say." Well, when I reached court I was put under arrest.

BY MR. ROSENBERG:

Q Now, did she ask you to marry her before you went to court? A Yes, sir.

Q Did you agree to marry her? A No, sir.

Q You refused? A Yes, sir.

Q And you gave her your reasons, did you, you told her why you would not marry her? A Yes, sir.

Q Now, you were arrested when you went to Jefferson Market Police Court, weren't you? A Yes, sir.

Q In the prison? A Yes.

Q You were arrested May 21st? A Yes.

Q How long were you in jail? A Thirty days.

Q You got out then about June 30th? A I got out June 30th.

Q About June 30th, was it? A Yes, sir, the last Saturday in June.

Q Then you went to work when? A I connected with the firm of Hertzberg & Eckstein a week ago Monday as salesman.

Q Now, did Ida and your mother visit you in the Jefferson Market Prison? A Yes, sir, two days after I was there.

Q Did Ida give you anything? A Ida gave me a few oranges.

Q Anything else? A I had some clam chowder sent up to me but I wasn't told by who.

Q Did Ida speak to you? A Yes, sir.

Q What did she say to you? A She asked me to get married to her.

Q Did she use words of endearment? A Yes, sir, called me dear, and so forth, when she come in, and put her hands through the bars and patted my face and wanted to kiss me, and I told her to go away from me and anything she had to say she should tell it to the District Attorney.

Q Did she say she was going to the District Attorney and tell him the truth about the whole thing? A Yes, sir.

Q Did she say that? A Yes, sir.

Q Then she left with your mother, didn't she? A Yes,

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sir.

Q Now, is there anything else you want to say about this charge? A Well, I have to say that I have told the girl dozens of times to keep away from me since last November, I have told her in the presence of her mother and I have told her that in the presence of Harry Blut. I have handed her money in the presence of Harry Blut.

Q Did you give her any money from time to time? A Yes, sir, continuously.

Q Did you ever have occasion to meet Ida in the presence of a man named Harry Blut? A Harry Blut, yes, sir, he was a frequent caller at the home of her mother.

Q That is, Ida called at the Blut home? A No, Blut called at Ida's home, 189 North 5th street, Brooklyn.

Q That is, Blut was a friend of Ida? A Yes.

Q And he called at her home? A Yes.

Q Now, do you remember an occasion at her home, any quarrel occurred between you and Ida? A Yes, sir.

Q Was Blut there at the time? A Yes, and Ida's mother was also present.

Q What did Ida say at that time? A I have told Ida--

Q Well, what did Ida say to you? A Ida said something to me in regard to going out with other girls, and wanting me to marry her. I told her it was out of the question. I have told her and I says, "I have come over personally to-day to

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tell you in the presence of your mother, that your mother should keep you away from me," and to get even with me Ida-- my coat was hanging up on a chair, it was warm, and Ida went over to my pocket and took what change^{out} I had in the coat, which she refused to return when I asked for it.

Q Didn't Ida say something about the fact that you were engaged to another young lady, that she heard you were engaged? A She heard I was engaged. I denied being engaged and I told her I didn't care to discuss the other young lady with her.

Q Well, there was another young lady in the matter, was there? A Yes.

Q A decent, respectable young girl? A Yes, a young lady I met out selling millinery.

Q Never mind, there was another lady that Ida heard about? A Yes, Ida come around to her place of business several times and called her up to speak to her.

Q How much did you earn at the international? A I have earned thirteen dollars.

Q How much did you earn at Hertzberg's? A An average of fifteen dollars. I drew fifteen dollars every week.

Q Have you got your original order book which you had with Hertzberg? A Well, I have two here that I found at the time that he went out of partnership and I left him, one from early in September and one for the latter part of the time

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I had been with him. The one for September month is full and it can show from September 14th to September 27th, I done \$551.84 worth of business on the outside, besides^{what} my customers sent in. This book will show every day how many orders I got.

Q That is September? A Yes, sir, on that \$551.84 I was to get seven per cent, and also seven per cent of the business that come in through the phone and otherwise. From that my average earnings would figure up. The book is here if anybody wishes to see it.

Q That is all.

CROSS-EXAMINATION BY MR. McCOORMICK:

Q You first met this girl on the street, didn't you?

A No, sir, I met this girl when she applied for a position.

Q Now, just answer the question, did you or not? A No, sir.

Q When she became pregnant didn't you tell her that she had to go out on the street for you? A No, sir.

Q Do you know a girl named Irene Collins? A Slightly.

Q Who is she? A She is an actress, worked in my brother's vaudeville act.

Q Well, she is a prostitute, isn't she?

MR. ROSENBERG: I object.

A Not to my knowledge.

Q Well, where did she live? A What?

Q Somewhere around 14th street and Third avenue, didn't she? A She lived on 17th street and Irving Place, I think.

Q And she used to spend her evenings walking up and down Third avenue?

MR. ROSENBERG: I object. He is talking about some young woman who works for his brother.

THE COURT: He may answer the question.

A I don't know where she spent her evenings.

Q Well, didn't you use to see her walking around Irving Place and 14th street? A No, sir.

Q You never saw her there? A No, sir.

Q Didn't you know that she used to solicit men around there? A No, sir.

MR. ROSENBERG: I object.

Q Did you introduce Ida to Irene Collins? A Did I introduce Ida to Irene Collins?

Answer
Q ~~Answer~~ the question? A No, sir.

Q Didn't you tell Irene Collins to break Ida in? A To break Ida in?

Q Yes? A Into what?

Q Soliciting? A No, sir.

Q Did you sell some of Ida's feathers to May Stein for twenty dollars to buy a suit of clothes when you wanted money?

A No, sir.

Q Did you ever sell any feathers to May Stein? A I did.

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Q Whose feathers were they? A Feathers I have given to Ida and she returned to me.

Q Now, you say that Ida moved into the first room on 15th street in June? A Yes, sir.

Q 1912? A Yes, sir.

Q What floor, or that was in 206, wasn't it? A Yes, sir.

Q What floor was that room on? A The second floor.

Q Who was the landlord or landlady? A I don't know the name. I know her by sight but I don't know her name.

Q Did you ever pay her any money? A No, sir.

Q Did you ever give Ida any money to pay her? A Yes, sir.

Q How long did Ida stay in that room? A About two months.

Q And did she live there? A Yes, sir.

Q Did she sleep there every night? A She did, to my knowledge.

Q Was Ida working any place in the day time during the two months she lived there? A No, sir.

Q Do you know what she lived on? A As far as I understand, she was living on what I gave her.

Q How much did you give her? A Some weeks I gave her five dollars, other weeks I gave her six dollars.

Q Well, why did you support her in that locality? A Be-

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cause she told me it was my fault she was in the pregnant condition, and she left home because she was fighting with her mother on that account.

Q Did you secure that room for her, or did she get it herself? A She got that room herself.

Q How long had she had it before you knew she had it? A The same day.

Q Were you with her when she got it? A No, sir.

Q How did you know she had the room? A She came down and seen me and told me.

Q Where were you when she told you? A I don't remember if it was at the International or at my home.

Q Did any one put up a deposit for the room before it was taken? A I don't know.

Q Did she move anything in the day she took it? A No, sir.

Q A trunk or anything of that kind? A No, sir.

Q Did you spend the evening there the first day she was there? A The evening? I think I did.

Q Are you aware of the fact that there are a good many prostitutes in that neighborhood?

MR. ROSENBERG: I object as incompetent, immaterial and irrelevant and not within the issues here.

THE COURT: Answer the question. That goes to credibility.

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MR. ROSENBERG: Exception.

A No, sir, I didn't know the character of the people in the neighborhood at that time.

Q Well, did you learn it afterwards?

MR. ROSENBERG: I object, the same objection, did he learn the character of the people afterwards.

Q When did you learn that there were a good many prostitutes in that neighborhood?

MR. ROSENBERG: I object as incompetent, immaterial and irrelevant, and not material to this issue, whether he learned that prostitutes were in that neighborhood.

THE COURT: Well, if he voluntarily went to a neighborhood frequented by prostitutes, it may or may not affect his credibility. It is on that theory that I allowed it, and this is only the same question in a different form. Objection overruled. Exception.

A About a month or so later.

Q And during that month, how often were you in her room?

A Quite frequently.

Q Every day? A Well, I wouldn't say every day, maybe five times a week, some weeks six times, some weeks four times.

Q Were you away, or how long would you stay there each day? A Well, I never had a set time to stay there, some evenings we would go to moving pictures and some evenings to the theatre.

Q Did you ever sleep there? A No, sir, not all night.

Q Well, how late at night would you stay, what is the latest you ever stayed? A The latest I ever stayed, I think one night, one morning was four or five o'clock.

Q Now, on that occasion were you in her room all night up to four in the morning? A Yes, sir.

Q And while you were there did she go out? A No, sir.

Q While you were there did any men come in to see her?

A No, sir, the only man ever visited the room while I was there was Mr. Tasker.

Q Well, Tasker was a friend of yours, wasn't he? A Yes, sir.

Q Didn't you tell Ida to go and live in that neighborhood? A Did I tell Ida?

Q Yes? A No, sir, I suggested to Ida when she said she wanted to leave home, I says, "Tell your mother the condition you are in," and she says "No."

Q I know, but did you and Ida talk about the character of the neighborhood around the place where you were living? A No, sir, she suggested to go to that neighborhood.

Q You say you lived there a month before you learned the fact that there were a great many prostitutes in that neighborhood, is that right? A Yes, sir.

Q Did you ever talk to her about it when you learned that there were? A Well, I heard there was prostitutes in the

neighborhood.

Q What did she say? A She says, "There is also a good many respectable people in this neighborhood."

Q Now, during that first month, how many would Ida go out and walk around Third Avenue?

MR. ROSENBERG: If she ever did.

Q Well, did she ever go out? A She went down to the store for an hour. I don't know where she went evenings when I was not there.

Q Did she go to the store in the evening? A Yes, sir, she would go down to buy something to eat if I would come there from work.

Q Did you use to eat your meals there with her? A At times, yes, sir.

Q And who would cook them, she? A Yes, sir.

Q Did she have a stove in the room? A Yes, sir, it was a room for light housekeeping, for herself.

Q Is it not a fact that that house was filled with prostitutes? A No, sir.

Q Isn't it a fact that there were a good many prostitutes in the house? A Not to my knowledge.

Q Well, when you discovered after you had been there a month that there were a good many prostitutes doing business in that locality, you said something to her about it, didn't you? A Yes, sir.

Q Didn't you think it was a bad place for her to be?

A Yes, sir.

Q What did you say to her? A I asked her to move out, I have asked her to move to Brooklyn, and she says, "Oh, the neighborhood is all right, there's a lot of respectable people in it." She says, "What they are don't make me be the same."

Q Now, I have been talking about the first month all the time; you lived two months at No. 206, didn't you? A Yes, sir.

Q How far is that from Third avenue? A Well, I judge fifty feet, the length of this room.

Q Now, the second month you were there how often were you there? A Just as often.

Q Practically every day? A Well, you could put it that way, some weeks I was there four times.

Q You would go there and have your dinner? A No, sir.

Q Generally? A No, sir, just some evenings when I come up without eating, then she would go down and get something from the store and I would pay for it.

Q Sometimes you would take her out to dinner? A Yes.

Q And then you would take her to moving picture show and then go back to the room? A Yes, sir.

Q Then you were practically living with her, were you not? No other man went there, did they? A Not to my knowledge, only Mr. Tasker.

Q Was Tasker the only man you knew to go to her room at

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206? A Yes, sir.

Q What building did Tasker have charge of? A He was, he had charge of a building on 16th street between Irving Place and Third avenue.

Q Did you introduce him to Ida? A I am not quite sure, I think I did.

Q Do you know whether he ever had intercourse with Ida? A Not to my knowledge.

Q How long did Ida work in that braiding house with you? A Ida worked on three different occasions.

Q The first time? A About four or five months.

Q And the last time? A The last time, about a similar amount.

Q When did she stop working the last time? A The last time she stopped working must have been in 1912, the early part of 1912.

Q What was your idea in living in 13th street with her, did you intend to marry her? A Yes, sir, I did.

Q Why didn't you marry her? A Well, after she was in a pregnant condition I did not want to marry her then. I told her as soon as the child was born we would be married.

Q That you would marry her then, that you would marry her as soon as the child was born? A Yes, sir.

Q Was the child born? A Yes, sir.

Q When? A In October, 1912.

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Q About a week, about the 10th of October, wasn't it? A Well, around that time, I am not positive.

Q Now, after you had lived at 206 for two months, you moved to 222? A Yes, sir.

Q Why did you move to 222? A She had a fight with somebody in 206 and she didn't want to live there any more.

Q Who was the person she had the fight with? A Some girl on the first floor I knew by sight, not the name.

Q Do you know that girl's name? A No, sir.

Q Were there ^{any} girls in 206? A Well, I don't know. Four or five girls lived there that I seen by sight.

Q Do you know that fellow Sam? A Sam who?

Q The man around that neighborhood called Sam? A No, sir, I never mingled with anybody in that neighborhood.

Q Where did you mingle? A Where did I mingle?

Q You spent all your evenings there, didn't you? A Yes, sir, we would stay in the room and play cards or else we would go to a picture show or the theatre.

Q You did not know Ida was a prostitute, did you? A No, sir.

Q When did you ever begin to suspect that she might be a prostitute? A Well, not until in March.

Q March of what year? A 1913, although I was told various things before that, but I didn't put much faith in them.

Q So that up until the time the child was born, that is,

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all during the four or more months you lived with her there on 13th street, you did not know she was a prostitute? A Yes, sir.

Q Did you? A No, sir.

Q Well, now, did you know she was or didn't you? A I did not.

Q Did you suspect that she was? A No, sir.

Q Well, you knew -- well, then, after she had the quarrel with the girl, you moved into 222? A Yes, sir.

Q That is also on the south side of 13th street? A Yes, sir, half way in the block.

Q What sort of house is that? A A private stoop room house, private house given out for furnished rooms.

Q Were there any girls lived in that house? A I think there was one or two single girls in that house, the rest were married.

Q In the first house you lived, 206, you used to see girls and men going in and out there at night, didn't you?

A Well, I never stood at the door and watched them, I was always up in the house. If I would see men walking in or out--

Q But you practically lived there, you had some idea what was going on? A If I would see men going in or out I didn't suspect nothing because I never spoke to the people living there.

Q How long did you stay at 206? A I guess about the

same length of time.

Q Two months? A Two months.

Q You moved into 206 on the 1st of July? A I am not positive of the date.

Q Well, say July and August, then September and October you were in No. 222, is that right? You were about two months in the first house and about two months in 222? A Or a month and a half in 222, because I know she lived in 206 about two months.

Q What time would you generally reach the apartment or room in the evening or afternoon? A Some evenings I would reach there six o'clock, other evenings I would reach there eight, nine or ten o'clock.

Q What time of night would you generally bid her good-night and go to your own home? A Some evenings I would leave her at twelve or one, other evenings why two or three.

Q What time would you get up and go to business in the morning? A I used to get down at 9:30.

Q Now, it was after you had lived in 206 for one month,-- it was your intention to marry this girl, wasn't it? A After I lived in 206?

Q Yes? A Yes, sir.

Q And you then learned that there were a great many prostitutes doing business in that building and around that neighborhood, didn't you?

MR. ROSENTHAL: I object, he didn't say anything of the kind.

THE COURT: I think we have had quite enough on that head.

MR. MCCORMICK: Well, I will ask this one question if you will permit me.

Q Why did you permit the girl you were going to marry to remain living three months in that neighborhood? A I stated before she claimed there was plenty of respectable people in that neighborhood when I asked her to move.

BY THE COURT:

Q When you asked whom? A Ida.

Q Oh, you wanted her to move? A Yes, sir, I had asked her to move.

BY MR. MCCORMICK:

Q Did you strike her a blow in the face one day in front of the court, or the day that you were arrested, did you strike her in the face? A No, sir, I never struck her as long as I know her, never struck any one.

Q Did you ever stay away from your home all night? A No, sir.

Q Never? A No, sir. If I was staying out late I would manage to get in before five in the morning, that was the latest I would stay out.

Q How often did you stay out until three in the morning?

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A On numerous occasions. I never kept count.

Q Well, you generally did? A Not as a rule. My average time getting in was between twelve and one.

Q And the time between twelve and one you generally spent on 13th street, didn't you? A Until 12 to 1.

Q Between 12 and 1? A Yes.

Q Mostly ever night? A Yes; when I was leaving her to go home I would walk to 14th street and Third avenue and get on the car and go home.

Q That is all.

RE-DIRECT EXAMINATION BY MR. ROSENBERG:

Q When did you cease all relations with Ida? Fix the date, we have not got that? A When I ceased all business with Ida when she came out of the hospital.

Q That was about when? A That was the Sunday, well, I won't say the Sunday because she was sick. Well, I would say right after Thanksgiving, after I got her mother to take her back home.

Q In 1912? A 1912. I had to coax her mother to take her back home.

Q From that time up to the time of your arrest you had no relations with her, did you? A No, sir.

Q And she frequently called to see you? A Yes, sir.

Q Now, there has been said here something about a child being born? A Yes, sir.

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Q Was there a child born alive? A No, sir, the child was born dead.

Q Did you afterwards learn from the time of the birth of the child, or after the birth of the child, did you learn things about Ida's past life? A Yes, sir; she admitted they were true.

Q Well, you learned those things after the birth of the child, did you? A Yes, sir, while she was in the hospital I have learned that.

Q And was it because of what you learned that caused you to change your mind about marriage? A Yes, sir.

Q That's all.

HARRY BLUT, called and duly sworn as a witness on behalf of the defendant, testified as follows:

(Residence, 219 East 4th street).

DIRECT EXAMINATION BY MR. ROSENBERG:

Q What is your full name and where do you live? A Harry Blut, 219 East 4th.

Q New York? A New York.

Q Do you know Ida Besenowitz, the complainant here? A I know Ida Miller.

Q Well, you know her as Ida Miller, is that right? A Yes, sir.

Q Do you remember -- A (Interrupting) Ida Besenowitz, rather, excuse me. I thought you asked me if I knew her as

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Ida Miller. It is Ida Besenowitz I know.

Q Did you ever call at Ida's home in Brooklyn? A Yes, sir.

Q How frequently? A Well, I used to call sometimes once a week, whenever I had a chance, like other friends.

Q Do you recall an occasion when you were at the home in Brooklyn and there met Miller and Ida? A Yes, sir.

Q Do you remember what talk took place between them?

A Well, there was many times that Mr. Miller turned around and said to me the end that he didn't care to know her, in front of the presence of her mother on different occasions.

Q That was purely a discussion as to whether he would marry her? A Well, he never had that discussion there, he never said anything in my presence that he would marry her.

Q Well, did he say he would not marry her, in your presence? A No, sir.

Q Well, what was the argument about, if there was an argument? A Well, there was many times she used to come around. There used to be an argument and he turned around and he said he didn't want to know her, in the presence of her mother.

Q I am talking about an occasion when you say you met Ida with the defendant at her home in Brooklyn? A Yes, sir.

Q Was there any occasion that you met at that home where Ida had a quarrel with Jack? A Well, there was.

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Q Well, what was it? A Well, the quarrel I never paid any attention to. It was none of my business. Many times, that's just what I have heard through Mr. Miller, and he told her mother he never wanted to know her, to keep her daughter away.

Q Well, do you remember an incident when Jack's coat was off and Ida took the money out of the pocket? A Yes, sir, I was there.

Q On that occasion, did Ida say anything specially about marriage or about putting him in jail, or something of that kind? A Well, she said she would get even with him, she would shove him away.

Q Well, that's what I want to know. I was not there, nor was the jury. What did she say about that?

MR. MCCORMICK: I object to that. He has just testified about that.

MR. ROSENBERG: Well, all right, that is all.

CROSS-EXAMINATION BY MR. MCCORMICK:

Q Now, what is your business? A My business, I am working for the Kurgasdt Manufacturing Embroidery Company.

Q Where? A On 136th street and Willow avenue.

Q What do you do there? A Watcher on a machine.

Q Were you working there yesterday? A No, sir, it is slow now, and I am off now about six weeks helping my father and brother-in-law in business.

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Q Where is their business? A The trimming business.

Q Where? A 4th street, home.

Q At your house? A Yes.

Q Do you spend much of your time around Third avenue and 13th street? A Third avenue and 13th street?

Q Yes? A I have got no business over there.

Q Well, answer the question.

BY THE COURT:

Q Do you hang out there, is what he means? A No, sir.

BY MR. MCCORMICK:

Q You don't know anything about that neighborhood? A No, sir.

Q That is all.

MR. ROSENBERG: That is all. Will you please take the stand? I want to prove the absence of a witness.

MARGARET E. LUTHER, called and duly sworn as a witness on behalf of the defendant, testified as follows:
(Residence, 245 West 13th street, Superintendent of the Florence Crittenton Mission.)

DIRECT EXAMINATION BY MR. ROSENBERG:

Q You know a Miss Smith, the probation officer of the Night Court, don't you? A I do, I am there every night.

Q And you know that Miss Smith, or is Miss Smith in the country at the present time? A She is in Europe.

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Q She left when? A She left a week ago yesterday, on Wednesday morning.

Q A week ago last Wednesday? A Yes, sir.

Q And was it Miss Smith who had this girl Ida on probation last March? A On the night of March 11th Ida was placed on probation.

Q With Miss Smith? A With Miss Smith, and Mr. Miller, the defendant, was there at the time.

Q Did I ask you that? A No.

Q Now, was Ida Benowitz placed on probation with Miss Smith? A She was placed on probation under the name of Ida Miller.

Q What? A She was placed on probation.

Q Yes, and having been convicted a night or two before of soliciting? A Yes, sir.

Q Soliciting men on Fourth avenue? A Yes, sir.

Q Is that right? A Yes, sir.

Q Now, did not Miss Smith take a written statement of Ida Benowitz at the time? A No, Miss Smith --

Q Did she, yes or no, if you know? A No, sir.

Q Is there a written statement in existence which Miss Smith took of Ida's story? A There is a card.

Q Is there, yes or no, a statement? A There is a card made out.

Q Is there a written statement? A No, sir.

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Q Did Ida Bessowitz make any written statement to Miss Smith on the day that she was placed on probation? A No, sir.

Q Was Ida Bessowitz's mother in court on the day that she was placed on probation? A Yes, sir.

Q Were you there? A I was.

Q Did you hear what report Miss Smith made to Judge Murphy in the presence of Ida? A I did not.

Q Well, weren't you in court? A I was in court, but she talked to the judge, they were up on the bench and I was sitting down about as far as I am, as you are from me, I did not hear it.

Q Well, Ida was nearer, wasn't she? A Yes, Ida was nearer, Ida was arraigned.

Q Do you know whether a subpoena was served on the finger print expert of the Night Court last night?

MR. MCCORMICK: I object.

Q Weren't you there last night? A I was there last night but I don't know who got subpoenas.

Q Did you hear Ida make a statement to Judge Murphy before her conviction? A I did, but I don't remember what she said.

Q Don't you know that on Ida's trial for the soliciting she denied under oath that she had solicited the man, don't you remember that? A No, sir, I don't.

Q Weren't you there at the time? A I was.

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Q Didn't she take the stand and swear that she was not a prostitute? A I see thirty to forty girls around there every night and I couldn't tell you what each one said, I couldn't remember it.

Q But this was a particular case?

BY THE COURT:

Q Have you any present memory of what transpired on the trial of the girl, Ida Miller, the complaining witness here?

A No, sir, I have not.

THE COURT: Now, what is the use of going further on that?

BY MR. ROSENBERG:

Q Now, did not Ida's mother come to court and swear that Ida was living home at that time?

MR. MCCORMICK: I object.

THE COURT: She says she does not remember anything about it.

MR. ROSENBERG: Well, having exhausted her memory, I want to call her attention --

THE COURT: Oh, I know you have the legal right. You may answer that question.

A If I remember right, we went out into the adjoining room, in Miss Smith's room when Ida's mother was there, I don't believe I was in the court room proper when the mother took the stand, if she took the stand.

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Now, I can't even swear that she did take the stand.

Q Since the girl has been on probation she has been at the Florence Mission? A Not since she has been on probation. Since this trial, since she has been needed as a material witness here.

Q Well, she has been at your institution since May 23rd, about, is that right? A Well, about that. I don't remember exactly.

Q And since May 23rd you have had occasion to see May Stein, so-called, haven't you? Now, yes or no? A Yes, sir, I have seen her.

Q And you saw her in court yesterday? A I did.

Q And you were sitting where Barnett is now sitting, the lady in black? A I was.

Q And do you remember when I had May Stein on cross-examination yesterday, concerning her visits to the Florence Mission? A Yes, sir.

Q Who was it that made the motion to May Stein, if any one did, concerning her answers?

MR. MCCORMICK: I object to that.

A I made no motion, and I know of no one else that did.

Q Didn't you see any one making a motion to May Stein? A I did not.

Q At the time I questioned her about her visits to the Florence Mission?

MR. MCCORMICK: I object to that.

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Q Did you see anything?

THE COURT: Well, do you not think you have about exhausted this witness?

MR. ROSENBERG: Well, all right.

Q Do you remember after May Stein left the witness-stand, you and Mrs. Barnett spoke to May Stein in this courtroom, after the court had adjourned?

MR. MCCORMICK: I object.

A Why, I spoke to all of them.

Q Well, did you particularly speak to her in this courtroom about her testimony? A No, I did not.

Q Did Mrs. Barnett upbraid her for saying something about the Florence Mission and not being true, as she was -- A (Interrupting) I don't remember what Mrs. Barnett said.

Q Well, you were there, weren't you? A I was there, yes.

Q Well, did not Mrs. Barnett say, "Why did you want to lie on the stand?"

MR. MCCORMICK: I object as immaterial.

Q (Continuing) About the Florence Mission, not being there? A She did not lie, she told the truth, she was there once to see me and once to see Ida, just as she testified.

Q Now, you want to tell this jury she told the whole truth on the stand? A She stated she was there once to see Ida, which was the truth, and was there on another occasion, as Ida

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said she was, twice, she was there on another occasion. The first occasion she came she was there on my invitation to take a meal with me, as my guest, and not to see Ida.

Q How did you come to select -- A (Interrupting) Because I wanted to help the girl. That is my business.

Q How did you come to select May Stein as your guest out of the thousands of prostitutes in New York? A Because she was to go down to Mr. Reynolds' office in the afternoon. It was too far for the girl to go home to her dinner and I invited her to go to the Florence Crittenton Mission for dinner.

Q Didn't you talk over the case with her? A I did not, nor do I ever allow any of the girls that visit there to discuss the case. That is one of the strictest rules of our institution, that the matron stands and sees every person and every visitor, and if they are a material witness, the case cannot be discussed, and if it is, the visitor is dismissed at once.

Q Now, have you spoken with Ida Beaslowitz since she has been at the mission? A At times, yes.

Q Did you reduce her statement to writing? A I did not, not one bit.

Q Did she tell you, did Ida tell you that she was in the House of the Good Shepherd in Brooklyn? A I can't recall. I take so many records I can't recall whether she did or not.

Q And you have been attempting to recall exactly two

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visits of May to your institution, and yet you cannot recall whether or not you made a record of her statement concerning the House of the Good Shepherd? Why is that? A If I look on my record I could tell you, but I can't recall. We take in ten and twelve girls a day. We take a record of every one. I presume we did. Some days there are more or less, and I don't know that I recall it, I think my secretary took the record. I don't know that I took it myself at all.

Q Did not Ida tell you that she had been living, she was living with an Italian in Brooklyn when she was arrested and sent to the House of the Good Shepherd? A No, sir, she never did.

Q Did you ever ask her about that? A I never did ask her.

Q Have you any record which would show that, if you did ask her? A I have a record, if I asked her I have a record which shows it. If my secretary asked her, as I recall now I think my secretary took the record of Ida when she was in.

Q All right, that is all.

MR. MCCORMICK: No cross-examination...

MR. ROSENBERG: The defendant rests.

MR. MCCORMICK: I would like to recall Ida Miller.

- REBUTTAL -

IDA WILLEN, a witness for the People, recalled, testified as follows:

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BY MR. MCCORMICK:

Q Now, I would like to have you tell us what conversation you had with the defendant, if any, about going on the street in the beginning?

MR. ROSENBERG: I object, as not rebuttal and having been fully gone into on the direct.

Objection overruled. Exception.

A I met him the 3rd of May, a year ago, 1912, and he asked me to go out on the street and I refused, and he hit me that night, and then I let that go, and he told me he was going to take me to a ball Monday night, the 6th of May, and up to that ball he said he would introduce me to a girl by the name of Irene Collins, and she would show me how to go out walking the streets. Well, he took me up there and he introduced me to Irene, and Mr. Tasker and a couple of more. She invited me up to her house, which we went up next night. Then she said she did not want to go out because she felt tired. Well, we let that off until Saturday night, and Saturday night she says to me, in front of Mr. Tasker, "were you ever out before?" I says "No." She says, "I hate to show you how to go out, but as long as Jack asked me I will show you," and she took me.

Q What did he say at the time you were pregnant?

MR. ROSENBERG: I object as not rebuttal and fully gone into.

A He never said anything about carrying me, but he promised to

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marry me before I got that way, and his father did not want him to do it because he said that he can get a better girl than I am, a girl that is worth money, and not me, and he asked me to go out.

BY THE COURT:

Q Well, when the father said this, were you a virtuous girl? A No, I was not. I told Jack what I was before I ever dreamed of going with the fellow. I told it to him and I would tell it to any one else. He knew what I was.

BY MR. MCCORMICK:

Q Now, the conversation you had with him at the time you were pregnant, when he spoke about your mother, or you did?

A My mother?

Q You and the defendant talked about whether you would go home and live, or whether you would go some other place?

A He asked me to leave home. I told him I wouldn't do it, and he says to me that I could not stay home when I am that way. So he told me to leave home, and he says to me that he will take a room with me up on 13th street, which he hired the room himself. I was with him at the time. It was on Saturday afternoon, the 1st of June. I told him I was afraid of my mother to know this, but he says, "It is better than to be disgraced," and I should leave home.

Q Then what did he say about soliciting? Do you know what that means, hustling?

A Well, he told me to go out. This

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girl showed me how to do it and I gave him every cent I made, and May Stein seen the book he used to write it down in.

MR. ROSENBERG: I object and I ask that "I gave him every cent" be stricken out, and that "May Stein seen the book" and so forth, be stricken out.

THE COURT: Well, she has already stated she gave him every cent. We will strike out that "May Stein saw the book." Now, anything else?

MR. MCCORMICK: Just one or two questions.

BY THE COURT:

Q Did you go to his parents and ask that he might marry you? A No, they come to me Thursday night and they cried and they begged me, they even told my mother they would furnish up a home for me, and everything so that he should not get his sentence.

Q Go on? A That is what they told my mother, and they asked me to marry the fellow so he won't get put away.

Q Well, did you careen him in prison, through the bars of the prison? A No, I did not, your Honor.

Q Did you call him your darling? A No, I did not.

Q Or your angel, or anything of that sort? A No, I did not. His mother --

Q Did you kiss him when in prison? A I did not kiss him, because I was not up there in prison. His mother told me that she went up to see Judge Sanders and Judge Sanders said if

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I went up to District Attorney Lockhart he may consent to the marriage.

MR. ROSENBERG: I ask that that be stricken out.

THE COURT: Strike out all concerning Judge Sanders.

Of course that is not competent.

BY MR. MCCORMICK:

Q Now, did you ever talk with Miller's mother in Mrs. Friedman's store? A I did.

Q What was that conversation? A She was bringing up the subject about the other girl he went with, that she had a store and she was better looking than I was and she had money, and that I stood no chance; but I never said I was going to shoot him or anything like that. It was Mrs. Friedman that said to me if she had a son like Jack, she would shoot him because he was no good. That is what she said to me, it was herself said that.

Q Did you say anything about having him put where he would not see daylight? A No, I did not, because Mr. Lockhart told me to keep away from him and not say nothing.

Q Did you ever go to 20th street --

BY THE COURT:

Q (Interposing) Who is Mr. Lockhart? A District Attorney Lockhart.

MR. MCCORMICK: An Assistant District Attorney assigned to the Magistrate.

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BY MR. MCCORMICK:

Q Did you and the defendant ever go to him, did you go before him? A Sure I went before him, but our case was not heard there.

Q But what did you tell Mr. Lockhart?

MR. ROSENBERG: I object.

MR. MCCORMICK: You asked her about the conversation with Lockhart.

THE COURT: objection sustained.

Q Did you ever go to 20th street with the mother of the defendant? A No, sir, I did not.

Q And get a pass? A No, sir.

Q Did you ever go with her to Jefferson Market Prison? A I did not.

Q Did you ever have a talk with her? A I spoke to her Thursday night when she asked me to go up and ask District Attorney Lockhart if I can get married.

Q What did she say to you then? A She told me to go up and ask him if I can get married to Jack and that she will come up after and speak to him. She cried and begged me, so when I went up there District Attorney Lockhart said to me --

MR. ROSENBERG: I object to that.

MR. MCCORMICK: He brought this out.

THE COURT: Well, he did not question her as to what Lockhart said. If he did, I did not hear it.

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MR. ROSENBERG: I distinctly asked Mrs. Friedman to tell us what this girl told Mrs. Friedman.

THE COURT: Well, he may examine touching that, not Lockhart.

MR. ROSENBERG: I distinctly asked Mrs. Miller to tell us what this complainant -- I asked Mrs. Miller to tell the Court and jury what this girl said that Mr. Lockhart told her, therefore --

BY THE COURT:

Q Now, then, you may tell us what you said to Mrs. Miller as to Lockhart?

MR. ROSENBERG: Yes, that's all right.

A I didn't say nothing to Mrs. Miller about Lockhart because I didn't see Mrs. Miller after I seen Mr. Lockhart, because he sent me away with Miss Lather.

BY THE COURT:

Q He told you not to talk? A Yes, sir.

BY MR. MCCORMICK:

Q Did you ever tell any one you wanted to marry this defendant? A I never told any one I wanted to marry him. He put the subject to me long before I left home.

BY THE COURT:

Q Well, did you want to marry this man, the defendant?

A I went up and asked Mr. Lockhart. He asked me, "Do you want to marry him?" I said yes, because his mother cried and

asked me." Then after he said to me, "Do you want to marry a pimp that is getting ten years?" And I didn't answer him.

BY MR. MCCORMICK:

Q Did you ever talk to the defendant's father? A No, I very seldom spoke to him, because --

Q Well, did you ever tell him you would have his son put away where he would never see daylight? A No, sir, I never did, because he didn't talk to me, he never spoke to me.

Q He never spoke to you the day after the arrest, did he? A No, before that he never spoke.

Q Did you ever say to the father that that was the only way you could get even, that is, by marrying the defendant? A No, I never did.

Q Did you ever tell the father you were going to see the District Attorney? A No, sir, I did not.

Q That is all.

CROSS-EXAMINATION BY MR. ROSENBERG:

Q It was brought out here on re-direct examination that you claim that the defendant introduced you to Irene Collins for the purpose of having Irene show you how to do the business, is that right? A That's right.

Q And before that you did not know how to do the business? A No, I did not.

Q Weren't you prostituting and didn't you admit in court yesterday that you were prostituting long before you saw the

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defendant? A I did not. I never said I was prostituting. I says I was with other men, but I never walked the streets.

Q Didn't you tell the Judge yesterday that you were prostituting before you met the defendant? A I was with other men, but I was never out for money, no. He showed me how to go out. He told that girl to show me how.

Q Well, didn't you tell us yesterday --

THE COURT: Now, the jury have heard what she said yesterday. There is no use of that.

Q Now, why didn't you tell the Judge and jury yesterday that he introduced you to Irene Collins, to show you how to do business? A Because you didn't give me a chance to talk. Every time I wanted to talk you shut me up.

Q Is that your only answer? A Yes, sir, that's my only answer.

Q Didn't you fully tell the jury about that subject of going out? A No, I did not, because you didn't give me a chance to talk. I told part of it.

Q Why didn't you tell the jury that he beat you and then took you to a hall? A Well, he didn't take me to the hall the same night he beat me.

Q Why didn't you tell the jury yesterday that he beat you? A Because you didn't ask me that question, but I should answer it in that way.

Q Is that the reason? A That's just the reason.

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Q Now, where is your mother now? A Home.

Q When have you seen her last? A I seen her Sunday. She come to see me last Sunday.

Q She knows this case is on? A She does.

THE COURT: Now, is that all?

MR. ROSENBERG: That is all.

MR. MCCORMICK: The People rest.

THE COURT: Now, have you any more testimony?

MR. ROSENBERG: The defendant renews the motions made at the close of the People's case, and asks that all the grounds then set forth at that time be inserted in the record.

THE COURT: Yes, and the motions are denied and you have an exception.

Mr. Rosenberg then closed the case on behalf of the defense.

Mr. McCormick then closed the case on behalf of the People.

THE COURT: Gentlemen, I will give you this case the first thing in the morning. Come here to-morrow morning at ten o'clock sharp and we will undertake this case.

In the meantime, do not talk about it, nor permit any one to talk to you about it, nor form nor express any opinion thereon until the case shall finally be submitted to you.

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The Court then adjourned the further trial of the case until Friday, July 11th, 1913, at 10 o'clock A.M.

New York, July 11, 1913.

-TRIAL RESUMED-

THE COURT: Are there any requests which you wish me to submit, Mr. District Attorney, to the jury in my charge?

MR. MCCORMICK: There are none, your Honor.

THE COURT: Mr. Rosenberg, have you any?

MR. ROSENBERG: Yes, sir, but, your Honor, in view of the fact that I have to close, as we did, unexpectedly yesterday, I did not prepare them, but I have some notes here.

THE COURT: Just tell me briefly.

MR. ROSENBERG: I would like to have your Honor charge on the subject of the effect of testimony given by prostitutes, that the courts have universally adopted a rule--

THE COURT: Well, I think I will cover that in my charge.

MR. ROSENBERG: Yes, sir. I think I would also like to have your Honor cover the question of corroboration, and the corroboration required by law in this particular class of cases, that it must relate to the identical charge mentioned in the indictment, namely, in this case,

the prostitution and the acceptance of money on October 1st or about October 1st.

THE COURT: Yes, I get that point. Any others?

MR. ROSENBERG: I also intend to have your Honor charge or ask your Honor to charge, that in determining the testimony of the witness Tasker, and in view of Mr. McCormick's statement that he was not impeached, I was going to ask your Honor to charge on the subject, that they have the right to consider his denial that he knew May Stein, and the admission of May Stein that she did know him and that he had sexual relations with her, and that he paid her, and that if they believe May Stein, they should disregard Mr. Tasker's testimony, if they believe he wilfully testified falsely.

THE COURT: Well, I cannot go quite so far as you wish in that respect, but I will charge the law correctly as I understand it on that proposition, and should I forget it, you merely tickle my memory at the close of the charge by mentioning the name, and then I will cover it. Now, is there any other subject which you wish me to charge the jury upon?

MR. ROSENBERG: Then, on the question of good character, I assume your Honor will charge that, as we have proved good reputation.

THE COURT: Yes, I will try not to forget it.

MR. ROSENBERG: Also on the question of reasonable doubt.

THE COURT: Well, I always refer to that.

MR. ROSENBERG: Your Honor, I omitted to prove the age of the defendant.

THE COURT: Well, what do you want as to that?

MR. ROSENBERG: The admission is that he would swear he was twenty-two years of age.

THE COURT: Well, what bearing has that?

MR. ROSENBERG: Well, merely to prove that the record will show that.

THE COURT: Oh, yes, it is conceded that the defendant is twenty-two years of age. Now, that is substantially all? Very good.

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-THE COURT'S CHARGE-

THE COURT: Gentlemen, you are called here from different walks and different stations in life, to determine the facts of the case.

I sometimes liken a jury trial to the ascertainment of public opinion. Under our system of government, the majority rules. It is government by public opinion. If the public prefer one man to another, that one man is chosen our President, for instance, and so throughout our whole system of government. If a measure is before Congress, that measure which public opinion approves is passed, because the public select those men who are to enact measures.

In the trial of causes in court the Grand Jury present a charge in the form of an indictment. An indictment means nothing, except that they find that there is a charge which ought to be tried by a petit jury. There is no presumption of guilt flowing from an indictment. It is an incident, a step in the trial. The defendant pleads not guilty, and it then becomes the duty of the people to prove the defendant's guilt beyond a reasonable doubt. They must prove it to the satisfaction of the public, and you gentlemen represent the public; you twelve men, are selected from different walks, different stations in life,

each with a different experience, each with a different viewpoint; and the evidence, pro and contra, is laid before the jury. It is the duty of the District Attorney to lay before you the evidence tending to prove the defendant's guilt. Likewise, it is the duty of the defendant's attorney to offer whatever of exculpatory evidence he may have in mind, so that all the evidence is laid before you gentlemen, and you gentlemen are to determine the case.

At the outset, the defendant is presumed to be innocent. It is the duty of the District Attorney to prove his guilt, and to prove it beyond reasonable doubt. A reasonable doubt in court means just what it means in the world outside. Indeed, all language in court is used in its ordinary acceptance in the common speech of people. The term "reasonable doubt" has no hidden and no mysterious meaning.

You gentlemen are expected to give this case the same careful consideration, and then the same honest decision that you give to the weighty and important affairs that confront you in your daily lives. If you do that, you will do your full duty.

So here, weigh this evidence and then bring to bear your own good common sense and the dictates, the honest dictates of your conscience, in answering the question whether or not the defendant's guilt has been proved. If

you entertain a reasonable doubt, remember that is the property of the defendant.

If you do these things, gentlemen, you will do your full duty in this case to the people and to the defendant as well.

In weighing the evidence, you gentlemen are the exclusive judges. During the progress of this case, and all cases, the defendants are represented by counsel, and those counsel will frequently make statements. Those statements are not evidence, unless they are made in the form of concessions. To illustrate: A moment ago it was conceded that the defendant was twenty-two years of age. That is evidence; it is a concession. But statements made by counsel, one to another, in arguing, are not evidence, and if I say, during the course of the trial, have said anything which seemingly indicated to you my view, or my belief in either the guilt or innocence of the defendant, you are to disregard that. I have no view. I have no opinion. I have no right to have either a view or an opinion as to the defendant's guilt, and if I have, and if I expressed it, it would be equally your duty to disregard my view; and if, during the course of the trial, any remark of mine has seemed to you to bear upon the case, that remark you are to disregard. It is necessary for me oftentimes to ask questions. It is necessary for me to il-

illustrate the point I am trying to make to counsel, and say something which is not evidence in the case, and should be disregarded by the jury, however pertinent it may be to the question which I am called upon to decide. I say this because I want you gentlemen to have a clear conception of what the evidence in the case is. The evidence is the sworn testimony given by the witnesses. The evidence is the concessions made by counsel, and the evidence is the documentary and other exhibits in the case. It is from them and from them alone that you must determine this case. You are to remember the evidence for yourselves.

You have heard the witnesses testify; you have seen them; you have made up your minds as to whether their testimony was worthy of credence or not. Certain of the witnesses in this case have taken the stand and admitted that they have led lives of shame or prostitution. You are at liberty to believe those witnesses, but in weighing their testimony, remember the fact that they have been prostitutes. Whether it affects their veracity is for you gentlemen to determine. Prostitutes could tell the truth as well as the finest ladies in the land.

Now, how are you going to weigh the testimony? How are you going to ascertain the truth? There is only one touchstone to be applied. Use your own common sense. Ask yourselves what motive would such and such a witness have

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to come into court and lie. Is the story inherently probable? Is it likely to be true? That touchstone or test applies to the testimony of every witness. When you come to sift the testimony of the defendant as a witness, you will consider the fact that he has a motive in testifying; that he has a great interest at stake here, and you will determine, in the light of that motive and in the light of the context and of the surrounding circumstances as to how much of his testimony to believe.

You may reject whatever testimony you think incredible or unworthy of belief, and accept such as you think worthy of belief. So with the witness who was called, the man witness who was called here, the manager of the apartment house whose name at the moment escapes me; you heard his testimony and you heard one of the prostitutes, May Stein say that she accorded him favors for which he had paid, favors of sexual intercourse. Well, now, you will consider that, in the light of his denial and her statement, and if you believe that affects his credibility, if you believe that he is less worthy of belief, it is your right to reject as much of his testimony as you think should be rejected, under the circumstances; but consider at the same time whether or not he would have any motive to come here and testify falsely, if that would discredit to that extent his testimony. If, on the other hand, his story

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seems to you to be true, or likely to be true, if it bears inherently the impress of probability or of truth, consider that in weighing his testimony.

There are no hard and fast rules, gentlemen, in this case. What is expected of you is that you will use your own good common sense, and your true judgment in determining all questions submitted to you.

The law requires that in a case of this kind there should be no conviction upon the unsupported or uncorroborated testimony of the female complaining witness; that means that her story in essential particulars should be supported and corroborated by other evidence. It is for you to determine whether or not it is corroborated. If it is, and it impresses you as worthy of belief, you may convict the defendant. Your oath requires you a true verdict to find in accordance with the evidence.

The defendant has introduced some evidence tending to show that hitherto his character has been good; and evidence of good character may sometimes create a reasonable doubt as to one's guilt, when without it there would be no reasonable doubt; but a good character does not excuse the commission of crime. If the defendant's character was as pure and holy as that of a saint, and if he shared the earnings of this woman's shame, he is guilty under the law, no matter what his character was; but in determining

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whether he did share the wages of the complaining witness's shame, then take into consideration the evidence touching his character, giving to it, as to all other evidence, the credence, the weight and attention you think it ought to have.

I believe now I have covered all the requests you made?

MR. ROSENBERG: Well, is your Honor through with the charge?

THE COURT: I have covered all the requests you made, have I?

MR. ROSENBERG: Not as fully as I should like to have them.

THE COURT: Well, you like everything repeated twice over, you know. I do not see the need of it. If I have not, you may tell me what you want further.

MR. ROSENBERG: Well, on that question of corroboration, if your Honor is through with your charge, I would like to except to that portion of your Honor's charge wherein you define it, that no conviction can be had upon the unsupported testimony of the female, and then you stated that her story in its essential particulars should be supported and corroborated by other evidence and "it is for you to say if it is corroborated." I except to that part of your Honor's charge.

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THE COURT: What do you want me to say? I thought I said the very thing you asked me to say. I made a note here when you told me.

MR. ROSENBERG: But your Honor, the point that I made is, that the corroboration must relate to the crime charged here, namely, that crime of receiving this money from a prostitute on or about October 1, 1912. Under your Honor's charge --

THE COURT: Well, now, wait. That is the point you make, is it?

MR. ROSENBERG: Yes, sir.

THE COURT: Very well, then. Gentlemen, you heard the request, and I charge in haec verba, which is Latin for "in the very words" of counsel. Now, that covers it, does it not?

MR. ROSENBERG: Yes, sir.

THE COURT: Very well.

MR. ROSENBERG: I ask your Honor to charge the jury that they should not misunderstand your Honor's charge, where you speak of the fact that under our system of government, the majority rules.

THE COURT: Oh, no, gentlemen, I do not think you misunderstood me. The jury must be unanimous in their verdict, of course. I was only illustrating the manner of the jury trial, and I do not think you misunderstood me.

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MR. ROSENBERG: But there must be a unanimous verdict.

THE COURT: Certainly, there is no question about that.

MR. ROSENBERG: I ask your Honor also to charge the jury that the denial of my motion to acquit --

THE COURT (Interposing): I have covered that already, that nothing that I said should be deemed evidence against your client, no attitude which they deem I might have taken in the case should be charged against this defendant.

MR. ROSENBERG: I also ask your Honor to charge the jury, in view of Mr. McCormick's statement, that the jury must be governed solely by the evidence here, and not go outside of the record for information, as to the knowledge which they may have of conditions in New York or in the vicinity of 13th street.

THE COURT: Certainly.

Now, gentlemen, having charged you as to the technical law and the general bearing of the case, I want to say that the charge here is under the section headed as "The compulsory prostitution of women." The charge is that this defendant, at the time and place charged in the indictment, did receive one dollar, being the proceeds and earnings of one Ida Miller, and as the proceeds of her

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prostitution, offering her body to indiscriminate sexual intercourse for profit.

In other words, it is charged that at the time and place in question, the defendant received the wages of the sin of this complaining witness Ida Miller. If he did that, he transgressed the law and should be found guilty. If he did not, he should be acquitted.

Whether he did so receive the wages of prostitution, or whether he did not, is the gist of this case. That is the only question in the case; but in determining that one question, you must have regard to all the other evidence in the case. So that you see, the issue is a very simple one. Not, did the defendant live with the complaining witness; not, was the complaining witness pregnant by the defendant; not, is this a trumped up charge because of the refusal of the parents to permit a marriage by the defendant; all these are side things. The question in this case is, did the defendant collect the wages of the complaining witness's prostitution? If he did, he is guilty, and if he did not, he should be acquitted.

You may retire.

The jury retired at 10:50 o'clock a.m. and returned to the court room at 11:25 a.m.

THE COURT: Gentlemen of the Jury, you have sent a request to me, that the testimony of one of the witnesses

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be read over to you, the witness Tasker. The stenographer is directed to grant your request.

(The stenographer repeats the testimony as requested.)

The jury again retired at 11:55 o'clock a.m. and again returned to the court room at 2:03 o'clock p.m., and rendered the following verdict:

We find the defendant guilty as charged.

MR. ROSENBERG: I ask your Honor to postpone the matter for investigation for a week, the defendant reserving all motions?

THE COURT: Yes, and let Mr. Kimball investigate, you might ask him.

MR. ROSENBERG: I will see him, yes, sir.

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THE PEOPLE v. JACK MILLER (Continued).

New York, July 18, 1913.

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

MR. ROSENBERG: Will your Honor take up the sentence of Jack Miller now or adjourn it until twelve o'clock? I have a writ on before Mr. Justice Goff.

THE COURT: I will take it up now.

MR. ROSENBERG: May I make my motions now, your Honor?

THE COURT: Certainly.

MR. ROSENBERG: The defendant moves for a new trial upon the ground that the verdict is contrary to the law and contrary to the evidence; against the law and against the evidence, because the Court erred in denying defendant's motion to acquit made at the close of the People's case and renewed again at the close of the whole case; because the Court erred in admitting illegal and incompetent evidence, and excluding legal and competent evidence, to which admission and exclusion exceptions were duly taken; because the Court erred in making remarks during the course of the trial, to which exceptions were taken, and which the defendant claims were prejudicial; because the Court erred in denying defendant's motion to discharge the jury because of such prejudicial remarks; because the Court

erred in refusing to permit the defendant the full right of cross-examination; also, because the People failed to prove that the complaining witness was corroborated, according to law. The defendant moves in arrest of judgment for errors apparent upon the face of the record.

Motions denied. Exception.

THE COURT: Jack Miller, I have given your case careful thought. It is a sad thing for me to send to prison a boy of good family. Your father and mother seem to be sincere, honest, honorable people. I have had men in whose word I have every faith and every confidence tell me that your father is a most excellent workman and a good citizen, and that your mother is a worthy mother; but the evidence in the case was clear and convincing; it shows that you were "pimping", living on the wages of shame of the woman with whom you were living; working perhaps, but nevertheless collecting the wages of sin for your own benefit.

The evidence, I say, was clear and convincing, and left no doubt in the minds of the jury.

This is too dastardly, too contemptible an offense for the Court to overlook, and punishment will always be the portion of those found guilty of this crime. I have never known a suspension of sentence to follow such a conviction. I believe that severe and drastic punishment

should be meted out to every such sinner, because your crime evinces such a depravity of mind as to require punishment. You did not yield to the stress of sudden temptation.

In view of all the facts surrounding your case, the sentence of the Court is the Elmira Reformatory, where you may be kept a long time if you deserve to be, or you may show that you have turned over a new leaf and are worthy of probation, or parole. Then you may be paroled or put on probation in a short time.

MR. ROSENBERG: Will your Honor stay execution for one week?

THE COURT: Yes.