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CASE

COURT OF GENERAL SESSIONS,

Part II.

THE PEOPLE OF THE STATE OF NEW
YORK

vs.

MILTON M. SEKESON.

: Before

: HON. WARREN W. FOSTER, J.,

: and a Jury.

Indictment filed August 6, 1903.

Indicted for Grand Larceny in the first
degree.

New York, April 13, 1904.

APPEARANCES.

For the People,

ASSISTANT DISTRICT ATTORNEY ARTHUR C. TRAIN.

For the Defendant,

MR. TERENCE J. McMANUS.

Peter P. McLaughlin,
Official Stenographer.

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JOSEPH ROSENTHAL, a witness called on behalf of the People, being duly sworn and examined, testified as follows:

At present I am living at 254 Bowery, New York City; I am in business there with my father; we sell antiques, silverware and jewelry. We live about there; we live on the first floor, or sleep on the first floor above.

The store is--well, there is a store and an office and a back room, three rooms. The safe separates the store from the office partition. It is a large safe; two large safes and counters in front of the safes. Yes, sir, the entire store.

There is a safe and there are counters here (illustrating). You got to go around the counters to get to the safe. This is the back room. It is a big safe. That is the counter and back of the counter is a desk.

There is a desk between the safe and the counter. There are other counters running this way, and there is a little space to go through.

The other safe is next the back there. That leads to the back room; here is the little safe. There is a wooden partition. My apartments are in the back. No, sir, they are upstairs.

I owned some jewelry which was left me by my mother; I inherited it at her death, seven years ago.

I have had it seven years. I have it with me. Y. P. C. means the name of a club, Young Potomac Cadets. It is a society pin. And the other is turquoise and pearls.

I had another piece of jewelry that does not appear in this box, it is a three stone diamond bar pin; that was also a part of what I inherited from my mother. I do not know where that pin is now; it is at Simpson's pawn shop.

I have had considerable experience in buying and selling jewelry. The market value of that three stone diamond pin is \$550. That is the pin.

I kept that jewelry in a strong box in the safe. They are both big safes, but this was the smaller of the two. I do not mean the safe in the office. There are two safes there; one is a little bit smaller than the other.

There were two safes here; it was in the one to your left there next to the wall. That is the strong box; it was in the safe next to the wall.

These drawers go one on the bottom, one next to the bottom, and there is a safe on top. We have got that safe for about fifteen years.

When I inherited this jewelry I kept it with some of the other valuables in the safe; kept it on the top opening; that was the only thing in the opening. The box was right in there. Anyone could see the box with the

jewelry inside of it.

That is not the box that I kept it in; there was a box similar to that; it was a box exactly like that in every respect. That is not the very box I kept it in.

I think the box came from Dennison; that is the box my mother always had that jewelry in. The box that the jewelry is in now, I got from Dennison, to match it. I kept the jewelry in it like that.

The defendant and I had cards printed, but we never did any business; he never was in the jewelry business with me. He came and stayed at my place of business for a good many months, since January.

My father had an accident with a gun on the sixth of July; he blew his finger off. He stayed uptown with my uncle. The defendant came down to the house at my invitation; I asked him to come and stay with me while my father was sick. He stayed upstairs and slept in the same room with me.

I was not in any business with the defendant; I had made plans to go into business with him; we had cards printed. On the card was Real Estate. I did not have any Real estate transactions.

He came there to the store every day. He knew my uncle and my father and my whole family. I showed him the

jewelry I inherited from my mother; I showed it to him once; July eighth.

There was a package of diamonds sent up from downtown on memorandum and I wanted to put them in the strong box--the clerks had gone to supper--I put them in the strong box, in one of those drawers, and I said to the defendant, "Did you ever see my mother's jewelry?" he said, "No." I showed it to him.

I took it out and spread it out. The bar pin was there positively. That Y. P. C. pin was there. I put it all back in his presence, and also in his presence put the jewelry in the drawer; I don't know whether he saw them or not, but he happened to be in the store.

At that time I was very friendly with the defendant. He came there on the seventh; this was the eighth of July; the second day after he had come to stay with me, that I showed him the jewelry.

In this safe was kept a lot of jewelry that goes in the window, and afterwards the safe is left open, only that strong box is locked. This is not where I kept the silverware. This was jewelry that I carried in stock, and it is put in there at night and locked up. The door is left open. This strong box was kept locked; locked with a key on the bunch of keys that I had in my pocket.

I put it in there on the eighth; I did not look at it until the fourteenth and as far as I know it must have been there.

The last time I saw that jewelry was the time I showed it to the defendant. I locked the strong box and threw the keys on the desk where they always laid in front of the safe behind the counter.

Nobody goes behind there except people connected with the store. I employ two clerks at that time, George Finegan, another man and myself. I showed the jewelry to the defendant at about six o'clock.

I sent for the defendant on July 6th. The first time I noticed anything the matter with that safe was on the fourteenth. The man came up for these loose diamonds. I tried to open the safe and found the key was gone off the key ring; I then sent for a locksmith and told the boys --

When I discovered that that key was gone off the key ring, the two clerks, the defendant and myself were in the store. We were all there. He was around the store every day; he was around the store since January; he was there on my invitation.

He was around there all the time. The man sent up for the diamonds. I found I could not get them because the key was gone and the door was locked. I said to the de-

defendant, "That is funny, the key should get off the key ring". He said, "It must be around here some place. It must have fallen off".

That is the key ring. There is no hole in the key ring that a key would slip off through. I sent the clerk for a locksmith; I sent right down for a locksmith. We looked for the key; the clerks looked for the key and the defendant looked for the key but we could not find the key.

I sent for a locksmith; it was opened the next morning; that was about six o'clock that happened, or half past five. We forced it open in the morning; it was locked and we took a crow bar, the clerks and myself and we forced it open.

The locksmith did not come. We forced it open. The first thing I seen was that it was an empty safe; nothing in there at all. The diamonds were in there; I put the diamonds in the drawer. They were in the drawer I had put them in.

I ran upstairs and I asked the defendant--he was upstairs sleeping. I says, "Mike, my mother's diamonds is gone." He said, "Don't worry, they must be around here some place." I said, "Well, you are the last man I showed them to"; he says, "Don't worry; compose yourself. Sit down and

write out a list of the stuff." He did not say for what purpose. I sat down and wrote out the list; I sent, first, for my uncle. This was about a week after my father had blown his finger off, and he was pretty sick yet.

I sent for my uncle; he advised me not to. My uncle came to the store and I talked with him. The defendant was present. The conversation did not amount to anything; he told me to notify headquarters.

We hunted for that jewelry that afternoon and the next day. My uncle says that Mike Sekeson and you (meaning me) were the last people seen that jewelry. It is up to you two people to find it. It must be around here some place." He said it was up to the defendant and me. We were the two boys in charge of the store.

I am twenty-two years old. I think the defendant is twenty-one years old--when he was arrested he was. We hunted and we first found that pin. We were all sitting in the back room.

My uncle came down on the fifteenth. We hunted that afternoon, and the detectives hunted with us. We found the pin that afternoon.

The defendant went out about right after -- he went home to his dinner. While he was gone the detective that I had sent for, came; two of them came, Granville and Crauch.

They arrived during the absence of the defendant. They did not hunt for the box of jewelry.

The two detectives, my uncle and myself were sitting in the back room and the defendant came in and took off his coat, and took another coat that was hanging up there and said, "I am going to take your father out." And he went up. He went out and then Officer Krauch said, "You better look through his coat."

I looked in the defendant's coat, in all his pockets. I found in his little money pocket that pin. I can identify that pin as one that had been in the office, in the strong box in the safe, on the eighth of July, 1903.

I showed that to the officer. After I found that they wanted to arrest him, and through a conversation we decided not to arrest him. We continued searching for the goods.

The defendant came back that night. I did not say anything to him about having found that pin in his coat. The detectives were not there that night.

The following morning, July 16th we looked ---I did not say anything to the defendant; he asked us if we found it and we said, "No"; we kept on searching for the goods. The detectives came again and helped look.

We looked thoroughly for the pin. On the following day --Friday --the seventeenth. It was the fifteenth that I opened the safe and sent for my uncle and found the pin. It was Friday, the defendant decided to help us look for the pin. He went home in the morning---He helped look for the pin, for the goods I mean.

He came back from his dinner and he started looking and we were looking--through that conversation --we let him look on one side of the room and I looked at the other side of the room.

The detectives were not there; they came in for a minute afterwards and went out; this was in the middle of the day; I looked until four o'clock and then I laid off on a lounge; I was tired.

I laid off on a lounge downstairs in the back room. He came in with this cardboard and asked me if that was the size of the box. He came in with this, and he said, "Is that a ~~xxx~~ about the size of the box"? He brought this piece of cardboard in and said, "Is that about the size of the box?" And I said, "Yes."

He says, "Well, I think I will find it around here some place, I am pretty sure it is around here"; he was searching at that time in the office; he went back to the office and I went upstairs and I continued to search upstairs

thinking maybe he hid them there; I thought maybe he hid the jewelry there.

I was upstairs when he came running up with a handful of jewelry; that was about twenty minutes after he asked me about this piece of paste board. He came running up saying, "I found the jewelry;" he laid the jewelry or a handful, on the trunk, and I says, "Come downstairs and show me where you found it"; I came downstairs and he pointed out the spot --a spot that I had looked in; a spot I had looked into with the detectives and my uncle no less than three times.

This was about five o'clock. He brought up all the big pieces; that stud and a couple of little pieces were downstairs. I don't remember what they were; that little stud I remember.

I kept that Y.PC.pin; he didn't bring up that pin. He brought up the rest except a couple of little pieces. He even lifted up the oil cloth and showed me a broken spot on the oil cloth, and he says, "Look where that stud was."

I says, "where is the box"? and he gave me that torn box there. He showed me this box. There was also something else missing there. The combination of the safe upstairs was in that box, a little private safe, a little tiny safe and that was not there.

I could not find that at all. He said that that was the box. When the jewelry was --when we were picking up the jewelry, I said, "Where is the box"?

He said he had found the jewelry just then. He did not say anything about the box. He did not say anything about how much of the jewelry he had found. We all congratulated him, and then we said the pin was missing; I said, "That is very funny that the pin should not be found with the rest of the goods as it was there."

He said it must be around the corner some place; in some corner, some place. I then notified my uncle and the detectives, and at the time when I informed the detectives, he asked me what I was doing, and I said I was notifying my uncle. My uncle came down and congratulated him, and he was up at my uncle's house that night.

He was not arrested then. I eventually found where the pin was; we found out after we had him arrested, and he confessed ---He told where the pin was. That was on July 29th when he was arrested. He was arrested on the 29th of July. He said when he had pawned the pin, and how he had come to pawn it. .

I went and found the pin the next day, the thirtieth of July. I found the pin pawned in Simpson's. This is the pin. This box is torn off, to my knowledge, here;

this is a long box, and it has been torn off in half and bent around to change the size.

That is not the box in which I placed the jewelry when I put it in the strong box on July 8th. That is a part of a larger box. It has been torn here, and it is bent around here; the box is made --by looking at that box you can see how the box is made, and then another thing there is no notch in here.

That pin had been pawned under the name of Kahn. I did not find the key again.

CROSS EXAMINATION BY MR. McMANUS:

I am twenty two. I have known this defendant since childhood; we were boys together; I am not positive that we went to school together. I have known him since childhood.

About the first of January 1903, I became more intimate with him; he used to come around to our place at 254 Bowery a good deal after the first of January.

I am not positive that we went to the same school; I think we did; we might have gone to the same school; I am not positive about that. I don't remember testifying to that on the last trial.

The last trial was in the month of February. I visited his house, and he visited mine; we exchanged visits

from one house to the other. I went down to his house three or four times.

It was not in January of this year that he and I decided to go into the Real Estate business together; it was not in February or March of this year either. I decided to go into the Real Estate business about June.

He printed the cards without my knowledge; he showed them to me after they were printed. That is the card. I saw them after they were printed. We didn't circulate any; I got them all home, only about five or six.

My father said --We had no office there. He used that place as an office. That card reads right: "Milton M. Sekeson--Joseph Rosenthal. Sekeson & Rosenthal. Real Estate and Insurance. 254 Bowery. Bond and mortgage. New York."

He used that place as an office. He said he would hire an office. I did not object to his doing it. These were printed about the first of June. He came there every day after that.

My father was shot on the 6th of July. The defendant was there up to July fifth; then he went to Boston. After my father was shot I telegraphed to him. Up to this time I think this man had slept at my place one or two nights. He had been in the store a good many months. I said

he came in the store for a good many months; he didn't sleep there; I did not mean that he slept there.

I think he left that Saturday; the fourth or the third, I am not sure which. After my father was shot I telegraphed for him. I sent him this telegram: "Milton M. Sekeson, care of Birnbaum--Boston, Mass. Pop shot himself by accident. Come at once, in trouble". Signed "Joe Rosey." That is the name I am known by.

I sent to him and at my request he came back here to me. I asked him to stay with me, and sleep with me. I needed his help. He got there on the seventh. I showed him this jewelry on the eighth; that was the first time I ever showed him this jewelry; absolutely.

I put away that package of loose diamonds that I had on memorandum from downtown. There must have been about twenty or thirty diamonds of varying sizes; they were worth about a thousand dollars; thirty diamonds.

They were not worth a great deal more than that; I can get the original memorandum if you want it. If you want to know the values, would you rather have the memorandum. They were worth at least a thousand dollars and they were wrapped in regular diamond paper.

I put them in one of these drawers in this same strong box. You could identify them by their color and by

their size and thickness; that is the only way; the same as any other package of diamonds. There was no distinctive mark about them that I know about.

I put these diamonds in the safe, and I saw this package of my mother's jewelry." I said, "Did you ever see my mother's jewelry?" He says, "No"; and I showed it to him, and I even took a little ring off my finger and put it in the box. If I did not testify to that on the last trial, I ought to. I don't remember whether I did or not.

He examined them about ten or fifteen minutes. I think I testified to that on the last trial, but I don't remember. I remember the other circumstances of almost a year ago that I had those jewels out for ten or fifteen minutes, and I put them back then; that was on the eighth of July. I threw the key on the desk, in front of the safe.

I threw the key in front of the safe; this office is back of the safe. Here is the counter; there is a counter here, and there is an opening here, and this opening leads way back, to the back room so we can go upstairs; back of this counter is a desk, and back of that desk is a space, a little space so you can walk around the counter, and then comes the two safes which are protected by a wooden cabinet and back of that cabinet comes the office which is protected

by a railing. I threw the keys on that desk in front of the safe, right back of the counter; the safe adjoins the office. I just threw the keys loosely on the desk; that was on the eighth of July.

I don't know what happened after that. Nobody could get at them. I know that no outsider could get in there but the men in the store.

The keys were on the desk, and in the store were the two clerks, Sekeson and myself. We were the only people who could go behind there. There is no partition that prevents people from getting in there behind, between the counter and the safe.

I am giving merely my impression as to who could have taken these goods from the fact that these were the only people that I knew were in the store.

There were a lot of customers coming in there; they were not actresses. I am a song writer. A number of lady singers have not come to my place of business; they don't go behind the counter; if they come in, they come in for business; they do come.

A man came up with the loose diamonds and I took the bunch of keys and started to look for the key to open the safe and I could not find it. I sent for a locksmith, but he did not come. I did not do anything that night at all; it

was too late; it was about six o'clock. The man came for the diamonds about a quarter of six on his way home. I cannot remember that I testified on the last trial that it was half past four or four o'clock.

I think it was later than four o'clock. I think I was wrong when I testified before to four o'clock. Q "What time of day was this when you sent for the locksmith? A I guess about five o'clock." I sent for a locksmith at the time I lost the key---

I opened the safe. I didn't think anybody was in the store that was wrong, and, therefore, I didn't worry about it; I went to bed that night and I thought it was funny; I looked at the key ring and I saw that with the key ring it was impossible ---

The next morning I did open the safe. These loose diamonds were in one of these drawers; I could not be positive which drawer. On the fifteenth the box wasn't there.

There was a safe about that big(indicating about three feet); then comes the show cases and counters. This is where the office is (illustrating) and I will tell what is in it. The office is a square room almost and the wall is on one side, the safe is in front of the partition, and there is a railing on the other side, and that leads to the back; there are two show cases in that middle space and the

counters on each side, against the wall are the boxes. Most of them were tied up. I don't remember saying on the last trial that they were all tied up.

I don't know what you call rubbish. That was not a sort of store room. There were a lot of empty boxes around this place; they were all against the wall.

After discovering that this property was missing, I woke Mike up, and went upstairs and told him. I says, "Mike, my mother's jewelry is lost. It is out of the strong box." He said, "Oh, it must be around some place". He says, "Calm yourself; collect yourself". He says, "I will get right up and you sit down and write out what stuff is there".

He says, "Go downstairs and write out a list of the jewelry". I said I would first notify my uncle. I did not write out the list until my uncle came in with--I did write out a list later. Right after I sent for my uncle I wrote out the list.

I don't remember whether or not he told me to go around to Police Headquarters with this list; I don't think he did; I would not swear he did.

I wrote out a list as far as I remembered it, I guess. He did not write out a list at my direction; I am sure about that. The list is here that was sent to head-

quarters. I think I put that three stone diamond pin down in the first list; I don't remember; I am pretty positive I did; I am absolutely positive.

When asked in the last trial: "Did you put that pin on that first list, the three stone pin?" I said "I don't remember." But I am pretty positive I did. That pin is one of the biggest pieces. Take the pair of diamond earrings, they would be worth a little more than that, not much.

The detectives came around on this same day, the fifteenth, after I discovered that this property was missing, and Sekeson came in while the detectives were there. When he came in the detectives were in the back room; he took off his coat that he was wearing and put on another coat; he did that of his own motion, and hung it right up in this same room with these detectives.

He said he was going to take my father out for a walk and he went out. I think that was the first day he took him out. That was what he was there for, to take him out. You will have to ask my father if it was at his request. I was not up there when he made the request. I don't know whether my father asked him to take him out or not; I don't know anything about it.

My father told me that Mike went out with him.

I did not ask him that very day to take some silk handkerchiefs and stop up to my father ; I am sure of that.

When I went out and looked in this coat and I found this pin, the Y. P. C. pin. Some people call it club and some people call it cadets. I was a member of it; I was one of the organizers. I would not be positive when it was organized; it is a good many years ago, from nine to ten years ago.

Sekeson was not a member of that club, I am positive. When asked on the last trial "Sekeson belonged to it", I must have answered "I wasn't sure about that". When asked: "You won't swear he did not belong to it?" I answered, "No, sir". We found out since.

I don't think there were more than thirty of these badges. That is the form of the badge that each of the members of that club had, and there were about thirty of them. The Young Potomac Club is a ---I joined it about nine or ten years ago; when it organized at the neighborhood guild in Delancey Street. I don't know the number, between Chrystie and Forsythe Streets at that time; they have got a building now, the University Settlement Building.

We searched for the stuff before we discovered that pin and afterwards too. We searched every part of the

store and upstairs and did not find it. On the sixteenth the search was continued and we did not find it.

We looked all through the store, both sides of the store, among the goods and the cases and all around. We looked in the rear room, but we didn't find it that day.

On the seventeenth we started to search again with the defendant. The defendant did not help me on the sixteenth; I am sure of that; he did not render any assistance at all, but on the seventeenth he did.

We started searching on the seventeenth when he came back from home; it was about noon; this search continued till he found the goods, about supper time. He was there all afternoon and he did not produce those goods until nearly six o'clock.

I was upstairs when he found them, and he ran upstairs and hollered "Mike, Mike" or "Joe, Joe, I found the goods". And he brought a lot of these up in his hand and laid them down on the trunk; most of those that are presented here.

I asked him where they were downstairs and where he had found them. He brought me downstairs and showed me the place in this office. I said, "Where is the box?" and he pointed and said, "That's the box". The box was right

there; that is the only box that was there. That is the only box of that kind that was there. He said, "that is the box". There was even a couple of things in that box.

"Q He pointed out the spot on the floor where he said he found it? A Yes, sir". I gave that testimony.

"Q Did he say it was in a box or scattered? A That the box was lying next to it, that is the box it was in". That is the answer I gave. The box was lying next to it.

"Q This piece of box was lying on the spot? A Yes, sir". That is right. I saw that box. As soon as he made the return of this jewelry to me I discovered that the pin was not with it. I said to him, "It is very funny that all the rest of the stuff could show up, and this big piece, the pin, should not be there.

I think I did say on the last trial that I had this conversation with him. After I asked him about the pin I notified my uncle, and he came down and put the same question to him. He said, "It is very funny the pin did not show up if the rest of the stuff did, and Mike said, "It must be around some place." He said he would look for it.

Before the whole bunch of us my uncle said, "It is up to you to find it, that you were the last people that saw it". I didn't have him arrested then; this was on the

seventeenth. He was not arrested until the twenty-ninth. Between the seventeenth and the twenty-ninth he was away to my knowledge in the Catskills. He came back to New York; he didn't come to the store; he 'phoned me. He sent a letter to me that he was going to Washington in relation to some patent matters.

I went down to have him arrested. I went to his house on Madison Street; Detective Crouch went with me. I had a conversation with this man. I said, "My father was to see you over at the store".

He would not go, and then Krauch came across to answer my signal, and Krauch told him what we had against him; he told him he was under arrest at that time, and he said, "What for"? He was pretty indignant.

Krauch said, "Why, we arrest you for taking that batch of jewelry"; he says, "I didn't take no jewelry", and then Krauch was telling him what he found out, about the pin, etc.

Krauch told him about the pin and the real estate business being false. We told him about the evidence we had against him, a couple of sports. We told him about we finding the pin in this pocket and about --I don't remember the rest he said. That is on the way up the Bowery.

I went into the store; he did not; the detective would not let him go in. We went down to Headquarters and the defendant said, "Can I talk to Joe a moment" and Detective Krauch says, "Yes, come downstairs"; he took him down in the basement and I says, "What do you want from me".

He says, "What do you want from me"? I says, "I want the three stone diamond pin which you stole." He said, "Is that all you got against me"; I says, "Yes"; "Well, he says, "I took it and pawned it in Simpson's"; I says, "Under what name"; he says, "Kahn".

I says, "For how much?" He says, "One hundred and fiftydollars". Then the detective said, "When did you pawn it"? He says, "I pawned it the day after the goods were found". So the detectives said, "You want us to believe that you kept this pin out and then pawned it"; and he said, "Yes"; I says, "Take him up stairs".

That is all there was to it. I must have testified to all that conversation on Page 29, if it is down there. I think I said: "that you stole from me". I did not know that it was important. I don't know that the words "You stole from me" were important.

If it is down there I think I did state them on the previous trial. If I didn't say "stole" I meant stole. It is the same thing; if he takes it he steals it if it

don't belong to him. I am telling this now. Mr. Krauch said when did you pawn it and he said on Saturday.

All of this jewelry, but this pin, was recovered. The two pins are now in pawn, the little Y. P. C. pin and the other pin.

I have an uncle in the pawnbroking business. I know about the pawnbroking business. I did not know until after --I know it now, that in order to recover this pin, without paying for it, you have got to get a conviction in this case.

I might have shown this jewelry to one or two of the boys; I would not say a lot of them. Oh, I don't think -- I don't think I showed it to many of my boy friends; my relations and so forth seen it; one or two of them; that is all to my knowledge.

My relations might have seen it; my father might have taken it out and showed it to them. I don't know whether they did or not. Only my father and I could get at it. I don't know how many times it was out of that case.

I never brought that pin down to anybody's house. I did not bring it to Sekeson's house. I have been there to dinner and to meals at different times. Our relations were perfectly friendly, and I knew the whole of his family and he knew my family.

I never brought that pin down there to show to him and try to sell it to him; I am positive of that. I did not sell it to him for \$225, in the month of April or May, without the knowledge of my father, and without telling my father that I had disposed of this part of my mother's jewelry.

I know Mrs. Sekeson, and I know Miss Sekeson; I have seen them down at the house. I know Mr. Sekeson also. I did not show that pin to each of them down there at different times.

I did not offer to sell it to this man in their presence and in the presence of another man, Mr. Levine, for the sum of \$225. I never seen Levine in my life until I seen him here in Court.

We just ~~that~~ left that silverware there to be weighed about the eighth. It was after this defendant came back from the Catskills, or from Boston. He came on the seventh. I can get the books out and prove it; it might have been the eighth.

He went straight to my father when he came there on the seventh; but he came back to the store that same day; I am sure about that. He got in about six o'clock and we closed the store at nine o'clock. He went up to my uncle's house in forty-sixth Street to see my father when he got in.

I don't know what he did. He got down to the store about six o'clock. I don't remember if Mr. Lowengard had come in there then. I don't know, but I think I can get the books and prove it to you. He came in in the afternoon. He might have been there. He might have been there in the afternoon of the seventh.

I am not positive when he was there; it was around that time. I am not sure that I handled this jewelry the same day Mr. Lowengard was there.

I testified in my direct examination that I did not touch this jewelry until the eighth. I am not sure that Mr. Lowengard was there on the eighth.

I don't remember surely what day he was there; it is on the books when he bought the stuff and I will bring the books here.

I am not sure about whether I handled the jewelry the same day Mr. Lowengard was there and put the silverware in the office. I put the silverware in the same office. I did not disturb the condition of the office; just laid it on the floor or put it in the show cases.

The silverware consisted of cups, pitchers and a tea set I think; some dishes; all big pieces. It was a great big bundle, all right; all loose; it had to be weighed.

My father had sold the defendant a watch. I never bet on a horse in my life.. We had missed other jewelry from the store; we missed a pair of diamond earrings in April.

We missed a pair of diamond earrings, a diamond heart; a gold badge; that is about all the big pieces we missed. My father missed a clock, a little.

The diamond earrings were taken in on memorandum from downtown and put into the show case and they disappeared. The diamond heart was in the window and was shown to a party --that was in the store; all in the store.

The spot where the defendant found the jewelry, or the spot he pointed to, was not behind anything. There are two show cases and a space between and in that space, right almost at the middle, he found this stuff; he said he found it.

This space was about that wide(illustrating). About four feet. It was right in the middle. I had looked there before; three or four times and had seen the officers look there.

When he pointed to these fragments of a box there was still something in it. He said, "That's the place". There was still something in the box. I have testified that that pin is worth \$550. I knew what that pin was worth and

have known ever since the first of January. I never sold a pin of that character to anybody for the sum of \$225.

After he was arrested the detectives took him downstairs and he asked me--I told him about the badge; and the detectives told him about the real estate deals that he said he made so much money on.

I told him he was charged with stealing the three stone diamond pin. I did not tell him about the other charge. After he was arrested, after we took him upstairs, he asked me downstairs--he came downstairs and he says, "What else do you want?" I says, "I want the diamond pair of earrings and the diamond heart and the badge you took".

He said, "I didn't take it". And then the next day we took him down to Simpson's pawn shop, detective Krauch, my uncle, myself and the defendant went down there and I identified the pin; and then my uncle showed him the pin and he says, "Is that the pin you stole and pawned"; and he said, "Yes, I don't know why I did it." He referred to this pin.

This was in Simpson's pawn shop. We then took him over to the court and he asked us to give him a stay and that he would get up some money and make restitution; he said he had a lot of money in the bank; he was then taken back to-- on the way back to Headquarters, after we had been to the

Magistrate's, he told us where the pair of diamond earrings was.

He said he had taken the diamond earrings and made them into studs and pawned them in Simpson's under the name of Kahn some time in April or May.

I notified his father and his father came up there-- and his father came up there --When his father was there he said something. He said it in detective Krauch's and in my presence; he said it to the defendant.

He said, "What did you do this for. Where is the rest of this stuff"; he said he didn't know where the rest of the stuff was; he would not answer him in fact.

He did not say anything; he would not answer him. The detective, Krauch, the defendant, his father and I were present. I was down in the Headquarters next to the cell and they took him out of the cell; that was in the night.

I don't know whether it was July 30th or 31st; either one of those days. We took the defendant down to Simpson's on the thirtieth.

I think it was the same night or the next night; I am not sure; I think it was the same night; I telephoned for his father; his father knew nothing about this. That was on the way back from court on the thirtieth.

His father and I went to Simpson's and we found the studs. I think that is the list that was sent to Headquarters. I think I made another list. I think that is the only list I made. That is my handwriting.

I could not swear that that is the list that I sent to Headquarters. This list contains as the second item a three stone diamond pin valued at \$550. I won't swear this is the list that I sent to Headquarters.

I don't think there was any other list. I thought there was another list that I gave to the detectives, for their own personal use. The three stone diamond pin was on that.

This defendant did not make out a list for me; I am sure of that. He was the first man to tell me to make out a list. My uncle said as much to him as that he was suspected. I have told you what my uncle said.

He said that night --Up at his house before these goods were found; we were up at his house that night for dinner and he said "You are the only two people that saw these goods and it is up to you people to find them"; Mike knows very well that my uncle suspects me and he could not say otherwise.

He told me about if afterwards going home. He said, "I didn't like how your uncle talked up there at all.

It is just as much to say that he suspected me." I said, "You mustn't mind that. You know he is worried about that stuff and he expects it to be around the house"; and Mike says, "Yes, it must be around some place and it will show up, I am sure, to-morrow."

He didn't like it very much that my uncle should talk that way, and he said so. I wasn't asked about that on the last trial.

I even said on the last trial that the reason I thought he returned the goods was because I threatened to commit suicide. I said that. I gave that as my only reason for thinking he would return the goods.

For a bluff I said, "If these things don't show up I will commit suicide; I did that for a bluff to frighten him.

J O H N L. K R A U C H, a witness called in behalf of the People, being duly sworn, testified as follows:

I am attached to the Detective Bureau and have been up there over twelve years. I was detailed in this case some time last July, from the day it was reported until the day that we arrested him on the 29th of July. I believe it was reported on the fifteenth.

I was detailed July fifteenth and handled the case

until the arrest on July twenty-ninth, with my colleague.

Detective Sergeant Granville came over to my house --I went to 254 Bowery on Wednesday, July fifteenth; that is the day that this pin was found.

I went there and I met the complainant in this case and his uncle, in company with Detective Granville. We had a conversation with the uncle and the complainant and while we were there conversing the defendant Sekeson walked into the store.

The uncle, the complainant, Mr. Granville and myself adjourned to the rear part of the store, which is a room partitioned off; there is a partition which, what was originally a partition, and then between that and the back is a space which they call the office; then came two safes and the store proper.

While we had this conversation the defendant walked in and he said, "Joe, I am going to take your father out"; he took off a coat, it was a blue serge coat, I believe, and hung it on the nail near the door.

After having this conversation, I said to young Joe --The defendant was not there; I had a conversation with the complainant and in consequence of that conversation he went over to the coat and searched it and brought out a small silver medal in the form of a Maltese cross with Y.

P. C. on it. He said that was in the box of jewelry; I says, "Are you sure"; he says, "Yes"; "How do you identify it"; he said, "I had it fixed and there is a little spill on the back of the pin."

I had a conversation with the complainant relative to the pin; that was on July fifteenth. I looked through the store for this jewelry, and I looked in the office several times. I looked all through the office. That was July fifteenth.

My colleague, Mr. Granville searched upstairs, where the living apartments were. After he had gone they took me out into the store and showed me where the strong box was in the safe; showed me the empty space between the two drawers.

I recognized that strong box. They showed me where this empty space was and I also saw that it had been forced open. We then searched through the store. The next day, on Thursday we searched again through the store, Thursday morning.

My colleague, Detective Firneisen was with me, and we searched; he went into this office and looked around with me. There were quite a number of boxes in this office piled on the side, but in this space between the show cases--

that space was quite free, the space was about so big (illustrating); we did not see anything there. Thursday afternoon I went in myself --

That was the sixteenth and hunted around again and I saw the defendant there and I told him, I said, "Now, this thing, or this jewelry must be in here. You better make a thorough search"; he says, "Yes, it is bound to be in here; it has got to be here somewhere. We will find it all right". That was Thursday.

On Friday morning we went --Friday, the seventeenth, my colleague, Mr. Fireisen and I went in there again and we met the defendant there. "Well" I said, "have you found anything"; he says, "No, not yet, but we are bound to find it somewhere. It is in the store; it could not get out". I says, "You better try and find that or somebody will get into trouble". That was on the eighteenth.

On Friday evening I received word that the goods had been recovered. I went there on Saturday afternoon with my colleague, Mr. Firneisen and we waited there and finally Mr. Sekeson came in and I said, "Well, Mike, you have been very lucky; you found that stuff"; he says "Yes, we found it." I says, "Where was it?" He says, "Back in the office". My colleague says, "Whereabouts was it?" So he took my col-

league and I back there and he showed it to him, he says, "In there".

"Now", I said, "there is another piece of jewelry missing"; and Mike says, "Yes, but we will get that"; and my colleague spoke up and he says, "Yes, if you found the others here that will certainly have to be here and he said, "We will find it all right".

That three stone pin was mentioned, and it was described. He says, "It has got to be here somewhere"; "we will find it". That was on Saturday. I went there the following Monday and the defendant was not there and I asked-- The defendant was not there.

He went away a couple of days after to the Catskills and then on the twenty-ninth of July I met the complainant in the case and we went down to Sekeson's house and we waited for him and I arrested him.

He said, "What are you arresting me for?" I says, "For stealing that jewelry up at Rosenthal's"; he says, "I didn't have anything--" he became quite indignant. "Now" I said, "Mike now you have taken that all right and that three stone pin is missing"; I said, "We have looked at that place where you found the jewelry several times and did not see it"; I said, "You also made a lot of statements --you have also made a lot of statements which I subsequently found--

I asked him --I said, "Now, these real estate transactions that you have been telling about, selling property, I have learned was not true."

He said, "I did sell that house for \$64,500 and he says, "I will show you the contract." I says, "If you do-- I asked him on the way up, Isays, "Did you ever own a silver badgewith Y. P C. On it"; he said,"NO."

I said, "You never did?" He said, "No, I did not"; "Well" I says, "we found a badge in your pocket with that on it"; and coming up the Bowery he said, "Can I see Mr. Rosenthal" and I says, "You cannot."

We passed the store and I said, "If you want to have any conversation with Mr. Rosenthal, that is the elder Mr. Rosenthal, you will have to come around to Police Headquarters and just as we got to go down the basement, as we generally bring prisoners in down through the basement, three stepsdown, and the complainant we generally send upstairs to go through the corridor into the office proper.

As I was about to take him downstairs in through the hall he said, "Can I talk to Joe a minute"; I says, "Yes, you can talk to him"; and they went down into the hall and the defendant said "Rosenthal, what do you want from me"; he says, "I want that three stone pin that you took"; he says, "I didn't take it"; he says, "Yes, you did"; he says,

"I am not doing this for your sake but I am doing it for your family's sake and I want it"; he says, "The pin is all right".

Then I said, "What do you mean, all right"? "Well he says, "the pin is pawned"; I says, "Where is it pawned and he says, "down in Park Row. I says, "When did you pawn it"; he says, "On the day after I found the jewelry."

I said, "Do you want to lead us to believe that you held this pin out"; he says, "Yes"; I said, "Under what name is it pawned" and he said, "Under the name of Kahn".

I said, "How much did you get on it and he said, "A hundred and fifty dollars". The young Rosenthal says, "Lock him up".

The defendant said, "Joe, dear, you are not going to do this, I told you where the pin was" and Joe says, "Yes, I am"; and he says, -- he turned around to me and he says, "Mr. Krauch, isn't that mean after me telling him where this pin was, that he is going to have me arrested?"

I says, "Mike, they want to know where the other jewelry is that you took." I brought him upstairs and took his pedigree and locked him up.

The next day I met Mr. Robert Rosenthal and the complainant in this case, Joseph Rosenthal, and Sekeson and

son's--pardon me, I am getting a little bit ahead of my story. That night, after I had locked him up I went down to 225 Park Row and looked the books up.

I failed to find any payment of \$150. I found that the pin was not--there was no record of any pin pledged for \$150. on Saturday July 18th under the name of Kahn; I came back to Headquarters and I met my colleague, Detective Granville and I said to him --

I had a conversation with him, and in consequence of that conversation we went back to Police Headquarters and I brought the defendant out into the sitting room and I said to him, I says, "Mike that pin isn't down in Park Row where you stated it was on the date that you have given me". "Well", he says, "it certainly is there"; I says, "What did you do with the pawn ticket"; he says, "I tore it up" or destroyed it, I am not sure which; he either said I destroyed it or tore it up.

My colleague, Granville, said to him, "Now, you are an intelligent fellow. You know when you pawned this pin"; he says, "There is not so many clerks behind the counter there"; he says, "Was it the old fellow there that took it from you"; and he said, "Yes". I said "The pin wasn't there on the date that you say". Then Granville had a conversation with him.

tion He said, "Mike, you were a sucker", he says, "You lost your nerve"; you told where the stuff was", he says, "if it you would have held out " he says, you would have been all right" but, he says, "Mr. Rosenthal didn't have to wait for us to have you arrested.

He had a perfect right the minute you returned that jewelry to him on that day that you found it, to have you arrested. The next day Mr. Rosenthal, the complainant's uncle and the complainant and the defendant Mike Seke-son and myself went down to 225 Park Row.

In the meantime I had sent Detective Granville down to look at the books and he telephoned up that he had discovered the item which had been pledged.

We went down there and instead of it being pawned on the eighteenth day of July it was pawned the week previous, or, in other words, two or three days after the larceny had been committed.

The defendant stated to me that it had been pawned the day after he found the jewelry; that was the seventeenth. Afterwards he said it was pawned on the eighteenth. I found it had been pawned a week previous, the eleventh. I asked the pawnbroker to bring the pin out; I took the pin and showed it to Joe Rosenthal, I says, "Is this your pin?"; he looked at it and he said, "Yes, that is

my pin." I then turned and gave it to his uncle, Mr. Robert Rosenthal, and Mr. Rosenthal turned to Sekeson and he says, "Mike, is this the pin you took and stole"; he says, "Yes, I don't know why I done it" and he broke down and began to cry.

We then left the pawn-shop and came over here to the Police Court. I asked to have him remanded as he said that he had some money in the bank and that he would make restitution. I then asked him about the other articles which had been stolen.

I asked him --We had a conversation and I brought him back; he was remanded by the Magistrate. It related to a piece of jewelry, but not in this transaction; another piece of jewelry which had been taken, a pair of earrings.

I then had him remanded and brought him back to Police Headquarters, and that night I met the defendant, or the complainant, Mr. Rosenthal, and he had the defendant's father who wanted to go down and see his son.

I brought him into Police Headquarters and brought the son out and sat him down and he had a talk, the father had a talk with his son and he said "What did you do this for?" and the defendant did not answer. He said, "You murderer, you murderer, you know what I have done, what have you done, and you know that I owe two months rent."

He says, "You murderer". This is what the father said to the defendant. "You murderer, you know that I owe two months rent". The father said, "You murderer" he says, "you do this and you know that I owe two months rent". I then locked the defendant up and brought his father upstairs and I arraigned him in court the following day and they had an examination in court, in the Police Court, and he was then held for trial.

I don't think he testified in his own behalf.

CROSS EXAMINATION:

I don't remember saying anything on the last trial about a conversation between this defendant's father and the defendant in Police Headquarters. I don't recollect, Mr. McManus.

I distinctly remember this conversation between the father and the defendant. I don't recollect whether I testified to that conversation on the last trial. Sergeant Granville testified to the second conversation; I don't think I did. Sergeant Granville was doing all the talking, but I was present.

I don't think I testified to any of these things on the last trial. Sergeant Granville brought that out. Certainly that was an important matter. I could not tell whether I said anything about that conversation at the last

trial. Sergeant Granville testified to that.

HENRY G. FIRNEISEN, a witness called on behalf of the People, being duly sworn, testified as follows:

I am a detective sergeant. I was assigned to this case. After I was assigned to it I went to the place of business of the complainant on the Bowery about two o'clock on the afternoon of July 16th, and I searched the premises.

I searched the office and that portion of the office between the counters. I had a talk with the defendant at that time.

My colleague, Sergeant Krauch and myself --Well, we said that the jewelry must be in the place, that it could not have walked out, and it must be in the store; he coincided and said, "Yes, it should be here, nobody could have taken it; it could not have walked out".

I says, "It must be here"; he says, "Yes"; you ought to look carefully"; we commenced to search around. We made a thorough search on the seventeenth; we searched around there, my partner and myself for about half an hour; the defendant was there also; that was on the afternoon of the sixteenth. On the seventeenth we went there again.

We looked carefully in all places, between the safes and underneath the counters, the railing and all round. On the morning of the eighteenth we received information that the jewelry had been found and we went up to 254 Bowery and we saw the defendant there.

I says, "Well"--I got there before he did. It was a rainy day; I was waiting there for him. He came in about--well, in the neighborhood of half past two o'clock and we were sitting in the back of the store; he came walking in.

I says to him, "You were lucky finding that jewelry". I says, "What became of the pin; you must have found the pin and he said, "Oh, it cannot be lost, it must be around here some place, it couldn't have gotten out of here"; I says, "That's right. It must be here."

A three stone bar pin was mentioned. I asked him where he found the jewelry; I says, "Show it to us"; and Sergeant Krauch and the defendant and myself -- the defendant showed us, he says, "right down there we found it"; I says, "There? My God, you couldn't have found it there, because I looked there". He says, "That's where I found it."

In the meantime while I was on vacation he was arrested.

CROSS EXAMINATION:

On the seventeenth we made a thorough search, and

turned everything upside down. I told Joseph Rosenthal, I says, "Now, that stuff must be in here and it is up to you to produce the stuff; it could not have walked out".

It was up to both of them. I never went upstairs. The clothes were not searched to my knowledge. After I completed this search I told them to go ahead and look further.

That was on the same day that it was found. I went there in the morning. I was there and he went upstairs to change his clothes to make a thorough search. He says, "It must be here and we will find it".

W A L T E R S. G R A N V I L L E, a witness for the People, being duly sworn, testified as follows:

I am a detective sergeant and was assigned to this case on the 15th of July 1903. I went down to this place on the 15th of July about 2P. M. On the 15th of July I went down to the store of the complainant. I was there when the defendant came in and changed his coat.

I seen Joseph Rosenthal put his hand into the coat pocket or the fob pocket of the coat and bring out a badge. Then he and I went upstairs, in the sleeping apartment and we tore up a yard or so of the carpet and looked around in the corners, and under the bed and around some

chairs and a settee that was there and then we quit.

We did not search the next day. The next thing when I came into the case was the 29th of July. I was not present at the arrest of the defendant.

On the twenty-ninth of July, Sergeant Krauch and myself had this young man Sekeson taken out of his cell, in the basement of Police Headquarters and Krauch stated to him that he had been down to 225 Park Row, to Simpson's pawn office where he stated this three bar pin had been pawned and he could not find it.

Krauch asked him what he had done with the ticket, and the defendant--Krauch asked him if he was sure that he had put it in at 225 Park Row and he said "Positively".

Krauch asked him what he had done with the ticket and he said he did not know, he thought he had lost it. Krauch said he ought to have known what he had done with the ticket and he said he could not remember.

So then I took him in hand. I turned to him and I said to him, I says, "You are an intelligent young man, I understand that you have been in a law office or you are a lawyer".

I says, "You mustn't think that you are stringing anybody when you say that you don't know what you done with that ticket". I says, "Are you sure you pawned it in

225 Park Row"; He says, "Yes". I says, Did you sell the ticket"? He says, "No, I did not".

I says, "If it is pawned in 225 Park Row it would be there if you haven't sold the ticket or given it away"; and so he talked for awhile. "Now" I says, "You think for a minute and he says, that he destroyed the ticket."

"Now" I says, "who took that pledge from you in 225 Park Row?" I said, there is only five clerks there" and I described them to him and I described a clerk by the name of Kennel, an elderly man.

I said, "There is a young man there about 22 or 23 years old and there is another young man I should judge about 24, he has got a little mustache, the first young man with a smooth face, and then there is Howard Simpson himself, a man I should judge about thirty-five, and there is another man who has got a brown mustache; I says, there is an old man with a bald head and a gray mustache; he says, "That's the man that made the loan".

He was put back in his cell and in consideration of that conversation, the next day, I went to 225 Park Row. He said he pawned it on the eighteenth. I went to 225 Park Row and I told --or in consideration of the conversation I had down there they brought up the pledge numbered 25149,

dated July 11th "D. Pin \$150. Kahn, 54 East Broadway". I telephoned that up to Krauch and my connection with the case ceased.

CROSS EXAMINATION:

I think the defendant was in the store when we went in there. I don't know whether he knew I was a detective or not; I could not say whether he knew detectives had been sent for. I did not talk with him at all.

Krauch and I were there, and we walked in the back room. He took off the coat he had on and he put another coat on to go out, I believe. He hung it right up in this room where we were and went on about his business.

I never spoke to him. We were talking at the time he came in, about the jewelry. Mr. Robert Rosenthal, Krauch and myself, were sitting at the table -- Krauch and I one side and Mr. Rosenthal on the other -- he was making a memorandum -- Krauch was making a memorandum of a description of this jewelry, when he came in.

After he left young Rosenthal then looked in his coat and found the society badge; he found it in the coat which the defendant had just hung up. I went and searched the coat at the same time. I searched the coat to see if there was anything in it.

I don't think Krauch searched anything. I think that Rosenthal --I think --I ain't sure about the clothes; I know I put my hand in the fob pocket of the coat and found the lining was torn; my hand could go down to the bottom of the lining; I ran my hand in there and around back of that coat.

I did not find anything else. I was able to put my hand right through the hole in the pocket. I don't know where Mr. Rosenthal put his fingers; but he put his hand in the pocket and pulled out this pin.

I don't know whether he had that pin in his hand before he put his hand in the pocket; I don't know anything about that. I did not arrest the defendant at all.

CHARLES J. FROLKE, a witness called on behalf of the People, being duly sworn, testified as follows:

I am employed at 225 Park Row, at Simpson's. I have got that pin here. The pin was pawned July 11th, 1903, a diamond pin for \$150. by the name of Mr. Kahn, 54 East Broadway.

I am familiar with the value of jewelry; I have bought and sold a good deal of it. It is part of the requirements in my business. At the present date I should

value the pin at \$400. All that was loaned on that was \$150.; on this pin that was valued at \$400.

G E O R G E A . F I N E G A R , a witness called by and on behalf of the People, being duly sworn, testified as follows:

I am employed by the complainant's father, and have worked for him twelve years. I have seen this box of jewelry quite often. I knew what jewelry there was in the box. I am familiar with that pin that is being passed around here.

I remember the day there was a complaint made about the key of the safe being lost. I participated in the search of the premises for several days. I participated in the search for this box of jewels.

We looked all over the store and that included the office. We looked where we thought we could possibly find it. We went through the office, behind the counters and through the store.

I was present in the store when the defendant said he found the jewelry. I did not hear any exclamation or remark when he found it. He brought it downstairs and we discovered that he said he found the jewelry. Joe told me; he

said "The jewelry was found". The complainant told me.

CROSS EXAMINATION:

It was Mr. Rosenthal's jewelry. There is quite a distance between where I was and upstairs. I could not hear it if he said, "Joe, Joe, I found the jewelry".

I don't know what the defendant did after he found that jewelry; I don't know anything about it. What went on upstairs I don't know. I did not know he was upstairs until he came down. The entrance to upstairs is in the back; a large flight of stairs.

These keys were thrown on this desk as a matter of habit; one of them opened this strong box in the safe. I had occasion to see those keys every day, because they laid right in front of my eyes; I had occasion to see them every day.

I never opened this strong box in my life; that was a private affair with the house itself; I had no occasion to open it. I did not know anything -- I knew these loose diamonds were in there. I did not see them until afterwards. They were quite a batch of uncut diamonds; they were in the same strong box.

I was in the store, taking care of the store. If any exclamation had been made I could have heard it.

M I L T O N M . S R K E S O N, the defendant, being duly sworn, in his own behalf, testified as follows:

I am twenty-one. I was born in New York. I reside at 166 Madison Street with my parents. Since I left school, I first attended the High schools of the City of New York; after that I was engaged in the office of Mr. I. B. Ripin, an attorney at law for about a year and a half and after that I was in the office of Mr. Louis Hanneman, former Corporation Counsel, as a law clerk.

I left his employ last February, and went in business with my father, building operations, and a little time after that I formed or tried to form a partnership with Joseph Rosenthal.

Joseph Rosenthal is the complainant in this case; I had known him since I was a little boy; he went to school with me. I continued my friendly relations with him after I left school.

I went there after the first of January to a greater degree than I had been going there before. We formed a partnership to carry on transactions in real estate; that was about March. The business was real estate and insurance at 254 Bowery. Joseph Rosenthal, the complainant was my partner in business. These cards were printed and he knew they were printed. I told him I was going to have them printed.

He has got a lot of those cards now, and he has used them. That is the place where I started to do that little real estate business.

I was a member of the Y. P. C. I have seen this badge. I was a member of the Y. P. C. At first that club was the young Americans and after that it was called, changed to the Young Potomac Club and all the Young American boys dropped out, and the new club was organized of Young Potomac members.

It was a boys club in school and we met at 26 Delancey Street, the University Settlement Building. The club was conducted under the auspices of the University Settlement. Every member of the club had a badge; I had one.

That is my badge; I had it in my coat pocket at that time, on the day that they claim that they found it, the day that the detectives called there.

I had a badge like it --I don't know whether -- This complainant was not a member of this Club to my knowledge. It does not differ in any respect, from the one I had. The complainant was not a member of that Club to my knowledge. He was not a member of that club while I was a member of it. I was a member four or five years, a number of years --

I never was arrested, and never was charged with the commission of any crime or offense. I went to Boston on the night of July fourth. I was engaged in some bankruptcy matter in which my uncle is interested in Boston.

Mr. Birnbaum is my uncle; I went on there with him. I am a law student and am studying law now. I received this telegram while I was in Boston; that is, from the complainant in this case, Joseph Rosenthal. I immediately came to New York, and got here about four o'clock in the afternoon.

Joseph Rosenthal met me at the station and he went down to the store and I went to see his father at the uncle's house; he took my grip and went to the store and I went to his uncle's house because his father was there; that was in forty-sixth Street.

I stayed there with the old gentleman until evening until Joe Rosenthal came up that evening. After we left the old man we went to the store; we went down together in the evening and at his request stayed there with him. I slept there with him at his request because of his father's condition.

I stayed there with him for about two weeks. I had my own home; I lived with my parents and folks at 166 Madi-

son Street, I have seen this box of jewelry a number of times; he would always take it out and look at it. All the boys in the crowd have seen it.

It was a sort of a rendezvous for the boys; it is quite an interesting place. A lot of people came there too. I saw people in and out of there all the time, every day and in the evening he has got a number of people calling on him to see him.

I had seen this jewelry a half a dozen or a dozen times before the eighth of July. He showed me the jewelry on the eighth of July. He showed it just as all the other times; he would take it out and look at it.

I was there when the package of diamonds was delivered to him; he asked his father whether he should buy them or not and we came down with them again; I was with him at the time and he put them into the safe.

I saw him put them into the safe. That is the time that he took out the other jewelry, when he put that package of diamonds in. I remained there right after that up to the fourteenth.

I was sleeping upstairs on the morning of the fourteenth; it was the morning after the night he claimed he could not open the safe. He said, "The box of jewelry is gone"; I says, "Joe, what jewelry"; he says, "My mother's

jewelry"; I was in bed at the time when he came up and told me that. I says, "Joe, go down immediately and make a list of all that stuff and notify Police Headquarters of the list of it", and I at his request, wrote that list for him and sent around to Police Headquarters.

After that he notified his Uncle and his uncle came down. I am certain I prepared the list. There was nothing in that list about a three stone bar pin; he did not say anything to me at that time as to that pin being in that box with the other jewelry.

I know that the three stone bar pin was not in the box because in the early part of May I had purchased this from him at our house. He had it down to the house sometime in April when he offered it to Mr. Levine.

Mr. Levine is not here; I expect he will be here to-morrow. This complainant visited our folks very often; he has had his dinner at our house very often; in fact he called my mother ma, just as I did.

He came down there very often between the first of March and the time of my arrest. He brought that pin down in the latter part of April; it was on a Sunday afternoon, and he came down to have dinner with us, as he did on many other occasions, and he had that pin and other jewelry with him, and he says, "Here, I have a good bargain for you"; he

knew Mr. Levine at the time and he says, "Levine, I got a bargain for you. Here is a nice pin. Buy it". Levine says, "I haven't got any money just now. I don't see how I can afford to buy that."

He dropped the conversation with him, and he says, "Here, Mike, won't this look nice for Ma?" He called my mother Ma. And I says, "I don't know. I will see what the folks say, if they say I shall buy it I will consider it."

He left. I went out with him. After we went out that evening --a couple of days after I bought it for my mother, and she has been wearing it ever since until it has been pawned.

I agreed to pay him \$225 for it; I was to pay for it before he went away on his vacation; I expected that he would go away sometime in July or August. I took the pin under those conditions.

My mother wore that pin very often whenever she went out, whenever she was dressed. On the 11th of July my father came to my mother and asked her to please let him have it so that he could get some money on it for he had just taken a contract at 241 Madison Street to do some extensive alterations and he needed some ready cash --he needed some cash and she willingly gave it to him and he requested

me to pawn it which I did. I pawned it at Simpson's for \$150. I asked them for more and they would not give me more.

I had never been in a pawn shop before, and I had never pawned anything before, and I did not want my name used in any pawn shop and then again, the Rosenthals used to pawn stuff under assumed names.

I told you before, Mr. McManus, that I did not charge my memory with dates or anything. After we had made out the list we started to search; we went through every little thing in the store; that was before the officers came.

We started to search before they came in; they came in in the afternoon, and we started to search in the morning. Mr. Robert Rosenthal was not there in the afternoon; after Police Headquarters was notified Robert Rosenthal came down; he is the complainant's uncle, he sent for him.

I remember Mr. Lowengard's coming in; that was on the same day that he handled the jewelry, the eighth of July. Mr. Lowengard left an order with him --he picked out a number of goods--they have got wall cases there with a lot of silver ware, and it was lifted up out of the closet--they had a lot of silverware taken out. Mr. Lowengard bought a lot of that stuff; it was placed in what they call

the office; it was a place in back of the safe inclosed with a screen, a wire screen,--that place which they called an office was used, really, as a room in which they kept a lot of boxes and violins and old banjoes, a general utility room, that is what it was.

This jewelry was placed in there. While he had that jewelry in his hand, Mr. Lowengard came in; I didn't follow him, where he went, or what he did, and when Mr. Lowengard picked that stuff out, that lot of silverware, he put it in what they call the office, on the floor of this office.

This office is the same place where this jewelry was afterwards found by me. The place where he put this silverware is near where I found the jewelry. Joe Rosenthal was the man who put the silverware into this place.

I hung my coat in that rear room and went uptown, as testified to by the officers. That badge was in my pocket when I hung the coat up.

When I had a vest on I wore the badge on the vest; when I wore suspenders, I wore it on the suspenders; in the summer time when I wore no suspenders or vest, I carried it in my coat pocket; I have done that for years. I went to take Mr. Rosenthal out, as they testified to, on that after-

noon, and I left my coat hanging there; I wore a pair of crash trousers and that blue serge coat; I took the blue serge coat off, hung it up, put on my crash coat and went up to take the old man out.

I continued to search for the things; we went through every ~~possible~~ piece of silverware in the place, and never thought that he might have put it in the silverware. He so stated. He thought he might have mislaid it, that is why we hunted for it; he did not remember exactly whether he put it in the safe or whether he put it somewhere else, that is why we went through every piece of silverware.

We had all been searching on that afternoon; we had everything out from the counters, and in the front, the fore part; we hunted around all morning and then in the afternoon, the clerks were busy, and Joe and I searched a while.

Joe helped me search in the front part of the store, and in the rear part of the store, but he was not with me in the office ---while he was upstairs, we went there -- I went through everything, we took all the boxes out, that is, I did, I took all the boxes out of this office and separated everything and when everything was out, I found this jewelry.

There was such a number of boxes in this office I could not state; all sizes, small and large. Some in bundles and some loose; they were all scattered along the floor. I took them all out before I found these goods.

The jewelry was all scattered on the floor. I grabbed the first piece I saw, I grabbed it and started to yell "Joe, Joe, I found the jewelry".

I ran upstairs and he came down with me and we continued the search and we found that piece there. He did not say anything to me at that time about that three stone bar pin; he said nothing about its being among these pieces. We found everything contained in this first list that I made at his direction; this was the list filed in Police Headquarters.

Nothing was said that would lead me to suspect that they believed me to be guilty of stealing this jewelry except the remark of Mr. Rosenthal when he said, "I is up to you fellows to find it."

They did not say they suspected me. Nobody said a word to me that led me to believe that they thought I was guilty of the larceny of these goods. The detectives had not said a word to me about it. I simply found these goods and turned them over to the man who owned them.

After I found them I called his attention to the place I found them in. Nobody asked me about the pin on that day. Mr. Rosenthal did not ask me about it. I first knew that they claimed the pin was missing, when I was arrested, and that was on the 29th of July. That was twelve days after.

Meantime I was up in the Catskill mountains on my vacation. The complainant was requested to be with us; it was at the invitation of my uncle that we were requested to go with him, and Joe claimed that he was busy --but he didn't go along.

At the time I bought this pin I did not know it was his mother's pin; he did not say so to me. I think it was taken out of the stock because Joe had full control of the store.

When I was coming home after attending to a little mission down at the County Clerk's office I met Joe at our stoop, and he says, "Mike wait a minute"; and I started speaking to him there when all of a sudden Krauch comes along and he says, "Mike, we want you"; come along. You are under arrest."

I said, "For God's sake, Krauch, what am I wanted for?" he says, "Come along. You will find out". I said,

"I want to see the old man", meaning old Mr. Rosenthal. He says, "Come along, you will see him." We stopped at 254 at the store and Michael Rosenthal was there, and I says, "Mike, what do you want of me, what am I arrested for?" and he says, "For what you did". That is all I knew of the affair.

Then I went to Headquarters. All that Joe spoke to me was that he says, "Mike we want that three stone pin?" I says, "What pin"; he says "The three stone pin"; I says, "Why do you want that, didn't I buy that of you?" he says "Well, we want it, that's all."

I told him he knew it was pawned; when I pawned it I told him I am going to pawn it. He was very intimate with us and knew everything that went on. That is the whole of the conversation, between me and Rosenthal.

I says, "Joe, you know it is so", and Krauch says, "Where is it pawned", and I told him where it was pawned. I told him the name it was pawned under. They did not ask me how I came to pawn it under that name. I went down to Simpson's and saw the pin there

I had no further conversation with Detectives Granville and Krauch, except to tell them where it was pawned and on what day. That was the second conversation.

I never denied to anybody that I had pawned this pin. I had paid some money on the pin during that time. He has got \$100 from me; he got it in June. I had the ready cash and I said, "Joe, here is something on account"; but he said he wanted some money, and I said "here is something on account."

He came to me and said he wanted some money and I gave him \$100. I had it and I let him have it because I knew I had to pay for it as I had bought it.

They brought me down to Simpson's the next day. I says, "There's the pin; that's it." Uncle Rosenthal said, "Mike, is this the pin?" and I said, "Yes." The words "Stole and"pawned" were never mentioned to me. They never asked me if I stole it.

I did cry at the time, for the reason that I got into trouble for nothing at all and I wanted to know what it was for; I had never been arrested and naturally I cried; I had never been in any scrape before.

I had bought other jewelry from this man and had paid for it. I kept a record of the payments I made him; I kept it in this particular blue coat, this serge coat; I had never got it ---

I had in that coat a memorandum book, my watch and my charm that I had purchased from them and a railroad pass,

that is a railroad mileage book to Boston, which I had gotten from my Uncle and that was never returned to me.

The only thing that was returned to me was my watch--the watch was not returned to me but the charm was; that was returned to me, but nothing further, neither the railroad pass nor the memorandum book, not other papers which had been in the clothes. I have never received them since. I have demanded them; I also notified my counsel of that fact.

I did not know the combination of that safe in which these things were stored; I never had occasion to go near it. I never saw this strong box opened during the daytime; it was always locked except when he took this box of jewelry out occasionally.

I saw him put those loose diamonds in there. I wasn't there when they swept; they usually swept in the morning. I was usually asleep then and not in the place.

CROSS EXAMINATION:

They never swept in the office because it was piled with boxes; they could not get in to sweep it. The office was full of things all the time; it was so full of goods that you could not see the floor, because there were a number of boxes piled on the floor; they would throw every-

thing in there. It was not used as a waste basket; it was used as a store room. You could not see the floor unless you went inside.

Naturally there was a gangway or a passageway to go in; this passageway was clear. There was nothing there during the time I was searching for these things. This space was not clear when this box was found; there were lots of boxes there.

This jewelry was right behind the show case; there were three show cases in that place and a number of tables; on these tables these show cases were, and where this jewelry was found scattered on the floor, it was ~~hang~~ where a lot of boxes were piled. It was after I took those boxes out that the jewelry was found.

When I took the boxes out I threw them on the side in the hallway; it was practically a hallway leading to the rear room; that is where we placed everything until we had everything thrown out and then we found this stuff and after Joe came down he helped me take the stuff out of there.

Then we pulled up the oilcloth because there was a rip in it and a piece of it cut away, and under the oil cloth that little bit of a stud was found, and a number of other little things; the stud that was found was scattered

all round that floor there.

This place was full of empty boxes and cases and so forth and loose paper; they had a pretty big store there. Before this jewelry was lost only the passage way of that office was clear.

We began to look for the jewelry on the fifteenth and we found it some two or three days later. Joe and I searched gradually; we started at the front part of the store and we took down every piece of silverware in the closets on both sides of the store.

We hadn't got to the officenor to the room back of the office; if you had seen the place you would know it would take more than that. We started at the front part of the store and went back. We had not got to the office yet.

When we got to the office then we found the jewelry. I first saw this box of jewelry a long time ago; about a year or two ago. I knew where Joe got it; it belonged to his mother. I simply looked at it, that is all.

I knew there was a big pair of diamond earrings there. I remember examining that pair of diamond earrings, one is round and one is square. That pin, I never saw in that box. I never got any receipt forthe money I paid him nor did he get any receipt from me. I did not get any re-

ceipt for the \$100 I paid him. I made a little memorandum of it myself.

I left this society, the Y. P. C. about 1897 or 1898. I was then ~~a~~ with my father, and when I presented this pin to my mother I had some money. I received from my father as much money as I needed; about as much as would carry me through, that is all.

I was vice-president and assistant editor of a semi-monthly paper issued there. I was one of the first members, one of the organizers.

I knew Mr. Lewis well; he was not an organizer, he was an honorary member of it. He had nothing to do with its origin; Miss Buck was the one who had to do with its origin. I knew Mr. Lewis.

I changed my clothes occasionally during the years from 1897 to 1903; bought new suits of clothes. I always carried this little badge with me and I had it with me on the 15th of July 1903. I had it mended on one occasion; it was ~~xxx~~ out of my possession; I was there when it was mended.

I did not tell officer Krauch that I did not have the pin. I never told him anything about having a pair of diamond earrings changed into studs; that is absolutely false.

When Joe had the pin at my house he tried to sell it to Mr. Levine; it was on a Sunday afternoon in April and we were all at the dinner table; my father, my mother, my sisters and brothers. Their names are Sophie, Jennie, Essie, and Maxie, Louis and Arthur, my brothers. Mr. Levine and Mr. Rosenthal were also at the table.

I know they were at the table; I remember the occasion distinctly. Rosenthal produced this pin which he now charges me with having stolen, and offered it for sale. He told us to take it and look at it. My mother looked at it, and my father looked at it and Mr. Levine saw it, and I saw it. Naturally everybody examined it. He asked me \$225 for it.

I think he asked Mr. Levine \$240, or something like that. Mr. Levine told him right there and then that he cannot afford to invest just there and then.

He offered it to me for \$225. I did not buy it at the table. After I had seen him again, I got it from him and brought it home after I requested my parents whether I should buy it or not.

I bought it at the store. We were always true -- When I bought the pin he handed it to me in the store. I suppose the clerks were there; I believe they were. Mr. Sin-

igarwas there; they were always in the store. I don't know whether he knew about it. I don't know whether he saw Joe give me the pin or not.

Most of the time I was not in the store; I was always in the back room. This transaction was in the back room. I can't exactly remember whether he was in there ~~stare~~ at the particular time or not; I know he was in the store.

I never gave my mother a pin like that before. There was no special occasion for me to desire to give it to her; it was simply a gift.

I know a little about jewelry. I considered that I was getting full value for my money; not any more than that. I supposed it was worth \$225. I took Joe's word for it; I was so intimate with him, and he was actually one of the family.

He said the pin was worth \$225 and so I said I would take it. I stated this, Mr. Train---I did not make any memorandum upon which the amount of the pin was stated. I did not give him a note for it or anything like that.

This was the latter part of April. I immediately gave the pin to my mother at the house. I kissed her and put it on her right there, where it is, a breast pin. She was

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This was the latter part of April. I immediately gave the pin to my mother at the house. I kissed her and put it on her right there, where it is, a breast pin. She was

very delighted; she was not surprised; she knew I was going to buy it; I first asked my parents whether I should buy it.

They did not ask me where I was going to get the money. I did not have \$225 at that time; they knew that. I was supposed to pay him in about three months.

Our profits would be as much as that if we got a job; we sometimes make a thousand or two thousand dollars. The pin was used on the job; as soon as we could receive it back--we needed some ready cash at that moment, and that is what it was for. The job which was expected to pay for the pin put the pin in pawn.

I never pawned anything. I knew that the Rosen-thals pawned things under assumed names. I had never used the name of Kahn before. I never went under any other name but that of Sekeson. I went under the name of Sekofsky when I was in school and when I belonged to the Young Potomac Club.

When I worked for Mr. Hanneman I was known as Sekeson; after I left school I was known as Sekeson. It is true that I had never been in any scrape before. There was no charge made against me at the time about forging a check. I never told anybody that I pawned that pin on the 18th; that is false; I never said it, because it was pawned on the

11th. I knew the day it was pawned.

My uncle is a jeweler and his name is Scheer. It was while I was still a member of the club that I had that pin mended; I remember it breaking; it broke in pulling it off. I don't know whether my uncle mended it or not. His shop was in the front and he had men working for him. He went back; I think he mended it.

If you let me look at that pin I will tell you whether it is mine or one like mine--that is mine; that little piece of solder is on there, that is when this solder is on it.

I got that pin when I joined the Young Potomac Club; I have it about nine years. I belonged to this club, not exactly until it broke up, until I left when I was graduated from that club, then I left it. I was a member until about a year or so before it broke up. It broke up in 98.

I left it sometime in 96 or 97. I believe it was on the eighth of July that Joe Rosenthal showed me his mother's jewelry. This silverware was moved on the same day. The name of the man was Mr. Lowengard, a buyer from New Orleans.

He was in there the day he showed me the jewelry. Mr. Lowengard picked it out and put it aside, and he says,

"Joe, put this aside for me". It is the same day he showed me the jewelry. Mr. Lowengard came and this silverware was put into the office; I am sure of that.

Joe took the list of jewelry to Police Headquarters; he went to Police Headquarters with it. I don't know who he saw there; I was not with him; I remained at the store. He was gone twenty minutes; it is only around the corner from the store.

He did not tell me who he saw at Police Headquarters. I have never had any trouble with Joe. I considered him one of my best friends until that time. So far as I knew, up to that time he was a straightforward fellow. He would go out without me knowing it when we were supposed to go out together.

He had never treated me treacherously in any way. I did think this was a horrible piece of treachery for him to charge me with this crime. His whole story is a complete case of falsehood; it is perjury.

My father has the pawn ticket for that pin; I believe he has it; I know he had it at the time of the last trial. I don't know of any reason why the officers in this case should commit perjury excepting that I know they are friends of Joe's; he has known them for a number of years.

I have never had any trouble with any of them. By their stories every officer in the case must have committed perjury. I never knew that I was looking for a pin that was not among the jewelry.

It is not true that I said that the pin must be found. Nothing was said about continuing the search for the pin. The box that I found the jewelry in is not People's Exhibit B.

I don't know whether or not I saw that box before this case came to trial; there were a number of boxes in that store room there. I pointed out the box. That is not the box.

When I found that ---There were no officers in the place. I did not point that box out to any officer. I don't know whether that box is a manufactured box or not. It is part of the manufactured case against me if you offer it in evidence as such.

I told them that I had purchased that pin, in Police Headquarters; I told the officers that. I told Officer Krauch that and I told it to Officer Granville. I told them I purchased that pin; I told them that when I was arrested.

I did not tell them when I purchased it; I told them I purchased it and my mother was wearing it; that is what I told them.

I went for my mother and father to come right down and explain. She was there, at Police Headquarters. I did not tell anybody down there about taking the earrings and turning them into studs, and pawning them at Simpson's.

There was such an intimacy existing between us that he did not consider any receipt necessary and I did not consider it necessary. He knew my folks knew the price of it. There had been other purchases between me and him.

There had never been any form of receipt exacted by me from him. My name originally was Sekofsky. When I was at High School all my friends suggested that my name be called Sekeson and ever since then I was called Sekeson.

That is the only reason I have. My father is known as Sekofsky among his own friends. Sekeson is a sort of an anglicized form of the name of Sekosky.

I never knew of the loss of this key that was on this key ring. I never knew he had a key to open that door with. I never saw it opened with a key. I never forced this thing open.

I saw Officer Firneisen testify here; I never spoke to that man in my life; never had any conversation with him. I have seen Officers Krauch and Granville. They are the only officers I know.

I remember having dinner at Rosenthal's on the nineteenth of July, a Sunday; that was after the jewelry had been found. I did not say on that occasion that I was sure the pin must be in the store, that I would surely find it.

I never told any person that my defense in this case was going to be that Joe Rosenthal gave me the pin to pawn. I never said that I never had a Y. P. C. badge.

Krauch did not say to me that it was very funny that everything was found except the pin, and I didn't say to him, "I am sure it is around some place".

I first found out that I was charged with having stolen this pin, at Police Headquarters. I have heard testimony given in regard to what that conversation was there. All that was false; not everything stated by the officers.

There was a conversation in relation to this pin; there is no question about that. I claim that that conversation was as I have narrated it, and not as Rosenthal and Krauch say it was narrated. That I told them the pin was pawned; I also stated that I said to Joe Rosenthal that he knew it was pawned.

I S A A C S E K O S S K Y, a witness called on behalf of the People, being duly sworn, testified as follows:

My name is Sekosky. I am the father of the defendant. He has Anglicized my name, or made his name somewhat English by calling himself Sekeson instead of Sekosky.

He is my son, and he resides with me at 166 Madison Street. He did not live with the Rosenthal's; he stopped overnight with them; he used to come home for his meals sometimes.

I know Joe Rosenthal; he was a frequent visitor at our house; he has been coming there for a number of years as a school friend of my son's. I remember his coming there during the months of February, April and May and June of 1903.

He showed different kinds of jewelry; he showed watches, rings, and earrings and pins. That is the pin he showed us. The first I saw of it was in the latter part of April, last year. I saw it in my house. Joe Rosenthal showed it to me. My wife, my daughter and a man named Levine were present at the time.

My son was present when he showed me that pin, and my wife also. He said that you should buy it for Ma. First he offered it to Levine; he said he didn't have the money to buy it; he cannot buy it.

Then he offered it to Mike, and says, "Buy it for Ma". My son did not buy it that day; when he brought it

home he says, "Mommer, I bought that pin." That is my wife.

That was a couple of weeks after I first saw the pin. My wife wore it after that, in the months of May and June. She wore it on a Sunday and a Saturday when she used to go out. She wore it to a wedding; the wedding was in some hall; I was not at the wedding, but Joe Rosenthal was with him at the wedding; he was even in the carriage with him.

I had a job which took--I was in the carpenter building business; contracting, and I was short; I had needed some money to start in and I told to my son that it would be advisable that we should raise a couple of dollars so that we should start in on the work, and of course we agreed upon it, and I went over to my wife and I asked her whether she would be willing to give me ---

I took this pin, or he took it at my request and he pawned it and gave me the money for it; that was \$150.

CROSS EXAMINATION:

My son was in business with me, in the building business. I had been making a little money. I had been paying my son for his services. I give him just as much as he needs; if he needs a couple of dollars more or not; I never had any account with him. Whatever he asked for I gave him.

He wanted to make a present to his mother; that is what he claimed. He wanted to make that present to his mother. I first knew he had bought it when he gave it to his mother. That is the first time I knew he had bought it.

He brought it up to the house and he says, "Mommer, I bought that pin." He said he had bought it. I had not heard anything about that pin since the time Rosenthal brought it up to my house. I first heard of it when Rosenthal offered it for sale.

My son did not buy it that day. Nobody said anything about it until he brought it up and gave it to my wife; He did consult me as to whether or not he should buy it; he asked me and my wife.

That was about the first part of May sometime, or in the latter part of April; I could not recollect exactly when it was; it was around that time; he said, "Now, it is coming before the holidays", he said, "It would be very nice.

It was in the afternoon that Joe Rosenthal brought the pin up to me; about late in the evening because I recollect we were about the supper table together. Rosenthal was taking dinner with us. He brought it out and offered it for sale.

He did not give his mother any other little trinket like that, not to my knowledge; he gave her some little

things but that isn't much. I did not know anything about it when he was arrested.

I went down to Police Headquarters about three days later; I went down when he was at Police Headquarters. I saw Detective Krauch there and Joe Rosenthal there. I did not know what he was charged with; he did not tell me anything about it.

I was finding out that it was the jewelry; that is what Joe Rosenthal said. I asked him what he was charged with doing and he said, "You see I am here now."

He said, "They charge me with stealing that pin." He told me that; that is what the charge was, that he had stolen this pin, which I had advised him to buy, and which my wife was wearing.

What could I say to him? I said, "For God's sake, how did you come to trouble like that?" That is all I said. I did say, "My wife has been wearing that pin ever since April; I told the detective that, that my wife had worn it ever since April."

I told the Detective that right there and then in the Headquarters. I heard Krauch testify; but I could not hear; I was far off; I am a little hard of hearing and I cannot hear; I was sitting down there, and I could not hear very well.

I never said anything about owing two months' rent, in the presence of the detective. I did not say it in the presence of Joe Rosenthal and this defendant; I never said anything of the sort, and any such statement is false.

I told Joe Rosenthal myself, "Joe, he owes you \$150. I am willing to pay you that and don't go to any trouble. I said that in Joe Rosenthal's house. He sent for me and I went down to see him.

He said he wants \$900; I didn't ask him what for; he did not tell me anything what for; he said to me, "You give me \$900 or he will be under \$14,000 bail or he will get sent away for seven years. Now, you can choose one of the three"; he says, "If you give me \$900 we will quash the whole thing."

That was blackmail. He offered to let him off for \$900. I told him that I haven't got \$900 and even if I would have, I would not give it to him. I was willing to pay him that \$150 which I owe him, which my son owed him.

I don't owe him anything; but my son owed him. I never asked my son why he did this, He only told me that it was on account of the pin; that is what he told me. He didn't know. No, sir, he didn't tell me anything but it was the only thing he had to tell me about the pin which he

bought; I asked him how in the world could that come about, and he said ---

My son was arrested, and after that Rosenthal sent for me to come up to his place at 254 Bowery. That was when he was three days in the Headquarters. I didn't know anything about it.

No charge was made against him until three days after he was arrested. They kept him in Police Headquarters instead of putting him in the Tombs.

Joe Rosenthal sent for me on the third day and I went up to him at 254 Bowery, and it was then I had this conversation that I have just narrated.

Joe Rosenthal told me, "If you will give me \$900 or he will be under \$14,000 bail, or he will get sent away for seven years; you can choose one of these three things, whichever ever you want"; that is just what he told me. That is what he sent for me for.

H Y M A N L E V I N E, a witness called on behalf of the defendant, being duly sworn, testified as follows:

I live at 113 Monroe Street. I am a mason and plasterer. I have seen Joe Rosenthal a few times. I know him and I have seen him, and I know his father. I know the defendant's father.

I was in the habit of visiting Sekeson's house, and am still in the habit of visiting it. I was there in April last year and I met Joe Rosenthal there. I don't remember the date, but I remember the month; it was last April.

I think it was on a Sunday afternoon. The mother was there and the whole family and Mr. Sekeson and Joe Rosenthal. Joe Rosenthal was sitting by the table and talking to everybody.

He offered to sell me a pin. The pin was with three stones, two small ones and one big one on a bar; and there was a little chain with a small stone hanging down. There were two small stones on one side and a big stone in the centre.

He offered to sell me the pin, and he said, "If you want to buy a bargain I will sell you a diamond pin"; he didn't ask me any price; I told him I did not intend to buy it.

I said, "I am not intending to buy it". I did not intend to buy that pin. I think that is the pin. I saw that pin afterwards on Mrs. Sekeson, the defendant's mother, in his house when she went away to a wedding. I think the wedding was in Webster Hall. I saw that pin on Mrs. Sekeson.

CROSS EXAMINATION:

I am a mason, plasterer and builder. I did not work for Mr. Rosenthal. I always worked for Mr. Sekeson; sometimes.

B E R T H A S E K E S O N, a witness called on behalf of the defendant, being duly sworn, testified as follows:

I am the mother of this defendant. He resides with me at 166 Madison Street. He is my oldest son. I know Joe Rosenthal, the complainant in this case. He would come to my house mostly every evening. My son and he were together; they used to go up to his place; they were chums.

I remember the month of April, 1903. I am sure I saw Joe Rosenthal on a Sunday in the month of April; I saw him at my house; it was on Sunday; it was about four or five o'clock; it was supper time.

He took out a little piece of paer from his pocket, from his vest pocket, and he took out some box from his pocket, and rings and something else; I did not admire it, what it was, and he took out the pin and showed it to Mr. Levine who was sitting at my table.

It was about supper time and he said to Mr. Levine "Would you buy that pin?" He offered him to buy it and Mr. Levine shook his head and said, "No, I cannot afford it.

I ain't so rich to buy a pin*.

That pin was a bar pin, three stones, one stone was in the centre and was large, and on both ends were smaller ones and a little stick pin hanging down. That is the same pin which I wore--not one--

When my husband pawned it I didn't get it afterwards. I wore it several times before my husband pawned it, whenever I used to go out.

My son gave it to me. It was about the early part of May, it must have been --I wore it dozens of times. That is the same pin I wore.

S O P H I E S E K E S O N, a witness called on behalf of the defendant, being duly sworn, testified as follows:

I am the sister of this defendant. I am older than he. He resides with me and my father and mother at 166 Madison Street; he has always lived with us there, only a week or so that he was stopping at Joe's.

I have seen this pin on the previous trial. The first time I saw it was one Sunday afternoon Joe brought it up to the house and he took it out of the bundle he had, with some more jewelry, and he asked Mr. Levine if he would not buy it; Mr. Levine told him that he could not buy it

because he did not have the money for it and then he put it back and in a few minutes he asked Mike if he would not buy it for Mama.

By Mike I mean my brother, the defendant. He called my mother Ma; we all did; he always used to call her Ma; he says, "Mike, I think you ought to buy this for Ma because I think it would be just nice for her"; "Well", he says, "I will see, I haven't got the money now".

Then finally he decided, in about a week or so later he came and he says to Mama, "I decided to get the pin for you", and he gave it to her.

That is the pin; I am positive about that; that is the pin. My mother wore it on several occasions. She wore it to a wedding I think. Joe Rosenthal was there; he went in the same carriage with us, and he went from our house; in the same carriage with my mother.

BERTHA SEKESON, recalled:

I wore that pin to a wedding at Webster Hall. Mr. Joe Rosenthal and my son went with me in the same carriage, and my brother. I had the pin in the carriage going to the wedding.

WILLIAM GILFORD, a witness called on behalf of the defendant, being duly sworn, testified as follows:

I reside at 10 West 117th Street. I am a law student. I am not with any office. I am studying law at New York University in Washington Square.

I know this defendant and have known him twelve years. I formerly lived down town, in the vicinity, or neighborhood where he lived. I knew him then; we went to school together.

I was a member of the Young Potomac Club. The defendant was a member of the club when I was. I was a member of the Young Potomac Club in the year 1894 until about the beginning of 1897.

Joe Rosenthal was not a member of that club when I was there. I was a member for several years. I know that the defendant was one of the assistant editors of a journal written for the benefit of the club. There was a young boys club attached to the Guild at No. 26 Delancey Street.

MORDECAI B. MANN, a witness called on behalf of the defendant, being duly sworn, testified as follows:

I am twenty-four years old. I am employed in the United States Customs Service, in a clerical capacity; not

in the Custom House proper; I work in the United States Appraisers Stores on Greenwich Street. I have been employed there since last June.

I was employed in the New York Navy Yard for five years, less one month. I know this defendant well and have known him about eight or nine years. We were school mates but not class mates.

I was a member of the Young Potomac Club; this defendant was a member. Every member had a badge which had to be paid for. When we were proposed to the club ---

I have seen Rosenthal down to Sekeson's house; one or two times, probably three times. I have known Rosenthal for several years. I have been at the store.

I have known Joe Rosenthal quite a number of years. I know other people with whom he is acquainted. His general reputation is very bad. I formed that opinion of him in the summer of 1902.

I saw a quantity of jewelry in the Rosenthal store. Rosenthal showed me a box of jewelry that he claimed his mother left him when she died. He showed it to me one evening that I went to an affair.

I have seen it several times; he showed it several times. He showed it to the other boys. He said it was

his mother's jewelry.

J A C O B E. B E R L F E I N, called as a witness on behalf of the defendant, being duly sworn, testified as follows:

My name is Berlfein, Jacob E. Berlfein. I live at 152 Forsyth Street, City. I am twenty-one. I know the defendant. I am employed down town at 150 Nassau Street, with the Warren Manufacturing Company, as Bookkeeper. I have been employed there about three years.

I have known the defendant about ten or twelve years; I went to school with him. I was a member of the Young Potomac Club. The defendant was a member of the Young Potomac Club.

I know Joe Rosenthal; I don't remember him as a member. I don't think he was a member at the time this man was. I was a member for three or four years. He was a trustee of the Young Potomac Club.

He practically held the two highest offices in the club, that of president and trustee; trustee was practically the highest office in the club.

I know this boy's reputation for truth and veracity. Well, he is--The defendant's reputation is very good.

I have seen the defendant wearing a badge of the Young Potomac Club. That is the form of badge that the members of the Young Potomac Club wore. That is the kind of badge that this defendant wore.

CROSS EXAMINATION:

I joined the club some time in 1892 or 1893, and left it in 1896.

LOUIS LIEBERMAN, called as a witness on behalf of the defendant, being duly sworn, testifies as follows:

I know this defendant. I am in business with my father in the trimming business on Eldredge Street, No. 110. I was twenty years old last July.

I know this defendant. I was a member of the Young Potomac Club; this defendant was there when I was a member. I was a member about eight years ago. I continued a member up to about ^{two} ~~eight~~ years ago.

I haven't any recollection when the club disbanded because I think it reorganized again. This defendant was an officer of that club; I believe he held the office of president.

I know other people with whom this defendant is acquainted. His general reputation for honesty is very good.

CROSS EXAMINATION:

I left the club about two years ago; it is about two years ago; I don't know the date exactly. The club was reorganized; I belonged at the time before it was reorganized.

A B R A H A M A. E D E L M A N, called as a witness on behalf of the defendant, being duly sworn, testified as follows:

I am a builder. My place of business is generally at the ~~place~~ building I am building now. I am building at 124th Street and Broadway, an apartment house. I live at 29 West 118th Street.

I have known this defendant since I was able to remember what I know; I guess six years old. I know other people with whom he is acquainted. His reputation for honesty is very good.

R O B E R T J. R O S E N T H A L, a witness for the People in rebuttal, testified as follows:

I am now in the real estate business at 158 East 46th Street, where I live. I am an uncle of the complainant in this case; his mother was my sister-in-law. I remember when my sister-in-law died. I seen the jewelry that she

le ft to Joe Rosenthal; that was apart of his inheritance. That pin was kept in the box with the rest of the jewelry.

,I went down there occasionally. I have seen this jewelry taken out of the safe and examined, and on these occasions the three stone diamond pin was among the rest of the jewelry. I saw it during last spring.

I saw that pin on the third of July last; the last time I seen it was on the fifth of July; it was at my house; my wife returned it to my brother. I saw it in my house. My wife returned it to the father of the complainant. My wife had been wearing it down at Bensonhurst for the fourth of July. I had been with her.

My wife did at ~~times~~ times borrow pieces of jewelry, but she borrowed that pin on that day. I don't know that she was a friend of the mother of the complainant; I don't think that she ever saw her; I don't think so, because the mother died before we were married.

This was not the first time she borrowed this pin. I saw her wearing it at Bensonhurst. I remember the day she borrowed this pin. She wanted to go to Bensonhurst; she wanted to wear a bar pin; I told her I didn't have any, and she says, "We will go down to Mike's and get one", so we went down to the store. We went to the store and got it. I saw the pin when it was given to her, and then I saw it on

her person after the next day. I can't say that I seen that pin before the preceding April. I am positive I saw it from the third to the fifth of July.

I saw the defendant on the nineteenth of July, two days after the jewelry turned up; I saw him down at the store. I saw him down at the store and I saw him at my house. I saw him at my house.

He was there several times to dinner. I remember the day the jewelry turned up; I was notified that it was found. I went down and I talked with this defendant about the piece of jewelry that was still missing.

I talked about the three stone bar pin; the pin that my wife had worn two weeks before. He was up to my house mostly every day or two to take my brother out. He spoke about that pin and where it probably was.

I spoke to him about the pin, I says, "Now it is funny that this jewelry should be missing, that everything else was found excepting the pin"; he turned around and he says, "Well, that cannot be lost; it must be around there some place; we will find it; it is all right; it will be found"; those are the very words he gave me.

He never spoke about the ownership of it; never in his life. I was present at Simpson's the day after the de-

fendant's arrest. After he made this statement about the pin probably being still there and that it would turn up, I saw him in Simpson's pawn shop with the officer; we went down together. I went with him.

I saw in that pawn shop, the pin to which I have referred and which I had seen before. I said to him, "Mike, is this the pin you stole and pawned?" He says, "Yes", and he says, "I don't know what made me do it", and he started to cry.

From there we walked down here and went down to the Tombs. I heard some conversation on that day between him and the officers. It was in front of the Tombs; we were going down from Simpson's place to the Tombs, down the building here, and on the way there I says to him, I says, "Mike, I says, "there is a couple of pair of ear-rings that have been missing".

He says, "I don't know anything at all about that". "Now", I says, "Mike, you know my brother got this ear rings on memorandum. They cost \$418". I says, "If you pawned them for a smaller amount why let 'us know about that and we will get them"; so he says, "If you will have me remanded I will see what I can do"; so I asked the officer if he would have him remanded.

I saw the defendant after that. Then he came out and he says, "I took them earrings and I made them into studs", he says, "I pawned them in Simpson's in Forty-second Street and I got, I think, \$160 for one and \$140 for the other".

I never saw those diamond earrings. I did not know about them personally. I did not go to Simpson's in Forty-second Street. He told the officer when he pawned them.

I told him to tell this story to the officer. I could not say when he pawned the earrings; the month of April, I think it was now, I don't know really. It was certainly before the 11th of July; I could not remember these dates; I cannot carry them so long.

He said he pawned them on a date prior to the 11th of July; he had them made into studs first; I asked him what he done with the tickets.

He said he tore the tickets up; I asked him to give me the tickets and he said he tore them up or destroyed them. He said something about making good.

He said that if the officer would let him go that he would get the money, pay the pawn brokers and get the stuff back again; so I left that entirely to the officers, and the officers, of course, could not do that.

CROSS EXAMINATION:

I was formerly in the pawn broking business at No. 32 Third Avenue for about thirty years. I know the officers in this case. I knew them from coming into the place there; they go in every place. I called them by their first names. I knew them for years.

I testified on the last trial of this case. The question was not put to me about seeing this pin on my wife. I did not say a word about it on the last trial. I did not say a word about ever seeing it on my wife around the month of June or July, 1903.

I can't say if I said a word about this conversation that I had with the defendant at this Court House when he was brought down to Court. I could not swear either way on that; I don't remember.

None of these questions were asked of me in the last trial. You had never seen me in my life when I took the witness-stand in the last trial. I was asked this question, "Did you know Sekeson, the defendant, prior to that time?"

I was asked this question, "Had you ever seen this jewelry before? A. Yes, sir, I have seen it lots of times." That is right; when it belonged to my sister-in-law. This was my sister-in-law's jewelry.

I was asked, "Is that all you know about the case?"

A. That is all I know about that part of the case." That is right.

"Do you know anything else about this case? A.

Not about this case. That he had taken some other stuff at the time, which he acknowledged to me, he had taken a pair of diamond earrings which he took and pawned at the other Simpson's". That is right.

I told you at that time everything I could remember at that time. My brother was shot on the sixth day of July. It isn't true that that was the first time in years that my brother and I had met; I never was angry with him; never had a word with him.

GENEVA ROSENTHAL, a witness for the People, being called in rebuttal, being duly sworn, testified as follows:

I am the wife of the last witness. I know the complainant in this case; Joe Rosenthal is my nephew, that is his father is my brother in law.

I have worn that pin; I borrowed that pin of my brother-in-law on the third of July and I wore it until the fifth, Sunday. I was going to Bensonhurst to spend the

Fourth. I wore it there; I wore it more than one day. I had borrowed that pin before; I could not exactly say the date; I could not swear to the date, because I had taken it for other affairs; I could not tell you the date exactly, I never wrote it down.

I don't know really what month it was; I had it before that, but I could not tell you the date. I saw the defendant at my house after the discovery of a portion of the jewelry that had been lost; on Sunday night he called at our house; that was after the jewelry had been found.

After supper I said to him--he said that he had found all the jewelry himself and I said, "Wasn't you fortunate?" he says, "Yes"; I says, "If I had known that that pin was going to be missing I might just as well have kept it", and he said, "It is too bad you didn't take it, you might have been the winner then".

I said, "Now it is funny the other jewelry has been found and that has not been found"; and he said, "I am confident that pin will be found to-morrow, Monday".

CROSS EXAMINATION:

You did not ask me to testify to any such conversation on the last trial. I did not testify to any such conversation on the last trial; they did not ask me that.

I have been married to Mr. Rosenthal five years this May. Mr. Rosenthal was in the pawn broking business. I wasn't here to hear Joe Rosenthal testify on the last trial that he had never taken this jewelry out of the safe.

S A M U E L L E W I S J r., a witness called on behalf of the People, in rebuttal, being duly sworn, testified as follows:

I am an attorney and counselor at law at 346 Broadway. I am associated with Kneeland, LaFetra & Glaze. We were opponents on two occasions.

I aided Miss Winifred Buck in organizing the Young Potomac Cadets; they were organized as a lot of boys who were members of our own club, or they were a set of boys who were rather young; these boys grew older and did not want to associate with the younger boys, and so a new club was organized and that we called the Young Potomac Cadets.

I had known the boys some years prior to the time the club was organized. When you say club or cadets there is a difference; Milton M. Sekeson was not an organizer of the Young Potomac Cadets. .

The Young Potomac Club was the same body with some addition of others that had dropped out of that club about

three or four years back and they had organized from the Young Potomac Cadets into the Young Potomac Club.

That badge is the emblem of the Young Potomac Cadets. The defendant was not a member of the Young Potomac Cadets. He was a member of the Young Potomac Club. That is not the badge of the Young Potomac Club.

Your question can be answered yes, that the members of the Young Potomac Club wore the same badge, Y. P. C., but it isn't the proper answer. If you will permit me to explain I will do so.

They took the changed name; the same membership. It was largely the same membership; some of them wore the same pin; all of them did not; a good many of them did.

There were only thirty of these pins struck off at ~~xx~~ the time; when they were struck off there were about twenty-six members and no new pins were ever made and to-day I doubt very much whether there are four in existence.

I aided Miss Buck in the organization of this society; she was the principal organizer; she is in Europe. I ran four or five entertainments. "The Debating Society?" Well, I don't remember; I remember running an entertainment where something of that sort might be -- I don't remember if that was the name of the farce, "The Debating Society".
I don't remember.

The defendant was assistant editor of a journal that the club had. He was not an organizer of the Young Potomac Cadets. I did not give him any pin.

J O S E P H R O S E N T H A L, a witness for the People, recalled in rebuttal, testified as follows:

On this table (indicating) there were a lot of boxes tied up; there might have been one or two loose and covered up with old table cloths; under this table, way over here, there were also boxes.

Now, way on this side, against the partition there might be three or four mandolin cases and a couple of banjo and violin cases.

On this table were boxex and under this table, against this partition, the board partition, were boxes. ~~There~~ There was nothing between these show cases, or in this part of the room at all.

(Witness indicates by a cross where this defendant found the jewelry) Right there. I had looked three or four times in the office that day the jewelry turned up. I looked there with the officers and my uncle.

I remember the day that Mr. Lowengard came to my store to get some silverware. I have a record in my books of that transaction. Here is the book. Having examined my

books I can swear positively to the date that Mr. Lowengard came to my store; it was July 14th. I have a record of his purchase there; of everything he bought.

Mr. Lowengard was the buyer of Scooler & Company of New Orleans. I have an account against Scooler & Company; that account is there, and shows purchases made by Mr. Lowengard on the fourteenth day of July. The name of the book is the ledger; pages 166 and 167.

The defendant in this case had an account with us, on our books. I did not charge him or his accounts with \$225 for a pin.

The defendant had an account with me in our books. It is not a fact that I asked the defendant or his father for \$900 as a consideration for withdrawing from this case. It is not true that he had bought the pin from me. I heard the defendant's father say something at Police Headquarters to the defendant, in regard to why he had done something.

He said, "Why did you do this. Don't you know that I owe two month's rent"; he said, "You never gave me a penny home. If you only gave me the money it would have been different."

I heard a conversation between this defendant and the officer relative to some diamond earrings which he had turned into studs. These earrings are here in court.

I went to Simpson's pawn shop and found the studs there; I went in the company of my father.

CROSS EXAMINATION:

July 14th is the day that this man came into my store and ordered the goods. I was wrong when I testified yesterday that it was the eighth; I said I was not sure but I would bring my books.

I am positive now that it was that day, July fourteenth. After the goods are entered into books we take them back and weigh them and then ship them. We charge them before we weigh them.

LOUIS LIPMAN, a witness called on behalf of the People in rebuttal, being duly sworn, testified as follows:

I am a jeweler at 260 Bowery; it is somewhere near Mr. Rosenthal's place; it is a repair shop, a jewelry repair shop; it is quite near Mr. Rosenthal's store. I do quite some repairing for him. I remember repairing something for young Joe Rosenthal.

I have seen that badge before; I seen it in the place with Joe Rosenthal some years ago. I mended it.

CROSS EXAMINATION:

I work for several people, not Rosenthal alone. I

do quite some work for Rosenthal. It is probably six or seven years ago the boy used to come up --I don't know what time in the year. The boy used to wear it on his lapel and he used to come in my place very often; he came up there very often and he used to trouble me to fix this pin.

I fixed it more than once. I was not called as a witness on the last trial. He used to come often to me, occasionally to have this pin fixed. I am only telling you.

GEORGE A. FINEGAR, a witness recalled on behalf of the People in rebuttal, testified as follows:

The circumstances were that Mr. Rosenthal had these goods out examining them and he had the goods out and we looked through them and he says, "There's a nice lot of things", he says, "They are worth a great deal more than I had for them." This was about the middle of June.

I do not know anything about Mr. Rosenthal borrowing the pin; I know nothing about that at all.

CROSS EXAMINATION:

I don't know whether she borrowed it or not; I could not say; I don't know. I have been in the employ of Mr. Rosenthal six and a half years.

J O H N L. K R A U C H, recalled in rebuttal:

The defendant was arrested on July 29th; I brought him down to the Police Court on the 30th. We arrested him at five o'clock on the afternoon of the 29th and consequently he would have to be locked up over night in order to arraign him in the police court the next morning.

He was not in Police Headquarters three whole days. I see the office on that diagram. Just about where that cross is is where the defendant showed me he found the jewelry on that diagram. I had looked in that place before several times.

There were not any paper boxes over that part of the floor where the jewelry had been found. Notwithstanding that I had looked there weveral times and looked all around the store I directed this defendant and the others to go ahead and make another search; I had an object in that.

That is my signature. That is the corroborating affidavit I swore to in the Police Court on this complaint; I swore to that on the 31st day of July; that was two days after the 29th.

I did remand him back to Headquarters at his own request. I had him in the Police Court. I locked him up -- He was two days in police Headquarters. The man was arrested

at five o'clock in the afternoon. He was arraigned in the Police Court the next morning, the 30th, and he asked to be remanded.

He asked to be remanded in order to get money to make restitution; I had him remanded in court, and the next day, the 31st, we made the complaint.

I was doing no such thing as using these criminal courts for the purpose of attempting to get their property back and not for the purpose of preventing crime.

MILTON M. SEKESSON, the defendant, resumes the stand:

It was in the office right between the show cases and the table right in here that I found these goods. We went all through these cabinets, or cases that were in the front of the store and took every piece of silverware out of this wall case, as I stated yesterday, and then we went under the counter here, and we looked under the counter.

We were in here first, and then we went into the office after we finished the forepart of the store, and that is where we found it. I have heard the conversation narrated here by Rosenthal, the uncle of the complainant; I heard him. Such a conversation did not take place. I did not ask to be remanded to Police Headquarters.