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I N D E X.

Witnesses	D	C	Re-D	Re-U
Violet Perano	1	9	67	
Mary Davis	74			
Joseph Perano	77	80		
Josephine Filderosa	82	87	89	
Lena Skenelli	94	96		

Stewart Liddell,
Official Stenographer.

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

.....
THE PEOPLE OF THE STATE OF NEW YORK:

-against-

FRANCESCO PURPURA

:BEFORE:
:HON. JOSEPH F. MULQUEEN,
: Judge
: and a Jury.
:

.....
New York May 18, 1910.

Indicted for rape, second degree; assault,
second degree, and abduction.

Indictment filed April 27, 1910

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

For People: Assistant District Attorney Adams.

For Defendant: T. S. Nolan, Esq.

A Jury is duly empanelled and sworn.

Mr. Adams opens to the Jury on behalf of the people.

V I O L E T P E R A N O called as a witness on behalf of
the people, being first duly sworn, testifies as follows:

DIRECT EXAMINATION BY MR. ADAMS:

Q What is your address? A 50 Roosevelt Street.

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Q Whom do you live there with? A My parents.

Q What are their names? A Joseph Perano and Clementina Perano.

Q Where were you born? A In Italy---Europe.

Q How long have you been in this country? A About eight or nine years.

Q How old are you? A Fourteen.

Q When were you fourteen? A April 13, 1896.

BY THE COURT:

Q 1896? He asked you when you were 13, when were you born? A I was born in 1896.

Q You were born April 13, 1896? A Yes sir.

Q So you were fourteen last April---last month? A Yes sir.

BY MR. ADAMS:

Q Then you were thirteen before last April? A Yes sir.

Q When did you first see the defendant? A In June first, the first time.

Q June first? A The first time I saw him.

Q What year was that---last year? A In 1909.

Q Of course you are not married to him? A No sir.

Q Where did you see him first? A First I saw him at 33 Roosevelt Street.

Q And did you go there with anybody then? A No sir.

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BY THE COURT:

Q At 33 Roosevelt Street you first saw him, last June---the first of June, about? A Yes sir.

BY MR. ADAMS:

Q How did you happen to go there to Roosevelt Street.

A I brought a pair of shoes to him?

Q Did anything happen there then at that time? A

No sir:

Q When did you next see him? A In 80 Catharine Street.

BY THE COURT:

Q You were asked when---not where? A About August 5th.

Q About the 5th of August at 80 Catharine Street? A Yes.

BY MRQ ADAMS:

Q He had moved to 80 Catharine Street? A Yes sir.

Q What did you go there for? A I brought my brother's shoes.

Q About what date was that?

THE COURT: Do not repeat unnecessarily. She said August 5th. It takes time and you will only make the witness contradict herself. Stand over there please, and talk loud.

Q Who went with you? A When I brought the shoes no

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one came with me, but when I went to get them there was my friend Lena Skenelli.

Q Did the defendant here say anything to you when you brought the shoes there? A No sir.

BY THE COURT:

Q For what purpose did you bring the shoes? A For him to fix.

Q To ^{be} repaired, to ^{be} mended. A Yes sir.

Q And you left them there and then you called back for them? A Yes sir.

Q What happened, if anything, when you called back for them? Now speak out loud and tell the jury? A (No answer)

BY MR. ADAMS:

Q Just tell these gentlemen what happened? A When I went in to get the shoes I met Lena Skenelli first and I told her to come with me and she said "All right;" and we went down to his ~~xxx~~ shop, and then when I went to get them there was no one there.

BY THE COURT:

Q No one where? A He was there but there was no company down in the shop.

BY MR. ADAMS:

Q No one but the defendant was there? A Yes sir. And then I told him to let me see the shoes and he said "You can't

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see them". Then he says to me "Give me a fuck," and I waited a moment and then I said "All right" and I went in that back room, into the other part of the room, and I pulled down my clothes and he came in and he opened his front part of the pants and he came on top of me.

Q Where were you when he came on top of you? A On the couch.

Q You were on your back on a couch? A Yes sir.

Q And he lay on you? A Yes sir.

Q What did he do? A He moved himself up and down.

Q Did you feel anything? A Yes sir.

Q What did you feel, and where? What did he do with his clothes? A When he came on top of me he opened the front part of the pants.

Q Did you see any part of his body? A Yes sir.

Q Which part? A His private part.

Q What did he do with his private part? A He took it out and then he came on top of me.

Q What did he do with his private parts when he came on top of you? A He put it by my private parts.

Q By them or into them? A Into them.

Q You felt it? A Yes sir.

BY MR. ADAMS:

Q Did he go inside of you? A Yes sir.

Q Did he move up and down? A Yes sir.

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Q What did you do after that? A After I got up, he got up and I got up and then we went into the other part of the room and I told him to get me the shoes, and I had twenty five cents in my hand to give him for the shoes and I kept the 25 cents.

BY THE COURT:

Q He did give you the shoes? A Yes sir. He gave me the shoes.

BY MR. ADAMS:

Q Where was Lena Skenelli at that time? A When I was in the other part of the room she was sitting in the other part of the room .

BY THE COURT:

Q That is the room was divided into two parts? A Yes sir.

Q With what? A With boards and then he had all papers on top of the boards.

Q How did you get into that back room? Did you jump over the boards? A No sir, there was a space there, and by the space instead of being a door there was a green curtain.

Q That room of his was divided into two parts, you say, by boards? A Yes sir.

Q And in that fence or partition there was a doorway?

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A Yes sir.

Q Or a space rather? A A space.

Q But there were no boards in that---there was a green curtain there? A Yes sir.

Q And the way you got from the front part to the rear
by
of the shop was pulling aside that curtain and walking in?

A Yes sir.

Q In which part was this couch, in the front or rear part? A In the rear part.

BY MR. ADAMS:

Q What was in this front part? Where was this ~~store~~ store? Was it in the cellar or upstairs or where? A Down a basement.

Q What was in the front part of the room? A There was his chair, a stove and his table where he worked at, and there was a window.

Q Where was this chair that you speak of? A Right by the curtain.

Q This partition, did it go up to the top of the ceiling or not? A No sir.

Q What time of the day was this? A In the afternoon, about 3 o'clock.

BY THE COURT:

Q Do you go to school? A Yes sir.

Q What school? A (No answer).

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BY MR. ADAMS:

Q What date was this? A In August 5th.

Q There was no school at that time, was there? A No sir.

BY THE COURT:

Q Do you go to school? A Yes sir.

Q Where? A Public School #1. Corner of Henry and Catharine Street.

Q How long have you been going to public school---do you know the number of years, days or weeks? A About two years.

Q What class are you in? A Five A.

BY MR. ADAMS:

Q Where did you go to school before that? A Roosevelt Street, Public School, #112.

Q You have been going to school ring along, have you? A Yes sir.

Q And you were at school up to this time, were you? A Yes sir.

BY THE COURT:

Q You are still at school? A Yes sir.

BY MR. ADAMS:

Q Whom did you first tell about this?

THE COURT: That question is entirely irrelevant. Any verdict that we got, if that question were

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answered, would be reversed at once. Your case is now ended as far as this witness is concerned.

Q Did you ever have anything to do with anybody before this time? A Yes sir.

THE COURT: That is a question for cross examination.

Q How many times?

THE COURT: That is not a proper question.

A One time before this.

CROSS EXAMINATION BY MR. NOLAN

Q Where did you say you were born? A I was born in Europe.

Q What part of Europe? A In Italy.

Q How old were you when you came to New York? A I was about six or seven years old.

THE COURT: You are not going to contest her age are you?

MR. NOLAN: I do not think we will let it go at her word that that is her age. In a case of this kind I certainly cannot concede anything.

THE COURT: All right.

Q Whom did you come to this country with? A My mother and father were here before I was, and there were some friends of my father coming over and he wrote a letter to him to take

us along.

Q You didn't come herewith your parents, is that it?

A No sir.

Q When before you came to New York had you last seen your parents? A When they came over he re I was over there in Italy.

Q How many years was that before you came? A I don't remember.

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

Q But you remember their leaving to come here, do you?

A Yes sir.

Q But you don't remember how long it was before you came? A No sir.

Q You say you first saw this defendant at #33 Roosevelt Street on the first of June 1909 is that so? A Yes sir.

Q Will you kindly state how you remember it was the first day of June 1909? A Yes sir. When we moved to Roosevelt Street we come from Cherry Street---we came to Roosevelt Street and when we moved from Roosevelt Street it was in, in May---about the first of May---we rented the rooms in Roosevelt Street, and a month after my mother told me to take a pair of shoes of her's to fix. I said where? She said right opposite the candy store there is a shoemaker, and that was 33 Roosevelt Street---and about a month later---

Q That was about a month after you say you moved to

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Roosevelt Street? A Yes sir.

Q And just took the shoes there and left them, is that all you did on that occasion? A I told him to fix them, to repair them.

Q On how many other occasions did you take shoes to this man's shop? A No answer.

BY THE COURT:

Q In your whole life? A About two or three times.

Q Altogether? A Altogether.

BY MR. NALON:

Q And you took them there on the first of June? A Yes sir.

Q And then again about the first of August? or thereabouts? A No, one time after June I took them again---I took another pair after---I took one pair---I took another pair.

BY THE COURT:

Q That is between June and August you took another pair?

A Yes sir.

BY MR. NOLAN:

Q Where did you take those, to Roosevelt Street or Catharine Street? A It was in Roosevelt Street too. ---I think it was in Catharine Street, in 80 Catharine Street.

Q That was between June and August? A Yes sir.

Q Was there any reason why you should have gone all the

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way to Catharine Street to have shoes repaired, from Roosevelt Street? A No sir.

Q Plenty of other shoemakers around the neighborhood there, weren't there? A Well, I don't know.

Q You have seen plenty of shoe shops, haven't you, around there? A Yes sir.

Q Do you remember what day of the week the 5th day of August last year was? A No sir.

THE COURT: If you don't remember just say so.

THE WITNESS: I don't remember what day it was.

BY THE COURT:

Q You don't remember what day of the week this happened to you, do you? A No sir.

BY MR. NOLAN:

Q Will you tell us then how you know it was the fifth day of August? A Yes sir. When we went to school we had a vacation, and he used to live in Roosevelt Street, and two months later he moved to Catharine Street, and it was only two months later that he moved from Roosevelt Street to Catharine Street.

Q And that is the only way that you remember that it was the 5th day of August? A Yes sir.

Q Bu reason of the fact that you got a vacation? A Yes sir.

Q And that two months after you got the vacation---

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~~HE KIX~~ A No sir, not two months after the vacation. Two months in June and from June 1st, and two months later he moved---in August he was down in Catharine Street.

Q Ypu say two months after June he moved? A June and two months after June.

BY THE COURT:

Q Did he move in June, you say? A No, not in June. He stood there, not till the very last of June and then he moved to Catharine Street and sold that place in Roosevelt Street to a different man and two months later he went to get a new place down in the basement.

BY MR. NOLAN:

Q And your only reason for saying it was the 5th day of August 1909 is that you had a vacation and that the defendant moved from Roosevelt Street to Catharine Street? A Two months later.

Q After you got the vacation? A The last of June we get vacation from school, till September.

Q Was it two months after that that he moved to Catharine Street? A From June, about till the last of June he moved to Catharine Street.

BY THE COURT:

Q You mean about the last of June he moved to Catharine Street? A Yes sir, two months later.

Q Before or after vacation? A That was before vaca-

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tion.

Q He moved before vacation? A Yes sir.

Q And about two months after that you went to see him in Catharine Street? A Yes sir.

Q And that is how you fix the fifth of August? A Yes sir.

BY MR. NOLAN:

Q Nothing happened since the time that as you have testified you committed this act of sexual intercourse with the defendant to cause you to particularly remember that day, did there? A (No answer)

BY THE COURT:

Q Do you understand that question? A No sir.

(Question repeated by the Stenographer)

THE WITNESS: Well, that was the last time I went there, and the last time I went there he told me about that.

Q The last time you went there he told you about that?

A Yes sir.

Q Did you ever tell your parents anything about this?

A No sir.

Q And when for the first time did you tell it to anybody? A Well, when I went to school Mr. Cook and Mr. Pizzaro came down there in the school and told me---and said "Do you know a man in Monroe Street"? And in school I didn't

want to tell them it.

(Question repeated by the Stenographer)

THE WITNESS: The first time I told it to anybody was Mr. Cook.

BY THE COURT:

Q Or Pizzaro, which? A Mr. Cook.

Q When was that? After school opened? A No, it was in March. I was in school and then he took me away from school and brought me in 23rd Street and took my sentence down. I told him and he wrote it down.

Q That was this March past? A Yes sir.

BY MR. NOLAN:

Q Up to that time you had never said anything to anybody about this occurrence? A No sir.

Q Sure of that? A Yes sir.

Q Ever talk to anybody about it in school? A No sir.

Q Never told your parents or anybody at home? A No sir.

Q Was it in March or about the 15th of April? A When I was taken from School?

Q Yes? A It was in March?

Q You are sure of that? A

THE COURT: She was taken from School in March.

Q And that was the time that you told Mr. Cook? A It was not in March; it was in April. I made a mistake.

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Q Do you remember what time in April? A About the 15th of April, I was taken from School.

Q And did you tell Mr. Cook in just the same way that you have told the Jury here to-day of this occurrence? A I told the same thing, yes sir.

Q You told him just the same thing? A Yes sir.

Q How long were you talking with Mr. Cook? A Well, I don't know how long I was talking to him, I don't remember.

Q You don't remember how long you were talking to Mr. Cook on that day? A No sir.

Q Well, you were talking to him for some time, were you? A Yes sir.

Q Was it an hour? A No sir.

Q Was it more than an hour? A It was less than an hour.

Q Less than an hour? A Yes sir.

Q And during that conversation with Mr. Cook did he frequently interrupt you to ask you questions? A No sir.

BY THE COURT:-

Q Do you know what that means? Did he ask you any questions at all? A He asked me questions.

Q He did ask you some questions? A Yes sir.

Q And wrote your answers down? Is that what you mean by saying he took your "Sentence" down? A Yes sir, while I was talking he was writing it down.

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BY MR. NOLAN:

Q Did Mr. Cook correct any of the statements you made by saying to you that you should use some other words? A No sir.

Q Will you tell us when for the first time did you hear the expression "Private parts"? A I don't remember.

Q Did Mr. Cook tell you that? A No sir.

Q Did Mr. Pizzaro tell you that? A No sir.

Q Did Mr. Moore tell you that? A No sir.

Q Did Mr. Adams tell you that? A No sir.

Q Do you remember who did tell you that? A No sir.

Q How many times have you talked over this case since the 15th of April with persons connected with the Gerry Society or the District Attorney's office? A About five times.

BY THE COURT:

Q You have talked it over whenever they have asked you about the case, haven't you? A Yes sir.

BY MR. NOLAN:

Q And ~~xxx~~ at these talks that you have had didn't they frequently cause you to use different words than those that you used yourself? A No sir, I used my own words.

Q Well, when you first spoke with Mr. Cook did you use the words "Private parts"? A No sir.

BY THE COURT:

Q Well, what words did you use? A I told him---I

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used---he told me---

Q What did you use? A I used---

Q What words or word? A Fuck.

Q Did you describe that? A No sir.

Q Didn't you say anything about this man's private parts? A I says that he took his privates parts out.

Q But rhe question is did you use thw word "Private parts"

A No sir.

Q What words did you say? A I said he told me if I wanted to fuck.

Q But you just said now that you said "Private parts".

A (No answer)

THE COURT: Proceed.

BY MR NOLAN:

Q Prior to the 5th day of August 1909 had you ever committed an act of sexual intercourse with anybody else? A Before that time---

BY THE COURT:

Q Do you know what sexual intercourse means? A If I had anything to do with anybody else.

Q The same as you say you had with him? (The defendant)

A Yes sir. Before he ever did anything to me another man did something to me.

Q Did the same thing? A Yes sir.

BY MR. NOLAN:

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Q You understood what I meant by an act of sexual intercourse? A Yes sir.

Q You have heard those words before, have you? A Yes sir.

Q When for the first time did you hear those words?

THE COURT: How is that material?

MRL NOLAN: It may be very material to the Jury. They are entitled to know just what has taken place in this case. I want to show that the language has been put into the mouth of the witness.

THE COURT: Well, proceed.

A I was down---I heard it down in this---I don't know what the name of the place is---I think it was in general sessions.

BY MR. ADAMS:

Q You heard it in General Sessions? A Yes sir.

BY MR. NOLAN:

Q Do you know who ~~he~~ you heard say it? A I don't know.

Q Was it Mr. Cook? A No sir.

Q Or Mr Pizzaro? A No sir.

Q Or Mr. Moore? A No sir.

Q Or Mr. Adams here? A I don't know. It was a man who was asking me questions.

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Q A man was asking you to tell what happened? A Yes

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sir.

Q And he used that language during that time? A Yes

sir.

BY MR. NOLAN:

Q He asked you to tell what happened? A Yes sir.

Q And after you had stated something to him he corrected you by telling you to say "An act of sexual intercourse"? A No sir. When I first went in there he said "Did you have any private intercourse with Francesco Purpura?" And I said "Yes sir, " and I knew what that meant.

Q Where was that? A In General sessions.

BY THE COURT:

Q What language did this man speak to you when you went into his place there (Referring to defendant)---in English or Italian? A English.

Q Can you speak Italian? A We don't speak the way they speak. We are Genoese, and they are different than us, but I understand some words they speak.

Q He spoke English to you? A Yes sir.

BY MR. NOLAN:

Q Was that after you had been taken to the Gerry Society and talked with Mr. Cook.

THE COURT: Was what after?

Q (Continuing) That you used the expression "private ~~xxxx~~ intercourse?" Was that after you had been taken to

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the Gerry Society rooms and talked with Mr. Cook? A Well, I knew when I was up there in 23rd Street---the girls told me ---they told me about it and said "Tell me your case", and everything, and the teachers said "You should not tell no one your case;" and then she said "Did the man in general sessions tell you what private intercourse meant? " I said "No, he didn't ask me that? When I went in General Sessions the man told me that. " And she says "You know what it means?" And I said "No, " and then she told me about it. Then when I went to general sessions I knew what it meant, what the words meant.

Q Who was it that told you about it? A It was the girls that were telling me about it.

Q But you say that when the man in general sessions asked you if you had ever had private intercourse with Francesco Purpura, you said yes, that you knew what that meant? A Yes sir.

Q And that was before the time that the girl had told you? A No, the first day I went up there and then the girls were telling me "why you are here?" And everything. And then---

BY THE COURT:

Q What did they say? A The girls were telling me to tell them my case and I wouldn't and the teacher said "Don't tell no one your case."

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BY MR. NOLAN:

Q What teacher was it that told you that? A The teacher we have up there.

Q Up in the Gerry Society? A Yes sir.

Q You hadn't told anybody about your case up to the time that Mr. Cook came and took you from the school, ~~xx~~ is that right? A Yes sir.

Q No one at all? A No sir. The first one I told it to ---I told it to Mr. Cook.

Q Do you know how Mr. Cook came to take you from the school? A No sir.

BY THE COURT:

Q Did you ever hear how Mr. Cook came to take you from the school? Did Mr. Cook tell you why he took you from the school? A Well, after, I knew it.

why

Q He asked you ~~how~~ Mr. Cook took you from the school
A Because he told me if I knew this man and I said No, and then when ~~xx~~ he took me from school I told him all about it.

Q All about what? A All about this man.

Q What do you mean all about him? A I told him what happened on the 5th day of August.

Q Didn't Mr. Cook know that before you told him? A Well when I was saying---

Q Didn't Mr. Cook know it before you told him? A No sir, he didn't know it.

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Q So far as you know he didn't know it? A

BY MR. NOLAN:

Q You didn't state to Mr. Pizzaro on the 5th day of April that this defendant committed an act of sexual intercourse, on or about the first day of March 1910, did you? A No sir, not with this man.

Q Did you ever tell that to Mr. Pizzaro? A No sir.

Q Did you ever tell Mr. Cook that this defendant had committed an act of sexual intercourse with you on the first day of March 1910. A Not with this man, but another man.

BY THE COURT:

Q Another man, you say, had intercourse with you on the first of March? A Yes sir.

Q Then you did not mean that you had only had intercourse twice in your life? A Twice.

Q You said you had it before August too? A Well, the same man.

Q What? A This is the same man.

Q You say you had some one else on the first of March 1910? A Yes sir.

Q This year, the March just ~~xxxxx~~ past? A Yes sir.

Q Do I understand you rightly or not, that some one had done this to you for this man (Indicating)? A Yes sir. Before this man.

Q Before that man (Indicating Defendant)? Some one else

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had? A Yes sir.

Q And then that man did it once in August? A No sir.

Q This man (The defendant) did it in August. A Yes sir.

Q That is the only time he ever did it? A Yes sir.

Q But this other man who had done it before did it afterward s? A Yes sir.

Q And you did say that some one had intercourse with you on the first of March of this year? A Yes sir.

BY MR. NOLAN:

Q But you did not tell Mr. Pizzaro that the defendant Francesco Purpura had on the first day of March 1910, in the County of New York, at the premises 82 Catharine Street, unlawfully perpetrated an act of sexual intercourse with you?

THE COURT: She cannot understand all that phraseology.

BY THE COURT:

Q The question is did you tell Mr. Pizzaro that this man Purpura did it to you in March off this year? A No sir, not in March.

Q At 82 Catharine Street or any other place? A No sir.

BY MR. NOLAN:

Q Did you talk with Mr. Pizzaro on that day in the police court, downstairs? A No to Mr. Pizzaro, but to Mr. Cook.

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Q You are sure of that? A Yes sir.

BY THE COURT:

Q Did you ever talk to Mr. Pizzaro that you can recollect? Would you know Mr. Pizzaro if he came in here now? A Yes sir.

Q You have seen him? A Yes sir.

Q He wasn't your teacher, was he? A No sir.

Q Did you ever talk to him? A Yes sir.

Q But you don't know whether you talked to him downstairs or not? A No sir.

BY MR. NOLAN:

Q Was it after the day on which you had been brought to the police court down stairs---after the first day that you had been brought there that you talked with Mr. Pizzaro?

A When I was taken from School the next day Mr. Cook told me a few questions and then Mr. Pizzaro told me a few questions.

BY THE COURT:

Q You mean asked you a few questions? A Asked me a few questions.

Q But you have not answered the question yet---when Mr. Cook took you from School ~~did you~~ if you knew---

(Question withdrawn)

Q Who is Mr. Cook, do you know? A Yes sir, he is a detective.

Q And he came down to the school and took you out of

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your class room, is that it? Were you in your class room when he came there? A Yes sir.

Q He came to your class room and took you out? A He did not. He brought the clerk---

Q What? A The clerk, the one that is in there, Miss Davis.

Q The clerk of the school? A Yes sir. She called me to the office and I went with her and when I went down I saw Mr Pizzaro and Mr. Cook there.

Q In the principals office? A Yes sir, in the principal's office.

Q Now the question that Mr. Nolan asked you was ^{they} why did that? A Well, when they called me from school I didn't know why it was but after I knew it.

Q No, but how did they know it if you never had told a soul. A I told them the first.

Q How did they pick you out? There are two thousand girls in that school, aren't there? A Yes sir.

Q Are they all the same as you? A I don't know.

Q Well why did they pick you out of the two thousand? A Well, there was another girl and she says that I knew this man too, so then Mr. Cook---

Q That is the point I want to get at. The other girl told about, is that it? A Yes sir.

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Q Who was that other girl? A Lucy Decabia .

Q Is that the girl that was in this place when this thing happened? A No sir, but she told Mr. Cook I know a man in Monroe Street.

Q This is not in Monroe Street? A No sir, this is another man?

Q She didn't tell about this man? A No sir.

Q Mr. Cook came to see about a different man? A Yes sir.

Q And then when you were in there you told him the story about this man, (The defendant), is that it? A Yes sir.
BY MR. NOLAN:

Q Who was it that first mentioned the name of this defendant Francesco Purpura---was it Mr. Cook or Mr. Pizzaro?
A Mr. Pizzaro.

Q That was before you had stated anything at all about what happened last August? A Yes sir. He told me---he says do you know a man---do you know anything about the shoe maker in 80 Catharine Street? And I told him "Yes".

Q Mr. Pizzaro asked you that? A Yes sir.

Q You told him "Yes"? A Yes sir.

Q Was that all that was said at that time? A At that time, then he took me---I was in the room down stairs.

Q That was in the school building? A No sir, in this building.

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BY THE COURT:

Q Down stairs in this building you mean? A
Yes sir.

BY MR. NOLAN:

Q Did you tell Mr. Pizzaro at that time that it was on
the first of March of this year? A No sir.

Q You didn't tell him that? A No sir.

Q When you were brought to the office of the principal
of the school on or about the 15th of April of this year who did
did at first mention the name of this defendant Francesco
Purpura? Was it Mr. Cook or Mr. Pizzaro or was it you? A
Well, when I was in school they didn't mention him.

Q Nothing was said in the school building about
this man at all? A No sir. It was about the other man.

Q When did they first speak to you about this defendant?
A It was when I was brought from their school---I was brought
into this building and after they told me "Do you know about
the shoemaker?" And I said "Yes sir".

Q They said to you---whom do you mean by "they"? A Mr.
Pizzaro told me "Do you know the shoemaker"? And I said
"Yes sir.".

Q You had not said anything to the defendant about
Purpura up to that time? A No sir.

Q Do you know how Mr. Pizzaro came to ask you that
question, if you knew about the shoemaker? A No sir.

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Q You had never told him anything about it had you?

A No sir.

Q And what was the name of the girl that you said told about the other man that you had had relations with? A Lucy Decabia.

Q Where does she live? A She lives in Madison Street-- I don't know the number.

Q So it was in connection with another man that you were first taken from the school, is that so? A Yes sir.

Q Was it on the fifth day of August 1909 that you took the shoes, as you have testified to this defendant's shop?

A It wasn't on the 5th day of August, but it was on the third day.

BY THE COURT:

Q You took the shoes and called back for them on the 5th, is that it? A Yes sir.

BY MR. NOLAN: Do you remember what day of the week the 3rd day of August was? A No sir.

Q Will you tell us how you remember it was the 3rd day of August? A It was on the 3rd day of August, and two days later---

Q Did you make any memorandum at the time, that it was the third day of August? A (No answer)

BY THE COURT:

Q Do you know what "Memorandum" is? A No sir.

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Q Did you write it down any place? A No sir.

BY MR. NOLAN:

Q Nothing took place there at that time? A No sir.

Q And you went there all alone on that occasion? A Yes sir.

Q What time of the day was it on the third of August that you went there? A This was in the morning.

Q What time in the morning, if you remember? A I don't remember the time.

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

Q But you went there all alone? A Yes sir. When I took the shoes I went there all alone.

Q Where did this Skenell girl live? A 54 New Chamber Street.

Q Is that on your way to 80 Catharine Street? A No sir.

Q You didn't go that way? A No sir.

Q Which way did you go from 50 Roosevelt Street? A I don't know where she was going, I met her and I says "You want to come with me?" And she said "Where?" I said "I am going to get my brother's shoes." Then she said "All right" and she come with me.

Q You told her, did you, where you were going? A Yes sir.

BY THE COURT:

Q How far was that shoemaker's shop from where you lived--- How many blocks did you have to go to get to 80 Catharine Street? A About two blocks and a half.

Q What blocks were they? Where did you live? A Roosevelt Street?

Q Near what street? A Roosevelt near ---it is Roosevelt Street and on the right side is Bowery and on the other part is Roosevelt Street, going down the street, and New Chambers.

Q You lived on Roosevelt Street between Bowery and New Chambers? A Yes sir. Here is Bowery and here is New Chambers and here is where I lived, in the middle, (Indicating and pointing).

Q Between Bowery and New Chambers? A Yes sir. Our block is in the middle---

Q New Chambers Street is a continuation of the Bowery, isn't it? A New Bowery.

Q New Bowery and New Chambers Street are the same thing, aren't they? A No sir.

Q Well then you have to walk down? Which way did you go, up New Bowery or New Chamber Street? A New Chamber Street.

Q What is the next block to Roosevelt Street? A The next block to Roosevelt is James.

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Q And then? A Is Catharine.

Q It is not, is it? What block is the school on? A Henry Street.

Q Well, Henry Street between what streets? A Oliver Street.

Q ^{comes} Oliver Street before Catharine? A Yes sir.

Q So you walked down to New Chambers Street and then one block to James and another to Oliver and another to Catharine? A Yes sir.

Q Now, where is 80 Catharine Street? A Right in the middle of the block between Cherry and Oak.

Q Then you had to walk ~~down~~ down how many blocks to that? A About a half a block.

Q You weren't walking on Oak Street, were you? A Well, I come all the way down Oak Street.

Q Well I asked you to describe how you got from your house in Roosevelt Street to this place in 80 Catharine Street? A I walked down Roosevelt Street. Then it was on the corner.

Q Then you did not walk on New Bowery or New Chambers Street at all? A No sir.

Q You walked down Roosevelt Street to Oak Street? A Down Roosevelt Street to Oak Street.

Q Then you did not meet this little girl on New Chambers Street? A Well, I don't know where I met her---I

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don't remember.

Q Then you walked along Oak Street to James Street, to Oliver Street, to Catharine Street---A Yes sir.

Q And then you turned down? A Yes sir.

Q Will you tell the Jury why you took all that long trip to go and get a pair of shoes mended? You had never seen this man but once in your life? A Twice.

Q He never had done anything to you? A No sir.

Q He made no special inducements to you? A No sir.

Q But this day you went out with these shoes and you passed how many Italian cobblers on the way? He is what you call a cobbler isn't he? A Yes sir.

Q He is not a shoe dealer? A No sir.

Q He has a little bench, as you said, and he works there all day long? A Yes sir.

Q He does not sell any shoes, but he only repairs shoes? A Yes sir.

Q How many such places do you know of between 80 Catharine Street and where you live? Aren't there two or three of them on every block? A Well, not on Roosevelt Street there aint so many shoemakers. He was there and then he moved and there was another one in his place but I didn't go to that one.

Q Then that was one you passed---the one that took his

place? A Well, I didn't pass there. I came down the other way. I didn't go up Roosevelt Street. mI came down Roosevelt Street.

Q What number did you live in? A 50.

Q Didn't you have to pass 33 Roosevelt Street to go to Oak Street, v is that above your house? A There is 33 and our house is down further than that.

Q So you didn't go up that way? A No sir.

Q And that was the only shoe makers shop you knew of on Roosevelt Street? Do you mean you are sure that is the only little Italian shoeshop there is on Roosevelt Street? A There is another one, .

Q What number is that? A It is not on Roosevelt Street, it is on New Bowery.

Q Right near you? A Yes sir.

Q On Oak Street? didn't you pass a lot of them? A No sir, there aint none on Oak Street.

Q Not one? A No sir.

Q You are sure of that? A I don't know any shoe-maker's on Oak Street.

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

Q And on Catharine Street until you came to his place there was none? A Yes sir.

Q Were you ever in 80 Catharine Street before that day?
A Yes sir, once before.

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Q You were once before this day there? A Yes sir.

Q I mean before the first time you brought the shoes to him? A I was there a second time.

Q How many times altogether were you in there? A Three times.

Q What did you go there for the first time? A The first time---well he lived in Roosevelt Street---I brought a pair of shoes for him to repair, and then I brought another pair down in Catharine Street and then I brought a third pair.

Q But the only time you were ever in there was when you brought shoes to his room, or when you went for them? A Yes sir.

Q What kind of a building is it? A About six flights

Q You mean it is a tenement house? A Yes sir.

Q A tenement house of six floors? A Yes sir.

Q You are not sure of that? It might be five? A (No answer).

Q It is a big house, is it? A Yes sir.

Q What is there on the ground floor? A On top of him (Indicating the defendant) there is a barber shop and next him is a butcher store.

Q On the ground floor there are two stores? A Yes sir.

Q And the hallway is between them? A Yes sir.

Q Were you ever upstairs? A No sir.

Q So when you say six flights, there might be five or seven---you are not sure? A Well, next to that is 82 Catharine Street.

Q Well, this is number 80 you are speaking about? A Yes sir, and the next building to that is just as high, the same; and one time I went in to buy candy and I looked up and I saw it was six flights.

Q You went to buy candy? A Well, one time I was walking down and I went in the candy store.

Q Walked down Catharine Street? A Yes sir, and I went in the candy store and I bought a candy and while the man was waiting on another person I looked up at the building and counted the flights---counted how many floors there is.

Q You were in the building and you looked up and counted how many floors? A I wasn't in the building; I was buying the candy across the street.

Q So that was number 80 and 82? A Well, it was 82 and then comes 80.

Q How did the number get impressed on your mind? How are you so sure it was 80. A When I went there with Mr. Cook and Mr. Pizzaro and another man.

Q Then you looked at the number when you went there? A Yes sir.

Q And you took them to this building? A Yes sir.

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Q And then you saw the number? A Yes sir.

Q And then you took a good look at the building? A Yes sir.

Q And you say on the ground floor of the building right off the street there was a barber and butcher shop? A Yes sir.

Q And this man (The defendant) was down in the basement? A Yes sir.

Q How did you get down to that basement? Where was the entrance to this basement. A He had a sign outside, and then there was about---there was the stairs to go down.

Q Where were the stairs---in front of the building or in the hallway or where? A Where the sidewalk is and then there is steps going down.

Q There is a stairway leading down from the street, is that it? A Yes sir.

Q You do not have to go in that building at all to go into his shop? A No sir.

Q There are stairs from the sidewalk? A Yes.

Q In front of the barbershop or butcher shop? A It is under the barber shop.

(The Court now directs an adjournment until 2 P.M., first duly admonishing the jury as usual)

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After recess.

TRIAL RESUMED.

VIOLET PERANO, the complainant herein, resumes the stand and further testifies.

BY MR. NOLAND:

Q How many steps down from the street was the shop occupied by the defendant, if you know? A About ten.

BY THE COURT:

Q You didn't count them? Did you? A Well, I didn't count them.

Q It was a flight of stairs going down from the street? A Yes sir.

THE COURT: Do not say anything now unless you are sure of it, do you understand.

THE WITNESS: Yes sir.

BY MR. NOLAN:

Q Is there a large window in front of his shop? A Yes sir.

Q Are there any windows to the rear that you noticed? A No sir.

Q No windows at all at the rear of the shop? A No windows.

Q And how far, if you remember, from the front door where you enter is to the rear wall?

THE COURT: Do you mean to the end of the shop,

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or this partition?

MR. NOLAN: No, the full length of the place, including the both rooms.

THE COURT: Do you understand what he means?

THE WITNESS. Yes sir. About how big is it?

BY THE COURT:

Q How deep is it from the street in? Could you point out here in the court room? A Well, about from there where that thing is down to there.

Q Go over and point to the thing you mean? A The stairs, come down to about here (Indicating).

BY MR. ADAMS:

Q That is where the stairs go down? A Yes sir.

MR. NOLAN: I move to strike that out as not responsive.

THE COURT: Motion granted.

BY THE COURT:

Q You go ~~now~~ down to the shop, and there is the door leading in from this basement? A Yes sir.

Q How far back does the store run---not to the partition but to the rear wall? A I don't know.

Q Now, you had been in this place altogether how many times? A Three times.

BY MR. NOLAN: That was on the 3rd of August, or the 5th of August and on one other occasion? A Yes sir.

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Q And what took you there the other time that you went t there? What did you go there for? A I brought a pair of shoes.

Q Whose shoes were they , A My brother's shoes.

Q How long before the third of August was that? A This was the third of August.

Q That was the third of August? A First I brought my mother's shoes, then I brought my ~~mother~~ own during from June to August and then August the 3rd I brought my brother's.

Q You were there with your own shoes at 80 Catharine Street? A Yes sir.

Q How long before the third of August? A I don't know how long it was.

AQ You don't remember how long? A No sir.

BY THE COURT:

Q Was it before or after? A Before.

BY MR. NOLAN:

Q Are you sure it was 80 Catharine Street you went? A Yes sir.

Q And you had been once to his place in Roosevelt Street.

A Yes sir.

Q Did you go after your own shoes after they had been mended? A I took them there and when I went to get them.

Q That was twice you were there? A Yes sir.

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Q And then again twice---once on the third and once on the 5th of August? A I brought the shoes on the third and I went to get them on the 5th.

Q On either of the two occasions, the two times that you went there, once with your own shoes and again to get your own shoes, did you go there alone? A Yes sir, I was all alone.

Q Was anybody in the shop at the time that you went there? A Well, the last time when I brought my---

Q I mean the time when you brought your own shoes and again when you went to get them? A No sir, no one was there.

Q Only the defendant? A Yes sir.

Q And that was some time prior to the third of August? Before the third of August? A Yes sir.

Q And you say you went there alone on the third of August? A Yes sir.

Q When you brought your brother's shoes there? A Yes sir.

Q You say you visited his shop at 33 Roosevelt Street about June first 1909 that time you say you took your mother's shoes? A Yes sir.

Q And did you go again and bring them back when they were mended? A Yes sir.

Q And did you go there alone at that time? A Yes sir.

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Q And was there anybody in the shop on either of those two occasions at Roosevelt Street when you took your mother's shoes and you went to bring them back? A No sir.

Q Nobody there but the defendant himself? A Yes sir.

Q And do you remember what time of the day it was on the first of June or about the first of June when you went there? A No sir.

Q Do you remember what time of the day it was when you went to bring your mother's shoes home after they had been mended? Was it in the morning or the evening? A I don't remember when it was?

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

Q Now at the time you took your own shoes there prior to the third of August, do you remember when that was---whether it was in the morning or afternoon or evening? A No sir, I don't remember when it was.

Q Do you remember what time of the day it was when you went to get your own shoes after they had been mended? A No sir.

Q Now after the 5th day of August you have stated that you never talked with any one what took place there, is that right? A I don't know what you mean.

Q You didn't tell anybody about what took place there? A No sir.

Q Never talked about it to anybody at all? A No sir.

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Q The thing just left your memory altogether, did it?

A Yes sir.

Q And it never occurred to you---you didn't have occasion to remember it or recall it until you were spoken to by Mr. Cook or Mr. Pizzaro is that right? A Yes sir.

Q So that there was nothing that causes you to particularly remember the 6th day of August---

MR. NOLAN: Question withdrawn.

Q Is there any particular reason why you recall the 5th day of August 1909? A No sir.

Q You don't remember whether that was a sunshiny day or a rainy day---you have no recollection of it at all? A No sir.

Q What time of the day was it on the 5th day of August that you went back as you have testified to get your brother's shoes.

THE COURT: Morning, afternoon, or evening?

A Afternoon.

Q What time? A About three o'clock.

Q About three o'clock in the afternoon? A Yes sir.

Q Can you tell us why you remember it was about three o'clock in the afternoon? A When I brought the shoes on August third, I brought them in the morning. Then August 5th---I says "When will you have them done?" And he said

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"I have a lot of work," and then I went back for them in two days, and then when I come home from school and then after I went to school and after three o'clock I come home and instead of going---I went home and then I brought my books up and then I met Lena and I went---

BY THE COURT:

Q You went to school on August 5th? A No, not when I went to school.

~~Q Were you in school on the 5th of August? A No sir.~~

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Q Were you in school on the 5th of August? A No, sir.

Q Why did you say you went after school? He asked you how do you know it was 3 o'clock in the afternoon on August 5th when you went there? A After when I had my dinner, and I took my brother out, and after when I took my brother out I brought him out, and then my mother left me the money to go and get the shoes, and I said, "Now, I have got to get the shoes;" and I told my brother stay the house in ~~the house~~, and he said, "All right." I said, "When I will come back I will bring you something, and I went and I met Lena while I was gone, and I told her if she wants to come, and she said, "I will go," and then we went up there.

BY MR. NOLAN:

Q And that is the only reason why you remember that it was 3 o'clock in the afternoon? A About 3 o'clock.

Q Did you take your brother out every day? A No, sir.

Q You did have him out that day? A Yes, sir.

Q How old is your brother? A One is three, going on four, and the other is six, going on seven.

Q Whose shoes was it that you took there? A The one that is six years old.

Q Was there any particular reason why you had to

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Q Was there any particular reason why you had to have his shoes back on the 5th of August? A No, sir.

Q None at all? A No, sir. He had another pair

Q You started to say you remembered it because it was after you came home from school and that you put your books up in the house and then you went? A I was thinking of that and--

BY MR. ADAMS:

Q Thinking of the other case, were you?

THE COURT: Mr. Adams, be very careful not to speak of any other case.

MR. NOLAN: I move to strike that out.

THE COURT: Strike it out, and the jury will disregard it; there is no evidence of any other case.

MR. ADAMS: She said there was something in March. It has been brought out.

THE COURT: she said it, but there is no word of any "case". It does not affect this defendant, that other thing.

Q When you went there on the 5th of June -- or at least on the 5th of August--while you were on your way there and you met this other girl, this girl, what was said by you to her as to why you were going there and why you asked her to go with you? A Well, I was going and I met her, and I said, "Do you want to go with

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me?" and she said, "Where?" and I said, "To the shoemaker and get my brother's shoes." She said, "All right," and she came with me.

Q Was the door of the shop open? A Yes, sir, it was open.

Q And this is a big double tenement house, isn't it? A Yes, sir.

Q Lots of people going around the street there in that time in the afternoon? A I don't remember.

BY THE COURT:

Q Did you see any children playing around there?

A I don't remember.

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

THE COURT: If you don't remember say so always .

BY MR. NOLAN:

Q You are familiar with Catharine Street, are you? That is, you know it pretty well? A Yes, sir.

Q You have been on Catharine street many times? A Yes, sir.

Q And Catharine street leads into the Bowery, doesn't it? A Yes, sir.

Q And there is always a lot of people passing up and down there? A Yes, sir.

Q Isn't there a moving picture show there near this place? A Yes, sir. It is not on this block but the

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block up next to it.

Q Just above it? A Yes, sir.

Q Now was there anybody in the shop on the ~~XXXXXX~~ afternoon of August at about 3 o'clock when you say you went there? A No, sir.

Q The defendant was alone? A Yes, sir.

Q And did the other girl go right in with you or was she - or did she wait outside? A She come with me, she come in the shop with me.

BY THE COURT:

Q She went down into the basement, into the shop?

A Yes, sir.

BY MR. NOLAN:

Q When you got into the shop did you speak in English or In Italian to this defendant? A In English.

Q Do you speak Italian? A Yes, sir.

Q Does the other girl speak Italian? A Yes, sir.

Q You spoke in English? A Yes, sir.

Q Who spoke first, you or he? A I did.

Q You did? A Yes, sir.

Q What did you say to him? A I said, "Is my shoes done?" He said, "Yes." I said, "Let me see them," and he said, "No," and he said, "no."

Q What did you say when he said no? A Then he says "I won't let you see your shoes." Before this he said, "No," and then he told me - he says - he told me, "Do you

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want to give me a fuck?" And I stood there a little while, and I didn't answer, and then after, I told him "All right."

Q You told him, "All right." Is that all you said?

A Yes, sir.

Q Now all the conversation, all that was said by either you or him up to this time was, upon your entering the store, you said, "I want to see the shoes. Are they done?" A I said, "Is my shoes done?" and he said, "Yes."

Q You said, "I want to see them"? A Yes, sir.

Q Did you offer to pay him for them? A No, sir.

Q Simply said you wanted to see them? A Yes, sir.

Q Did you show him the money? A No, sir.

Q He said, "No, you can't see them"? A Yes, sir.

Q How long was it after he said that that anything was next said by either you or him? How long were you there?

THE COURT: Well, there are two questions there.

A I don't remember.

Q Well, who spoke after he said, "No, you cannot see them?" Who spoke next? A Then he went on, he was saying, "No, you cannot see them." He said "First give me a fuck," and then I didn't say nothing.

Q He said that right away, did he? A Yes, sir.
When I went in I went down the stairs with my friend, and

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then I said, "Is my shoes done?" And he says, "Yes, your shoes are done." And then I said, "Let me see them." And he said, "No, you cannot see them. First give me a fuck," he said.

Q How far was the other girl away from where you were standing at the time that you say the defendant said that? A She was standing by the door.

Q How far is that from where you were standing? Will you show us in this court room here?

THE COURT: Now you can illustrate that. Just stand down and suppose that is the door (indicating front rail of jury box).

A She was standing there (indicating front rail of jury box).

Q Now how far did you walk in? A And I was standing about up to here (indicating).

THE COURT: That would be about three ^{feet} from the door.

THE WITNESS: About three feet.

BY THE COURT:

Q Now you are clear about that? A Yes, sir

BY MR. NOLAN:

Q Was the defendant sitting down at his bench when you went in there? A Yes, sir.

Q And when you spoke to him what did he do? Did he get up? A Yes, sir.

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BY THE COURT:

Q Suppose you tell us, if you can, imagine that that little place in here (indicating space in front of the Judge's bench and between the Judge's bench and the desk of the Clerk of the Court) was his shop, just show us where the bench was and the chair and the partition? Do you think that is too much trouble for you? Step down there. Suppose you are in the shop now, that that place there is the shop, how far in from the street was this partition that you speak of? Do you know what the partition is? A Yes, sir.

Q The boards? A Yes, sir.

Q How far back from the street were they? Now remember there is the street where the gentlemen are sitting (front rail of jury box), and you walk right in front the street, now, how far in would you have to go before you came to that partition?

MR. ADAMS: She would walk down the area first.

THE COURT: But she is in the shop now.

A To go from where he divided his room?

Q Well, I want the partition first. There is the door, you understand, behind you (the rail of the jury box)

A Yes, sir.

Q Lean right up against that. A Yes, sir. (Witness doing that)

Q That is the door? A Yes, sir.

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Q That is where this girl was standing? A Yes, sir.

Q Now, ~~xx~~ you walked into this shop as far as this partition was--walk straight in. A (Witness indicates by walking about 6 feet)

Q That is where this partition was that led into the other room? A Yes, sir.

Q How far into the other room did you go? Let the jury see--to where that couch was? A About to here (witness indicating by walking straight ahead about 6 feet further from the place where she first stopped walking).

Q Was that about the depth of that shop? A Yes, sir.

Q Was the couch against the wall or the middle of the room or where? A Against the wall of the inner room.

Q Come back to where the partition was. Now where was his cobbler's bench that he was working at? A About there (indicating a distance of about 5 feet).

Q Where was his table? A This was his table.

~~xx~~ And there is where he was sitting (indicating).

Q He had a seat behind that table? A Yes, sir.

Q A little cobbler's bench? A yes, sir.

Q About how wide was that store, the one you were in-- I mean his part of the basement? Were there two stores in the basement the same as above? A There was one room

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divided in half.

Q He was under the barber shop, wasn't he? A Yes, sir.

Q Was there any other store in the basement there?

A I don't know.

Q Well, that is right. If you don't know, say so. Don't call on your imagination. Do you know what that means? A Yes, sir.

Q Just tell what you remember and nothing else. If you don't know say so. Now, you do know that his shop was in that basement? A Yes, sir.

Q Can you tell us about how wide that shop was from wall to wall? I don't mean deep, going in now, but how wide was it, do you understand that? A Yes, sir.

Q For instance, that table (indicating), it is so many feet that way and then so many feet wide. Now can you point out about how many feet wide the shop was? From where you are standing does it go over to that table or was it wider or narrower than that? Suppose this was one one ~~of~~ wall of the shop--how far over would the other wall be? A Over there to the edge of that table (indicating) over to the side of counsel table nearest the Judge's bench).

Q And right through the middle of this was that partition? A Yes, sir.

BY MR. NOLAN:

Q That was about 3 feet away?

THE COURT: The statement of feet and time is very unreliable. Let her indicate by the distance here.

Q Did she afterwards say anything to you about having heard anything the defendant said to you? A I don't know if she heard it.

Q You don't know if she heard it? A No, sir.

Q She never told you that she did? A No, sir.

BY THE COURT:

Q Didn't she see you go into this room with him?

A Yes, sir, she saw me. I don't know if she heard it-- I think she did.

Q If she heard what? A What he said to me, yes, sir.

Q Didn't he make any noise when he was in the inside room with you? A No, sir.

Q He didn't say a word? A No, sir.

Q And you didn't say a word? A No, sir.

Q Did she stay outside the whole time? A And she peeped in.

Q Did you see her peep in? A Yes, sir.

DEFENDANT'S COUNSEL: I move to strike that out as a conclusion.

THE COURT: strike it out for the time being.

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Q Did you see her do anything while you were in the room, as you say, with this man? A When I was laying down my face was turned this way (indicating) and she was sitting where the curtain is, and I saw her hand, and she pulled the curtain over, and she saw me.

Q Did you see her face? A Yes, sir. She went like that (witness leaning over and inclining the head), and she peeped in.

Q She leaned over? A Yes, sir.

Q But when you came out didn't she say a word to you? A No, sir.

Q She didn't ask you what he did to you? A She says, "Did you give him a fuck?" and I said, "Yes."

Q That is what she said? A Yes, sir.

Q Then did she say something to you about it? A Yes sir.

Q And then you both forgot all about it? You didn't talk about it any more at all? A No, sir.

BY MR. NOLAN:

Q Where was the part of the partition which was covered by the partition? Did it face the door coming in from the street? A Yes, sir.

Q Right on a line from the door coming in from the street? A Yes, sir.

Q To the best of your recollection there was no window at the back part of this store there? A No, sir.

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Q Was there any light in there? A Well, the partition did not reach to the ceiling.

BY THE COURT:

Q Was there any lamp burning or gas lit there?

A No, sir, didn't have the gas--

Q There was no light burning of any kind burning?

A No, sir.

Q A candle light, lamp or gas? A No, sir, nothing.

Q And whatever light there was in that back room came from over the partition? A Yes, sir.

BY MR. NOLAN:

Q And where was this sofa, against the side wall ~~fix~~ or against the back wall? A Against the side wall.

Q Which side wall? A That side (indicating the left).

Q On the left hand as you went into the place or the right hand side? A When we walked in, you walked in the place this way (indicating).

BY THE COURT:

Q Go on, walk in now. A You walked in the place this way (witness illustrating).

Q Point out from where you stand where the sofa was. A There (indicating straight ahead.)

Q Against the wall facing you as you went in there? A Yes, sir.

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Q And not on either side? A No, sir.

BY MR. NOLAN:

Q After he said what you have testified to, before you went into the rear of the shop, how long did you stand there in the outside part of the shop? A (No answer.)

BY THE COURT:

Q After he asked you for what you have said how long did you stand there without saying ~~that~~ anything?

THE COURT: Isn't that your question?

MR. NOLAN: Yes, sir.

BY MR. NOLAN:

Q You didn't say ~~that~~ "Yes" right away, did you?

A No, sir.

Q You just waited how long? A I just waited a little while.

Q Without saying anything? A Yes, sir.

Q And then what did you say? A Then I said, "All right."

Q And when you said "All right," what did you do?

A And then he said, "Go into that room."

Q And then he said, "Go into the room?" A Yes, sir.

Q Did you walk in there? A Yes, sir.

Q And when you walked into this room you walked right over to this couch, is that so? A I walked over

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and then I saw the sofa and then I told him, "Where must I go?" and he said, "There."

Q And then you took off some of your clothing?

A Yes, sir.

BY THE COURT:

Q Did you take them off or lift them up? A I let my drawers go down.

Q What did you do with your dress? A I lifted it up.

BY MR. NOLAN:

Q While this thing was taking place you say you had your face turned so that you could see the entrance to this rear room? A Yes, sir.

Q And you saw the other girl with her hand on the curtain? A Yes, sir.

Q And you just saw her put her face at the side of the curtain? A Yes, sir.

Q Did you notice how long she was looking there, or did she remain--

MR. NOLAN: Question withdrawn.

Q Did she continue to keep her face there looking?

A No, sir. When she saw me that I was looking, she left the curtain go and she came right away -- she went--

Q Did she just look in and pull her face away?

A Yes, sir.

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BY THE COURT:

Q Did she go into the room at all? A No, sir.

BY MR. NOLAN:

Q She didn't continue to hold the curtain and to remain looking in, did she? A No, sir.

Q Is the ceiling of this door--don't answer if you don't remember--is the ceiling of this door on a level with the sidewalk or below the level of the sidewalk?

A (no answer)

BY THE COURT:

Q Do you know what he means by "ceiling?" A Yes.

Q That is the ceiling (indicating in the courtroom)?

A Yes, sir.

Q The question is whether that is on the level with the street sidewalk there or below it above it? A I don't remember.

Q It was down in a basement, you know that?

A Yes, sir.

Q You don't know how high that basement was or how low? A No, sir.

BY MR. NOLAN:

Q And you are sure that this man (indicating defendant) spoke in English to you all the time? A Yes sir.

Q Nothing was said in Italian there? A That time

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when I went down the last time he spoke in English all the time.

Q On the 5th of August? A Yes, sir.

Q As you remember it? A Yes, sir.

BY THE COURT:

Q There wasn't very much said, was there--only what you have told us? A Yes, sir.

BY MR. NOLAN:

Q When was it that you saw this girl's face at the curtain? How long had you been in the back room? A About two or three minutes.

Q How long were you in there altogether? A I don't know.

BY THE COURT:

Q When you came out of that room where was this girl that went with you? A She was sitting on a chair.

Q Where was the chair? A Right against where the boards were.

Q Where the table is? A No, sir--where he divided the room.

Q How many chairs were in that outside room?
A Two.

Q One for him? A Yes, sir.

Q And he was sitting in his chair or the other chair? A The other chair.

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Q Was that near the curtain you spoke about, or away from it? A Not near the curtain, but near the partition.

Q Where was this man when this girl pulled aside the curtain and looked in, as you say? A He was on top of me.

Q He was on top of you? A Yes, sir.

Q You were lying sideways, is that it? A No, my head was turned that way.

Q Was there any pillow or anything on that couch? A No, but there was a curve. First, it was flat, then it curved.

Q And while, as you say, he was on top of you, you looked out and saw this girl looking in? A Yes, sir.

BY MR. NOLAN:

Q Did you notice where this chair was? Was it up against the sidewall or did it have its back to the partition? A It had its back to the partition.

Q And it was at the right hand side of the curtain, is that right? A (No answer.)

BY THE COURT:

Q Do you know right hand from left hand? A Yes, sir.

Q Well, tell us, if you can. A The back of the chair was against the partition.

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BY MR. NOLAN:

Q So that anyone sitting in that chair would be looking out towards the street? A Yes, sir, and it was a round chair, and she was sitting this way on the chair (indicating a slightly turned position--not sitting "straight" in the chair).

BY THE COURT:

Q Do you mean a revolving chair? A No, sir, it didn't move.

Q It was stationary, like that chair you are in? A Yes, sir.

Q Not like this chair of mine? A No, sir.

BY MR. NOLAN:

Q When you were talking to this defendant, as you have testified, she was standing near the door? When you first went in there and had a conversation with him she was standing at the door? A Yes, sir.

Q When did she go to sit in the chair, if you know? A (No answer.)

BY THE COURT:

Q Was she sitting in the chair when you went in the back room with him? A No, sir, she wasn't sitting there.

Q But she was sitting there when you came out of the back room? A Yes, sir.

Q So she went in it after you went in the back room--

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she sat down in the chair, is that it? A Yes, sir.

Q Did you tell her to wait for you or anything?

A Yes, sir.

Q What did you say to her? A I said, "Wait there for ~~XXXX~~ me"--I said, "Wait for me here."

Q You were not ashamed to go in before this little girl? A No, sir.

BY MR. NOLAN:

Q Had you done this thing before in her presence at any time that you testified here that you did with this time? A Yes, sir, she did it too before.

BY THE COURT:

Q She did it while you were looking at her, is that it? A No, sir.

Q You never saw her do it? A No, sir.

Q The question was did she ever see you do it before?

A No, sir.

BY MR. NOLAN:

Q Was she ever with you on any other occasion when you did this with other men? A No, sir.

Q How long do you know her? That is, Lena Skenelli?

A I don't remember how long I know her.

Q How long do you know the other girl, Lucy Decabia?

A I don't remember.

Q You don't remember how long you know her? A No, sir

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BY THE COURT:

Q They are schoolmates of yours? A Yes, sir.

Q In Henry street school? A Yes, sir.

BY MR. NOLAN:

Q And they live in your neighborhood, near you?

A Yes, sir.

BY THE COURT:

Q Where does Lucy live? A In Madison street.

Q That is not near you you, is it? A Right around the corner from ~~RENEVOLOX~~ Roosevelt.

BY MR. NOLAN:

Q You say when he left the shop in Roosevelt street sometime around the latter part of June, somebody else took the shop, is that right? A Yes, sir.

Q And do you remember, in answer to one of his Honor's questions--a question asked you by the Judge--you said you went along Oak to Catharine? A Yes, sir.

Q The first time that you went to this shop, it was on the 5th day of August? A Yes, sir.

Q Do you remember how many shops you passed, cobblers shops, with that pair of shoes? A There was none on Oak Street.

Q You knew there was one just across the way from you--his old place -- 33 Roosevelt street? A Yes, sir.

THE COURT: She said that was there.

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Q And there was another one just around on New Bowery?

THE COURT: Yes, she said that.

Q And don't you know, as a matter of fact, that you passed five or six shops on Oak Street, between New Chambers and Catharine? A No, sir.

Q How did you come to go to this man's place prior to the 3rd of August, the time that you took your own shoes there? A Well, I went with another girl.

MR. ADAMS: She did not say she took her own shoes there on the 3rd of August--she took her brother's.

BY THE COURT: Q You took your mother's, once, your own shoes and your brother's shoes? A Yes, sir.

Q At the time you took your own shoes the question is, why did you go to his shop? A I don't know why.

BY MR. NOLAN:

Q You don't know why. You had taken your mother's shoes to his shop when he was in Roosevelt street? A Yes sir.

Q After that he moved to Catharine street? A Yes sir.

Q And the next shoes you took were your own? A Yes sir.

Q You don't know why you should have gone all the way to Catherine street? A No, sir.

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Q With your own shoes. Do you remember how long you remained in the rear of this shop? A No, sir.

Q You don't remember how long you were there? Was it ten minutes? A (No answer.)

BY THE COURT:

Q Do you know how long ten minutes is? A Yes, sir-- about ten minutes.

BY MR. NOLAN:

Q Who came out first, you or he? A I did.

Q Was anything said when you came out? A I told him, I says, "Give me my shoes," and then he gave me them, and I had 25 cents to give him and I kept the 25 cents .

~~Q~~ Q You didn't offer him the money at all? A No, sir.
BY THE COURT:

Q Did he ask you for it? A No, sir.

BY ~~XXXXXXXXXXXXXXXXXXXX~~ Mr. NOLAN:

Q Did you say anything to the other girl, Lena Skenelli in the shop? A No, sir.

Q Did she say anything to you? A No, sir.

Q You understand now that I am asking did she say anything to you while you were in that shop? A (~~XXXXXXXX~~ No answer.)

BY THE COURT:

Q Did she say one word of any kind? A I don't remember.

Q Before or after you went into-- A (Interrupting) Before she did.

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Q What? A Before I went into the shop.

Q Before you went into the shop, what did she say?

A I told her if she wants to come with me and get my brother's shoes to the shoemaker, and she said, "All right."

Q Then when you went into the shop didn't you say anything to her, when you were going inside the--

A (Interrupting) Yes.

Q What did you say? A I said, "Wait me here."

Q When you came out didn't she say anything to you at all? Didn't she tell you what she had seen, or anything? A Yes, sir.

Q Well, what did she say? A She says to me, "What did you do?" and I told her.

Q What did you tell her? A I says, "I gave him a fuck."

Q You didn't say that before? A Yes, sir.

Q What? Well, she knew what you had done, didn't she? A Yes, sir.

Q And still you say she asked you? A (No answer.)

THE COURT: Proceed.

BY MR. NOLAN:

Q She didn't say to you, "I saw what you were doing, " did she? A No, sir.

Q But she asked you, "What did you do?" A Yes, sir.

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Q And then you told her? A Yes, sir.

Q And ever since that time, and up to the 15th of April when you were taken from school you nor she never talked about it? A No, sir.

Q And so far as you concerned, you never talked with anybody about it? A No, sir.

Q Who told you you were born on the 30th of April, 1896? A I saw it on my birth certificate.

Q From where? A When I was going to school I was going to get my working ~~XXXX~~ papers and Miss Davis says, "I want to see your birth certificate," and I brought it.

Q Where did you get your birth certificate? A My father had it.

Q Your father had it? A Yes, sir.

Q And it is only through that that you are able to testify that you were born on the 30th of April, 1896?
A 13th of April.

Q 13th? A Yes, sir.

MR. ADAMS: Do you mean to contest the fact that she is over 18 years of age?

THE COURT: Well, he said he did.

REDIRECT EXAMINATION BY MR. ADAMS:

Q Violet, you were asked by Mr. Nolan if you did not say that this man had done what you told the jury he had done to you, on the 10th of March last? A No, sir.

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MR. NOLAN: That is not quoting the question nor the record correctly. I said on the 1st day of March, 1910--not on the 10th.

Q Well, on the 1st day of March, 1910? A No, sir.

Q What did you say about March, 1910, if anything?

A Not about this man; it was about the other man.

MR. NOLAN: That is objected to as not proper redirect examination, and I move to strike out so much of the answer as already given on the ground that it is not--

THE COURT: Strike out all after "no, sir."

Q You were asked some questions in regard to March, were you? A Yes, sir.

Q But what you said was not in regard to this defendant, is that right? A No, sir, it was not about this man.

Q What man was it?

Objected to as immaterial; objection sustained.

Q Something has been said to you about the other men. How many times, if at all, had you done what you say was done to you by this man here before the occasion in August when this man did that act to you? A Once before he did.

Q Only once? A Yes, sir.

Q And when was that? A I don't know when that was.

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I know it was before that time.

Q It was before that time, was it? A Yes, sir.

Q You said that you had taken your mother's shoes.
Was that in Roosevelt street or in Catherine street?

A That was in Roosevelt street.

Q How many times had you been in Catherine Street?

THE COURT: Oh, she has been over that.

MR. ADAMS: I think there is some misunderstanding.

THE COURT: There may be in your mind. I don't think there is in anybody else's. She said with her mother's shoes in Roosevelt Street. With her own in Catharine Street, and with her brother's in Catherine street. I don't think there could be any possible misunderstanding about that.

MR. ADAMS: All right, sir.

Q Now you have been asked questions in regard to this shop. I show you this rough drawing, that I have got here.

MR. NOLAN: Objected to, if the Court please, on the ground there is no foundation laid for the presenting of this diagram.

THE COURT: She could not recognize the diagram and there is no evidence here that you could make a diagram on.

MR. ADAMS: From the statement.

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THE COURT: well, the jury have the picture of that in their own minds. If you think it is important you ought to have a surveyor make a diagram of that place.

MR. ADAMS: I don't know whether it is in the same condition.

THE COURT: The statement is made that she had intercourse in that shop. It is the simplest thing in the world to get a diagram of that shop.

MR. ADAMS: But possibly the shop was not in the same condition now.

THE COURT: Then you cannot get it.

Q Did you ever go there after August? A No, sir.

THE COURT: The diagram could only be made by someone who was in it and saw it in August.

BY THE COURT:

Q Did you ever make a diagram of the shop? A No, sir.

THE COURT: She has described it to the jury.

BY MR. ADAMS:

Q How far was this couch from the opening in the partition? Say, this (indicating) is the opening in the partition, this is the back part of the room in here, that is where you come down from the street--

THE COURT: I had her walk down there before

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and point it out. I don't see what you want to gain by going all over that. You can if you want to.

Walk down again as you did before and point it out.

BY THE COURT:

Q Stand right there. Imagine you are pointing to the couch now, and walk as far as you did to the couch, again? A About this way (indicating about five or six feet).

THE COURT: She has indicated the space to the jury.

Q When did you see Lucy Decabia, when did you see her after this?

THE COURT: After what?

Q After this occurrence which took place with this defendant.

THE COURT: Do you mean after she came out of the room or after she came out of the shop and went home, which?

MR. ADAMS: Yes.

A I don't remember when I saw her after that

Q And you don't know whether Lucy Decabia told about this or not? A She didn't tell about this case, she didn't tell about this man, but she told about the other man.

THE COURT: strike that answer out.

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BY THE COURT:

Q Lucy Decabia was not the girl that was in the shop at all? A No, sir.

Q But you saw her every day in school? A I didn't see her every day.

Q Well, this was in vacation you say this happened? A Yes, sir.

Q August was vacation, wasn't it? A Yes, sir.

Q Didn't you play with Lucy every day? Wasn't she one of your chums on the street?

A Yes, sir.

Q Do you know what "chums" means? A Yes, sir.

Q Did you walk with her, play with her, and run? A No, sir.

Q Don't you ever play down in that part of the city? A Yes, sir.

Q She lived right around the corner from you on Madison street? A Yes, sir, but I didn't go with her.

Q You didn't go with her? A No, sir.

Q You never told Lucy about this? A No, sir.

BY MR. ADAMS:

Q There were a lot of little girls or men who were implicated in this sort of ~~this~~ thing, weren't there?

MR. NOLAN: That is objected to.

THE COURT: Objection sustained. The jury will

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disregard that. We are trying one case and one indictment.

MR. ADAMS: I was trying to show how this matter came about.

THE COURT: I know, but you ought to do it legally. I do not see what you can gain by asking any more questions. It has all been brought out, and it is for the jury to believe them or not. You won't gain anything by asking them over again. If there were any questions brought out on cross-examination, examine her about those.

BY MR. ADAMS:

Q Well, you said you were examined by Mr. Pizzaro and Mr. Cook, that they asked you questions? A Yes, sir.

Q And that was when? A When I was in 23rd street.

Q When was that? That is the Children's Society?

A Yes, sir.

Q They are connected with the so-called Gerry Society? A Yes, sir.

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M A R Y R. D A V I S, called as a witness on behalf of The People, being first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. ADAMS:

Q What is your address? A 8 Henry Street, New York.

Q What is your business? A My business is that of teacher. I am principal of Public School No. 1, Manhattan.

Q And you have been such for how long? A Fifteen years.

Q Where is Public School No. 1? A Henry, Oliver, Catherine street; the street No. is 8 Henry street.

Q And you know Violet Perano, this little girl here?
A I have 2,500. I know Violet Perano is a pupil in my school.

THE COURT: Bring her up here.

(Violet Perano, the Complainant, is brought forward.)

THE WITNESS: Yes, that is Violet Perano, yes.

Q Did you at any time bring her case to the attention of the Gerry Society?

Objected to; objection sustained.

Q Did you in consequence of anything that this girl did, to your own knowledge, or anything that came to your

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knowledge, take any action in regard to her?

MR. NOLAN: Objected to as immaterial.

THE COURT: Objection sustained.

How can this defendant be bound by anything that Miss davis did?

MR. ADAMS: I ~~at~~ am simply connecting it.

THE COURT But you must connect it legally.

MR. ADAMS: She does not know anything about this particular man. It connects the case.

THE COURT: No, it does not, not that way. Mr. Nolan has allowed in enough to show that the Gerry Society took this girl up and she made this complaint.

Q Do you know Mr. Cook of the Gerry Society? A I know Mr. Cook of the Gerry Society.

Q When did you see him, if you remember, last?

THE COURT: How is that material?

MR. ADAMS: I think I can connect it.

THE COURT: You cannot connect anything she did with this defendant or with the crime alleged on the 5th of August. You have got to find someone that knows something about that crime, someone that saw it or heard the defendant make some statement concerning it. That is the only kind of proof you can get.

MR. ADAMS: Well, I think there are other things in connection with the case, to bring it out.

THE COURT: It is evident to the jurors, from the fact that he is here that he (the defendant) was arrested.

Q Well, you did see Mr. Cook? A I did.

Q Did you see Mr. Cook in connection with the defendant?

Objected to; objection sustained.

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J O S E P H P E R A N O, called as a witness
on behalf of The People, being first duly sworn,
testifies as follows (through Official Interpreter):

DIRECT EXAMINATION BY MR. ADAMS:

Q What is your address? A 50 ~~XXX~~ Roosevelt
Street, city and county of New York.

Q Are you the father of Violet Perano, this little
girl here? A Yes, sir.

Q How old is she? A 14 years old.

Q When was she 14 years old? A 13th of April, 1910.

Q Have you got her birth certificate with you?

A Yes, I have got it right here in my pocket.

Q Where did that come from? A Which one do you
want--my own or the child's?

BY THE COURT:

Q No, no. Where was the girl born? A In Italy.

Q What city in Italy? A Province of Vincenzo,
city of Betola.

Q Not in Genoa? A No.

Q Are you a Genoese? A No.

BY MR. ADAMS:

Q Is it near Genoa? A No.

BY THE COURT:

Q You can remember when your daughter was born,
can't you? A Yes, sir; 1896.

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Q And you were home at that time, weren't you?

A Yes.

Q You were living with your wife? A Yes.

Q And now how old was she when you came to this country? A Seven years.

Q And how long have you been here? A Nine years.

Q Was she seven years old when you came here? A Yes.

Q And you are here nine years? A Yes.

Q How much does that make? A Sixteen.

Q Is she sixteen or fourteen? A 14.

Q How do you make that out, if she was seven when she came here? A It is in the paper here--I can't remember everything.

Q You cannot do addition, can you, and subtraction?

A Sure, I know how to make addition.

BY MR. ADAMS:

Q Have you a certificate there of this girl's birth?

THE COURT: A certificate is only permissible when produced from the proper custody. It would take you a week to prove that it is a proper certificate.

MR. ADAMS: I can offer it. Defendant's counsel may be willing to admit the certificate.

THE COURT: Here is the girl's father. He ought to know how old the girl is. The jury can see the

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girl for themselves. You must get ~~xx~~ proper evidence. That would have to be certified by the Italian Consul and the American Consul and properly authenticated to be received in evidence.

BY THE COURT:

Q That is your passport that you got when you were coming here, isn't it? A Yes.

Q And they state who the members of your family are?

A Yes.

Q For the purpose of being allowed to land here?

A Yes.

THE COURT: They are not admissible.

BY ~~THE~~ MR. ADAMS:

Q And they state the birth?

THE COURT: They give the birth. They might refresh his memory if he needed any refreshing on it. It cannot be received in evidence. It is not admissible.

Q What month was your daughter born in? A 13th of April.

Q And you have given the year, have you?

THE COURT: He has. 1896, he said.

Q How many children have you?

THE COURT: That is cross-examination. He comes here and testifies that she was born at such a time.

Q Is your daughter married to anybody? A No.

CROSS-EXAMINATION BY MR. NOLAN:

Q Who came to this country first, you or your daughter? A First I came to this country.

Q When was that? A I can't remember. I know I arrived in the month of August, but I can't remember anything else.

Q When did your daughter come to this country?
A I can't remember.

BY THE COURT:

Q Are you telling the truth now when you say you can't remember? A I don't remember.

Q Do you mean to tell us that you don't know how long you have been in this country? A It must be nine years. I was 33 years old when I sailed from Italy and now I am 42 years old.

MR. NOLAN: I move to strike that out as not responsive.

THE COURT: Motion denied. I do not see how it is material--how old he is or how long he has been here-- but you asked him that and now he has answered it; he has amplified his answer and given you his proof.

Q How long after you came here did your daughter

come? A Three years after.

Q How long has your daughter been here, do you know?

A I can't remember. If you want to see my passport that will tell you everything.

Q How old was your daughter when she came here?

A I think she was seven years old.

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J O S E P H I N E F I L D E R O S A, called
as a witness on behalf of the People, being first duly
sworn, testifies as follows:

DIRECT EXAMINATION BY MR. ADAMS:

Q what is your address? A 80 Catherine street.

Q Where did you live in August, 1909? A Yes.

BY THE COURT:

Q How long have you lived there? A Two years.

Q You live there now? A Yes.

Q Do you see the defendant here? A Yes, sir.

Q Do you know him? A Yes, sir.

Q Did he live at 80 Catherine Street in August,
1909? A Yes.

BY MR. ADAMS:

Q when did he leave there? A March.

Q This year? A No, last year.

Q March, 1909? A Yes, last March.

Q That is two months ago ? A Last year.

BY THE COURT:

Q That is fourteen months ago? A Fourteen months
ago, yes.

Q well now you are not sure? A I am not sure, but
I think last March.

Q why did you say he was there last August? which
came first, last August, or last March? A I don't know

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which come first.

Q Where do you live? A 80 Catherine Street.

Q You are sure of that? A Yes.

Q What kind of a house is that--a white marble mansion, or what? A That is a red house.

Q A tenement house? A A tenement house.

Q How many families live in that house? A 22.

Q And you are the housekeeper? A Yes.

Q What is on the ground floor? A Yes.

Q What is on the ground floor there right off the street? A A store.

Q Two stores? A Yes.

Q Where did this defendant live? A In the basement.

Q Under the store? A Under the store.

Q What business is in the stores on the street floor?

A Barber shop and butcher.

Q Under which of these was his shop? A Under the barber.

Q He had a basement store? A Yes.

Q Does he still keep that store? A No, another man is there now.

Q When did this man go away from that store? A Two months ago.

Q You are sure of that? A Yes.

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BY MR. ADAMS:

Q How long had he been there before two months ago--
he was there in August of last year? A Yes.

Q Was he there since you were there? A No, I left
the place to him when he came.

BY THE COURT:

Q And that was over a year ago? A Yes.

Q Don't you know the months in a year? A I know
the months in a year.

THE COURT: (Addressing Official Interpreter
Moustaki) Tell her to state them in Italian.

What is the first one?

THE WITNESS: I would rather say it in Italian.

(The witness now speaks to the Interpreter.)

THE INTERPRETER: She has stated the twelve
months correctly in Italian, your Honor.

Q And you know that March comes before August,
don't you? A I thought you meant last August.

Q Well, that is what we do mean. Was he there last
August? A Yes, last August.

Q And he left there in March of this year? A Yes,
March of this year.

Q We haven't come to August yet of this year, have
we? A No.

BY MR. ADAMS:

Q What did he do there? What was his business?

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A Shoemaker.

Q Haven't you been in his place? A Yes, once in awhile .

Q A little place or big? A A small place.

Q Was it one room or two rooms or three? A One room.

Q Anything divided ? A No.

BY THE COURT:

Q Is there a partition in it, separating the back from the ~~back~~ front. A No, I rent one room.

Q You rent one room,- you rent him one room, but wasn't there some boards dividing it into two rooms?

A No.

Q No division at all in it? A No.

BY MR. ADAMS:

Q Whendid you go down there? A Wehn I go after the rent.

Q Do you know what a division means? A I know what division means .

Q What does it mean? A An apartment, to make from one room two rooms.

Q There was only one room?there? A Yes.

Q All the time? A All the time.

BY THE COURT:

Q Wasn't there a curtain there or something?

A Every time we do it without anything in it--one room.

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Q What was in the room when you saw it? Was there a bed there? A No.

Q No bed? A I don't go in there to look. I stand by the door and he gives the rent and I go out.

Q What did you see there? A Nothing.

Q Well, you saw shoes? A Well, shoes.

Q You saw the man? A The man.

Q And a little bench? A The little bench which he was working on.

Q Did he sleep there and cook there? A I don't know.

Q You don't know what he did there? A I don't know.

Q And you never went inside the door there? A No.

Q And you didn't pay much attention to what was in there if you did go inside? A No. When he don't bring--

Q You only went there for the rent? A Yes.

Q You weren't one of his customers? A No, sir.

Q You never visited him except to get the rent?

A No.

Q How much was the rent? A \$5.00 a month.

BY MR. ADAMS:

Q You won't swear there was any partition between this room or not?

MR. NOLAN: Objected to on the ground that he is

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cross-examining his own witness.

THE COURT: The jury understand her testimony, I think. She says she was never in the room and never paid any especial attention to it.

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Q/ Catherine street is in the city and county of New York, isn't it? You know that much, don't you?

A Yes, sir.

CROSS-EXAMINATION BY MR. NOLAN:

Q You let the stores there when they are vacant?

A Yes.

Q And you remember having left the store to this man (the defendant)? A Yes, sir.

Q How long ago is that? A Last March.

Q That is 14 months ago? A Yes.

Q He was there at that time? A Yes, he was there.

Q At the time that you rented the store to him, or prior to his taking possession of it as a cobbler's shop, was there any partition in the place? A No.

Q And since he went in there as a shoemaker, did you ever see any partition erected in the place? A I don't know, I didn't see nothing, because I didn't went in there at all. I just went by the door, asked for the rent and walk out.

Q How far is it from the door to the rear of the

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place? A When I go for the rent; I don't go and take notice what was in the basement.

Q But you have been in that store many times when it was empty? A Well, there was only one room, no partition was there.

Q What is the depth of the store, from the front door to the back--about how far from where you ~~are~~--can you show us here? A Well, not much. About that chair (indicating about 12 feet).

Q Is that the whole depth of that place? A Yes.

Q Are there any windows at the rear of that place?

A No.

Q None at all? A None at all.

Q Can you tell us whether the ceiling is on a level with the sidewalk or below the sidewalk or above it?

A (no answer.)

BY THE COURT:

Q Do you know what the ceiling is? A I don't know what he means now.

Q That is the ceiling (indicating ceiling in courtroom)? A Yes.

Q Is the ceiling of that store above the sidewalk or below it? A Below it.

Q The ceiling was? Not the floor--the floor was away below. A The ceiling.

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Q The ceiling was also below it? ~~YEH~~. A The ceiling, yes.

BY MR. NOLAN:

Q You are a married lady? A Yes.

Q Have you children? A Yes.

Q What are they, boys or girls? A Girls.

Q How many girls have you? A Two.

Q What are their ages? A One is 13 and one going on 12.

Q Have you ever sent them to this man's shop?

A Sometimes, yes.

Q Do you know other people in the neighborhood there who know this defendant Francesco Purpura? A Well, everybody know him around there.

Q And do you know what his reputation is among the people around for truth and honesty? A Yes.

Q What is it? A Well, everybody say he is a good man, but I know.

REDIRECT EXAMINATION BY MR. ADAMS:

Q How many people have you talked to about him?

A I never talk--like I heard talking the people.

Q How did it happen to come up that they talked about him, whether he was good or bad? A Well, they say in the street the poor man is up in trouble for

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