

nothing, that's what I know.

Q That is all you heard, after this came up? A Yes.

Q You don't know anything about this occurrence, do you? A No.

Q You don't know whether it took place or not?

A No.

BY MR. NOLAN:

Q So far as you know he is honest in his business dealings, is that what you mean? A Yes.

MR. ADAMS: I move to strike that out.

THE COURT: Motion denied. It is ~~the~~ for the jury to say how much weight they will give to it.

BY THE COURT:

Q Everybody in that neighborhood says he is a good man? A Yes.

Q You never heard anybody say he was a bad man?

A No.

Q He never fought? A No.

Q He wasn't put out of the house? A No.

Q He paid his rent? A Yes.

Q The police never went there? A No.

Q No fights? A No. He has lived two years ago in my building where I had the house.

BY MR. ADAMS:

Q So you know him very well, don't you? A Yes.

1972
CASE # 1170

Q He is a friend of yours? A Well, friend? Pay me the rent.

Q And you have known him two years? A Two years in one house and two years in another house.

Q Do you mean to say there nver has been a partition in this store? A Yes, I didn't see it.

Q Never been? A Never been before. I don't know now.

Q Don't you still live there? A Yes.

Q And you mean to say you don't know whether there is a partition now or not? A No, I don't take notice.

Q And you don't know then whether there was a partition or not? A Well, when I rented the store, there was nothing in the store - one room, that's all.

Q In August last you don't know whether there was a partition or not? A Yes, I don't know nothing.

Q You don't know whether there was a partition or not? A No.

THE COURT: she said she only went as far as the door, got the rent and went about her business.

BY THE COURT:

Q You never sat down and talked with that man?

A No, never.

BY MR. NOLAN:

Q Did you go there the first of August last year

CASE # 1170

to collect your rent? A well, how do I know?

Q He don't owe you the rent yet for the month of August now? A I don't go every time and ask for the rent.

BY THE COURT:

Q You go every month? A Yes.

Q You don't know whether it is the 1st or the 2nd of the month? A Yes
BY MR. NOLAN:

Q At any of the times that you went there on the 5th day of August, 1909, did you on any of those occasions observe a partition in the place, dividing the room off?

THE COURT: she said she never saw a partition there.

A There was not.

BY MR. ADAMS:

Q You don't always go there to get the rent, do you?

A Sometimes he will take me the rent upstairs. When he will be late and don't bring it I go down and ask for it.

Q So you don't go down very often? A No, no.

Q Very seldom, is that right? A Yes.

BY MR. NOLAN:

Q What do you mean by "very seldom"? How many times have you gone down there in the last year?

THE COURT: How can she remember that? If he

CASE # 1170

didn't bring her up the rent she went down--that is the story, isn't it?

THE WITNESS: Yes.

THE COURT: You don't make a note that he came up to pay you?

THE WITNESS: No.

1979

CASE #1170

1-

94

LENA SKENELLI, 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 54 New Chambers Street.

Q Do you know Violet Perano, this little girl over here
(Indicating complainant), A Yes sir.

Q Do you know the defendant here (Indicating defendant)?
A Yes sir.

Q Do you remember at any time going to his place with
Violet Perano? A Yes sir.

Q What sort of a place was it, what was it? A A shoe
shop, fixing shoes.

Q Where was that? A 80 Catharine Street.

Q When was that that you went there with her what
month was it? A August the 5th.

Q Where was this, what part of the house was it that
you went into? A The back room.

Q What is that? A The back room.

BY THE COURT:

Q On the roof, on the second floor or where? A Right
down in the basement.

Q In the basement? A Yes sir.

BY MR. ADAMS:

Q What time of day was it, as you remember it? A
Three o'clock in the afternoon.

CASE # 1170

1676

Q Morning or afternoon? A Afternoon.

Q Just tell his Honor and the jury what happened there. You went down there and what happened? You were with Violet Perano.

THE COURT: She says she went there with Violet at 3 o'clock in the afternoon on the 5th of August. Now state what happened.

Q State what happened? A (No answer)

BY THE COURT:

Q Did you get a plate of ice cream there? A (No answer)

Q Did you? A (No answer)

Q Did you get a plate of ice cream there, yes or no? A No.

Q What did you see or what was done? A (No answer)

Q Now, you must answer? Who was in the shop when you went there if anybody? A The shoemaker.

Q Which shoemaker? A That man (Indicating defendant).

Q What did the shoemaker do or say? A Violet went down ~~to him~~ and told him are her shoes fixed? And he said "Yes;" and she said to give it to her---she asked him to give them to her and he said "No".

Q What did he do then? A He asked her if she wants to fuck, and she stood there a little and after she said "Yes" and then went inside---she went ~~in~~ inside and lay on the

CASE # 1170

sofa and he went on top of her. After I peeped in---I was sitting on the chair and I peeped in and seen him on top of her.

CROSS EXAMINATION BY MR. NOLAN:

Q How long do you know Violet? A It is long I know her.

Q Well, how long? A I don't remember how long.

BY THE COURT:

Q Where did you live at this time? A 54 New Chamber Street.

Q How far is that from where Violet lived at that time?

A One block.

BY MR. NOLAN:

Q Violet is your friend, isn't she? A Yes sir.

Q And you are Violet's friend? A Yes sir.

Q That is what you call each other when you speak of each other to anybody else? A Yes sir.

Q Do you remember what kind of a day the 5th day of August, 1909, was? A No sir.

BY THE COURT:

Q Was it raining? A No.

Q Are you sure it was not raining? A It was not raining, no.

BY MR. NOLAN:

Q Was the sun shining? A Yes sir.

Q What time of the day was it that she went there? A

CASE # 1170

Three o'clock. It was on the afternoon.

Q Whom did you first tell that you had been to this place with Violet on the 5th day of August 1909? A (No answer
BY THE COURT:

Q Who was the first person you told? Did you ever tell anybody about this? A No, only me and Viny. The first one I told was Cook.

BY MR. NOLAN:

Q When was that? A That was on Sunday when he took me up to 23rd Street.

Q Do you remember what Sunday that was? A No sir.

Q What did Mr. Cook say to you when he first came to take you to 23rd Street? A He asked me if I knew him and I said yes.

Q If you knew whom? A The shoemaker---I don't know his name.

Q And when you got to 23rd Street was there anybody there that you knew? A No sir.

BY THE COURT:

Q Was that shoemaker there? A No.

Q How did you know what shoemaker he was talking about? Don't you know more than one shoemaker? A No sir.

Q You only know one shoemaker? A I only know him.

Q What? A I only know that there one (Indicating defendant).

BY MR. NOLAN:

Q Was there anybody at 23rd Street that you knew? A
No sir.

Q No one at all? A No sir.

Q Was Violet there? A No sir.

Q She was not there? A Not there.

Q When was Violet brought there? After? A She
was brought there I think on Thursday.

Q Before or after you? A Before.

Q Yet you say you did not see her when you went
there? A Well, when they took me upstairs I seen her.

Q When ~~xxx~~ they took you upstairs you saw her? A Yes.

BY THE COURT:

Q What do you mean by upstairs---to sleep? A No,
upstairs where all the girls are brought.

Q First you were taken in an office, were you? A Yes.

Q Who was there? A Cook and me and two other girls.

Q Did you know those other girls? A Yes sir.

Q Italian girls. A Yes sir.

Q What did Cook say to you? A He asked me if I knew
that man and so I said "Yes".

Q Did he say President Taft, or Mr. Diaz or what? How
did he describe that man? You didn't know that man---you don't
know his name now do you? A No sir.

Q How did he describe him? He didn't say "That man",

did he. A No sir.

Q That man wasn't there? He didn't point to him, did he?

A No sir.

Q Well, what did he say? A He told me if I had anything to do with that man.

Q Well, I know, but he didn't use the word "That man". How did he describe that man? A I don't know.

Q Did he say "The man on horse back in Union Square?" A I don't know if he did.

Q You don't know whether he did or not? He must have said something to you? A Well, I don't remember.

Q Did he say "Do you know John Brown"? Now listen to my questions and just answer them too. What did he say to you? A I don't remember.

Q He didn't say "That man" because that man wasn't there to point at? How did he describe that man to you? A (No answer).

Q You can't tell? A (No answer)

THE COURT: Go on, Mr. Noland.

BY MR. NOLAN:

Q Can you recollect anything that Mr. Cook said to you at that time? A No sir.

Q Did Mr. Cook tell you that you were to remember that it was on the fifth day of August last that you were

CASE # 1170

in the shoemakers? A No sir, he didn't tell me nothing.

Q How many other people have you talked to about what testimony you were to give here since that Sunday you were taken to Mr. Cook's. A First it was Mr. Cook and after Pizzaro.

Q Have you talked with Mr. Adams? A Yes sir.

Q With Mr. Moore? A Yes sir.

THE COURT: No matter with whom you talked, tell us all about it.

Q Which one of them was it that told you that you were to remember that it was the fifth day of August 1909?

THE COURT: She hasn't said that any of them told her that.

MR. ADAMS: I do not think it is a proper question.

(Question withdrawn.)

Q Did any of these men with whom you have talked about this case and about the testimony that you were to give when you were called into court tell you that it was the 5th day of August 1909?

MR. ADAMS: She didn't say so.

THE COURT: Do you understand that question.

THE WITNESS: Yes sir.

A No, nobody told me.

Q Well then will you tell us how you remember it was

CASE # 1170

the 5th day of August 1909? A Violet was say ing that,
August 5th.

BY THE COURT:

Q Violet told you? You wouldn't swear it was not August
6th, would you? A No maam.

Q Or August 4th or September 4th, would you? A No
maam.

Q Or October 4th? A No maam.

Q Or November 5th? A No maam.

Q Nor December 4th? A No maam.

Q It might have been any of those dates as far as you
know, is that so? A (No answer).

Q Can't you answer that question? A No maam/

Q You can't answer it? You are a very modest little
girl now, aren't you? Are you always as quiet as this
A No maam.

Q Well, why don't you speak out and answer the
question? You either know them or you don't know them? A
(No answer).

THE COURT: Proceed, Mr. Nolan.

BY MR. NOLAN:

Q Did you ever talk with Violet about it afterwards?
A Yes sir.

Q About having been there? A Yes sir.

closed it and I sat on the chair.

BY THE COURT:

Q What door did he close? A Well you go down stairs there is a door and he closed it.

Q You mean the street door? A No sir.

Q Well it is the door leading out of the shop to go upstairs to the street, isn't it---that is the door you are speaking about? A (No answer).

Q Was there a door inside the shop? A Yes sir.

Q What was inside the shop? Describe it---when you went in there? A There was a table, there was a lot of nails on it to fix the shoes, and there was a chair and a sofa a stove, and that's all.

Q Were they are in the one room the sofa and stove? A No sir.

Q Where was the sofa? A In the back room.

Q How was that back room separated from the front room, do you understand that question? A He put a lot of boards and after he left just a little space and he put a curtain on.

Q Did he do that while you were there? A No, it was there.

Q It was there when you went in? A Yes sir.

Q Which room were you in? A I was in the front room.

CASE # 1170

Q And where did this talk between him and Violet take place? A In the front room.

Q And you heard it? A Yes sir.

Q And you stayed there? A Yes sir.

Q And you saw Violet go inside? A Yes sir.

Q And you knew what she was going in for? A Yes sir.

Q And you pulled the curtain aside and looked at them?

A Yes.

Q And you sat down? A Yes sir.

Q Who came out of that room first? Violet or ^{he?} him? A First Violet came out.

Q What did you say to Violet when she came out? A She came out and took away the shoes and we went upstairs and went out.

Q Didn't you say anything to Violet then? A No sir.

Q Not a word? A Yes, we were speaking.

Q Didn't you ask her what this man had been doing? A Yes sir.

Q Then you did say something to her? A Yes sir.

Q What did you say to Violet there? A I asked her how much he gave her and she said "a quarter".

Q You knew what he had done, is that the idea? A Yes sir.

Q You didn't have to ask that, but you wanted to know how much money she got for it, is that it? A Yes sir.

CASE # 1170

Q She said "a quarter" A Yes sir.

Q Had you ever had any experience of that kind? A
Yes sir.

Q You had done what Violet did there, is that it?
A Yes sir.

BY MR. NOLAN:

Q Do you talk Italian? A Yes sir.

Q When you and Violet entered the place who spoke
first, this man or Violet? A Violet.

Q Did she speak in English or Italian? A In English.

Q What did you hear her say? A She asked him for
the shoes.

Q What did he say? A He said no.

Q Who spoke next? A He spoke.

Q What did he say? A He said---he asked her for a
fuck and so she stood there a little bit and after she went
inside.

Q She didn't say anything? A No sir.

Q But walked inside, is that right? A Yes sir.

Q How far were you standing from where Violet and
this defendant was standing? A Two feet.

Q Was he standing up or sitting down when you went in?
A He was laying on top of her.

Q Did you go into the rear room? A No, I pulled the

CASE # 1170

curtain over.

Q When you first went into the place, the front room, where was he? A He was in the front room fixing the shoes.

Q Had you ever been in the place before? A No sir.

Q Sure of that? A After that I went.

BY THE COURT:

Q That was the first time you were ever there? A Yes sir.

BY MR. NOLAN:

Q Did you say to Violet when you say she came out from the rear room "What did he do?" A Yes sir.

Q You did say that? A Yes sir.

Q You are sure that was what you said? A I think I asked her.

Q You didn't know what he did then?

THE COURT: Do you understand that question.

THE WITNESS: Yes sir.

BY THE COURT:

Q When you asked her "What did he do?" Did you really know what he had done? A Yes sir.

Q Why did you ask her? That is the question---just to see what she would say? A Yes sir.

Q Didn't she see you looking in? A Yes sir.

Q She did see you looking in? A Yes sir.

CASE # 1170

Q How do you know she saw you? A She had her head up.

Q And her eyes were turned towards you when you---

A (Interrupting) Yes sir.

Q Then when you saw her looking what did you do with the curtain? A I left it go and I got down.

Q You had seen all you wanted to see, was that it? A Yes sir.

BY MR. NOLAN:

Q How long did you remain looking in through this curtain? A I don't remember.

Q How long was Violet in there altogether from the time she went in until she came out? A About five minutes.

Q Did you stand there looking in for all of that time? A No sir.

Q Well, did you just pull the curtain and then let it drop again? A Yes sir.

Q You just glanced in there? A Yes sir.

BY THE COURT:

Q Were you sitting down or standing up? A I was sitting down.

Q You were sitting in the chair and just pulled the curtain aside and look in and dropped the curtain back, is that it? A Yes sir.

Q How did you do it? Show the jury how you did that?

CASE # 1170

A I was sitting down and I moved the curtain like that and looked and let it go (Indicating).

Q Didn't you move your body over? A Yes sir.

Q Well, what did you do? A Here was the curtain (Indicating) and I moved like that and she looked and I left it go.

Q Didn't you have to lean around or look around the edge of the door? A Yes sir.

Q Well, why didn't you show us what you did? How old are you? A 14.

Q Where were you born? A In Europe.

Q What part of Europe---it is a big country? A I don't know the part of the country.

BY MR. NOLAN:

Q Did you ever have any trouble with this defendant?

A Yes sir. No trouble, I never had trouble.

Q Did you talk to anybody about this occurrence afterwards? A No sir.

BY THE COURT:

Q You never mentioned it to a living being until Cook brought you up to his office? A No sir. I only mentioned it to Violet that's all.

Q You and Violet talked it over? A Yes sir.

BY MR. NOLAN:

Q You are sure you and Violet talked about it many

CASE # 1170

times? A Yes sir.

Q But outside of that you never talked with anybody else? A No sir.

Q Until you were taken to 23rd Street by Mr. Cook. ?
A Yes sir.

Q You didn't make any memorandum---you know what that is---you didn't write down the date or the time? A No sir.

Q At any time after this occurrence? A No sir.

Q And when after you were taken to 23rd Street for the first time did you hear that it was the 5th of August at 3 o'clock in the afternoon---who did you first hear say that? A Violet told me about it.

BY THE COURT:

Q Violet told you that was the day? A Yes sir.

Q Don't you remember whether it was Summer or Winter? A I think it was Summer.

Q School time or vacation? A Vacation.

Q Last Vacation? A Yes sir.

Q Do you go to school? A No sir, I was to the country.

Q What school do you go to? A I was to the country.

Q What school did you go to? A I went to St. James

Q You didn't go to the Henry Street school? A No sir.

Q And you went to the country after school closed? A Yes sir.

CASE # 1170

Q What part of the country? A East Filey (?) New Jersey.

Q How long did you stay there? A I think around six months.

Q What do you do now? A Nothing I am doing.

Q Did you ever work? A Yes sir.

Q Where did you work? A Cleaning nuts---picking them.

Q For a candy store or fruit store? A No, for a factory, in vacation.

Q In vacation? A I don't know when it was.

Q How long is it since you stopped going to school? You are not going to school now are you? A No sir.

Q How long? Haven't you any idea of the time you stopped? Can't you tell us how long ago you stopped going to school? A No sir.

Q And how many places have you worked since you stopped going to School? A One place?

Qx What was the name of that place? A I don't know the name of it.

Q You worked, but you don't know where you worked, is that it? A The street?

Q What street was it? A Greenwich Street.

Q Didn't somebody pay you? A Yes sir.

Q Who gave you your money? A His name is Spencer.

Q Don't you know how many times you got paid there?
That is, how long you worked? A No sir, I don't remember.

Q How much a week did you get? A \$3.50

Q And you don't know how many times you got the \$3.50?
A I got it a lot of times.

Q Was that lately, when did you get the last \$3.50.
A About a month ago.

Q Can't you give us any idea of when you stopped going to school? A No sir, I don't remember.

Q I want to find out how you say this was in August.
If you were at school you might fix it by whether it was school time or vacation, but you don't know whether you were going to school or not? A I don't remember because Violet was saying about it and that is how I said too.

Q You said the 5th of August because she said it?
A Yes sir.

Q And you can't give any reason in the world why it was the 5th of August? A No sir.

Q Now you are sure you did not dream the whole thing?
A No sir.

Q You are actually sure that you saw what you have told this Jury? A Yes sir.

Q And you never told anybody about it? A Only me and Violet, that's all I told.

Q And when Violet came out that day and you both went

away what did she do with the quarter? A I don't know what she did with it.

Q She didn't give you any of it? A No.

Q You didn't ask her for any of it? A No sir.

Q You didn't say you would tell if you didn't get some of it? A No sir, she didn't give me nothing.

Q And you didn't ask for anything? A No sir.

Q And you never gave it any further talk until Mr. Cook brought you up to his place there? A No sir.

Q Can't you remember now how Mr. Cook asked you about it? What did he say to you? Can't you remember. How did he fix that man, that is what we want to know. He didn't give you his name and you didn't know his name at the time, did you? A No sir.

Q Did you ever ask Violet what his name was? A No sir.

Q Did you ever see that man from that day to this? A Yes sir. I went down there.

Q You went down there yourself afterwards? A Yes sir.

Q So that you know him pretty well, is that it? A Yes sir.

Q And you are sure that that man sitting there (Indicating defendant) was the man that was in there when you went in there with violet? A yes sir.

Q You have no doubt about that? A No sir.

Q But you cannot tell what Mr. Cook said to you? How did he describe him? Did he say "Do you know the shoemaker"?

A Yes sir. He told me "Do you know him?" And I said "Yes".

Q But what shoemaker? There are two or three shoemakers in New York, aren't there? A Yes sir, lots of them.

Q How many do you know? A I only know one.

Q That is your shoemaker there (Indicating defendant) is it? A (No answer)

Q Are there other shoemakers around your street? A Yes sir, lots of them.

Q There is one right next to you, isn't there? A No sir.

Q One right on your block? A Yes sir.

Q How did you know which shoemaker he meant? A He told me do I know the shoemaker that lived in 80 Catharine Street and I said yes.

Q Why didn't you say that before? He asked you if you knew the shoemaker that lived in 80 Catharine Street---A And I said yes.

BY MR. NOLAN:

Q Did he ask you if you remembered the shoemaker in Catharine Street that you and Violet had been to see? A Yes

CASE # 1170

sir.

Q That was what he asked you. And the only reason that you remember that it was the 5th day of August at 3 o'clock in the afternoon is because Violet told you so? A Yes sir.

MR. ADAMS: I object to that as to form.

THE COURT: Objection overruled.

Q How long did you know this defendant before that day when you say you went in there with Violet? A I knew him when Violet took me down there.

BY THE COURT:

Q You didn't know him before that day at all? A No sir.

Q That is the first time you saw him? A Yes sir.

BY MR. NOLAN:

Q Did you know him when he had a shop in Roosevelt Street? A No sir.

Q Where did you meet Violet that day? A I don't remember where we meet ourselves.

Q Your entire recollection of what took place on that day is simply the result of conversations you have had with Violet up at the Gerry Society?

Objected to. Objection overruled.

(Question withdrawn) .

Q Except for what Violet has said to you since you have

CASE # 1170

both been at the Gerry Society you don't remember what date it was or what day it was either? A No sir.

Q And all you have said here is simply the result---

THE COURT: She has said she wouldn't swear whether August September or October or November or December; she thought it was August---a sunshiney day.

BY THE COURT:

Q Was it a warm day or a cool^{day}? A A warm day.

Q Did you have your hats on? A No sir.

Q Just playing in the streets without your hats when you met Violet? A Yes sir.

Q What did she say? She told me did I want to go with her to get her brother's shoes.

Q What did she say? "I am going to the shoemaker's will you come along?" She told me if I want to go with her and I said yes.

Q She asked you, you mean? A She asked me if I wanted to go with her and I said yes.

Q Where were you at the time? A No sir, I don't remember where I was.

Q Were you in your house? A I remember I was on the street.

BY MR. NOLAN:

Q You have been in the custody of the children's society ever since that Sunday.

THE COURT: Do you know what "custody" means?

THE WITNESS: No sir.

Q You have been up at 23rd Street all of the time since?

A Yes sir.

BY THE COURT:

Q You just came from there to-day? A (No answer).

BY MR. NOLAN:

Q And Violet has been there since? A Yes.

Q You and Violet were not playing on the street that day August 5, 1909, were you? A I don't remember if we was just or not.

Q You and Violet are in the habit of going around visiting different men, aren't you? A Yes sir.

Q And have been for some time?

MR. ADAMS: I object to that and move to strike it out. It doesn't say what it means---in the habit of visiting certain men.

THE COURT: You may go into that on your examination. Motion denied.

BY THE COURT:

Q What do you mean by visiting men---doing what you say Violet and this man did? A I don't know what you mean by it.

Q You saw what this man did to Violet? A Yes.

Q Did any man ever do that to you? A Yes sir.

Q How many times? A Once.

Q Only once? A Yes sir.

CASE # 1170

Q One man. A Yes sir.

Q Did it once? A Yes sir.

Q He asked you if you and Violet were not in the habit of going around to men---do you know what habit means?

A Yes sir.

Q Repeated action. Do you know what habit means? A Yes sir.

Q Repeated action---something you do always? A Yes sir.

Q You don't go around every day to see men, do you?

A No sir.

Q How many times did you go around with Violet to see men? A I only went around with her once.

Q Did you ever see anybody else do it to her but that man (The defendant)? A Only that man I saw do it to her.

Q Had anybody ever done it to you before that day? A No sir.

Q How did you know what they were doing? A After that I went down.

Q How did you know at that time what they were doing? Did you know what he asked for when he spoke to her as you say? A Yes sir.

Q You knew what he wanted? A Yes sir.

Q You had a good idea of it? A Yes sir.

Q Although you had never done it? A No sir.

BY MR. NOLAN:

CASE # 1170

Q Did you know this other girl, Lucy Decabia? A I know her.

Q How long do you know her? A Since they took me to the Gerry Society.

Q You didn't know her before that time, did you? A I seen her on the street, but I never spoke to her.

Q Did you ever see her with Violet? A No sir.

Q She was never with you and Violet wherever you went, was she? A No sir.

Q She wasn't with you on the 5th day of August 1909?
A No sir.

Q Have you and Violet frequently talked about this up at the Gerry Society's rooms? Since the 15th of April?

THE COURT: Talked about what?

BY THE COURT:

Q Do you know what "frequently" means Frequently means very often---ten---twenty times. Have you and Violet ever talked about this case at all? A Yes sir, we talked a lot of times.

BY MR. NOLAN:

Q And you have talked about it since you have been up at 23rd Street? A Yes sir.

Q Was this other girl Lucy present when you and Violet were talking about it in 23rd Street? A No sir.

CASE # 1170

Q Had she been up there ? A (No answer)

BY THE COURT:

Q You met her up there, didn't you? A Lucy Decabia?

Q Yes? A Yes sir, she is up there.

Q Has she been up there with you all of this time? A
Yes sir.

MR. ADAMS: I think that is immaterial.

THE COURT: She has answered it.

MR. ADAMS: I move to strike it out as immaterial.

THE COURT: What difference does it make. Motion
denied. The greatest latitude is allowable on cross
examination. If it leads to nothing it does no harm.

BY MR. NOLAN:

Q You don't know where that girl lives, do you?

Objected to as immaterial. Objection overruled.

A I think she lives in 9 James Street.

BY THE COURT: You don't know whether she does or not? You
never went to her house, did you? A No sir.

Q Never played with her? A No sir.

Q Never walked with her? A No sir.
up there

Q And you have talked to her ~~but~~ ~~not~~ about this
case? A No sir.

Q And you and Violet have not talked to her about this
case. A No sir.

MR. ADAMS: Now I move to strike out all about Lucy

CASE # 1170

because I could not produce her on the stand in any case. He may sum up and say something about Luvy not being here

THE COURT: The Jury are going to confine their attention to three points:m How old this girl is? Did she have intercourse with this defendant on or about that date? And was she his wife? If they decide those three points on the evidence that is all they have to decide.

BY MR. ADAMS:

Q You never had any trouble with this defendant? A No sir.

Q How many times did you go down there to his place with Violet Perano? A Once.

Q His Honor asked you if you had had anything to do with men and you said once. Was that before or after you had been down there with Violet?

THE COURT: She said after.

Q Now, this room, was it one room or divided---

THE COURT: Oh, we have been all over that question.

Q And you could see in there? A Yes sir.

Q You live with your parents? A Yes sir.

Q Now you said to his Honor that you didn't know what month it was in, but was it in vacation or was it in school time that you went down there? A I think it was in vacation.

CASE # 1170

THE COURT: She said she didn't know how long she had stopped going to school. The jury have heard all that.

Q Well, you weren't going to school at that time, were you? A No sir.

Q And you say it was warm weather, was it? A Yes sir.

Q And you only went down there once? A I went down there once with Violet and after I went down myself.

THE COURT: When she went down herself, that has nothing to do with this case.

MR. ADAMS: I am aware, your Honor, that I cannot bring that out.

Q And you did see what you told the jury you saw? You did see in that room this defendant here do to Violet what you say you saw him? A Yes sir.

Q Where was he? A In the back room .

Q What was he on? A He was on top of Violet?

Q What was she on? A On a sofa.

RE-CROSS EXAMINATION BY MR. NOLAN:

Q Where was that chair that you were sitting in there?
A Just by the door.

Q By what door. A There is a curtain here and there was the chair here (Indicating).

CASE # 1170

Q Was the chair up against the partition or up against the wall? A Up against the wall.

Q That is the side wall, is that it, as you come in the front door? A Just by the curtain I mean.

Q Where was the back of the chair--up against the wood partition or up against the side wall? A By the wood.

Q So that when you sat in that chair as you are sitting now you were looking towards the street, is that right? A Yes sir.

Q And in order to look in there you would have to turn around, would you? A Yes sir.

Q You say you saw a sofa in the room? A Yes sir.

Q How far away from where you were sitting in that chair was the sofa? A I don't remember.

BY THE COURT:

Q Can't you point out? Step down there and point out? Here is the curtain there (Indicating end of small table in front of jury box). How far was the ^{sofa} ~~curtain~~ from the bottom of the curtain inside? How far from where you stood was the sofa this way from the curtain? How many steps would you have to take to go from that curtain to the sofa? A Two steps. (Witness walking two steps).

BY MR. ADAMS:

Q Was the sofa on the side of the wall or back of the wall? A Right---

BY MR. NOLAN:

Q You say it was just two steps from the curtain to the sofa? A Yes sir.

Q Was the sofa against the back ~~max~~ wall or against the side wall of the rear room or against the inside of the partition? A The side wall.

Q What kind of a sofa was it? Can you describe it to us? A No sir.

Q Was there a head or foot to it? A (No answer)

BY THE COURT:

Q Was there a raised part on it---a low part or what?
A The head was on top of the sofa.

Q Whose head do you mean now? A Violet's.

Q We are speaking about the nature of the sofa. Was it all flat or raised in one part, do you know. A It was flat and on the side it was high like this (Indicating), like there was a pillow.

BY MR. NOLAN:

Q That is at one end? A Yes sir/

Q Was that end nearest to you? Or furthest away from you? A Nearest .

Q That was the end that was nearest to you? A Yes sir.

Q Was there any light in this back part of the shop? A (No answer).

BY THE COURT:.

CASE # 1170

Q Was there a lamp burning there ~~fx~~ or a gas light, or a candle? A No sir, nothing.

Q And there were no windows at the back there? A No sir.

BY MR. NOLAN:

Q Now at any time during that momentary glance that yiu took in through the curtain---

Objected to; objection overruled.

Q (Continuing) Did you see the defendant expose any part of his person?

Objected to. Objection overruled.

A (No answer)

BY THE COURT:

Q Before you pulled aside that curtain and looked in had you seen this defendant expose his person---unbutton his pants? A No sir.

Q Where did he unbutton his pants, if he did it? A Inside of the room.

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

Q You saw him standing up on the outside room? A Yes.

Q And when you looked in the inside room he was---

A (Interrupting) Laying on top of her.

Q Was he quite motionless when he was lying on top

174
1706

CASE # 1170

of her? A He was going up and down.

BY MR. NOLAN: You didn't see any part of his person, did you, when you looked in there? A No sir.

THE COURT: Gentlemen of the Jury, the Court will take a recess until 10:30 o'clock tomorrow. Meanwhile, be extremely careful not to discuss this case among yourselves, nor with any one whatsoever, and do not come to any conclusion on it---that is do not make up your minds, until the case is finally submitted to you by the Court for your consideration.

Bail continued.

(Adjourned to Thursday May 19th, 1910 at 10:30 A. M.)

CASE # 1170

New York Thursday May 19, 1910.

TRIAL RESUMED.

VINCENT T. PIZZARO, 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 297 Fourth Avenue.

Q What is your business? A

MR. NOLAN: I respectfully move to strike out all the testimony of the last witness, Lena Skenelli, on the ground that it does not in any degree tend to corroborate the testimony of the complaining witness Perano.

THE COURT: I do not understand why you say that. She says she saw them in the act.

MR. NOLAN: She does not know when, what time or anything else, except that she stated that this girl Violet told her.

THE COURT: Motion denied. She was only there one day with this girl she claimed, and she said finally that that was in the Summer time.

MR. NOLAN: Exception.

Q What is your business? A Special officer of the New York Society for the prevention of cruelty to children.

CASE # 1170

Q That is authorized by the Legislature? A Yes sir.

Q How long have you been in that capacity? A Fifteen years.

Q Now did you take into the charge of the Society the complainant here, Violet Perano? A Yes sir, in company with officer Cook of the Society.

Q When was that, officer? A That was on the 13th of April 1910.

Q Had you been to the school? A Yes sir.

Q In consequence of what you learned there you took her in custody, did you? A Yes.

Q Did you see the defendant at any time here? A I did.

Q When did you see him? A On the 15th day of April 1910

Q In consequence of what you were told you went to his place, did you? A I did.

Q Where? A I went somewhere else before I went to him.

BY THE COURT:

Q Well, did you go to his place? A 106 Cherry Street.

BY MR. ADAMS:

Q Did you find him there? A I did.

Q And who was with you at that time? A No one actually with me. There was some one else, but they were not with me, they were waiting for me on the corner.

Q Did you say anything to the defendant? A (No

CASE # 1170

answer).

BY THE COURT:

Q You went into the place alone? A Yes sir.

BY MR. ADAMS:

Q Did you say anything to the defendant? A I did.

Q Did you speak in English or Italian? A Italian.

Q You speak Italian, do you? A I do. I knocked on the door that had been pointed out to me, and the door was opened by the defendant and I asked if a party named Purpura lived there? He said "Yes, that is my name". I said "Will you mind stepping out in the street for a minute? Some one wants to see you." And I got him in the street. I pointed out to officer Cook, Miceli and Digilio and the girl Violet Perano to come over to me.

BY THE COURT:

Q How many officers was that? A Four. And they came towards where I and the defendant was, and I asked the defendant if he knew the girl.

Q What did you say to him? A I said "Do you know that girl"?

Q What girl? A Well, I didn't mention any name to him.

Q Where was the girl? A She was coming towards us with the officers.

BY MR. ADAMS:

CASE # 1170

Q Did you point her out to him? A Yes sir, I did.

Q That is the complainant that was here ~~in~~ before--- Violet? A Yes sir.

Q Go on? A He says he knew her, she had taken shoes to his place to have them fixed. When the girl got nearer I said "She says you had sexual intercourse with her." He said "She is not telling the truth, I never did any such thing to her." I told him he was under arrest, and we walked up Catharine Street as far as the corner of East Broadway and ~~2nd~~ Catharine Street, where officers Miceli and Digilio and the defendant separated from us. Before they separated I asked the defendant again---I said "This girl says you gave her 25 cents and that you had sexual intercourse with her in a basement when you were in 80 Catharine Street." He said "I didn't", He says to the girl "Did I give you a quarter?" And she said "Yes, you did". And he said "No, I didn't." Then he was taken away by the two officers and I came to this building with the girl.

Q Did you go to 80 Catharine Street? A I did.

Q With whom? A I went alone.

BY THE COURT:

Q When did you go there? A On the 15th day of April 1910.

BY MR. ADAMS:

CASE # 1170

Q What did you find there?

THE COURT: How is that material---on that date?

Q Did you go into the basement there? A I did.

Q Did you find a cobbler's store there? A Yes sir.

THE COURT: What difference does it make what was there on the 15th of April?

MR. ADAMS: I want him to describe it.

THE COURT: You are describing something existing eight months after the alleged occurrence. First prove it was the same as it was eight months before.

BY THE COURT:

Q Were you there in August? A I was not.

Q Never there in your life until the 15th of April?

A No sir.

Q You don't know what condition that place was in on the 5th of August? A No sir.

MR. ADAMS: May he describe what the condition was?

THE COURT: No.

MR. ADAMS: I will ask the question. Your Honor may deny it.

THE COURT: What is the use? You are only wasting time. You have had testimony concerning it.

Q Did you go there again? A I did.

Q With whom? A With officer Cook.

Q When did you go there with him? A On the 18th of April.

Q And you went in the cellar then, did you--the cobbler's shop? A Yes.

THE COURT: The testimony of this witness does not affect the defendant in anyway? He merely arrested him---had him arrested.

MR. ADAMS: He admitted he knew the girl---the girl had been down there.

THE COURT: Certainly, but he denied that he had anything to do with the girl.

CROSS EXAMINATION BY MR. NOLAN:

Qa Will you ask the witness if that is his signature, Mr. Officer.

(A paper is handed witness)

Q You have seen this short affidavit? A I have.

Q Prepared in the City Magistrate's court? A I have.

Q Is that your signature attached to it? A That is my signature.

Q And that was fixed on the 15th day of April 1910? A Yes sir.

Q And is that a truthful statement of the facts as they then were known to you? A Yes sir.

CASE # 1170

MR. NOLAN: I offer this affidavit in evidence.

No objection.

Received in evidence and marked Defendant's Exhibit A.

Defendant's Exhibit A is now read to the Jury by
Mr. Nolan.

Q Is that a correct statement of the information that
was given to you by the witness Violet Perano? A That is
the information she gave me at the time I drew that affidavit?

Q And it was upon that information that arrested this
defendant? A Yes sir.

RE-DIRECT EXAMINATION BY MR. ADAMS:

Q Did you arrest any one else for a crime committed on
the first day of March 1910?

Objected to. Objection sustained.

Q Was there another arrest at that time?

THE COURT: I will sustain the objection. It will
be conceded that there are thousands of arrests a day
in the United States, I suppose. We are trying one
case here not any other.

Q When did you first get the information which you have
made in that affidavit? (Defendant's Exhibit A) A On the
15th day of April.

Q And when was that told you? A On the 15th day of

CASE # 1170

April.

Q That this took place on the first day of March 1910, was it? A Yes sir.

Q And did you get a further statement at any time? A I did.

Q And what was that further statement?

THE COURT: Well now that is not in evidence.

MR. ADAMS: Well, I want to ask him.

THE COURT: But you cannot put it in evidence.

He might have been told something last night about the tail of the comet; is that evidence in this case? The only testimony that can be considered by this jury is the testimony of sworn witnesses on the stand in their presence---of what they know. He made that statement on information he received at that time. He swore to it and it will be assumed he believed it.

H A R R Y J. C O O K, called on behalf of the people, being first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. ADAMS:

Q What is your address? A 297 4th Avenue.

Q What is your business? A I am an officer of the Society for the Prevention of ~~Sex~~ Cruelty to Children.

Q How long have you been such officer? A Going on four years.

CASE # 1170

Q Were you present or did you arrest the complainant in this case, Violet Perano? A I did, yes.

Q And where was that? A That was at Public School #1.

Q Where Miss Davis is the principal, who appeared on the stand here? A Yes sir.

Q And did you learn from her when the occurrence took place.

Objected to. Objection sustained.

THE COURT: All you can ask him is did he have a conversation with her, without in any way giving the contents of the conversation.

Q Did you have a conversation with her? A I did.

BY THE COURT:

Q As a result of that conversation you arrested this defendant? A Yes sir.

BY MR. ADAMS:

Q Did you make that affidavit in court, in the police court (Handing another affidavit to witness)? A Yes.

MR. ADAMS: I offer it in evidence.

MR. NOLAN: No objection.

Received in evidence and marked People's Exhibit 1.

People's Exhibit 1 is now read to the Jury by Mr.

Adams.

CASE # 1170

Q When did you first see the ~~defendant~~ complainant Violet Perano? A I first saw her at Public School #1. I think it was on April 13.

Q Was it then that you got the information from which you made this affidavit? A No. I got it that night up in the Society's rooms---I questioned her up there.

Q The 13th day of April? A 13th day of April.
BY THE COURT:

Q The sole source of your information was the statement made by her? A Made by her, yes.

BY MR. ADAMS:

Q Did you ascertain where the deed was perpetrated?
A I did.

Q How did you ascertain that? A I took the girl in company with officer Pizzaro from the Society's room---

Q Who? A Violet Perano, and she took us to this basement at number 80 Catharine Street. Officer Pizzaro went down---

Q In other words she knew where 80 Catharine Street was? A Yes, she took us right to the place. That place was a basement and under a barber shop. It is a five story tenement building and there is a shoe store, a shoe repair shop, in underneath.

Q One or two rooms there. A One large room divided almost in half; a partition.

CASE # 1170

Q You went on the 19th of April? A Yes sir.

THE COURT: I excluded that testimony before. The question is what was there on the 15th of August.

Q Were you present when the defendant was arrested?

A I was.

Q Where were you at that time? Where was he arrested?

A I was on the south side of Catharine and Cherry Streets, and officer Pizzaro was on the stoop of 106 Cherry Street with the defendant and he motioned to me to bring the girl to wards him and I brought the girl up to the defendant. Officer Pizzaro spoke to him in Italian, and I don't know what he said.

Q You didn't hear the conversation? A I heard it but I couldn't understand it.

Q Then he was taken to the police Court? A Yes sir.

Q And the girl was there? A The girl was there.

Q And was this other girl also there, the Skenelli girl that was on the stand? A Not at that time, no.

Q And these other two girls were with you when the arrest was made? A Yes sir.

Q Did they hear any of the conversation? A That I don't know.

Q Were they near enough to hear the conversation? A They were right alongside of me.

CASE # 1170

CROSS EXAMINATION BY MR. NOLAN:

Q Your affidavit made in connection with this complaint is dated some five days after the arrest of this defendant, isn't it? A After the arrest?

Q Yes, dated on the 19th day of April? A Yes, he was held on the short affidavit first.

Q That short affidavit was made by officer Pizzaro, did you know that? A I think so, yes.

Q And were you present in the Magistrate's Court on the morning or afternoon of the 15th of April when the defendant was arraigned Before the City Magistrate? A No, I was looking for another defendant.

Q What? A I went to look for another defendant.

Q Well, were you present in court at any day when the defendant's case was about to be presented to the Magistrate?

A I may have been.

THE COURT: He may testify to any statement made by the defendant or any statement made in the defendant's presence and hearing that's all; or any act that you know of which he did which in any way tends to show that a crime was committed, and connect him with it. If you know of any such statement made by him or acts done by him or statements made in his presence, all right.

THE WITNESS: I don't know that, Judge. They

CASE #1170

were Italians.

MR. NOLAN: We are going into this matter on different dates, five days apart. I think the Jury might just as well get the facts as to how they make sworn statements.

THE COURT: This defendant is to be tried upon the testimony of credible witnesses produced here in his presence, before this Jury; not on rumors.

MR. NOLAN: But after having heard a witness state she gave testimony that was put into her mouth this jury is entitled to have all the facts.

BY MR. NOLAN:

Q How many times have you conversed with the complainant, Violet Perano? A Three or four times.

Q Are you positive of that? A Yes sir.

Q It was not five or six? A No.

Q Quite positive it was not five or six? A Yes.

Q Were you present on other occasions when somebody else other than yourself conversed with her? A No.

Q Did you ever tell her to use the expression "private parts"? A No sir.

Q Sure of that? A Positive.

Q And the first time you talked with her did she use that expression herself? A She did not.

1170

CASE #1170

Q Did you hear her use the expression "sexual intercourse

A She did, after I had a talk with her, once or twice.

Q Did you tell her to use that expression? A I didn't tell her to use any expression.

Q You never told her to use any expression whatever?

A No.

BY THE COURT:

Q What did ~~you~~ she say to you? A She said "this man put it into me, "----that's the way she put it----"this man took his prick out and put it into me". That is the way she told it to me.

BY MR. NOLAN:

Q Did she tell you what the man asked her to do? A Yes. She said "He asked me for a fuck".

Q And was it you or officer Pizzaro that took this witness Violet Perano from Public School #1? A It was Pizzaro and I.

Q Both? A We were both there.

Q Then you say on your direct examination you arrested Violet and took her to the rooms of the Society? A I did. There were four girls we took out at that time.

Q You considered you had made the arrest even if another officer was present? A Yes, because I was the one that went over and interviewed this principal.

Q Is officer Pizzaro mistaken if he says he made the

CASE # 1170

arrest assisted by you? A We were both there and we both took the girls into custody. There were four girls we took out that day.

Q Do you know anything about the short affidavit made by officer Pizzaro? A I don't know nothing about it.

Q You don't know anything about that? A No.

Q Did you give him the information upon which that information was based? A Why no.

Q Did you hear the witness Violet Perano give him that information? A I didn't hear it, no.

Q Were you present at anytime when she stated to officer Pizzaro that this act of sexual intercourse was perpetrated on the first day of March, 1910.? A No.

Q Never heard that? A No.

RE) DIRECT EXAMINATION BY MR. ADAMS:

Q Was there another case that she was implicated in on the first day of March 1910?

Objected to. Objection sustained.

Q Do you know anything about the facts in March 1910? ---in connection with Violet Perano---March 1st 1910.? A I don't understand what you mean. In regard to what?

Q Do you know a connection between the defendant date March 1st, 1910 and Violet Perano? A I know there is another case---

1722

CASE # 1170

MR. NOLAN: Objected to as too indefinite.

THE COURT: Not of this defendant?

THE WITNESS: No sir.

THE COURT: Then strike it out.

Q Not thins defendant? A No sir.

THE COURT: This defendant has enough to do to answer for his own alleged sins. That is enough for any man.

BY MR. ADAMS:

Q These officers Miceli and Digilio were present when the man was arrested? A Yes sir.

Q And they have anything more to do with it except to be there at the time the defendant was arrested? A They took him to headquarters from there.

MR. ADAMS: I suppose I had better call them so that the Jury can get all the facts in the case.

THE COURT: I don't see why. ~~The~~ If you want to prove the case that will be conceded.

MR. ADAMS: That is all they know about it, but I make the offer to call them.

THE COURT: He (Mr. Nolan) will admit that this defendant was arrested .

MR. NOLAN: Yes, I will admit he was arrested by officer Pizzaro. I will concede for the purposes of the record that they were present when the defendant

CASE # 1170

was arrested and that is all they know about the case.

THE COURT: I won't allow any such concession. I don't know what they know about it---they may know all about it. It is conceded they were present at the arrest.

MR. ADAMS: I will call them.

R A D P H M I C E L L I (Detective Bureau) called as a witness on behalf of the People, being first duly sworn, testifies as follows:

DIRECT EXAMINATION BY MR. ADAMS:

Q Were you present at the time the defendant was arrested? A I was.

Q Did you hear him say anything? A I did.

Q What did you hear him say? A On the corner of East Broadway and Catharine Street we stopped there and agent Pizzaro said to the little girl "Did he give you twenty five cents"? She said "Yes, he gave me ~~xx~~ twenty five cents to do it to me. The man, the defendant, to the little girl, he says "Did I give you the twenty five cents"? And then he was drawn away. Now, on the way to the detective bureau we parted then. Agent Pizzaro took the little girl to the court while I took the defendant to headquarters and on the way I said to the defendant "Why did you mix up with

CASE # 1170

these little girls? And he said "Why, she is a whore; everybody is fucking her." This conversation was in Italian.

Q Do you speak Italian? A I do.

MR. NOLAN: No cross examination.

RE-DIRECT EXAMINATION BY MR. ADAMS:

Q Was anybody present when he said that to you? Was officer Digilio there? A He was there. I don't know whether he heard it or not. Unless he paid strict attention you know he might miss that, but he was there with me going up with the prisoner.

RE-CROSS EXAMINATION BY MR. NOLAN:

Q Did you accompany officer Pizzaro and the defendant from 106 Cherry Street to the corner of East Broadway and Catharine Street? A No, we did not go near 106 Cherry Street.

Q When did you first go into the company of Pizzaro and the defendant. A On the corner of Cherry and Catharine Streets.

Q On the corner of Cherry and Catharine? A Yes.

Q How far is that from 106? A About a half a block.

Q It is about three doors, isn't it? A Oh, no, more than that---half a block.

1170

CASE # 1170

Q How far away from the defendant and Pizzaro were you during your walk from Catharine and Cherry Streets to East Broadway and Catharine? A (No answer):

BY THE COURT:

Q What block is 100 Cherry Street between? A It is between Catharine and James---or Catharine and Oliver I should say.

Q You think it is half a block away from Catharine? A I It is just three doors away from Oliver Street.

BY MR. NOLAN:

Q How close were you to the defendant and Pizzaro while walking up Catharine Street from Cherry Street to East Broadway? A Well, we backed---sometimes we were 15 feet, some times ten, and as the crowd passed and repassed. Of course there were lots of people walking along there.

Q Did you hear Pizzaro have a conversation with the defendant? A No. I saw him talking to him on the way up.

Q Were you walking behind him all the time? A Sometimes the defendant was walking with me?

Q You heard no part of the conversation between the defendant and Pizzaro? A No sir.

BY MR. ADAMS:

Q You are an Italian yourself? A Yes sir.

Q And you are a police officer of the City of New York? And were at the time of this arrest? A Yes sir.

CASE # 1170

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Q Did you ever this defendant before that arrest?

A No sir, not to my recollection.

J O S E P H D I G I L I O, called as a witness on behalf
of the people, being first duly sworn, testifies as follos

DIRECT EXAMINATION BY MR. ADAMS:

Q You are a police officer of the City of New York?

A Yes sir.

Q And were during the month of April last? A Yes sir.

Q Were you present when the defendant was arrested?

A Yes sir.

Q When was that? A On April 15, 1910.

Q Who was present with you at that time? A Detective
Micelli, Agent Pizzara and Cook.

Q Where was that that the arrest was made? A Corner
of Cherry and Catharine.

Q And did you hear anything tsaid to the defendant or
did you hear him say anything at that time in reply to
questions put to him? A No sir, I didn't hear any conversa-
tion at the time.

Q Did you go to headquarters with him? A Yes sir.

Q Did you hear any conversation there? A No sir, no
conversation that I heard there either.

Q You did not hear it? A No sir.

BY THE COURT:

CASE # 1170

Q On the way to headquarters---who went to headquarters with you? A Detective Micelli went to headquarters with me.

Q Who else? A That's all, and the prisoner---the defendant.

Q How did you go? A We walked up.

Q Walked all the way from Cherry ~~up~~ to Centre? A We walked up, yes, to Centre Street.

Q Did you just walk three abreast? A Three abreast.

Q He in the centre and one on each side? A Yes sir.

Q State all you heard the defendant say or that you or Micelli said to him about this case? A I didn't hear any conversation on the way up. What conversation detective Micelli had was down below further--I didn't hear them.

Q Where? A Down around Catharine Street, before agent Pizzaro left.

Q Before Pizzaro left? A Yes sir.

Q After he left there you are quite sure there was no conversation? A Well, I didn't hear of any.

Q You were walking abreast? A Three, yes.

Q You were in the party---you were not an outsider? A Yes, I was with the party.

BY MR. ADAMS:

Q How near were you to him in the detective bureau? Were you there all the time? A I was there all the time, yessir--

CASE # 1170

at the desk.

Q Whose prisoner was he? A He was our prisoner at the detective bureau?

Q Do you know whether Micelli had any conversation with him or not in the ~~bank~~ detective bureau? A No sir, I don't.

Q Can you say whether he did or not? A Well, he told me he did, but I didn't hear it.

MR. NOLAN: No cross examination/

J O H A N N A S P I R I T E L L I, 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 54 New Chamber Street.

Q Have you ever been to the place of the defendant at 80 Catharine Street.

MR. NOLAN: Obje cted to as too indefinite.

Q In August last, last Summer, had you ever been to the place of the defendant? A Yes sir, I was down there.

Q 80 Catharine Street? A Yes sir.

Q How old are you? A I will be seventeen thia November

Q Where do you live? A 54 New Chamber Street.

Q Do you live with your father and mother? A Yes sir.

CASE # 1170

Q You went you say down there to this defendant's in August last? A I don't remember the month I was down there.

Q Well, was it last Summer? A Yes sir.

Q How is the place arranged? Is it one room or how is it? A

MR. NOLAN: Objected to unless he fixes the date alleged in the indictment.

THE COURT: Well, she says last summer.

BY THE COURT:

Q How do you know it was last Summer? Do you go to school? A No sir.

Q When did you stop going to school? A I don't remember.

Q What kind of a memory have you then? A (No answer).

Q Where are you working now? A I am not working at all now.

Q How long since you worked? A It was a year and a half I worked in Brasses Book-bindery.

Q Is that the only place you ever worked? A In Rains & Company, worked a week.

Q When did you stop working? How long ago? A No answer.

Q If you can't remember that how can you remember what you did last Summer? A I didn't go to work as soon as I come out of here. As soon as they discharged me from the

CASE # 1170

1230

Children's Court.

Q How long ago was that? We don't know that? A
About a month.

Q You are only a month out of work? A Yes sir.

Q Up to that time you were working? A Yes sir.

Q Can't you tell us definitely how many times you went
to this man's place? A Once.

Q Do you remember when it was? A No sir.

Q It was before you were in the ~~Children's~~ Children's Court?
A Yes sir.

Q How long were you in the Children's Court? A No
answer)

Q Where do you live? A 54 New Chambers Street.

Q You don't live in 80 Catharine Street, do you? A No
sir.

THE COURT: What do you want to prove?

MR. ADAMS: To show that the partition is there.

THE COURT: Do you suppose that any one would pay
any attention to what she says? She can't tell
when she was there, or even how long she has been out
of work. How could her description of any room amount
to anything.

MR. ADAMS: May I examine her a little further?

THE COURT: You may.

CASE # 1170

BY MR. ADAMS:

Q Was it hot or cold weather when you were there? A
Hot.

MR. NOLAN: Objected to.

THE COURT: She says "hot ". Proceed.

Q Do you know what month it was in? A I think it
was in August.

Q What makes you think it was in August?

MR. NOLAN: Objected to as cross examination of
his own witness.

THE COURT: Objection sustained.

Q You were there in the hot weather, were you? A Yes
sir.

THE COURT: She says she was there in August.

Q How was this place arranged, one room or two rooms
or three?

MR. NOLAN: Objected to.

A Two rooms.

THE COURT: Objection overruled.

MR. NOLAN: Exception.

Q How separated? A Big long boards, about that
high (Indicating with hand) and all card boards all around .

Q You mean something pasted on it? A Yes sir.

MR. NOLAN: I object to the witness being led.

CASE # 1170

Let her state what she saw.

Q You say that there were boards up? A Yes.

Q Did the boards go up to the top of the ceiling? A
No sir.

MR. NOLAN: Objected to; as not within the time of
the indictment.

Q (Witness continuing) No sir, about that high, that
high from the ceiling (Indicating about three feet).

Q That high was from table? A No, it was higher,
it was around that high (Indicating).

Q Oh, the boards were up that high? A Yes.

Q Did the ~~xxxx~~ boards go up to the ceiling? A No sir.

Q How far were they from the top of the ceiling? A
That much more and they would be up to the ceiling (Indicat-
ing about three feet).

Q How did you get between the front and the back part of
this place? A There was a little door there and he had a green
curtain there.

CROSS EXAMINATION BY MR. NOLAN:

Q Who told you to testify to all this before you came in?
A No one, because I was down there.

Q How did they come to know that you had been there?
A Because there was a party with me.

CASE # 1170

Q Did you ever tell any one that you went down there?
to see what kind of a curtain was down there? A No, but
you could see it while going down.

Q Do you know who told the District Attorney that you
knew all this? A No sir,

Q How long have you been in the custody of the Gerry
Society? How long have you been at 23rd Street? A Five
days.

Q How many people have you talked with up there in
that five days? A Just with a friend, my friend.

Q Did you talk to Mr. Pizzaro? A Yes.

Q Mr. Cook? A Yes sir.

Q Mr. Moore? A No sir.

Q Any others besides Mr. Pizzaro and Mr. Cook? A No
sir.

Q Have you talked with Mr. Adams? A Yes sir.

Q Do you know how they found out that you had been
down in this place? A No sir.

Q You never told anybody, did you? A No sir.

Q Did they ever ask you if you had seen the green
curtain when you went down there? A No sir.

Q Did they ask you if you saw boards down there?
A No sir.

CASE # 1170

RE-DIRECT EXAMINATION BY MR. ADAMS:

Q You were arrested with these other girls, were you?

A No sir, I had to go up there myself, to the Children's Court.

Q What is that? A I went up to the Children's Court and they took me to the Gerry Society.

Q In connection with some case? A Yes.

Q And you were asked about this man in connection with the others, were you?

MR. NOLAN: I object to that.

THE COURT: Objection sustained. If you are not very careful I will take this case from the Jury at once. I have warned you several times that this man is on trial for one offense and I will not allow you to waste the time of the court. You will commit an error which the Court of Appeals has condemned repeatedly in the most vigorous language. You must be extremely careful in cases of this kind and I have warned you a dozen times to say nothing about any other case. You do not seem to understand my language.

RE-CROSS EXAMINATION BY MR. NOLAN:

Q How old are you? A I will be seventeen in November?

Q You mean last year? A No sir.

Q Or the coming November? A Yes sir.

CASE # 1170

MR. ADAMS: People rest.

MR. NOLAN: I move to dismiss on the ground that the people have failed to make out a case under the various counts, or any of them, in the indictment. There is an absolute lack of corroboration as to the elements that constitute the offense charged.

THE COURT: I will let the jury pass on that.

MR. ADAMS: I will withdraw from the Jury all excepting the first count. This is rape in the second degree. I withdraw the count of assault in the second--- well, I will allow assault in the second degree to stay but I will withdraw the count---.

THE COURT: You seem to misunderstand your powers. It is not within your power to withdraw anything .

MR. ADAMS: I know it, but I mean I want to have your Honor do it.

THE COURT: You are only an attorney, you must remember, representing one side of an issue. He (Defendant's counsel) has not made any motion about withdrawing any ~~the~~ part of the case.

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

DIRECT EXAMINATION BY MR. NOLAN:

CASE #1170

Q What is your address? A 108 Montross Ave
Brooklyn.

Q What is your business? A Barber.

Q Are you a married man? A Yes sir.

Q Have you got a family? A Yes sir.

Q Do you know the defendant, Francesco Purpura? A
Yes sir.

Q How long have you known him? A A little over two
years.

Q Do you know other persons who know him? A Yes.

Q Do you know what his reputation is for truth and
honesty? A Yes sir.

Q What is it? A Good.

Q Do you know what his reputation is for peace and
quietness? A Yes sir.

Q What is it? A Very good.

CROSS EXAMINATION BY MR. ADAMS:

Q Do you know whether he is a married man or a single
man? A He is married.

Q Does he live with his wife? A Yes sir.

Q And you live in Brooklyn, don't you? A Yes sir.

Q How often do you see him? A Well, once a week,
sometimes. Sometimes see him every day---it depends, every-

CASE #1170

time I come to the City of New York.

Q You go to see him every time you come to the City?

A Yes sir.

Q You are quite an intimate friend of his? A Yes sir.

ANGELLO DEMARIO, called as a witness on behalf of
the defendant, being first duly sworn, testifies as
follows: (Through official Interpreter Moustacki)

DIRECT EXAMINATION BY MR. NOLAN:

Q What is your address? A 86 Catharine Street, City
and County of New York.

Q What is your business? A I have got a house leased.

Q Where? A 86 Catharine Street.

Q Do you know the defendant? A Yes.

Q Are you a married man? A Yes.

Q Have you got a family sure, I have got a daughter
and other children.

Q Do you know where the defendant kept his cobbler's
shop in 80 Catharine Street? A Yes sir, for I always used to
go in there myself.

Q Do you know other people in the neighborhood there
who know him? A Yes.

Q Do you know what his reputation is for truth and
honesty? A Good.

CASE # 1170

Q Do you know what his reputation for peace and quiet is? A It is good.

Q You say you have gone into his place many times yourself? A Yes.

Q Did other members of your family go in there? A Yes he also comes in my house.

BY THE COURT:

Q Where was his place? A 80 Catharine Street.

Q What part of the building? A Basement.

What

Q ~~It~~ was on the ground floor there? A A barber store.

Q What kind of a place did the defendant have down there? How many rooms? A Two .

Q How were they divided? A There was an opening where there was a curtain to go in.

Q When were you there? How long have you been going there? A Seven or eight or ten times.

Q But how long have you lived in 86 Catharine Street? A Six years.

Q When did the defendant move to 80 Catharine Street? A About 18 months ago.

Q You are sure of that? A It might be 19 or twenty.

Q Were you there last Summer? A Yes.

Q And that is the way the room was all the time? A Always.

CASE # 1170

Q How were these two rooms separated? A These was at the entrance a little counter where he done his work and the next was a room----it was not exactly a room, but it was divided as a room.

Q It was partitioned off by boards? A A few planking, yes.

Q They didn't go all the way to the ceiling? A No.

G I U S E P P I L A S C A L L A, called as a witness on behalf of defendant, being first duly sworn, testifies as follows:

DIRECT EXAMINATION BY MR. NOLAN:

Q What is your address? A 79 Catharine Street.

Q What is your business? A Saloom.

Q How long have you been at 79 Catharine Street.

A Five years.

Q Do you know the defendant? A Sure.

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

Q Do you know what his reputation for truth and honesty is. A I know him for three years and I know him as a good person and honest person.

Q Do you know what his reputation for peace and quietness is? A He is a good and honest man, a working man.

CROSS EXAMINATION BY MR. ADAMS:

CASE # 1170

Q He always pays when he goes into your saloon, does he?

MR. NOLAN: Objected to as incompetent, immaterial and irrelevant, not proper cross examination.

THE COURT: I think it is proper if you call a saloon keep to testify as to his character.

MR. NOLAN: I submit that it does not affect his character, and the District Attorney merely wanted to inject that amount of poison in the minds of the jury.

Objection overruled. Exception.

A Sure, he pays, he pays in advance.

Q He has a running account there, has he--gets drinks any time he wants to. A No, he goes in front of the bar and p/aces his money on the counter and then he orders a drink.

BY THE COURT:

Q That is the rule of the house, is it? Money first?

A I don't trust anybody.

BY MR. ADAMS:

Q You didn't trust him either, did you? A No, because I pay cash myself for everything and I want my cash.

BY MR. NOLAN:

Q The state of New York issues a license to you to engage in the sale of liquors?

CASE # 1170

MR. ADAMS: I will admit that.

MR. NOLAN: He comes here as a decent man like any other honest business man.

Q You paid \$1200. or \$1400. a year license, don't you?

Objected to. Objection sustained.

J U S T O C A M P O called as a witness on behalf of the defendant, being first duly sworn, testifies as follows:

DIRECT EXAMINATION BY MR. NOLAN :

Q What is your address? A 112 Cherry Street, City and County of New York.

Q What is your business. A Grocery store.

Q Do you know the defendant? A Yes.

Q How long do you know him? A Nearly three years.

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

Q Do you know what his reputation is for truth and honesty ? A Good.

Q Do you know what his reputation for peace and quiet is? A As long as I have known him it was very good.

CROSS EXAMINATION BY MR. ADAMS:

Q You know him by coming in and buying in your store, I suppose, don't you? A I know him in that way, but I also know him by what I heard other people saying about him.

CASE # 1170

Q And you trust him? He runs up an account in your store? A He used to pay cash, but when he wanted credit I used to ask the people and they tell me he was good for any amount.

Q He had always plenty of money with him? A When he had money he paid; when he didn't, he didn't pay.

Q You trust your customers then, do you? A Not too much of it, but just a little.

F R A N C E S C O P U R P U R A, the defendant herein,
called in his own behalf, being first duly sworn, testifies as follows: (Through official Interpreter Moustacki)

DIRECT EXAMINATION BY MR. NOLAN:

Q What is your address? A 106 Cherry Street .

Q What is your business? A Shoremaker.

Q Where is your place of business, or where was your place of business up to the time of your arrest? A I didn't have at the time any more a shoe store.

BY THE COURT:

Q Where was your shoe store at the time of the arrest?

A That is the place---the one I sold.

Q When you were arrested what were you doing for a living? A Shoemaker.

Q Where? A I hadn't bought it yet---I wanted to buy

CASE # 1170

it.

Q You didn't have any shop at that time? A No.

BY MR NOLAN:

Q Are you a married man? A Yes sir.

Q How long have you been married? A Fifteen or sixteen years.

Q Ho many children have you got? A Three.

Q What are they, boys or girls? A Two girls and one boy.

Q What are the ages of the girls. A One 13 years old, another one eleven years old and one six years old.

Q Did you occupy the basement store of number 80 Catharin Street last year? A Yes sir.

Q When did you first move there. A It must have been in either February or March, I can't exactly remember which month.

Q 1909, last year? A Yes.

Q You are sure it was not after June 1st 1909?

Objected to as leading. Objection overruled.

A It was before June.

Q And you say it was in February or March? A I can't be positive whether it was February or March.

BY THE COURT:

Q You are sure it was either February or March? A

CASE # 1170

Yes.

Q It was not April or May? A No.

Q Nor June. A No.

Q Were you there in August? A Yes sir.

Q When did you leave that place? A Nearly three months ago.

Q Were ~~you~~ you there the first of March of this year?

A (No answer).

Q What month is this? A I think this is May.

Q What was last month? A April.

Q And the month before that? A March.

BY MR. NOLAN:

Q Did you on the 5th day of August 1909 in the basement store of the premises number 80 Catharine Street, perpetrate an act of sexual intercourse with the complaining witness Violet Perano? A No, I don't know her.

Q Did you at any time at the premises 80 Catharine Street perpetrate an act of sexual intercourse with the complaining witness Violet Perano? A Never.

Q Did you on the 5th day of August 1909, at the basement store, premises number 80 Catharine Street, have there at or about that time a lounge or sofa? A No.

Q Did you ever have a sofa there? A Never.

Q Did you on the 5th day of August 1909 at the basement

CASE # 1170

store, number 80 Catharine Street, see the complaining witness Violet Perano in company with the witness Lena Shenelli? A No.

Q Did you at any time ever see those two girls together in your shop at 80 Catharine Street? A Never.

Q Were they ever there in company with ~~any~~ each other? A Never.

Q Did you at the time of your arrest and while at the corner of Catharine Street and East Broadway say to officer Micelli in answer to his question "Did you have anything to do with this girl?" Or "What do you want to be getting mixed up with these girls for? Did you say "Why, she is just a little whore". A No, I did not.

THE COURT: The officer did not say he said that on the corner of Catharine Street as I recollect. There was a conversation on the corner as to the quarter.

Q Did you on the way from Catharine Street to Police headquarters make that statement to officer Micelli? A No.

Q Did you at any time or place make the statement which officer Micelli has testified was made by you? A Never.

Q What did you say, if anything, at the time you were placed under arrest by officer Pizzaro? A I was placed under arrest. I injured my and was informed about having had sexual intercourse with this girl. And he said "Do you know her?" And I said "No, I don't know her, except I have

CASE # 1170

seen her running around the street".

Q Did you at any time state to any one that you had had sexual intercourse with the complaining witness Violet Perano? A No sir.

Q How long have you been in this country? A Five years.

Q Have you ever been convicted of a crime? A Never.

Q Have you ever been arrested before? A Never.

Objected to as immaterial.

THE COURT: Well, he said no.

Q Now how many shops have you had in New York? A Three.

Q And in those shops you carried on the business of cobbler, mending shoes? A Yes sir.

Q And you have women and children, boys and girls coming in there frequently do you not, bring work and taking it away? A Yes, girls, women and old men.

CROSS EXAMINATION BY MR. ADAMS:

Q You say you knew this girl VViolet Perano who charges you with having had intercourse with her? A Yes, I said I know her.

Q But you say she never had been in the store?

MR. NOLAN: Objected.to; I don't think the witness ever said such a thing. It is not a fair

CASE # 1170

statement of the record.

THE COURT: Let him state.

THE WITNESS: I was asked whether this violet Perano came in company with the other girl to the basement.

BY THE COURT:

Q Was she ever in your store at any time? A Yes, she used to come sometimes to have buttons sewed on her shoes, and she used to pay me and go out.

BY MR. ADAMS:

Q Now didn't you say in answer to your counsel at first that you didn't know her at all. A I didn't say so.

Q Was she in your place last August at any time? A I don't remember.

Q She may have been there last August, is that right? A I can't tell that.

Q Now you said you knew her at first from seeing her on the street. Where did you see her on the street? On what street? A You asked me if I knew her and I said I knew her, so many times I have seen her---so many times.

Q And you have seen her a great many times, is that right? A Yes.

Q And you have seen her a great many times on the street, is that right? A Sometimes. All the times I used to see her on the street.

CASE # 1170

Q Have you seen the Skenelli girl too? A No.

Q You swear now she has never been in your place at all? Do you? A Never.

Q Do you remember when she was on the stand that his Honor told you to put your hands down. What were you going at that time?

Objected to. Objection sustained.

THE COURT: The Jury will disregard that.

Q Now this place of yours was divided into two places there, wasn't it? A Yes.

Q And it was a partition that did not go up to the ceiling, is that right. A No.

Q Is that right or isn't it right? A It was not to the ceiling.

Q And you had a green curtain in front of the door leading to the back place, didn't you? A No.

Q What was there dividing the front part from the back part of this room?

MR. NOLAN: Objected to. He has already answered that there was a partition.

BY THE COURT:

Q How did you get from one room to the other? From the rear to the front? A There is a door.

Q A wooden door? A Yes.

CASE # 1170

Q In that partition inside there was a wooden door?

A No, no wooden door.

Q There was just an opening in that partition, wasn't there? A Yes.

Q No door? A (No answer)

Q What covered that partition? A Nothing at all, only an opening.

BY MR. ADAMS:

Q Did you hear the old gentleman who was your witness testify that there was a green curtain there?

THE COURT: The Jury have heard the testimony.

Q There never was a green curtain there, was there? A No.

Q Nothing over it ever? A No, always open.

Q No green curtain about that.

THE COURT: He has said no distinctly and positively. You want to give him a chance to say yes?

MR. ADAMS: Yes sir, anything he is willing to say. If he wants to say yes I will give him a chance to say it.

Q Where did you live at that time with your family?

A 106 Cherry Street.

Q That was in August 1909? A No.

Q Where did you live in August 1909 with your family?

CASE # 1170

A I don't remember. Give me to understand what you mean by 1909.

Q Last year? A I move into this number 106 Cherry Street in the month of February 1909.

Q Where did you live before that? A 717 East 17th Street.

Q Your family did not live at 80 Catharine Street at any time--your wife and children? A No, only at 106. At the number where I had the store the inspector came there and prohibited me to have any living apartment there.

Q They never there at any time is that right? A No.

Q Didn't you say in Court that you lived at 106 Cherry Street for eighteen months when you were examined there, on the 19th day of April last--- last month? A In the month of March I move from 60th Street.

Q March of this year? A Last year.

Q How old are you? A Thirty four years old.

Q Do you wish the jury to understand that this little girl Violet Perano is a girl of bad character?

Objected to. Objection sustained.

Q Did you ever say to anybody that this girl was a girl of bad character? A No.

Q Did you say anything about the girl at all to either of those police officers whom you saw on the stand here? A No sir.

CASE # 1170

Q Your wife is living, is she? A Yes.

Q Living in this City? A Yes.

Re-DIRECT EXAMINATION BY MR. NOLAN:

Q Did you on the 5th day of August 1909, in the basement store number 80 Catharine Street, say in the English language to the complaining witness Violet Perano "Give me a fuck". A No sir.

Q You are living with your wife, you state? A Yes.

Q Is your wife at home now? A Yes.

RE-CROSS EXAMINATION BY MR. ADAMS:

Q You never heard any such word as that down on Cherry Street, on Catharine Street, did you? As the word he has just referred to?

THE COURT: Suppose he had heard it? That is not the question.

Q Did you ever hear that word used at all in your life that word "fuck"? A I don't know what "fuck" means.

Q You don't know what it means at all? A I don't know.

Q You have been in this country five years? A Yes.

Q You don't speak in English at all, do you? A Out out 700 words I know one.

CASE #1170

Q What is that one? A "All right".

Q That is the only word you can say in the English language? A (No answer).

BY THE COURT:

Q What do you mean by the 700? Are there 700 words in the English language altogether. A No, in Italian there is 700.

Q And you only know one English word, is that what you mean? A I can say "All right;" I can say "Yes".

BY MR. ADAMS:

Q There are only two ~~xx~~ words you know in the English language, is that right?

MR. NOLAN: I submit that this examination is highly improper and not material in any way.

THE COURT: Well, he says he knows no English words. It is only testing his credibility. A I know "Yes", "This" and "That", and "The other" / and if I stay another ten years in America I forget what I know.

Q You won't know anything by that time, is that right? A (No answer)

Q You have heard the word "Damn" haven't you? A

MR. NOLAN: Objected to as not proper cross examination and not material to the issues.

Objection overruled. Exception.

A No.

CASE # 1170

Q Never heard the word "damn"? A No.

Q You have never heard the words "God damn" have you?

Objected to. Objection overruled. Exception.

A Yes, so many people here in America say that.

Q Yes, it is a bad place America, isn't it?

Objected to, objection sustained.

Q You know what "money" is, don't you? A Cash, yes, money.

Q You know what "shoes" are don't you? A

Objected to. Objection overruled, exception.

A Yes, yes. Shoes means shoes.

Q And you know when a person says give me the shoes?

A It means "I want the shoes,"---

Q So if Violet Perano came in and said "Give me the shoes " you understood what she meant, didn't you?

Objected to., Objection overruled, exception.

A Yes.

MR. NOLAN: Further objected to as a hypothesis, nothing to show---

THE COURT: She has sworn she said that to him, in English, and he says he doesnot understand any English, and he is being cross examined on that point. There is no assumption here that she did say it, but merely the condition brought out by himself in which he says he understands no English.

CASE # 1170

Q You have never heard any indecent language at all in this country is that right? A I don't understand you.

MR. NOLAN: Objected to on the ground that the question involves a conclusion. It does not appear what the district Attorney means by "indecent" language.

THE COURT: Objection sustained. He says he does not understand.

Q Do you know what dirty language is? A No.

Q Do you know what filthy language is? A No.

Q But you never heard such a word as has been said to you, that word "fuck"---you never heard that word at all?
A No, I don't know it because I don't understand it.

Q You have been around the city a good deal, ~~the~~ New York City? A No.

Q Where do you keep yourself---in your shop? A Always working in the shop.

Q What do you do at night? A I finish my work, I go home and have my meals and then I go to sleep.

Q You used to be in Laskalla's saloon, the man that was on the stand.

Objected to. It does not appear he was there at night?

THE COURT: I allow it, on cross examination.

A Sometimes an invitation was extended to me, or I used to extend an invitation to a friend of mine to go and have an

175

CASE # 1170

little refreshments and we used to go there and have a drink.

Q Well, you were in the saloon, that is what you mean by that, isn't it? A I used to stand in front of the bar, I never used to sit down.

Q And you used to talk in there and hear people talk?

Objected to. Objection overruled.

A I used to drink only and I used to go away.

Q You only stayed there a very short time, did you, in the saloon? A Just enough time to swallow a drink and go out.

Q Always paid in advance? A Either myself or some friends of mine used to pay for me.

Q Now did you know Violet Perano when you were in Roosevelt Street? A No.

Q You had a cobbler shop there, didn't you. A Yes.

Q She used to go down there with shoes too sometimes, didn't she? A No.

Q You are positive of that? A I didn't know her at all.

Q When did you first know her? A I don't remember. So many people come there to have shoes repaired I can't keep track of them.

Q But you remember she was one of them, do you? A Yes sir, sometimes she used to come there.

CASE # 1170

Q how many times had she been in your place? A I can't remember.

Q Many times or few? A A few times.

BY THE COURT:

Q Was she ever behind that partition? A No.

Q You swear there was no couch in there---no lounge? A No.

Q What was in there? A I had a stove and a box near the stove there and a lot of kindling wood to light the fire.

Q Back of the partition? The stove was in the front room, wasn't it? ~~in front~~ A Yes, to heat.

Q Well what was in the back room, back of the partition?
A A little oil stove---gas stove to cook my meals.

Q Why did you have a partition there? A Because I had kindling wood and I had the stove and I didn't want to have that in the store.

Q You never slept there, did you? A No.

Q How long were you in that store? What were your hours? A 8 in the morning till 8 and 9 o'clock at night.

BY MR. ADAMS:

Q Never went home to meals at all? A Sometimes I used to go home.

Q Didn't you ever see that Skinnelli girl? You know she says she saw you in the act of intercourse on the 5th of Aug-

175

CASE # 1170

ust with Violet Perano, is that true or false? A It is not true.

Q Was she ever behind that partition in your store? A No.

Q She says she went back there afterwards herself, is that true? A No.

Q Didn't you ever do to her what she says you did to Violet Perano? A I didn't have any dealings either with Perano or with Skinnelli.

Q Did you ever see Skinnelli in that store to your knowledge? A No, never.

Q Where did you first meet Violet Perano? What street was your store in? A In Catherine Street.

Q Didn't you have a store in 33 Roosevelt Street? A Yes.

Q And didn't you meet her then? A No.

Q What number in Roosevelt street did she live? A I don't know.

Q You knew she lived in Roosevelt Street, didn't you? A I didn't. No.

Q Don't you take the addresses of your customers? A Why should I have the addresses?

Q Do they all call there for their stuff? A I used sometimes to give checks in Roosevelt street, and they used to come and take the shoes themselves or send somebody for

CASE # 1170

them.

Q You never delivered them? A Never.

Q Where did you move after you left Roosevelt street? A 16th street.

Q But I mean your shop---you never had a shop in 16th street, did you? A In 16th street, another shoe store, in 16th street.

Q When did you move to 80 Catherine street? A I moved from 16th street.

Q When was that? A About the month of March, I can't exactly remember.

Q Don't you know how long you had your shop in Catherine street? A I don't know whether 14 or 15 months.

Q At the time of the arrest you had no shop? A I had no shop---it was two months since I had sold it.

Q And that was the Catherine street shop that you had sold? A Yes.

Q You lived in Roosevelt street---you had the shop in Roosevelt street, some time, didn't you? A Either a year and a half or two years, I can't remember---about a year and a half.

Q And you know Violet Perano lived in Roosevelt street near by you.

MR. NOLAN: Objected to. He said he didn't know.

THE COURT: He said he did not know.

1759

CASE #1170

Q You have seen Violet Perano those two years there in Roosevelt street, haven't you, around? A I moved from Roosevelt. I don't know.

Q But the two years you were in Roosevelt street, you have seen her in the street, haven't you? A No.

Q Where was it you saw her in the street? A In Catherine street, and she used to call out "Will you put two buttons on my shoes?"

Q When did she do that? A I don't remember.

Q You understood her when she said that, did you? A (No answer).

BY THE COURT:

Q In what language did she call out "Will you put two buttons on my shoes?" A In Italian.

BY MR. ADAMS:

Q When was it she called out "Will you put two buttons on my shoes?" A I don't remember it.

Q Well, was it in the summer or in the winter or when?
A I don't remember.

Q How many times did she call that out to you? A Once.
How

Q Do you happen to remember it so well? A Because when the officer says "Do you know this girl?" I remembered her by having put some buttons on.

Q So you did tell the officer that you knew her, is that right? A Yes, I told him "Through putting the buttons on I

CASE # 1170

know her".

Q How many buttons did you put on her shoes? A I don't remember whether it was two or three.

Q And when was this you remember you put buttons on her shoes?

MR. NOLAN: Objected to. He has already stated five times he don't remember.

Objection overruled; exception.

A I don't remember, because customers go backwards and forwards, how could I remember when it was?

Q And you have any quantity of customers, haven't you?

A I couldn't count them. They used to come continually there.

Q Did she say this in your place or on the street? A Came down in the store and said this.

Q Did she have the shoes with her at that time? A Had the shoes in her hand.

Q They were not her brother's shoes, they were not boys' shoes, were they? A No.

Q Girls' buttoned shoes, were they? A Yes sir.

Q And although you have thousands of customers you remember this particular occurrence when she came in and said this?

MR. NOLAN: Objected to. It does not appear that he had thousands of customers.

CASE # 1170

Q Well, hundreds of customers?

THE COURT: Ask him how many customers.

Q How many customers did you have? A I can't count how many customers; I have got old customers and new customers.

BY THE COURT:

Q You were busy all day long? A All day long.

BY MR. ADAMS:

Q So there is no reason why you should remember this any more than there is any other customer that would come down to you with shoes to be repaired? A I know all the customers that used to come but I don't know which day they came and under what circumstances they came, but I know them.

Q Well, that is what I am asking you? How do you remember this particular circumstance? A In the same way as I know this one I know all the rest that come there.

Q Can you remember what each customer asked you to do to their shoes? A Oh, yes, I remember it so well that I know even people who have not paid me for three months, that owe me money. I can remember those too.

THE COURT: Well, I think we had better stop now until 2 o'clock. The court will now take a recess until 2 o'clock.

(The court now duly admonishes the jury as usual).

Recess till 2 P. M.

CASE # 1170

AFTER RECESS TRIAL RESUMED.

MR. ADAMS: Your Honor, I have finished my cross-examination.

MR. NOLAN: That is the case for the defendant.

MR. ADAMS: No rebuttal.

C A S E C L O S E D .

MR. NOLAN: I respectfully renew my motion and ask your Honor to direct the jury to acquit this defendant on the ground that the people have failed to make out a case; further on the ground that there is no corroboration of the material elements that go to make up the offense charged as required by law.

THE COURT: There is a question of fact for the jury to decide.

MR. NOLAN: I understand the question of corroboration is one for the court, and I respectfully submit that there has not been any testimony adduced here in support of any of the elements of this crime that tend to corroborate the testimony in chief.

THE COURT: Well, your motion is denied. There has been evidence introduced here for that purpose and it is a question for the jury to say what weight they will give to the story of the complainant and what weight

CASE # 1170

they will give to the corroboration.

Exception.

Counsel now close to the jury on both sides.

The court now charges the jury.

The jury now retires and upon its return renders a verdict of guilty of rape in the second degree.

Defendant remanded to May 26th, 1910.

CASE # 1170