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

----- x
THE PEOPLE OF THE STATE OF : Before:
NEW YORK :
 : HON. WARREN W. FOSTER, J.,
against :
 : and a Jury.
ALEXANDER MONETT. :
----- x

New York, April 21st, 1911, etc.

Indicted for sodomy as a second offence.

Indictment filed January 20th, 1911.

APPEARANCES:

For the People, ASSISTANT DISTRICT ATTORNEY EDWARD J. McGUIRE.

For the Defendant, W. H. CARPENTER, ESQ.

A jury was duly impaneled and sworn.

James E. Lynch,

Official Stenographer.

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The Court admonished the jury in accordance with section 415 of the Code of Criminal Procedure, and took a recess until 2 o'clock P. M.

AFTER RECESS. TRIAL RESUMED.

MR. CARPENTER: Your Honor, at this time I respectfully request that all witnesses on both sides be requested to step out of the room.

THE COURT: Yes.

Mr McGuire opened the case on behalf of the People.

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

DIRECT-EXAMINATION BY MR. MCGUIRE:

Q Mrs Monett, where do you live? A 689 Morris Park avenue.

Q Mrs Monett, were you married to the defendant Alexander Monett? A Yes, sir.

Q When? A On the 2d of November, 1892.

Q Do you remember the month of October, 1909? A Yes, sir.

Q Were you living with your husband then? A Yes, sir.

Q How many children have you? A Six.

Q Were they also members of the family at that time?

A Yes, sir.

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Q Where were you living? A 689 Morris Park avenue.

Q Is that in the borough of the Bronx, in the county of New York? A Yes, sir.

Q Do you remember an occasion in the month of October, 1909, when you had a conversation with your husband regarding some medical treatment that he was to undergo?

MR. CARPENTER: I object to the question as leading.

Objection overruled. Exception.

A Yes, sir.

Q Tell the Court and jury what that conversation was, and be careful to state it in detail as far as you can remember, what he said and what you said? A Well, Mr Monett, my husband, he was ailing long before. He used to vomit in the morning.

MR. CARPENTER: I object to that.

A (Continuing:) He vomited in the morning.

Q Get right down to what he said to you and what you said to him? A He said, "I have to go to the doctor," he says "The way I feel." So he came home and he told me that the doctor told him to do something for his sickness, but he hates to do it. So then I says "Well, what is it?" Then he told me that the doctor told him he has to take the water from a girl between 16 and 20 years old. So of course I says "No, I will not allow that," but then he went down, in a few days he went down to the doctor again.

Q He said he did? A And the same question, and he

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went there again and he says that is the only thing will help him, if he has the water from one of--from Alpha, because at that time she was 17 going on 18. So he says if he does not get that it would be his death, and the doctor said if he would use that water he would be all right in three or four weeks.

Q Now, did you ever see this doctor? A No, I did not.

Q Did he ever give you the name of the doctor? A No, sir. Well, he said some name, but I can't remember it.

Q Did he ever tell you where the doctor lived? A He told me in 16th street and Fourth avenue.

Q Did you ever see this doctor? A No, sir.

Q When he said to you, or when you say that the doctor told him to do certain things, are you referring to what he said to you; are you telling what he said to you, or about what the doctor said? A Well, he told me that the doctor told him that and he told me that.

Q Yes, go on. You say he said that it was Alpha you had to-- A (Interrupting:) Alpha, yes, sir. Then of course I did not want to allow it the way he wanted to use the water. ~~She~~ she says, "You can drink it in a cup." He says that would not help him at all, he has to draw it right from her, that is only thing would help him. Well, that was all right. A few weeks after he says he has to have intercourse with her.

Q Wait. After he told you it was necessary for him to do these things with his daughter Alpha, what did you say to him?

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A Well, I then, I says, "I suppose if it is between life and death and saves your life, I suppose I have to give in."

Q What did he say? A Well, he says he will be very thankful. He says he would do all he could do for his family after when he is a healthy man again.

Q Well, after you had that conversation, tell us what occurred between him and Alpha, as far as you know? A Well, he used the water every night.

Q Well, that is what I want you to come to. Take the first occasion? A He used the water.

Q Wait a minute. Take the first occasion, when you say that was done, what was its date, what was the date when he first did it? A Well, I couldn't tell you that. It was in October, that's all I could tell you.

Q Of the year 1909? A Yes, 1909.

Q Where was it? A 689 Morris Park avenue.

Q Was it in the bedroom? A Yes, in my bedroom.

Q Who was there besides Monett and the girl? A Me.

Q Tell the jury exactly what you can recall of what took place in that bedroom, in the presence of these people at that time? Now, take your time? A I don't understand what you mean.

Q Well, what happened when you were all in the room there together? A Well, Alpha was in bed with us and he drew the water.

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Q Were you in bed with your husband? A Yes, sir.

Q Did Alpha come in the room? A Yes, sir.

Q After Alpha came into the room what did she do?

A Well, she went in my bed.

Q Did anybody get up? A No, sir, I stayed right in bed too.

Q Now, what did Alpha do? Won't you make a difficult thing easy, won't you tell what happened there? A Well, then he drew the water from her. He went under the covers.

Q You saw him go under the covers of the bed, did you?

A Yes, sir.

Q Did he say anything? A No, sir, he couldn't speak while he drew the water from her, but he said after she went out, he says he feels much better now, and the next morning he would see how much better he feels in his throat.

Q What did Alpha say, if anything while this defendant was there with her on that occasion? A Alpha did not say anything.

Q She said nothing? A She said nothing.

Q Did you have a conversation with the girl before she went in the bed where you and your husband were? A Yes, sir, I told her that the father--

Q (Interrupting:) Wait a minute. Was your husband there at that time? A When I told her?

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Q Yes. A No, sir, I told her she has to come in this evening, that father wants her.

MR. CARPENTER: I object to that as hearsay and ask to strike it out.

MR. MCGUIRE: Yes.

THE COURT: Strike it out.

Q I want what was said between you and your husband when Alpha was present? Can you tell me that, Mrs Monett? A Well, she did not have anything to say in the bedroom.

Q When she came into the room, ~~you~~ when you and your husband were in bed that morning, did she say anything at all?

A Well, of course, she kicked about it. Yes, she did not like it.

Q Well, what did she say? A She says she is getting tired of this. She says she does not like it.

Q Well, she did not say that the first time she came in? A Not the first time, no, sir.

Q Well, the first time she came, what did she say?

A She didn't say anything.

Q Did you say anything to her? A Before she came into the room, yes--

MR. CARPENTER: I object to that.

BY MR. MCGUIRE:

Q Wait a minute. Do not tell me what you said to the girl when the defendant was not there. You do not remember

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that she said anything when she came in the room on the first occasion? A No, sir, she didn't say anything at all.

Q Do you remember whether you said anything to her?

A No, I didn't say anything either.

Q Well, now, after the husband came out from under the covers, what did he do? A Well, he lay there. He went off to sleep then. He went off to sleep.

Q What did Alpha do? A She went into her bedroom, she went to sleep.

Q About what hour in the morning was this? A That was in the evening. Then in the morning she had to come out too. For quite a while he kept it up.

Q Next morning did the same thing happen? A Yes.

Q On that occasion, was anything said by Alpha or to Alpha in your presence? A Well, I told her that she had to come there, but there was nothing said further, there was nothing said further.

Q Do you remember any conversation with your husband after the occasion you have ~~xx~~ just testified regarding, in respect to his ^{medical} ~~mental~~ treatment, or his diseases? A Yes, once he--

Q Can you fix the time? A Well, I couldn't exactly. I know it was in the summer time. It was in October he got sick. It was in the summer of 1910.

Q Where was it? A That was in 689 Morris Park avenue.

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Q Who was there at the time? A Well, I had a talk with him when the children was not around.

Q You and he were alone together? A Yes.

Q Tell us what you said to each other? A Well, he was still ailing all the time. I says "I can't understand," I says, "That you can't get well." I says, "There, you went, you said the doctor said you would be well in three or four weeks, and there it is a few months, when you will be healthy a week and then sick again. I think you drink." He says he does not drink. I says, "I smell it on you, you do drink," and he denied and said he did not drink. I says, "If I ever find out you do drink I will not have it any more, because Alpha is getting terribly nervous since you have used her for that."

Q Go on. What did he say, or did you say anything more to him that you can recall? A I am losing my memory. I am getting all upset.

Q Take your time. Do you want a glass of water. Take your time and do not get nervous.

BY THE COURT:

Q Speak slowly, madam, and distinctly.

BY MR. MCGUIRE:

Q You have told us-- A (Interrupting:) Of course he started to get very ugly to Alpha.

Q Well, did you hear him say anything to Alpha after that?

A Well, yes, certainly I did.

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Q What did you hear him say to Alpha? A He used to find fault about her head and about everything, and with every-
if
thing, he had a chance to grab her or touch her anywhere he would do it. Alpha used to tell me that papa--

Q (Interrupting:) Now, do not do that. You cannot give evidence of what she said when the defendant was not present. Tell me what the defendant said to Alpha and what Alpha said to him? A I said to him, "You are acting very funny to Alpha since you have to use her for the water, because you notice everything on her, the way you act to her, it looks as if you were her lover, you are jealous," and he says, "What are you talking about, you must be crazy to talk like that."

Q He said that to you? A Yes, that's what he said to me. Well, I says, "The way it looks to me you find fault with everything on her, she cannot go anywheres that you do not find
you
fault." I says, "Alpha is going out all over and never had anything to say." I says, "Alpha only goes when I allow her to. She always obeys me; if I say to be home at 9 o'clock she will be home. I can't understand, you always find fault with her. She does her duty at home."

Q Well, after you said that to him what did he say to you? A Well, he said that I should not take it up like that, that I should not think that way, that he means it for her own good.

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Q Well, after that time, was there any other occasion when he and Alpha and you were in the bed room together, after that conversation? A Yes, after that time, well then he came home once.

Q Wait. What was the date of the next occasion, after that conversation, when you three were ^{together} in the bed room, together at your home? A Well, the next was, then he came home and he says the doctor says he has got to have intercourse with her. I called Alpha in the bed room and we had a talk together alone.

Q Alone? A Yes, I and Alpha and Mr. Monett.

Q Oh, Monett was there? A Yes, he was there.

Q Now, tell us what he said in that conversation, if Monett was there, go on and tell it? A Then, he says that he did not understand the doctor in the beginning, but that is what the doctor meant in the beginning, that he should have intercourse with her, because he has like a sponge in his stomach, and the slime from her would eat that away, and he has got to keep it up for about a week. Well, I did not want to give in, but he says that the doctor says --

Q (Interrupting) What did Alpha say when he said that? A She didn't say anything. She felt down hearted and cried. Didn't say anything at all.

Q Cried? A Yes.

Q What did you say? A I says "I suppose I will have to allow it, if it is between death and life". At first I did

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not want to give in but he says "Well, the doctor says if I don't help him out I don't care for him at all. That is what he told me. So, of course, well, he was always good to me before, he was not so nasty like he was the last year and a half, and of course I gave in to him.

Q When you say that, did you after that, were you and Alpha and he together in the bed room? A Yes, sir, after.

Q Now, will you put your mind on that occasion and tell the Court and jury what happened while you were together in that room? A Well, first he had to take the water, then --

Q (Interrupting) Well, then were you and he together in the room before Alpha came in? A Yes, sir, certainly.

Q Were you in your bed together? A Yes, sir.

Q And then Alpha came in? A Yes.

Q Who called Alpha? A Well, I went in and told her to come out.

MR. CARPENTER: I object to that conversation.

Q Wait. You went out of the room and came back with Alpha, did you? A No, I told her when she undressed she should come into the room.

Q Then you came back? A I went right in my room.

Q And went to bed again? A Yes.

Q Then did Alpha come in? A Yes, she came in.

Q What time of day was that? A That was in the evening, about between nine and ten, when we generally went to bed,

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sometimes it was after ten.

Q After Alpha came into the room what took place?

A Well, first, he drew the water from her.

Q Tell me what happened, did Alpha get into the bed?

A Yes, sir.

Q I will have to ask you more particular questions.

After Alpha came in the room did ~~he~~ she go into the bed where you and he were? A Yes, sir.

MR. CARPENTER: I object as leading and incompetent.

THE COURT: Objection overruled.

MR. CARPENTER: Exception.

Q After she got in the bed, what did she do? A She went in the bed and she laid in the middle of the bed. I laid on one side and he on the other. Then he went under the covers and drew the water.

Q Wait a minute. He went under the covers? A Yes.

Q And did he come out from under the covers again?

A Yes, then he laid up, and then --

Q You were not able to see him under the covers, were you? A No, he was all covered up, but I knew he was under the covers, and Alpha, sometimes she got kind of nervous shakey like, you know.

Q Were you near enough to your daughter to -- A (Interrupting) Yes.

Q Wait a minute. Was your person immediately next to

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your daughter's person? A Yes, sir.

Q You say she got shakey like? A A couple of times, yes.

Q Did he say anything while he was under the covers?

A Well, sometimes she kicked, she wanted to get out of the bed but he says "How can I ever get well if you don't want to help me? There I should draw the water until I feel in my throat smooth. He says "There Alpha always goes out of the room before I ever have enough water, I can never get well".

Q What did Alpha say to that? A She says she is getting tired of this. She says she is getting disgusted, and says "You are forever hollering at me for nothing".

Q Was he -- or what did she say when he said that to him?

A She didn't say anything.

Q How many times after that, before the arrest of the defendant, or rather before the 11th of January last were you and your husband in that bed room, in bed, when Alpha came in and your husband went under the covers while she was there, how many times in all? A Well, it was in this year, three times.

Q In January? A In January, yes.

Q Do you remember how often in December? A I couldn't tell you that.

Q Can you give me near it? A No, I couldn't remember.

I tell you how I can tell, it was in the beginning of September

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he comes home again and complains, he says the doctor said he should take the water.

Q September, 1910? A Yes -- in December, last december.

Q Last December? A Yes.

Q He came home and had a conversation with you? A Yes.

Q Tell us the conversation? A Well, I tell you how this was, it was in November, ~~he~~ said, "I am getting tired of this, I am not going to stand it any longer, Alpha is getting terrible nervous, you are forever nagging at her, you will bring her that far that she will take her life. I do not care whether you will be well or not, I will not stand it any longer, only this year". He comes home in December, it was the beginning of December and he tells me that the doctor says that if he has the water six more times that he would be altogether well. Well, I says "As long as it is only that I suppose I will have to allow it to keep peace", because he got so bad he threatened my life several times when I did not want to allow it. So it was all right. It should have been up, those six times in December, and we had words on account of Alpha I would not, I says "I will not allow it any more".

Q What time in December was that? A Well, I couldn't exactly tell you. I think it was after Christmas. It was either a week before Christmas or it was a week after. I couldn't exactly tell you that.

Q Is there any way in which you can fix that date?

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A Well, I couldn't fix the time. I had a quarrel with him. I could, I know it was in December, it was the latter part of December.

Q Yes? A So then --

Q (Interrupting) Was any papers signed at about that time? A Yes.

Q Will you look at this paper I show you? A Yes, this is the one I made him write.

Q Wait a minute. Look at that paper I show you and tell me whether, looking at it, your memory is refreshed as to the time you had this conversation with your husband? A Yes, here --

Q No, look at the yellow paper and after looking at it, say whether your memory is refreshed as to the time you had the conversation with your husband? A Oh, the date? Well, we had so many quarrels, well, that was another quarrel we had.

Q Well, was this paper present after the conversation you are just telling us about or before? A Yes, sir, it was after.

Q Go on, tell us what happened? A Well, at that time, then I allowed him, just when he gave me that paper, that I would allow that three times more, and he promised he would not, that he will leave Alpha in peace, and that I can take care of the children and he would not have anything more to say, if I only allow this three times more, and that his sick-

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ness would be all over, and no matter whether he would be well or not. Well, after that three times was over he wanted it again next day. He says "Once more". I says "Now, that is enough, I am sorry" I says "That I ever gave in to you and allowed that". I says "I want the address of the doctor, that is all". He says he cannot give it to me. He says that is a secret, he says, this doctor is a free mason and he thinks that he is a free mason and that is a secret. Well, I says, if you cannot bring me to the doctor there, I will not allow it, I don't care what is going to happen with you.

Q What did he say after you told him that? A Well, he says maybe he can get a paper, a written paper from the doctor but he could not take me there.

Q Well now, was Alpha present at any of those talks?

A No, she was not.

Q After that conversation, was there an occasion when you and your husband were in bed and Alpha came into your bed room? A Yes, sir, she came in the bed room.

Q How soon after that conversation? A Let me see. It was, well, then we had words together again.

Q No, answer my question, Mrs. Monett. How long after the conversation that you have told us about was it before the time when you say Alpha came in the bed room while you and your husband were in bed together? A It was in the 7th.

Q The 7th of December? A No, of January and the 9th and

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the 11th.

Q Well now, those were three times that you say she came into the bed room, while you and your husband were together, up in the Bronx in New York County? A Yes.

Q Look at this paper which I showed you just a moment ago, in whose handwriting is it? A It is Mr. Monett's.

Q The defendants handwriting? A Yes, sir, that is his handwriting.

Q Was it written in your presence? A Yes, sir.

Q Was it written on the day it bears date? A Yes, sir.

Q Will you tell us what occurred at the time that paper was signed by your husband, tell us what happened that time?

A Well, he was quarreling with me on account of Alpha that he does not want her to go anywheres.

Q Tell us what he said and we will understand it?

MR. CARPENTER: If your Honor please, she has already given an answer.

THE COURT: Answer the question.

Q You may tell us what was said and done on that occasion?

A I have to think.

Q Take your time now. Do not be worried?

BY THE COURT:

Q Do you remember, madam? A It was the 31st, my daughter, she was to her girl friend's house and, well, he came home that day all right. I says "I only hope you stay

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this way all the time and I want you to promise me now and start the New Year good and not be quarreling with Alpha all the time".

BY MR. McGUIRE:

Q. Speak up so that I can hear you? I am losing all my memory.

Q. You said you wanted him to start the New Year right?

A. Yes. He said he would. He promised he would, if I only would allow those three times for him to have the water, he would do what is right, and as soon as -- after the New Year he wants to get a position out of town and do all he can for his family.

Q. Yes, what did you say? A. Well, I says, I only hope he will keep his promise. I says "You promised me so many things already and you never kept your promise, I hope you will keep it this time". So after he went to bed he says "Well, that paper does not do you any good".

Q. Now, wait, you had not spoken of the paper before. Who first spoke of the paper? A. I told him I wanted it written. He says, "Now, what do you want it written for?"

Q. You mean you asked him to put it in writing? A. Yes, to put it down. He says, "Now, what do you want this for?" I says, "So I can show it to you that you promised me to leave Alpha alone and keep peace in the house". I says "That is why".

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Q Then who wrote the paper? A Mr. Monett, he wrote the paper.

Q Did you give him any part of the paper to write?

A Well, I did not have anything --

THE COURT: (Interposing) Do you want that paper in evidence?

MR. McGUIRE: I offer the paper in evidence.

MR. CARPENTER: I have no objection.

Q After the paper was written, what was done with it?

A Well, it was kind of late and he was all right then, until after he was in bed.

Q What was done with the paper? A I put it away in a drawer. I kept that, I put that away, I says "I will keep that".

Q After that was done, was anything more said or done?

A Well, not that day.

Q You went to bed that night, did you, after the paper was signed? A Yes, sir, it was in the evening, just before we went to bed.

Q Did Alpha come into the room that night? A That night?

Q The 31st of December? A No, I am pretty sure she did not. I do not want to be positive, but I am pretty sure she did not come in that night.

MR. McGUIRE: I offer in evidence, if your Honor please, the paper identified by the witness, and the

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translation of it, which it is stipulated by counsel is a correct translation.

MR. CARPENTER: Yes, sir.

MR. McGUIRE: The paper, gentlemen, is in the German language and the translation is as follows: (Reads).

(The paper is marked in evidence People's Exhibit 1 and the translation is marked People's Exhibit 2.)

Q After the day on which that paper was signed, was there any occasion on which Alpha came into the bed room where you and your husband were in bed together? A Yes, sir.

Q When was the first occasion after that paper was signed? A It was the 7th.

Q 7th of January? A 7th of January.

Q Now, tell us what took place at that time, what occurred at that time? A Well, I ~~had~~ went in and I had a talk with him first about it.

Q With Monett, the defendant? A Yes.

Q What did you say to him? A And of course she did not want to give in any more.

Q No, what did you say to Monett, you say you had a talk with him, tell us what you said to him? A Well, I says "I will not allow it any more, because you are forever quarreling". It was the 3rd of January he went after me with a knife and it was on account --

MR. CARPENTER: I object to that.

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MR. MCGUIRE: Yes, that is right, that goes out.

A (Continuing) It was the third of January --

Q No, do not tell us that. Tell me what happened at the time when you say Alpha came into the room where you and your husband were in bed together, did you have a conversation in the room? A No, we had it all together. My boy was home, too, it was in the evening.

Q Your boy was home? A Yes.

Q What is your boys' name? A Alfred.

Q And who was present besides you and Monett and Alfred?

A All the children.

Q Was Alpha there? A They was all there.

Q Was Caroline there? A Yes, they were all there.

Q Were the little children there? A They were all there, yes.

Q Where was this conversation? A In the kitchen.

Q In your home in the Bronx? A Yes, sir.

Q Tell us what was said and done at that time and place?

A It was the 7th, I did not want to allow --

Q That was the 7th of January? A 7th of January.

Q Do not tell us what you did not want to do. What I want is, what was said by other people and what was said by you and then we will tell what you did not want to do?

A Well, Alpha did not want to give in no more. So I says to Alfred "What would you do, if your father would need you for

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help for wickness, would you give in those three times?"

Well, he says, he would, to keep peace. So I asked Alpha, so, well, she says, all right, but that would be all, for the three times.

Q What did Monett say? A Well, he says "You will find out I will be altogether a different man", that he would not quarrel with us any more after that, if we allowed those three times, that he would not have anything to said Against Alpha any more, that he will leave it all to me to bring them up.

Q What did Caroline say? A She only listened. She did not say anything.

Q Well now, after that 7th of January, when was the next occasion? A It was the 9th of January.

Q About what time in January? A It was in the evening.

Q About what time? A I guess it was between nine and ten, before we went to bed, generally.

Q What happened that time? A She came into the bed room like always and he drew the water from her. He took the urine from her.

Q Was there any conversation at that time? A No, sir.

Q Was there another occasion after that? A Well, the 11th, yes, that was the last time.

Q The 11th of January, where was that? A In my bed room, in my house.

Q At your home in the Bronx? A Yes, sir.

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Q And in the County of New York? A Yes, sir.

Q At what time of day was it? A It was in the evening, too.

Q Well now, tell us what happened on that occasion?

A Well, Alpha came into the bed room. After she went to bed she came out in her night gown and of course after he father was through with her she went into her bed room again.

Q Alpha came into the room in her night clothes, did she?

A Yes.

Q And you and your husband were in bed? A Yes.

Q Did she get into bed where you and your husband were?

A Yes.

Q Did she lie down between you? A Yes.

Q Did you lie alongside her? A Yes, sir, she lay in the center, him on one side and I on the other, always the same way.

Q What did Monett do? A He went under the covers.

Q Did you hear any conversation at all? A No.

Q Did he come out from under the covers? A Well, after he was through with her then she went.

Q Well, he did come out from under the covers? A Yes.

Q Well, then what did Alpha do? A She went into her bed room.

Q You say there was no conversation on that occasion?

A Well, after this, the next day he wanted the water again.

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I said "Well, now --"

Q (Interrupting) No, do not tell us what happened after that. That was the 11th of January, 1911, Mrs. Monett?

A Yes, sir.

Q Can you tell me how many times in all? A Altogether?

Q Yes? A Oh, I could never tell you that. I could not, it was so many times, I could not tell you how many times. I did not keep track of it, because it was over a year. It was from October on 1909 until 1911, January. Of course in between stometimes he would stop for a month, sometimes for two weeks, I would not allow it. Then of course he got worse again. He was saying that the doctor gave him a scolding that he does not do what he tells him to do, and it is no use for him to come down to him if he doesn't do what he tells him to do. That is the story he always used to say, a different story about the doctor.

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Q Well, was there any such occasion as you have described after the 11th of January?

MR. CARPENTER: I object to that as incompetent, immaterial and irrelevant, because the time of the crime is laid on or about the 11th day of January.

MR. McGUIRE: I submit, I may ask that in order to show--

THE COURT: I think he may ask that because--Well, Mr District Attorney, if you do that, you are skating on thin ice, proving another offence, but if you are mistaken about your dates I will permit an amendment.

MR. McGUIRE: No, sir. My sole comment on counsel's objection was that it seemed to me remarkable and unusual and without any merit. He said that he objects to my question as to whether there was any occasion after the 11th of January.

MR. CARPENTER: Exactly.

THE COURT: Well, your indictment charges the 11th of January. Now, you are proving another offence.

MR. McGUIRE: I haven't proved anything on the 11th of January. I am asking a general question.

THE COURT: I think he is right. If, however, you are going to show that there was a mistake in the date charged in the indictment I will permit ^{the} a question then

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and permit you to amend the indictment.

MR. McGUIRE: That was not my intention.

THE COURT: Then, I think the objection is well taken.

MR. McGUIRE: I withdraw the question.

Q After the 11th of January, did your husband continue to live in the home at the Bronx? A Yes, sir.

Q Up to the time of his arrest? A Yes, sir.

Q Did he continue to occupy the room in which you slept?
A Yes, sir.

Q Was Alpha ever in the bed with you and your husband at any time after the 11th of January? A No, sir.

MR. McGUIRE: Your witness.

CROSS-EXAMINATION BY MR. CARPENTER:

Q Now, you were employed as a servant, were you not, when you first met Mr Monett? A Employed as a servant, yes, sir.

Q And how old a woman are you at the present time?
A Well, I am 38.

Q How old were you when you married Mr Monett? A When I married him, it was in 1892, the 2d of November, and I was 20 then in December.

Q You became acquainted with him in 1891, didn't you?
A '92, I got married to him.

Q I grant you that, but you became acquainted with him in 1891, didn't you? A Yes, sir.

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Q He used to visit you very frequently before you were married, did he not? A He visited me, yes, sir.

Q Do you know where you were married? A I did not.

Q You do not know where you were married?

MR. MCGUIRE: Did she understand the question?

Q Do you know where you were married? A Yes, sir, in the City Hall, New York.

Q Were you ever acquainted with a doctor by the name of Monahan? A I worked for those people.

Q Did you prior to the marriage with the defendant at this bar ~~xx~~ have sexual relations with Dr Monahan?

MR. MCGUIRE: I object as improper.

MR. CARPENTER: If your Honor please, it is most important.

THE COURT: Please, Mr Carpenter, never tell me a thing is most important. I will pay you the compliment that you assume it is important merely because you ask it.

MR. CARPENTER: Thank you, sir.

MR. MCGUIRE: I submit there is a limit to cross-examination in matters of that kind.

THE COURT: I will allow that question. It is cross-examination.

BY THE COURT:

Q Answer the question, madam? A What is that?

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THE COURT: Repeat the question, Mr Stenographer.

(Question repeated by the stenographer.)

A I don't understand that.

BY THE COURT:

Q - Madam, you need not answer any question that will tend to incriminate or degrade you? A All I can say, I have always been a true wife to him.

BY MR. CARPENTER:

Q Did you ever tell this defendant at the bar, did you ever make a confession to him that you did have sexual connection with a Dr Monahan before you married the defendant?

MR. McGUIRE: I object to that.

A I don't remember.

THE COURT: The question is answered before I had an opportunity of ruling.

Q When the defendant--

THE COURT: Now, Mr Carpenter, do you want to pursue this line of inquiry further?

MR. CARPENTER: If your Honor please, I have^{to} establish a motive, and I think I can.

THE COURT: Well, I think technically, perhaps, you are entitled to show that.

MR. CARPENTER: I never want to offend or insult a woman, but it is a very important matter.

THE COURT: Well, go on.

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BY MR. CARPENTER:

Q The defendant was incarcerated in the Kings County Penitentiary; when the defendant returned from the Kings County Penitentiary, he returned and lived with you, didn't he?

A Yes, sir.

Q Did, at any time after his release, did you make to him any confession that while he was locked up in prison, that you had any sexual relations with a Dr Monahan? A I don't remember. ~~Q~~ That is the best answer you can give? Do you recall of being janitress of a house shortly before and after the release of the defendant from Prison, in which a certain colored man, acting in the capacity of servant for Dr Monahan, came to you and asked you to come around to the Doctor's house, that he wanted you, and the defendant interfered and says, "No, you shall not go there"? A That is a lie.

Q You do not recall any such conversation? A That is a lie.

Q You have told us that you had frequent and many quarrels with the defendant, is thatso? A Lately, yes, sir.

Q You had them after he came out of prison, didn't you? A No, sir. We lived pretty happy together.

Q He has been out of prison about twelve years. Did you ever have any quarrels with him before he went to prison? A Before he went, no, sir. Well, they didn't amount to anything.

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Q Did you ever have any quarrels with him before he went to prison? A No, sir.

Q You are positive about that? A Well, didn't amount to anything, the quarrels.

Q Well, I do not care if they amounted to anything or not. I ask you did you have any quarrels with your husband prior to his going to prison? A Yes, after I found out he got married, yes.

Q After he came out of prison, did you not frequently find fault with the defendant and quarrel with him, shortly after he came from prison, answer please, yes or no? A I did, yes.

Q You came to dislike your husband, didn't you? A I did not, not at that time.

Q Did not these incessant quarrels and fault findings and bickerings between yourselves, create in your mind a sort of resentment and hatred against your husband? A I did not, not until my daughters told me this, what he had done to his daughters, then it was I hated him then, but I always had a feeling for him before, as I would never give in what I did, never.

Q Did you not say within the last two years that you hated the defendant, did you not tell him that you hated him?

A I did not. I said I am sorry I ever made up with him again, that's what I said.

Q Then you did say that you were sorry that you ever

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made up with him again? A Of course, why shouldn't I? He never supported the family the way he should have.

Q Now, that is all. You have answered. Now, is it not so, he slept with you, did he not? A Yes, sir.

Q Now, at nights in bed, if his knee or his foot, by accident, touched your limbs, did you not scream out, "Take your rotten bones off of me"? A Well, that beats everything.

Q Did you or did you not? A I did no such thing, I never used that expression.

Q Of course not. A Why, that beats everything.

Q You have been, when he was incarcerated in jail, you were a janitress, were you not? A Yes, sir, six weeks before he came out--

Q (Interrupting:) But you had as a servant, and after you had married him, you had a large experience in the world, did you not? A I did not. I ~~lost~~ ^{lost} my mother when I was 11 years old, and I did not know anything of the world at the time he got married to me.

Q You lost your mother when you were 11 years old? A Yes, I never had no time for anything.

Q Will you kindly tell us very briefly your history after you were 11 years old, if you did not have a mother?

MR. McGUIRE: If your Honor please, we are now asked for the witness' history, after she was 11 years old. I submit that is too general.

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8 THE COURT: I will sustain the objection. You may direct the witness' attention to any particular matter in her history that you desire to ask about, and then I will determine whether it is proper.

MR. CARPENTER: Yes, sir.

Q After your mother died, where were you placed, what did you do, whom did you live with? A With my father.

Q Where did you live then? A In Germany.

Q How old were you when you came to America? A I was 14 going on 15.

Q Who did you come with? A With my brother.

Q Where did you live then? A Well, I worked first on 106th street and Third avenue for one month.

Q What kind of work did you perform? A House work.

Q How long were you there? A Only one month, in the first place.

Q And after that, you were only 15 years old then?

A I was only 15, yes.

Q Where else did you go? A Then I worked by the name of Cook in 167th street.

Q Did you ever go to balls or parties or dances? A No, sir. Well, I did, yes, I went to dancing school. I was to a ball there, and with my brother I was several times.

Q Oh, you went to dancing school? A Yes, for one winter.

Q And when you went to dancing school you had an oppor-

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tunity of meeting quite a number of people, didn't you?

A Well, I was acquainted in that neighborhood.

Q Well, that is what I want to know, you were acquainted in that neighborhood and you were quite a pretty girl when you were young, weren't you? A I don't know about that.

Q Well, you ought to know whether you had many admirers or not? A Well, I don't know.

THE COURT: What is the use of all this, Mr Carpenter?

MR. CARPENTER: If your Honor please, I want at this time to show the experience of the witness.

THE COURT: I will sustain objection to the question.

MR. CARPENTER: All right, your Honor, I take an exception.

Q Now, your husband frequently admonished your daughter Alpha? A Had what? I don't understand.

Q Well, I will put it in different language, your husband, the defendant at this bar, frequently scolded Alpha and told her that he wanted her to stay in nights and not go out? A Why, where she went anybody could go. She used to go to night school.

Q Please answer the question, is that so or not? A Yes, he wanted her to stay in the house altogether. He didn't want her to associate with anybody at all.

Q Did he not find fault with the girl going with differ-

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ent young men? A Certainly, yes, he did.

Q Do you remember on the 31st of December that they gave a party upstairs in your house? A No, it was not the 31st of December.

Q When was it, if you know better? A It was a few days before he got arrested.

Q Well, that is just it, a few days before he got arrested, and Mr Monett objected to the daughter going upstairs, didn't he? A At first, yes.

Q And he had quite a few words with the daughter, didn't he, and with you about her going upstairs? A Not with her, with me, not with her.

Q Did he object to her going upstairs with that company? A Well, he did, but the woman from upstairs came down--

Q (Interrupting:) Now, you have answered the question, please. Now, since you have told us that Mr Monett, the defendant, when in your room--will you kindly tell me how you permitted, as a mother, how you ever permitted your daughter to be used in the way and in the manner in which you described?

A Well, the way he spoke to me.

Q Did you--

MR. McGUIRE: Wait, I do not think the witness has finished her answer.

MR. CARPENTER: Well, I waited patiently.

A Well, the way he spoke to me I thought, well, it is my

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husband, and if it is between death and life I suppose I have to give in. He said he was a Free Mason and that this doctor is a Free Mason and he is a Free Mason, and that is a secret, and he knows different men that were cured of that.

MR. CARPENTER: Now, if your Honor please--

THE COURT: Now, I think you have brought out this testimony.

A (Continuing:) He told me about a man, Mr Korn, that was cured the same way with the sickness that he had. That's how I come to allow it.

Q Did you not think it necessary to go to any physician or to go to any one to inquire why you should permit such an act? A Well, I wanted him to go with me to the doctor, to Dr Simmons, and I wanted to go with him to his doctor, but he wouldn't have it.

THE COURT: Now, Mr Carpenter, you are asking these questions on the theory of testing the witness' credibility. The jury have heard the whole story that she knew of it, that she saw this, saw the defendant under the bed-clothes. Is there any use in repeating the details?

MR. CARPENTER: One minute, your Honor.

BY MR. CARPENTER:

Q Do you know a Mr Hoffman? A Mr Hoffman, yes, sir.

Q Your husband was employed by Mr Hoffman, wasn't he?

A Yes, sir.

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Q Now, the day of Mr Hoffman's arrest, did you go--I mean the day of Mr Monet's arrest, did you go to Mr Hoffman's place of business? A The next day I did, yes, because he should have worked there on Saturday and I thought I would let him know that he would get a waiter in time.

Q Did you say to Mr Hoffman "You are waiting for Frenchy to-morrow night to work here, Mr Hoffman?" Did you say that?

A I didn't say it in that manner, no, sir. I said, "Mr Hoffman, I came here, I had my husband arrested yesterday, I thought I would let you know, so you can get a waiter in time."

Q Did you put it in the form in which I asked you?

A I did not.

Q Did you say "You had better get another man, he is locked up and would not get out for the next twenty years to come." A I said I was told that he, for what he done, he would get twenty years.

Q Did you say it in the language in which I have expressed it? A No, sir, I did not.

Q Did you know Mr Sulzer? A Sulzer, yes, sir.

Q Did you ever in any way quarrel or find fault with your husband in the presence of Mr Sulzer? A I did, yes.

Q Quarreled with him? A Quarreled? I did not quarrel, no, sir.

Q But you were very disagreeable and unpleasant to your husband in the presence of Mr Sulzer? A Well, I said I did

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not want to hear anything about my husband at all, I went through enough, I didn't want to hear anything at all, I will not do a step for him. I says "He deserves all that is coming to him."

Q Now, Mrs Monett, will you kindly tell me what time of night these periods, or what time of night it was that your daughter Alpha came into your room? A Well, it was between 9 and 10, generally, ~~mf~~ sometimes it was after 10.

Q Mr Monett was working right along, wasn't he? A No, sir, he didn't work steady, he didn't work steady. Why, for the last six months he didn't earn as much as his board. He worked very little. I always had to help along with sewing.

Q Now, just a minute. Mr Monett when he could not work as a waiter, he also worked as a sign painter, didn't he?

A Not the last two years.

Q He would do other kinds of work when called upon to do it? A Yes, he was well able to do it.

Q Now, Mrs Monett, I am going to ask you a direct question.

MR. MCGUIRE: I wish you would.

MR. CARPENTER: I like your compliments.

Q You want to get rid of your husband, don't you?

A Why, in that way, what he did, why shouldn't I? What he done to his daughters, I am sure I can't live with a man like that any longer.

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Q Will you kindly explain-- A (Interrupting:) Why, I never had that thought that anything like that would happen or that I would ever have to come here in this place against my husband.

Q You never in your life saw him personally--

MR. CARPENTER: Well, question withdrawn. I have no further questions.

REDIRECT-EXAMINATION BY MR. McGUIRE:

Q Mrs Monett, counsellor asked you whether you ever went to anybody to tell them about this matter. Did you go to some one after the 11th of January? A I did not tell anybody anything at all.

Q Until after the 11th of January, didn't you?

A About this, not until after he was arrested. Then I told Mrs Mosler, but I didn't tell her everything.

Q Did you see Mrs Sherman before he was arrested?

A Yes, sir, I did.

Q Did you tell her about it? A I did tell her about it. She gave me advice.

Q Wait a minute. After you saw Mrs Sherman, did you see Mr Henry H. Sherman? A Mr Sherman, yes, sir.

Q Did you talk--

MR. CARPENTER: Fix the dates, please.

Q Did you talk with Mr Henry--

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MR. CARPENTER: I object, unless the period or dates are fixed.

MR. MCGUIRE: I have fixed the dates. It was after the 11th of January.

MR. CARPENTER: Well, I object to anything subsequent to the 11th of January.

THE COURT: Go on, please.

Q You were asked whether you saw Mr Henry H. Sherman?

A Yes, sir, I went down with him one morning, when I came here to the District Attorney, he rode down with me.

Q You came to the District Attorney's office with Mr Henry H. Sherman? A Yes, sir, one morning.

Q What is Mr Sherman's business? A As I know, he is a lawyer.

Q Was it following your visit to the District Attorney's office with the lawyer, Mr Henry H. Sherman, that this man was arrested, this Monett was arrested? Do you understand me?

A I don't know.

Q Was it after your visit to the District Attorney's office with Mr Sherman that Mr Monett was arrested? A Yes, it was after that, the day after.

Q That is all.

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

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DIRECT-EXAMINATION BY MR. McGUIRE:

Q Miss Monett, how old are you? A I was 18 September 13th.

Q 1910? A Yes, sir.

Q Where do you live? A 689 Morris Park avenue, Van Ness.

Q Now, speak up louder, please. You have a good voice, and try to talk to me, and everybody will hear you. Who composed your family? Do you understand. Who are the members of your family? A Who do you mean are in the family?

Q Yes. A Mamma and papa and my brother Alfred, Carrie and my brother George, Alex, Rose and myself.

BY THE COURT:

Q How many children? A Six.

Q Six children, and the defendant at the bar is your father? A Yes.

Q And your mother? A Yes, sir.

THE COURT: Go on, Mr District Attorney.

BY MR. McGUIRE:

Q Do you remember the 11th of last January, Alpha?

A Yes, sir.

Q Do you remember the evening of that day at your home, in Morris Park avenue, seeing your father and ~~his~~ mother in bed? A Yes, sir.

Q Where was the bed? A Off the kitchen, in the bed-

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room.

Q In their bedroom? A Yes, sir.

Q Did you go in the bedroom? A Yes, sir.

Q How were you dressed ^A in my nightgown.

Q Had you any other clothing on than your nightgown?

A No, sir.

Q After you got into the room what did you do? A Went into the bed.

BY THE COURT:

Q Why did you do that? A Papa was talking about if I would help him about his sickness.

Q No, no, did he ask you to do it? A Yes, sir.

Q He told you to get into his bed? A Well, he didn't tell me that day, but he told me on the 7th he had to take it three times.

MR. McGUIRE: This is the last occasion, your Honor, charged in the indictment.

BY MR. McGUIRE:

Q Did you get into bed between your father and mother?

A Yes, sir.

Q Did you lie down ⁱⁿ between them? A Yes, sir.

Q Now, tell us what happened to you after that? A That night?

Q Yes. A Well, he took the water from me that night.

Q Tell us what--it is an unpleasant thing, Alpha, but we

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have to do it in the interest of justice. I want you to tell the Court and jury what things were done to you? A Yes, sir.

Q After you got in bed and lay between your father and your mother, as you have said, what did your father do? Did he get under the bedclothing? A Yes, sir.

MR. CARPENTER: I object to the District Attorney leading right along. This is a most intelligent witness.

THE COURT: I will overrule your objection to the question.

MR. CARPENTER: Exception.

Q After he had put his head under the bedclothes, what did he do, Alpha? A Took the water from me.

Q When you say he took--

BY THE COURT:

Q (Interposing:) What do you mean by that, Miss?

A Put his mouth up to my private parts.

BY MR. McGUIRE:

Q He put his mouth up to your private parts? A Yes.

BY THE COURT:

Q What did he do? A (No answer.)

BY MR. McGUIRE:

Q When he got his mouth there, what did he do? A He took the water from me.

Q He drew your urine? A Yes, sir.

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BY THE COURT:

Q You mean that you urinated in his mouth? A Yes, sir.

BY MR. McGUIRE:

Q How long did that continue? A Well, it was, it happened a year ago last October.

Q No, tell me this time, in January, we are talking about? A Three times, the 7th, 9th and 11th.

Q But on the 11th of January, at the time he did this act to you, as you have stated, how long did the act continue?

A You mean that night?

Q How many minutes, yes? A I guess about twenty minutes, between fifteen and twenty minutes, sometimes half an hour.

Q He stayed in that position towards you for fifteen minutes or half an hour? A Yes, sir.

Q Did he withdraw himself from that position afterwards?

A What do you mean?

Q Did he take his head away? A Yes, sir.

Q After he did, what happened, what occurred? A Then I went to bed in my own room.

Q Did he come from out the bedclothes, from under the bedclothes? A Well, he just put his head up on the pillow.

Q Then you got up and went out of the room, did you?

A Yes, sir.

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Q Was anything said by any of the people, either your father, your mother or yourself at that time? A Not that time, no, sir, but the next night.

Q The next night? A Yes.

Q Was there a conversation then? A Yes, he wanted it again.

Q Wait a minute, where was that conversation? A In the kitchen.

Q Who was present at it? A My brother and my sister, and my little brothers, and my other little sister.

Q Was your mother there? A Yes, sir.

Q Tell us what the defendant said on that occasion?

A He says he wants it once more. Mamma says she would not put up with it any longer, and she wanted the address of the doctor and he would not give it to her. He said he would not put up with it any more and he would kill us all. That was all.

Q What was said to him after he said that? A What do you mean?

Q What did you people sitting in the room say after he said that? A Well, we says we want to go down and see the doctor. He says he would not give us the address. He says we could not do anything down there if we went down anyhow. He just let them talk.

Q Do you know Mr Henry H. Sherman? A Yes, sir.

Q What is Mr Sherman's business? A Lawyer.

Q Did you see Mr Sherman shortly after the 11th of January, when this occurrence took place? A I think I was down there one night to see a young girl and I saw him upstairs, but I did not talk anything about it.

Q When was the first occasion you had a conversation with Mr Sherman? A Well, I didn't have a conversation. What do you mean, about this here?

Q Yes, you talked to Mr. Sherman, didn't you, after the 11th of January?

MR. CARPENTER: I object as incompetent, immaterial and irrelevant.

MR. McGUIRE: I withdraw the question if it is objected to. Your witness.

CROSS EXAMINATION BY MR. CARPENTER:

Q What do you, my girl? A What do I do?

Q Yes? A I go to dress making school.

Q How long have you been to dress making school?

A Since last October, but I have not been going steadily, here lately.

Q What did you do a year ago in the way of employment, were you working? A Yes, I was working in -- a year ago this October past?

Q Yes, October, 1909, what did you do? A No, I was not working at that time.

THE COURT: Is there any use in this?

MR. CARPENTER: I am going to ask some questions, if your Honor will permit me?

THE COURT: I certainly shall, Mr. Carpenter, ~~but~~ I am going to give you every opportunity, but I mean to ask whether there is any use in bringing out more history of this girl? It takes time, but if you have an object,

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if you are aiming at an end in view, go on.

MR. CARPENTER: I have, your Honor.

Q Your father and mother frequently had quarrels, did they not? A What did you say?

Q Your father and mother frequently had quarrels, did they not? A Yes.

Q And they used to become very bitter, did they not, in their quarrels? A Yes, sir.

Q And your mother found a great deal of fault with your father, didn't she? A Yes, sir.

Q Now, she has found a great deal of fault from almost, from the time he came out of prison, hasn't she? They have been having more or less trouble since his coming out of prison about ten years ago, twelve years ago? A Yes, sir.

Q And those quarrels or troubles have been through the various years, isn't that so? A Yes, sir.

MR. McGUIRE: If counsellor is going to make this lady his witness, I submit he ought to ask questions under the rule and not put in her mouth general statements.

MR. CARPENTER: This is cross examination.

THE COURT: Well, I am glad to have you label it that way, because looking at it coldy, I think it is direct. You are not examining as to matters brought out on direct examination.

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MR. CARPENTER: Well, your Honor, I believe I am wrong. I will take your Honor's ruling.

Q Your father objected to your going - A (Interrupting)

A Yes, sir.

Q (Continuing) with different men, didn't he? A Oh, I have not been going out with men.

MR. McGUIRE: I object to that as improper.

THE COURT: It is allowed.

MR. McGUIRE: Counsel asks two words at the end of the answer without asking a question.

THE COURT: Go on, Mr. Carpenter. The question is asked and answered.

Q Now, you recall last summer that you were going over to Fordham, were you not? A No, sir, I have not been going to Fordham.

Q Did you go over to Fordham and your father was following you? A Not to Fordham.

Q Where was it? A It was to Tremont avenue and 180th street.

Q And your father happened to be following you? A Yes, sir.

Q And your father inquired where you were going, didn't he? A Yes, sir.

Q And he objected to you going? A Yes, sir.

Q To where you were going to, and you did not like to

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be --

MR. McGUIRE: Now, is counsel testifying? I submit the form of the question is very bad and is not proper cross examination nor within the rules of evidence.

MR. CARPENTER: I will reform my question.

Q Didn't you object to your father wanting you to go back home? A To go home? He didn't tell me anything about going home.

Q What did he tell you? A Well, he got on the car and I --

Q (Interrupting) Did he say anything to you about not going to this place where you were going? A Yes, sir.

Q To see some people? A Yes.

Q Some young men? A No, I didn't go over to meet any men at all.

Q Didn't he order you home and you went home? A No, sir, he did not.

Q Do you recall a few days before your father's arrest that he objected to your going upstairs to a party? A Yes, sir.

Q And you and your father quarreled about that, didn't you? A Yes, sir.

Q And you had some words with your father upon that occasion, did you not? A Yes, sir.

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Q And you quarreled? A What did you say?

Q You quarreled with your father? A Yes, sir, about something else, too.

Q And you quarreled with your father upon other occasions, did you not? A Yes, sir.

Q And you wanted to get rid of your father, didn't you?
A I did not.

Q You hated your father, did you not? A No, I did not.

Q If it was true what has been stated here, what your father is charged with doing, do you mean to say you do not hate your father?

MR. McGUIRE: I object. I submit that is very improper.

THE COURT: She may answer.

MR. CARPENTER: Well, I withdraw the question.

THE COURT: She may answer.

A What did you say?

THE COURT: Repeat the question.

(Question repeated by the stenographer)

A Yes, sir, I do.

Q Well then, you do hate your father? A Yes, afeter what happened, of course.

Q Well, you said you did not hate your father just now?

A Well, before that, yes, I did not.

Q Now, listen, have you not been talking with your mother

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and devising some means by which you could get rid of your father as being a nuisance? A No, sir.

Q In all this period of time did you ever tell anybody what was taking place? A What?

Q Did you ever breathe a word to anybody? A About what?

Q About what you charge your poor father with doing?

A No, sir.

Q Did you ever resent it or object to it? A Object to about the sickness, yes, I have.

Q Did you ever object to your body being defiled?

A Yes, sir.

Q And yet you never protested to your mother or went outside to protest to anybody?

MR. McGUIRE: Will counsel allow the witness to answer one question before he asks another?

BY THE COURT:

Q Now, miss, you have heard the question and you may answer it? A Well, I don't understand all the words.

Q Now, do not answer unless you understand?

THE COURT: Repeat the question.

(Question repeated by the stenographer)

A Well, I don't know what the word "protested" means.

Q Did you ever go to anyone and tell them that you objected to it? A Objected to, about the sickness, do you mean?

Q About his conduct towards you? A No, sir, only to

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my mother.

Q Did you talk with anyone other than your mother concerning it? A No, sir.

THE COURT: Now, Mr. Carpenter, you have an answer.

BY MR. CARPENTER:

Q Now, how long have you been finding fault and fighting with your father? A Well, I have not been fighting with him.

Q Quarreling with him for the last two years, since you were sixteen years old? A Why, no, sir.

Q Has not he objected and wanted you to remain in the house for the past two years and the consequence was that quarrels ensued between you and your father? A Well, he wanted me to stay in the house altogether. He didn't want me to go out.

Q Yes, and that has been for the past two years, hasn't it, for the past two years your father --

MR. MCGUIRE: Counsel asked the question once. Then he afterwards ^{repeats} ~~repeats~~ while the witness is trying to answer?

THE COURT: Go on, please.

Q Have you not, has your father and you not been quarreling for the past two years? A No, it is not for the past two years that he has been quarreling with me.

Q How old are you? A I am eighteen.

Q You are eighteen past? A What did you say?

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Q You are eighteen past? A Yes.

Q When were you eighteen? A Last September.

Q You did not -- you want to get rid of your father, too, don't you?

THE COURT: Now, what is the use? You have been over that once.

MR. CARPENTER: Well, I have been over that once, if your Honor please.

Q You and your mother have talked about this matter many times, have you not? A About what matter?

Q About your father, and how disagreeable your father has been in the home? A Well, we have talked about the matter, about the sickness, yes.

Q I ask you, you have talked about your father being disagreeable, and you may say cranky, have you not? A Yes, sir.

MR. CARPENTER: I have no further questions.

REDIRECT EXAMINATION BY MR. McGUIRE:

Q Alpha, counsel spoke about a conversation that you had with your father on an occasion when there was a party upstairs in the house? A Yes, sir.

Q Will you tell the Court and jury what that conversation was? A Well, I wanted to go up to a party on the 18th, that was just before the day he was taken away. He wouldn't

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let me go. So he called me out in the kitchen and he started ~~talking~~. He wanted to take the water from me again. He says, if he takes the water from me I can go any place I want to. I says I am not going to stand for it any longer. So that day Mrs. Sweeney, a woman that lives upstairs come down and a young girl that lives in the house and her gentleman friend who was invited to the party, she come down and asked us to go up and papa wouldn't. So Mrs. Sweeney says "She can go up, it will be all right, she will have good company up there". My brother went up with me and we were only gone five minutes when I heard them hollering and I told my brother to go down and see what the trouble was. He started to holler at my mother all on account of that one thing.

Q Now, do you remember counsel asked you whether there were other occasions when you had quarrels with your father. Will you tell us whether there was any such occasion immediately prior to the 11th of January, 1911? A Do you mean other fighting?

Q When you had a quarrel with your father, when counsel asked you about that? A Well, he was, I wanted to go to night school and he used to holler at me.

Q Tell us what he said? A I used to take my supper around six o'clock and get dressed right after supper. Then he would come home around six o'clock and he would say, "Where are you going?" I said, "I am going to night school". So

he says, "Well, you are not going to school, you are going to stay right home". He says I was going to meet boys on the corner instead of going to school, and I was going to school every time I went out of the house.

Q And you did go to school, didn't you, Alpha? A Yes, sir, I did.

Q Did you ever have any other conversation with your father regarding what you call drawing water from you, other than the one you have justified about, before his arrest?

A Before that, well, it was on the 7th of January, that was the first time, this year that he took it again from me, and it was just around six o'clock, we were getting supper ready and he says that he wants to take the water again. So my brother and all of us was there, and this young girl that was staying with us was out that night.

Q You were altogether in the room? A Yes.

Q Of your own home? A Yes.

Q Tell us what he said then? A And he come home and he says, he was cranky all that wekk. He says to mamma, "Well, I won't be cranky any more if you let me have the one thing, the water". Mamma says "No". "Well", he says, "If you don't, then there will be war in the house, I will give it to all of youse". So then papa says -- well, mamma says then that she would not stand for it any longer. Papa said "If you let me have it longer you will see the house will be altogether dif-

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ferent". We had to give in that night and my brother and all of us were there.

Q On that night, after the conversation, were you in the room where your father and mother were in bed? A Yes, sir.

Q How were you dressed? A In my night gown.

Q Did you get into bed between them? A Yes, sir.

Q Did your father put his head under the clothes near where you were? A Yes.

Q What did he do to you? A Took the water from me.

Q Did he put his mouth to your private parts again?

A Yes, sir.

Q Did you urinate for him? A Well, what do you mean?

Q You cannot tell whether you urinated? A No, I don't know. I can't tell.

Q How long did he remain in that posture? A About twenty minutes. Sometimes thirty minutes.

Q Well, that night how long did he remain? A I guess about twenty minutes.

Q Then what did he do? A Then I went in my room.

Q Alpha, I have got to ask you to give us these facts in detail, regarding the act that you testified to as having occurred on the 11th of January. That was the last time I understood the thing happened, was it not? A Yes, sir.

Q Now, I ask you, when your father --

THE COURT: Mr. District Attorney, you are inquiring

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about the offence charged in the indictment?

MR. McGUIRE: Yes, sir, the 11th of January is the date.

Q At that time did your father do anything more than put his mouth to your private parts? A No, sir, not that night.

Q Did he do anything with his tongue? A Yes, sir.

Q What did he do with his tongue? A Well, he took the water from me.

Q What did he do with his tongue, Alpha? A Why, he put it in my private parts.

Q You felt his tongue go into your private parts? A Yes, sir.

MR. CARPENTER: If your Honor please, I object to these questions as leading, and take an exception.

THE COURT: The question having been answered it is too late for objection. Go on, Mr. District Attorney.

Q When you speak of your private parts, Alpha, what do you mean, your woman's organs? A Yes, sir.

THE COURT: Well, perhaps she knows the medical term for it.

Q Did you ever heard the word "vagina"? A No, sir.

Q Did you ever hear the passage that exists in a woman's organs called by any name? A No, sir.

Q Well, you know there is such a passage, don't you, Alpha? A Yes, sir.

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Q What was done by your father in relation to that passage in your body? A He had intercourse with me.

Q No, no, I mean on this 11th of January, 1911? A He took the water from me.

Q What did he do with his tongue in relation to the passage in your private parts? A I don't know just what you mean.

BY THE COURT:

Q Well, did he put his tongue in your private parts?

A Yes, sir.

THE COURT: Now, I think you have it, Mr. District Attorney.

MR. McGUIRE: That is all.

THE COURT: We will stop here.

The Court admonished the jury in accordance with Section 415 of the Code of Criminal Procedure and adjourned the further trial of the case until Monday, April 24th, 1911, at 10:30 o'clock A. M.

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New York, April 24, 1911.

TRIAL RESUMED.

A L F R E D M O N E T T, called and duly sworn as a witness on behalf of the People, testified as follows:

MR. McGUIRE: If the Court please, defendant's counsel requests that Alpha Monett take the stand so that he may proceed with some further cross-examination, and I have no objection.

A L P H A M O N E T T, a witness for the People, resumes the witness stand:

BY MR. CARPENTER:

Q Do you recall October, 1909?

MR. McGUIRE: If the Court please, I think it would be proper to say here that the recall is for the purpose of recross-examination of matter brought out after his cross-examination closed.

THE COURT: Go on, Mr Carpenter.

MR. CARPENTER: If your Honor please, I have no questions. Because the District Attorney objects.

THE COURT: Very well. Call the next witness.

A L F R E D M O N E T T, a witness recalled on behalf of the People, testified as follows:

THE WITNESS: I live at 689 Morris Park avenue.

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BY THE COURT:

Q What is your name? A Alfred Monett.

DIRECT-EXAMINATION BY MR. McGUIRE:

Q Now, Alfred, speak up so that the last juror can hear you. Raise your voice to a good, loud tone. Are you the son of Alexander Monett, the defendant, and Rosina Monett, his wife?

A Yes, sir.

Q How old are you? A Seventeen.

Q When were you seventeen? A March 10th.

Q Of this year? A Yes, sir.

Q Where do you live? A 689 Morris Park avenue.

Q Did you live there during the years 1909 and 1910?

A Yes, sir.

Q Who were the members of the family? A Alpha, Carrie, George, Alexander, Rosie.

Q And yourself? A And myself.

Q And your father and mother? A Father and mother.

Q What is your business? A Insurance business.

Q Whom are you employed by? A Fidelity & Casualty Company.

Q How long have you been working for the Fidelity & Casualty Company?

THE COURT: Do you want to go into that any more?

MR. McGUIRE: I want the family relations, your Honor, that is all.

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THE COURT: I would not identify this young man further than is absolutely necessary. The jury see him, and let us hope that then that will pass from their memory. We do not want to identify this young man of record any more than is necessary.

MR. McGUIRE: Yes, your Honor.

Q What business is your father in? A He was a waiter. He has done other business too besides, the sign business.

Q What business was your mother in? A Dressmaking.

Q Do you remember in October, 1909, at the home in Morris Park avenue, hearing a conversation between your father and your mother? A Yes, sir.

Q What time of the day or night was it? A Well, it was about seven o'clock in the night.

Q Where were you? A I was out in the kitchen.

Q Tell us what conversation--can you give me any closer date than the month of October, 1909? A No, sir.

MR. CARPENTER: If your Honor please, that is too general and too indefinite.

THE COURT: The objection to the question is overruled.

MR. CARPENTER: Exception.

Q You may tell us what the conversation was you heard between your father and mother? A I didn't hear the conversation very distinctly, but I understood he said he--

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MR. CARPENTER: I object to that as calling for the operation of the mind.

MR. McGUIRE: I withdraw the question.

Q Did you hear any conversation between your father and your mother? A Yes, sir.

Q Tell us what it was? A He said he was down to the doctor and said he was sick. He said he would have to have the water from a young girl between 16 and 18, in order to make him better again.

Q What did your mother say? A I don't remember what she says.

Q In what language was that conversation? A German.

Q Do you understand German? A Yes, sir.

Q Did you hear any other conversation upon the same subject at any later time? A No, sir.

Q Have you told me all that you recall of that conversation, Alfred? A Yes, sir, as much as I can remember.

Q Do you remember anything said in that conversation about how long the treatment would continue? A He says about three weeks.

MR. CARPENTER: I object as leading.

Objection overruled. Exception.

Q He said it would take about three weeks? A He said in about three weeks he would be better again.

Q Now, following upon that conversation did you see

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your sister Alpha about bedtime in the apartment where you lived? A Yes, sir.

MR. CARPENTER: I object, unless he fixes the time.

MR. McGUIRE: I am going to do that.

Q About what time was it you saw Alpha, as you have stated, how long after? A You mean when she went in his room?

MR. CARPENTER: I object, no date or month has been stated.

Q After that conversation you spoke of? A About two days after.

Q Tell us what you saw A I was asleep. I could look out from my room into the kitchen, and I saw her pass through the kitchen into his bedroom.

Q Who was in his bedroom at the time Alpha went in? A My father and mother.

Q How was Alpha dressed? A In a nightgown.

Q Was the house 689 Morris Park avenue a corner house, Alfred? A Yes, sir.

Q About how wide was it? A Well, I should judge about 25 foot.

MR. CARPENTER: I object.

Q About how deep was it?

MR. CARPENTER: I object.

Objection overruled. Exception.

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Q About how deep was the house? A About fifty foot.

Q Was its length or its width towards Morris Park avenue?

A I don't quite understand.

Q Was the narrow part of the house toward Morris Park avenue? A Yes, sir.

Q How many floors of the house did the family occupy?

A Our family? One floor.

Q What rooms or what was on the ground floor of the house? A A cafe.

Q Liquor store? A Yes, sir.

Q And on the Morris avenue front, the Morris Park avenue front, what rooms faced? A The parlor and hall bedroom.

Q And what room was immediately next to the parlor? A The diningroom.

Q And where was the kitchen? A Right after the diningroom.

Q Where was the bathroom and watercloset? A The bathroom was right behind the hallway.

Q And adjoining the kitchen, wasn't it? A Yes, sir.

Q What rooms were on the back of the house? A Two bedrooms.

Q Which of the bedrooms did you occupy? A The one that was northwest.

Q That was the inside bedroom, wasn't it? A Yes, sir.

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Q And who occupied the outside bedroom on the corner of the house? A Father and mother.

Q Where did Alpha and Caroline sleep? A In the hall bedroom.

Q In the front of the house was that? A Yes, sir.

Q Where did, or who slept in the little, in the big bedroom in the back with you? A My two brothers and my youngest sister.

Q So there were four of you sleeping in that room, were there? A Yes, sir.

Q And that conversation that you have stated, have you told me all that you can remember? A That's as far as I can remember, yes, sir.

Q Do you remember anything having been said about a doctor? A He just said he went down to the doctor in 23d street.

Q Was anything said in that conversation--

MR. CARPENTER: If your Honor please, I am going to object to counsel suggesting.

MR. McGUIRE: Counsel does not seem to be aware--

THE COURT: Go on, please.

Q Was anything said about the doctor's name in that conversation? A No, sir.

Q Did you ever hear any doctor spoken of by name in any conversation between your father and mother? A No, sir.

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Q Was anything said in that conversation about where the doctor lived? A The doctor he went to first he says lived on 23d street.

Q Did he give any number? A No, sir.

Q Did you hear any conversation later regarding the doctor to whom your father had been for consultation? A He says he was a Free Mason.

Q No, I ask you whether you heard another conversation? A No, sir.

Q Was this the same conversation, then? A Yes, sir.

Q Tell us what else you can recall about that conversation? A I don't recall any more.

Q Well, you said just now he said he was a Free Mason, and had to keep the matter secret? A Well, yes.

Q Tell us what he said about that? A He said he was a Free Mason, and my father says he gave himself away as a Free Mason, and that made it all the better for him.

Q How many times have you seen Alpha at bedtime, at your bedtime, in her nightgown, passing across the kitchen and going into your father's room? A I guess it must have been as much as fifty times.

MR. CARPENTER: I guess to that, if he cannot state with any definiteness, I object to guessing.

THE COURT: Well, I will sustain the objection.

Q You say that you guess, is it an approximation of the

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fact or the closest you can come? A Yes, sir.

Q It is your best recollection, is it? A Yes, sir.

MR. CARPENTER: Then I object to it.

Q When she went in the room what happened to the door of the room? A It was generally closed.

Q Do you remember in the month of November last having a conversation with your father? A Yes, he was standing--

Q Wait a minute, where was it? A Right pretty near in front of the house on the sidewalk.

Q You say it was pretty nearly in front of the house?
A Yes, sir.

Q Tell us what your father said to you and what you said to your father? A Well, he had a little--

Q (Interrupting:) Give me all you can recall, so as to save any delay, try and put your memory back? A There was a little argument in the house that night and then he went out. I went out and I saw him standing on the sidewalk. He looked as if he was sick. I walked up to him, and so he says, "You see, they don't agree with me in the house," he says, "and I ought to have the water a few more times. My throat hurts yet." He says, "You know I am getting water from Alpha." I says, "I know, I know it long ago, I knew it when you first got it."

He said, "Well, I ought to have that water yet. I feel sick. They don't want to give it to me." Then he said, "Well,

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what would you do?" Well, I says, "If I was being treated as you are treating her I don't think I would give it to you."

He says, "Never mind. Suppose she was being treated all right?"

I says, "Father, if you were sick I would let you have it."

So I walked away and he walked up the avenue.

Q Do you remember a conversation between your father and other members of the family at which all the children and your mother were present on the evening of the 7th of January?

A Yes.

Q Where was that conversation? A In the kitchen of our house.

Q Who was present? A All the members of the family.

Q About what time of night was it? A Between five and six.

Q Was it before supper? A Yes, sir.

Q Tell us all you can remember of what was said and done at that time and place, on the 7th of January, 1911, the date is?

A Between five and six in the night, they had a little, some kind of argument, during about five o'clock, my sister was ironing.

Q Which sister was ironing? A Alpha.

Q Yes. A So he says, "All this trouble could be stopped if you would only give me what I want." So he says, "I just need the water three more times and I will be better again, and then everything will be fine."

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So Alpha, he asked Alpha if she would let him have it, and she refused. And so then he asked me what would I do in the case. I says, "Well, according to the way you treat Alpha I would be the same as she is." So, well then, he says, "Well, suppose she was being treated all right, would n't you let me have it if you knew your father was sick and it would do him good?" I said "Certainly." So he says to Alpha, "Well, Alpha, what do you say?" So she does not answer for a while, and he says to the mother, "You see how stubborn she is, she wouldn't even answer me."

Then after while I said, "Go ahead, Alpha, answer him. We might as well make everything peaceable in the house." I says to him "If you promise that three more times will be all she will probably answer you." He says, "That's all I want, three more times," so she says, "All right."

Q Did your mother take part in the conversation?

A No, sir, not very much.

Q What did you hear your mother say? A When he started in she says, "There you go again, you are always nagging her, never anybody else in the family, always her."

Q Have you told me all you can recall of the conversation? A Yes, sir.

Q Do you remember your mother saying anything about Alpha's nervousness? A No, sir, I don't recall it.

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Q Do you remember a conversation after the 7th of January between your father and either yourself or any other members of your family at which you were present? A On the 12th of January.

Q Where was that conversation? A The diningroom.

Q What time of day? A About seven or half past seven at night.

Q And who was present? A Alpha, and my mother, my father and myself.

Q Tell us what was said at that conversation? A He started in arguing with her again.

Q With whom? A With Alpha.

Q Yes. A My mother says, "Well, there you start in again." He says he only had the water twice, and he wanted it again; he had had it three times and he said he wanted it again, so my mother and Alpha almost dropped to the floor when he said that, because they knew he had it three times. They says, "Now, you don't get it any more." Then he called my sister names.

Q Tell us what he said? A I don't like to say it very much.

Q I know you don't, Alfred? A He called her son of a bitch and called her a whore.

Q What did Alpha do? A She cried.

Q Did she stay in the room? A Yes, sir; he went to

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hit her and I jumped in between.

Q What did he say? A I told him to hold himself back. He didn't say anything.

Q Who went away first from the room? A I did. I went outside.

Q Do you remember the night of the 18th of January?

A Yes, sir.

Q Where were you that night?

A Upstairs, the next floor.

Q Who was with you up there? A My sister and another young girl.

Q Which sister? A Alpha.

Q While you were upstairs did you hear a noise down in your apartment? A Yes, I heard loud talking.

MR. CARPENTER: I object to that.

MR. McGUIRE: It is only preliminary. I withdraw it.

Q Did you go downstairs from where you were at the party? A Yes, sir.

Q Did Alpha go with you? A No, sir.

Q When you got down stairs did you see your father and mother? A Yes, sir.

Q Were they speaking or silent? A They were just silent when I got in the door.

Q Had you heard their voices before? A Yes.

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Q Were they loud or low?

MR. CARPENTER: I object to that.

THE COURT: Why do you object to it?

MR. CARPENTER: Because, if your Honor please, this is upstairs and there is no possibility of determining whose voices they were.

THE COURT: He may answer.

MR. CARPENTER: Exception.

A I heard them talking loud, and there was a young girl in the house to see my mother about a dress, and so--

MR. CARPENTER: I object to that.

BY THE COURT:

Q No, the question is whether the voices you heard were loud or not, that is all? A Yes, they were loud.

BY MR. MCGUIRE:

Q When you got downstairs and saw your father and mother did you have any conversation with them? A Yes, sir.

Q Tell us what the conversation was? A I asked my mother what was the matter. She says, "Oh, he is fighting again about the water, he is fighting because we were upstairs. He says the people upstairs were not respectable."

Q Who said that? A My father. So my mother says, "Well, why didn't you object to it before they went up. Why do you holler now, you are always fighting them, you allowed them first, and after the thing is done you are arguing with

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them."

Q Have you told us all you can remember of that conversation? A He says he don't want Alpha to be associated with any unrespectable people like those upstairs.

Q What was said after that? A I told him to calm himself and I went upstairs again.

Q Now, the next day, January 19, your father was arrested, wasn't he? A Yes, sir.

Q Were you there at the time he was arrested? A I just come home from work at six o'clock and saw him standing there with two detectives.

Q Did you have a conversation with him at that time? A I said, "Hello, father," and I walked past. He called me back again and he says, "Mamma had me arrested." So then the detectives started to talk to me and he says, "I guess you thought your father couldn't run."

BY MR. CARPENTER:

Q Just a moment. Is that a conversation in the presence of the defendant? A Yes, sir. The detective asked me if that was my father and I said yes. He says, "You ought to be ashamed to call him your father."

BY MR. McGUIRE:

Q Never mind that. I want what your father said to you? A Well, he says, "Alfred, help me all you can." I says, "All right," to him. And I says, "Good bye," to him, and walked

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upstairs.

CROSS-EXAMINATION BY MR. CARPENTER:

Q Alfred, who buys your clothes, how long have you been working?

MR. CARPENTER: I withdraw the question.

Q How long have you been working? A Since July 2d, 1907.

Q Who bought your clothes before then?

BY THE COURT:

Q (Interposing:) Well, your father took care of you, didn't he?

THE COURT: Is that what you wanted to show?

MR. CARPENTER: No, sir.

THE COURT: Go on, then.

BY MR. CARPENTER:

Q Who bought yours clothes? A I always supposed it was my father.

Q I am asking you who went with you and selected and purchased your clothes or your mother or your father? A My mother.

Q You have talked with your father with your mother since your father was arrested, have you not? A Yes, sir.

Q And she has told you many things, has she not, from her point of view? A Yes, sir.

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Q That you did not before know of? A No, sir.

Q And you have had conversations with your mother and sister since Friday and this morning, have you not, about this trial? A Yes, sir.

Q And they told you what took place here, have they not? A Yes, sir.

Q And they told you the questions and answers that were made during the trial, did they not? A A few of them.

MR. McGUIRE: May I ask that counsel put his questions in the interrogative form? He makes a statement.

MR. CARPENTER: Well, I shall try and correct my error.

Q Now, how is it that you are able to remember the day or date in October, 1909, when such a terrible transaction took place? A I didn't think it was--

Q (Interrupting and continuing): As your sister, coming through, as you have stated to the jury, through the kitchen into the bedroom? A I didn't think it was necessary.

Q Weren't you very indignant, weren't you, very much aroused and mad at such a thing taking place? A I didn't fully understand the meaning of it, I thought it was doing him good.

Q How old were you then? A Fifteen.

Q And you were a schoolboy, weren't you? A No, sir.

Q You had gone through school? A Yes, sir.

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Q You had associated with many boys, hadn't you?

A Yes, sir.

Q And you had intelligence of the world, the same as other boys, had you not? A I suppose so.

Q And you knew, didn't you, to do a thing of that kind was a most terrible crime?

MR. McGUIRE: If your Honor please, I object on the ground it assumes a state of facts that does not exist.

THE COURT: Objection sustained. You have asked him that once and he has answered. He said he thought it was doing good to his father. That's about all you can get along that line.

Q This bedroom you say you saw your sister come through the room? A I saw her come through the kitchen, yes, sir.

Q Now, who was sleeping in that room that night? A My father and mother.

Q No, in your room, the room that you occupied in October, 1909? A My two brothers and youngest sister.

Q How many beds did you occupy? A How many do I occupy? One.

Q How many beds are in the room? A Two.

Q Two beds are occupied? A Yes.

Q How are those beds situated in the room? Now, I will be fair with you. Say here is the room right here (il-

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lustrating). A suite of rooms run right along this way from you to me? A Yes, sir.

Q Here is your bedroom here? A Yes, sir.

Q Say this is your father's bedroom right there?

A Yes, sir.

Q Here is a door right here?

MR. McGUIRE: If your Honor please, I do not understand counsel's procedure.

THE COURT: Go on.

Q I will first ask you to look at this diagram. Is that a correct diagram of your rooms, just look at it very carefully?

A Yes, sir.

Q Will you take this blue pencil and show me where your bed you occupied was, the head of the bed? That is your room here, isn't it (indicating)? A Yes.

Q Just show me where your bed was and where your brothers bed was and where the head was? A This was my bed and this was my brothers bed (indicating).

Q Just put "Alfred" right there? A (The witness writes.) I was sleeping on the outside of the bed and my brother was sleeping in there (indicating).

MR. McGUIRE: You had better have that marked in evidence.

(Marked Defendant's Exhibit A.)

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Q Now, what time of night was this? A When?

Q On this October, this first great night that you described? A About ten o'clock.

Q Do I understand you to say that you were asleep?

THE COURT: Ask him whether he said it.

Q You were asleep?

THE COURT: Ask him what he said in that respect, not what you understood.

MR. CARPENTER: Yes, sir.

Q What did you say to the District Attorney, do you recall now, about that night, you suggested that you had waked up?

A No, sir, I hadn't gone to sleep yet.

Q Now, how was it possible--oh, was your, was the gas lit in your room? A No, sir.

Q The gas turned out? A Yes, sir.

Q Was the gas lit in the kitchen? A No gas lit in any room.

Q There was no light in any room? A Well, the electric light on the street corner showed right up in the room.

Q Was there any light in any room? A No, sir.

Q You heard him then speak, or did you hear him speak about a doctor in 23d street that he visited? A Yes, sir.

Q Whom did he tell about this doctor to, your mother?
A Yes, sir.

Q Did he say that the doctor in 23d street was the doctor

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who advised him to draw this water? A Yes, sir.

Q You never heard any conversation at any later time from October, 1909, until around January, 1911? A Why, yes, sir.

Q When did you hear that conversation? A I don't recall the date.

Q You can--oh, you don't recall the date? A No, sir.

Q Do you recall the month? A No, sir.

Q You don't recall the month? A No, sir.

Q You don't recall the year? A It was later, in about January, 1910, the first part of 1910.

Q Well, now, you don't recall, now, or you do recall, now, do you remember positively? A I don't recall exactly the month, no, sir.

Q And really in fact you don't remember a conversation, do you? A Why, yes, I do.

Q Now, is it not a fact that the first that you knew about what had been said to Alpha, with the relations with her father, was what your mother told you? Mark you, your father is on trial and you are under oath?

MR. McGUIRE: If your Honor please, I object.

THE COURT: Now, Mr Carpenter.

Q We want the truth? A You are getting the truth.

Q Was not that the first--

MR. McGUIRE: I object to the question.

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THE COURT: Sustained.

MR. CARPENTER: I will reform the question.

Q Is that the first information you had concerning the relations as has been stated by you between your sister Alpha and your father, came from your mother? A The information came from my mother? I heard it myself.

Q Wasn't it what Alpha said to the mother? A I don't understand you.

Q Was it not a conversation concerning the relations of your father and Alpha that was given to your mother?

MR. McGUIRE: I object to the question as vague, your Honor.

MR. CARPENTER: I will reform my question.

Q Have you not said that the first intimation that you had was the conversation that Alpha had with her mother?

MR. McGUIRE: I object.

Q (Continuing:) Concerning the transaction between your father and mother?

MR. McGUIRE: It is plain the witness did not say anything like that.

A I don't understand the question.

Q Was not the first information that you had from them on this subject of your father and Alpha's relations, as you understand it, from a conversation that Alpha had with her

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mother, telling her of these relations? A (No, answer.)

Q If you don't understand me I will try and reform my question again.

MR. McGUIRE: Cut it up, please, do not have so many pieces in it.

Q Did Alpha have a conversation with your mother in which she told about the relations with Alpha and the father, and that is the first intimation you had? A I don't know. I don't know whether she had conversation or not.

Q Are you willing to swear to that?

MR. McGUIRE: Objected to.

A I was not present at the conversation.

Q I grant you that. And the information you got, didn't it come through Alpha telling the mother? A No, sir.

Q Do you recall the 8th day of January, 1911? A I don't know as anything happened on that day.

Q Did your father not make an application for a position and he did not accept it? A I don't know.

Q You do not have any recollection at all? A No, sir.

Q Do you recall of any transaction where your father was to meet somebody in Jersey on the 8th day of January, 1911? A I recall he was to meet somebody but I don't know the date.

Q But it was in January, wasn't it? A Yes, sir.

Q And you honestly believe that if your father had gone there and accepted that position no scandal would have ever

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happened, would it?

MR. MCGUIRE: I object to that.

THE COURT: I do not see that what this witness thought, what that has to do with it.

Q (Question repeated by stenographer.)

THE COURT: I will sustain the objection.

MR. CARPENTER: I will withdraw the question.

Q Have you not stated either in writing or by word that if your father had accepted that position no trouble would have happened? A Why, these arguments that led him--

Q Answer my question? A I am answering the question. I say those arguments--

Q Answer the question yes or no.

MR. MCGUIRE: I object, your Honor.

THE COURT: He may answer the question.

A I have stated in writing that I do not presume it would have happened.

Q And when you wrote that you believed it to be true, didn't you? A Yes, sir.

Q Now, I am going to write you a letter and ask you did you write this letter? A Yes, sir.

MR. CARPENTER: I ask to have it marked for identifications.

MR. MCGUIRE: Why not put it in evidence?

MR. CARPENTER: Well, I will offer it in evidence.

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(Marked Defendant's Exhibit B.)

(Mr Carpenter reads the letter to the jury.)

BY MR. CARPENTER:

Q What do you mean by, when you write here, "Mamma would have forgiven you for everything but when she heard Alpha and Carrie's stories that settled you." What did you mean when you wrote that? I will give you an opportunity to explain.

A Why, my mother was telling what my two sisters told her.

Q And that is the first that you knew, is when you had the information, what your mother told you, isn't that so, yes or no? A No, sir.

MR. McGUIRE: I ask your Honor to instruct the jury not to regard the exclamation of counsel, "God forgive you."

THE COURT: Why, certainly.

REDIRECT-EXAMINATION BY MR. McGUIRE:

Q Counsel asked you what you meant by the reference in this letter to what Alpha and Carrie had told her, and you said the reference was made because your mother had told you what Carrie and Alpha had told her. What did your mother tell you that Alpha and Carrie had told her about this defendant? A She told me that he tried to abuse them, told me about the same story that Carrie went through when she was about eight years old, he tried to abuse her at that time.

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C A R O L I N E M O N E T T, called and duly sworn as a
witness on behalf of the People, testified as follows:

DIRECT-EXAMINATION BY MR. McGUIRE:

Q Carrie, will you unbutton your coat. It is a little
warm here, and you may catch cold. Now, Caroline, are you the
daughter of the defendant Alexander Monett and his wife Rosina?

A Yes, sir.

Q And did you live with your father and mother and bro-
thers and sisters at 689 Morris Park avenue during or since Oc-
tober, 1909, down to this time? A Yes, sir.

Q Do you go to school? A No, sir.

Q What do you do? A I stay at home.

Q And help your mother? A Yes, sir.

Q What is your mother's business? A Dressmaker.

Q Carrie, do you remember on the 7th of last January,
this year, being in the house, when there was a conversation
between your father and the other members of the family, in
which Alpha was mentioned? A Yes, sir.

Q Where was that conversation held? A That was in the
kitchen.

Q What time of the day? A Between five and six at night.

Q Who was there besides you and your father? A My
brother and Alpha and my mother and the smaller children.

Q Now, you tell the Court and jury what was said and
done at that time? Now, give me all you can remember, Carrie.

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A Yes, sir.

Q It will save time. Go on just from the beginning?

A On Saturday night, January 7, between five and six, my father said to my sister, "I want the water three more times, and I won't quarrel any more and there will be peace, and if I can't have it there will be war in the house every day." And my sister didn't make any reply. We were all quiet. Then my mother said to my brother, "What would you do in such a case," and he said, "Well, to keep peace I would help him three more times." So finally my sister consented, but not with a will.

Q No, what did Alpha say? A She said, "Oh, all right,"

Q When she said that what if anything did your father say? A He said, "Well, I will be the best man in the world now and we will live in peace."

Q Do you remember anything that your mother said? A I don't remember anything that she said.

Q Did you sleep in the same bedroom with Alpha? A Yes, sir.

Q Do you remember in the month of January, before the 11th of January last, seeing Alpha crossing the parlor in her nightgown after you had gone to bed? A No, sir, there was a girl staying with us and she slept with my sister and I slept in another ^{room} bed next to my father and mother.

Q You did not see Alpha at bed time on those nights in

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January? A No, sir.

Q Do you remember any occasion when you and your sister were ready for bed, when your father came into the bedroom where you were? A I think he did once.

MR. CARPENTER: I object to that answer.

Q What is your recollection, Caroline, that such an occasion did exist or that there was such an occasion? A Well, I am not positive.

MR. McGUIRE: Then I shall not ask you about it.

BY THE COURT:

Q You may give your best recollection.

MR. CARPENTER: I object.

MR. McGUIRE: I shall not ask her.

CROSS-EXAMINATION BY MR. CARPENTER:

Q Now, you don't remember what your mother said on the 7th day of January when the conversation took place? A Yes, sir, I do.

Q You answered the District Attorney you didnot? A My mother said--

Q (Interrupting:) I am asking you about the answer to the District Attorney. What do you mean by that. Now you say you do, and when the District Attorney asked you said you did not? A While the conversation was going on--

Q (Interrupting:) I am asking you--

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THE COURT: Let her answer.

A My mother said to my brother would he help my father if he could, and he said to keep the peace he would. That's all my mother said that night.

Q You are positive that is all your mother said? A Yes, sir.

Q Now, it is the fact, isn't it, that your mother and your father used to quarrel repeatedly, didn't they? A Sir?

Q They used to quarrel and fight repeatedly? A Yes, sir.

Q And as far back as you can remember they quarreled, didn't they? A Yes, sir.

Q Did your father not threaten you all on the 18th day of January or during the month of January? A During the month of January, I don't remember on the 18th.

Q And you were all greatly frightened, were you not? A Yes, sir.

Q All greatly frightened? A Yes, sir.

Q And you thought that your lives were in danger, didn't you? A Yes, sir.

Q And that was before the 18th, wasn't it? A Yes, sir.

Q About when, about the 1st of January? A No, sir.

Q A little after the first? A Yes, sir.

Q You had conversations then with your mother then about your father, didn't you? A I did not.

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Q You never have spoken to your mother about your father?

A I did not.

Q Your mother has never told you or said anything to you whatsoever? A No, sir.

Q Do you think that anything that your mother does is just right, don't you? A Yes.

Q And your father was not home so very much, was he, he was working? A Yes, sir.

Q Your father was out working during the day? A Yes, sir, he came home once in a while during the day.

Q He came home once in a while--

MR. McGUIRE: Objected to.

THE COURT: Go on, please.

Q Do you recall your father working in New Rochelle?

A Yes, sir.

Q In 1909 and 1910? A 1910.

Q From June, 1909, to March, 1910, do you recall that?

A Yes, sir.

Q And your father was a cook up there, wasn't he? A Yes, sir.

Q And your father only came home Saturdays, didn't he?

A No, sir.

MR. CARPENTER: I have no further questions.

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REDIRECT-EXAMINATION BY MR. McGUIRE:

Q Carrie, your father lived home with the family, didn't he? A Yes, sir.

Q And slept home there every night, didn't he? A Yes, sir.

Q Counsel asked whether your father had threatened the lives of the members of the family some time in January, 1911. Were you there when you heard your father make those threats? A Yes, sir.

Q Now, tell us what he said? A One night we were at supper table and he was sitting by the stove and he said, he made terrible eyes and he scared us to death. He said we would kill us if we don't do what he said, and mamma was very much frightened, and we all went--

THE COURT (interposing): What is this?

MR. McGUIRE: I merely want to develop what counsel brought and I wanted the jury to understand.

THE COURT: But you are straying from the issue here. It is sodomy. I would not go into that further.

MR. McGUIRE: I will leave that then at the Court's suggestion.

WILLIAM F. BOYLE, called and duly sworn as a witness on behalf of the People, testified as follows:

MR. CARPENTER: Your Honor, I object to any testi-

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mony that Officer Boyle shall give, because as I understand the rules of evidence where the witnesses were excluded from the court room--

THE COURT: I have always understood that when a witness remained in the room when he was ordered out he was guilty of contempt.

THE WITNESS: I was not here, your Honor.

THE COURT: I assumed that, go on.

DIRECT-EXAMINATION BY MR. MCGUIRE:

Q Mr Boyle, you are a detective officer of the Police Department of the City of New York assigned to the District Attorney's office, are you? A Yes, sir.

Q Were you in the court room while testimony of the witnesses was given? A The last witness. I was not in when that order was issued. I was in Part I on another case.

Q You did not hear the order issued this morning? A I did not.

MR. CARPENTER: I renew my objection, your Honor.

Objection overruled. Exception.

Q On the afternoon of the 18th of January last did you see the defendant? A Yes.

Q Where was he? A Van Nest, I don't know the name of the street.

Q Van Nest station? A No, it was on the trolley road,

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trolley line. It is Van Nest. I ain't got the name of the street, but it was on a street where the defendant lived.

Q That is Mount Morris Park avenue, isn't it? A Yes.

Q Well, at or near Mount Morris Park avenue is where you saw the defendant, isn't it? A Yes.

Q Who was with you? A Mrs Monett and two girls, two of the children and Officer Thomas.

Q What happened at the time you first saw Monett? A Mrs Monett said--

Q (Interrupting:) Do not tell us what she said?

A Well, she drew my attention to the corner and I look ed.

BY THE COURT:

Q Do not tell us anything she said? A Well, I looked where Mrs Monett pointed. The car stopped.

MR. CARPENTER: I object.

THE COURT: Objection sustained.

A (Continuing:) I got off the car.

BY MR. McGUIRE:

Q Go on, that's right. A And I saw a man running, so I immediately started after that man. He ran along Morris Park avenue in a westerly direction and across the lots, and I overhauled him perhaps about a block or a block and a half from where he started.

Q When you got up to him did he talk to you or you to him?

A Yes.

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Q What did he say? A I told him if he didn't stop I would shoot him.

Q Then did he stop? A He slowed up and I turned the man around and searched him right away, because we had some information and had reason--

MR. CARPENTER: I object to that.

A (Continuing:) I searched him in the lot.

Q After you searched him tell me what he said to you and what you said to him? A I said to him, "What did you run for?" He said, "Why, my little girl did not come home from school, my wife was not in all the afternoon and I became suspicious, when I seen the man getting out of the car with my wife I was not going to take any chance, that was the reason I ran."

Q Did you place him under arrest? A I did.

Q Did you see his son Alfred Monett that night? A Well, we walked from the lots back through that Mount Morris Park avenue to the corner where he started and Officer Thomas met with an accident--

MR. CARPENTER: I object to that and ask to have it excluded.

THE COURT: Sustained.

A (Continuing:) We were standing, and I remained on the sidewalk and the son came up.

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MR. CARPENTER: I object to all that.

A (Continuing:) It was in the presence of the defendant.

Objection overruled. Exception.

A (Continuing:) The defendant asked me if he could speak to this young man, and I said, "Who is he?" And he says, "My son." I said "Yes, if he wants to talk to you." So he addressed him and told the son that he was under arrest, and he said "Your mother had me arrested."

Objected to. Objection overruled. Exception.

BY THE COURT:

Q Go on, please? A And the son said to the father, "Well, you brought it all on yourself, you know very well that you deserve it." Well, he says, "Now," calling him by his name, "will you help me, will you speak to your mother?" He says, "Yes, I will." He says, "Tell her to haft maul."

Q Was he speaking to the son in English? A Yes, until he said that .

Q Until he used that German expression? A Yes, sir.

Q He said "haft maul"? A Yes.

MR. McGUIRE: Your witness.

MR. CARPENTER: I have no questions for this witness.

MR. McGUIRE: I offer in evidence the record of the conviction of the defendant Alexander Monett of a felony from the files of the County Court of Kings County.

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THE COURT: Well, is it conceded?

MR. CARPENTER: I stipulated with the District Attorney that he need not prove the previous conviction.

THE COURT: Do you concede that the defendant has been previously convicted of felony as charged in the indictment?

MR. CARPENTER: Yes, sir.

MR. McGUIRE: May I read then the indictment allegation?

THE COURT: Oh, there is the statement of it, the defendant has been previously convicted of a felony. That is quite enough, Mr District Attorney.

MR. McGUIRE: The crime as charged, your Honor, was bigamy, and he was sentenced to four years.

THE COURT: No, no, that is quite immaterial. Is there any other evidence?

MR. McGUIRE: That is the case for the People.

THE COURT: The People rest.

THE DEFENCE.

ALEXANDER MONNETT, the defendant, called and duly sworn as a witness on behalf of the defence, testified as follows:

DIRECT-EXAMINATION BY MR. CARPENTER:

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THE WITNESS: I live at 689 Morris Park avenue.

Q Mr Monett, please talk loud so that these gentlemen of the jury can hear every word you say? A All right.

Q When were you married? A 1892.

Q What is your business? A My business is chef, cook.

Q What else do you do when you are not employed as such?

A As waiter and making signs.

Q Now, did Mrs Monett ever have a conversation with you in which the name of any one was mentioned, and when? A What name?

Q Of a physician? A Oh a physician, never.

Q I ask you did Mrs Monett ever speak with you? Probably you don't understand my question, did Mrs Monett ever speak with you after you came out of prison, before you went to prison?

MR. McGUIRE: Now, which is it, before or after?

MR. CARPENTER: Well, I will put it differently.

Q Do you recall your wife making any suggestion and mentioning the name of any physician? A Yes.

Q When was that? A That was before, or after I come out of Kings County Penitentiary.

Q Now, we will go back again. Under what circumstances was it that you were arrested and convicted for bigamy?

MR. McGUIRE: I object as improper, incompetent, immaterial and irrelevant to the issue of this case.

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THE COURT: Why is it incompetent?

MR. McGUIRE: Because it has no bearing at all upon the facts or circumstances under which he was convicted of bigamy.

THE COURT: Certainly. Objection overruled.

MR. McGUIRE: I withdraw the objection, so as not to have any error in the record.

Q (Question repeated.) A Well, I was intoxicated.

Q I do not hear you? A Intoxicated.

Q I understand you, then, where did you meet this woman with whom you were married? You were married to the woman were you not? A Yes. I was over there to Brooklyn, there was a sign on the window, to a friend of mine, I come over there and took an order to write letters on. There was a lady at 277 Smith street, that was a candy store, and I went there to take an order the first day.

Q You do not talk plain enough. Go on. A She gave me an order. I came over next day with the letters. I put the letters on, and her daughter was absent that day to East Orange, New Jersey, and I was finished with the letters and the lady called me inside and thanked me, and says "Come in the back in the parlor."

I went in the back, and she bring out whiskey and she had two demijohns of whiskey in the side room; she said "Sit down,"

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and I sat down, and we took a couple of whiskeys. She gave me a couple more and she come and kissed me and put her arms around my neck and she says she likes Frenchmen. I am an Alsatian but they call me "Frenchy".

The next day I had to go again, I went there again and brought them letters and she done the same act again with the whiskey.

I went canvassing every day then in Brooklyn. I used to canvass in Brooklyn and when the daughter was home the old mother, she kept me sometimes a night over there. She says, "What's the use of going home to New York, so far, stay over here over night, I got a whole room you could sleep there."

Well, I didn't mind once in a while to sleep there, and when I was there she came in herself and finally she wants to sell the business and wants to run away with me. I says, "I got a wife in New York." She knew I was married. A friend brought me there to put that sign up there, but she didn't care and she wants to run away with me, and I was a heavy drinker that time, and I drank a lot of whiskey and some day I was intoxicated, I don't know how, I got married with the daughter, and she says "Now, I got you anyhow."

I was a week with them when I was arrested.

Q When you were indicted you were arraigned at the bar, were you not? A Yes.

Q I mean in the County Court in Kings County, when you

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were arraigned at the bar, at the rail? A Yes.

Q And the clerk asked you whether you pleaded guilty or not guilty to the indictment, id you plead right then and there guilty? A No, I didn't plead right guilty, because nobody told me anything.

Q I mean when did you plead guilty, right there and then?

A When? I was about five or six days in the jail, when I got out again, and a lawyer I had, he came down where the prisoners are locked up and told me "Who takes a plea?" And I says "I will take a plea."

Q A lawyer was assigned to you? A Yes, assigned to me.

Q Did you tell anything about your case to your lawyer or did he just tell you to go and plead guilty? A I didn't tell him anything, he never spoke to me. He just said "I will take a plea of guilty."

Q That is all he said to you? A Yes.

Q After you came out of the Kings County Penitentiary, what did you do then or where did you go? A When I came out I had about \$8.

Q I asked you where did you go? A I went to New York and took a room. I went first to look for a job, and I have that room for one week on Third avenue and I couldn't get no job right away, and I went uptown and looked where my wife

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lives and she used to tend a baker store on Third avenue between 167th and 168th street.

MR. McGUIRE: I object. I think questions ought to be directed now to matters. We do not want general recitals.

THE COURT: Yes, go on.

Q Now, you went to live with your wife again, did you?

A I went right away to live with my wife again.

Q When you were living with your wife-- A (Interrupting:) She was a janitress.

Q (Continuing:) Did any one call and ask for your wife?

MR. McGUIRE: I object to that as immaterial.

THE COURT: Objection sustained.

Q Did Mrs Monett after you came out of jail say anything to you in which the name of a physician was mentioned?

MR. McGUIRE: I object as immaterial.

THE COURT: Objection sustained.

Q Did Mrs Monett when you came out of jail--

MR. CARPENTER: Question withdrawn.

Q Did your wife make any statement to you referring to any relations with any man while you were in prison?

MR. McGUIRE: I object to that as improper.

A Yes.

THE COURT: Well, I will allow it, though your objec-

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tion, perhaps, is well founded.

BY THE COURT:

Q Answer the question? A I didn't understand that right, what you asked.
BY MR. CARPENTER:

Q Did your wife say anything to you of having any relations with a physician while you were in jail? A Yes.

Q What did she tell you?

MR. McGUIRE: I object to that as immaterial.

THE COURT: Objection sustained. Suppose the wife did, is it not a confidential communication? We will not argue about it. Objection sustained.

Q Did you ever have any trouble with your wife over the mention of a man's name? A Oh, yes.

MR. McGUIRE: Objected to as immaterial.

THE COURT: Objection sustained.

MR. McGUIRE: And may the witness be instructed not to answer?

THE COURT: Yes, do not answer when there is objection pending.

Q Did you quarrel with your wife? A Yes, many times.

Q Did you quarrel with your wife on account of another man? A Yes, sir.

MR. McGUIRE: I object to that as improper. The witness has again broken the rule.

THE COURT: Objection sustained.

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MR. CARPENTER: If your Honor please, may I not have opportunity to show--

THE COURT: There is nothing before me at present. Proceed with your question.

Q What was the reason for the quarrels that you had with your wife? A Because my wife--

MR. MCGUIRE: I object to that.

THE COURT: Objection sustained.

Q What did you quarrel with your wife about?

MR. MCGUIRE: Objected to as the same question in another form.

THE COURT: Objection sustained.

Q You had many quarrels with your wife, didn't you?

A Lots of them.

Q For how far back did you begin to quarrel with your wife? A When I came out of prison.

Q What was the reason for your quarreling with your wife?

A On account--

MR. MCGUIRE: I object to that as the third time a wrong question has been asked.

MR. CARPENTER: If your Honor please, may I not--

THE COURT: Now, Mr Carpenter, that question has been excluded.

MR. CARPENTER: The wife has already testified--

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THE COURT: I will not hear argument. I have ruled.

Q Do you know a Dr Monahan? A Yes, sir.

Q Have you ever had conversation with your wife concerning Dr Monahan? A Lots of them.

MR. McGUIRE: Objected to.

THE COURT: I will sustain the objection. The Monahan incident was closed with her answer. Is that plain? Now, having ruled that way, do not repeat it.

MR. CARPENTER: If your Honor please, the wife appears against this defendant as complainant. May I not interrogate the defendant when she appears as a hostile witness against him?

THE COURT: Wait a minute. You did interrogate her, and under the rules of law you are bound by her answer, that being collateral. Now, I am applying that rule to these questions and the objections raised thereon. I hope it is plain. Now, take up another subject.

Q Just state in your own way, state in your own language from the time that you came out of prison, up to the present time, what took place at your home?

MR. McGUIRE: I object to that as altogether too general.

THE COURT: Objection sustained.

Q Whom did you work for during the last five years, do you recall? A For Mr Hoffman, Unionport, and Mr Hallowell in

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New Rochelle, the Lafayette Hotel, and Mr Voorhis, Wakefield Casino, 238th street and White Plains road, and Mr Kennedy.

Q How long did you work for Mr Hoffman? A For Mr Hoffman, about seven years already as waiter and extra, except nine months I was working in New Rochelle in the Lafayette Hotel.

Q What did you do with the money you made? A I gave every cent to my wife.

Q Did you ever have any quarrels with your daughter Alpha?
A Yes, I had lots of quarrels with her.

Q What was the occasion of those quarrels?

MR. McGUIRE: Objected to as improper.

THE COURT: Objection sustained.

Q Did you during the month of 1907, of October 1909, while in your room, did your daughter Alpha enter your room while you were in bed? A I never seen my daughter in my bed yet.

Q Did you ever have a conversation with your wife in October, 1909-- A (Interrupting:) I had a conversation, yes.

Q (Continuing:) In which--I have not finished. A (Interrupting:) Because when my girl, the other--

Q (Continuing:) In which you said to your wife--

MR. McGUIRE: I object to this question before it is finished because it is plainly reciting the contents of a

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conversation.

THE COURT: Well, I will allow it. He may answer the question.

Q You heard her testify, your wife says you made a certain request of her to get the urine or water from a maiden?

A I never did.

Q Did you ever ask your wife to allow you to have any privileges with your daughter Alpha? A Never did.

Q Did you, or do you recall at any time, was Alpha in your bed during the years 1909, 1910 or 1911 with your wife and yourself? A Never saw her, only my wife and myself.

Q Did you ever get under the bedclothes and put your mouth on her organs? A Never did.

Q Of your daughter Alpha? A Never.

Q Did you ever object to your daughter going out with company? A No.

Q With other people? A No, sir.

Q I ask you did you ever object to Alpha going out nights? A No, I didn't want her to go out.

Q Well, that is what I ask you, did you object? A Yes, I objected. I didn't understand that word.

Q Did words pass between you upon that objection, did you and she quarrel about that? A She quarreled about it, yes.

Q Do you recall the beginning, the 18th of January, 1911,

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I mean do you recall the 18th of January, 1911? A Yes.

Q Do you know what happened upon that date? A The 8th of January?

Q Yes.

MR. McGUIRE: The 18th is it not?

Q The 18th of January, 1911? A Oh, the 18th, when I came home about six o'clock in the evening and had my supper about seven o'clock, my daughter says that "We are going upstairs to-night." I says "For what?" She says "They got a party." So I says "Upstairs again with them young loafers that was downstairs in the saloon the whole day waiting for a sucker to come in and treat them to a schooner of beer? I don't allow you to be upstairs with them."

Well, they went upstairs, and one plays the guitar, and my boy wants to be with them too, he plays the violin. I didn't want them to go up, but they went up anyhow because my wife gave them the privilege. I started to quarrel with my wife and I called my wife everything, and she wanted to stab me with the scizzors, so finally we quited down again and about half past ten my boy came downstairs, and Alpha and Alfred-- Alfred didn't come down in the meantime, the way he stated on the stand; he came down with ^{the} / girl about half past ten and I went to bed. That's all I know from the conversation.

Q Now, you heard your son Alfred state or testify here, did you not? A Yes.

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Q When you had words with your wife, who were present when you had this quarrel with your wife, who were present?

A Nobody. I was alone with my wife.

Q Did you see Alpha that night? A No, she was upstairs.

Q You had no conversation with her whatsoever? A No, I had no conversation with her, only before she went upstairs, that's all.

Q Had you been to any physician or had you ever received any instruction from a physician during the year 1909 around the month of October? A Never did.

Q Did you ever have any conversation with your wife with reference to any advice that a physician might have given you? A Oh, yes.

Q In 1909, October? A In 1909, no, not in 1909.

Q Did any conversation pass between you and your wife in which the subject of water taken from the body of a female was mentioned? A Never was.

Q Did you at any time in January, 1911, in the presence of the members of your family, make any request or suggestion or ask for the privilege of drawing water from your daughter Alpha? A Never did.

Q Did you ever say to your wife about visiting during October, 1909, about visiting a doctor in 23d street, New York?

A No, I never said anything about visiting a doctor in 23d

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street.

Q Did you at any time commit incest with your daughter Alpha--incest means having connection with her? A Never.

MR. CARPENTER: Your witness, Mr District Attorney.

MR. McGUIRE: No cross-examination.

MARTIN HOFFMANN, called and duly sworn as a witness on behalf of the defence, testified as follows:

THE WITNESS: I live at 1118 Havemeyer avenue.

DIRECT-EXAMINATION BY MR. CARPENTER:

Q Mr Hoffmann, will you kindly speak so loud that these gentlemen of the jury can hear every word you say? A Yes, sir.

Q Mr Hoffmann, what is your business? A Hotel keeper.

Q Where is your place of business? A 1118 Havemeyer avenue, Unionport.

Q Are you the officer of any society? A I am.

Q What society? A The Liquor Dealers.

Q What is your office? A Vice-president.

Q Do you know Mrs Hoffmann? A Mrs who?

Q Mrs Monett, I beg your pardon? A Yes, sir.

Q Have you seen Mrs Monett since the arrest of the defendant at the bar? A I did.

Q Did you have any conversation with her? A Yes, sir.

Q Where did you meet her? A She came up to my house

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the day after he was arrested.

Q Would you state to this--

MR. McGUIRE: I want to object to that question.

Q Did Mrs Monett have any conversation with you concerning the defendant at the bar? A Yes, sir.

Q Will you repeat that conversation to the Court?

MR. McGUIRE: Objected to as incompetent, immaterial, irrelevant and improper.

THE COURT: I must sustain the objection.

Q Do you recall what day it was-- A (Interrupting:)

Yes. ,

Q That Mrs Monett called at your place? A Yes.

Q When? A It was on Friday.

Q What date? A Either the 18th or the 19th. I ain't quite sure, it was on Friday afternoon, I know.

Q Of January? A In January, yes.

Q The 20th was Friday? A Well, then it was on Friday. I am positive.

Q Well, you had a conversation with Mrs Monett when she called? A Did I have what?

THE COURT: He has told you several times that he did, and you had started to ask him what it was and I sustained the objection on the ground that it should be. Now, is there anything else?

MR. CARPENTER: Yes, sir.

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Q How long had Mr Monett worked for you? A About six or seven years.

BY THE COURT:

Q Do you know others who know the defendant Monett?

A No, sir.

Q Do you know his reputation for honesty? A As far as I know he was always a good, common honest man to me, as long as he worked for me.

Q Is that the reputation he enjoys in the speech of those you know? A Yes, I never heard anything wrong.

BY MR. CARPENTER:

Q As a waiter did you ever receive any complaint against him? A No, sir.

MR. McGUIRE: I submit that is not proper.

THE COURT: It is answered, the objection comes too late.

Q Now, what did the wife say to you, touching the defendant? A When she came to me?

Q Yes. A She says, he come in and asked for my wife, and the wife says--

MR. McGUIRE: Is this the conversation?

THE COURT: Yes, which I excluded. I think legally my ruling was right. I am simply doing this to ascertain what it was.

MR. McGUIRE: Yes, sir.

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Q Now, go on and tell us? A She said to me "Frenchy would not be here to-morrow to work for you." I had a ball the next night, and she says "You got to get somebody else." I says "What's the matter?" She says, "Well, I got him locked up." I asked her for what, and she says "He used his own daughter, I got a friend that is a lawyer and I went down with him and I made complaint," and she says "He is good for twenty years State Prison now, I will get rid of him."

Q And that was all? A So I says, "Mrs Monett, isn't it kind of foolish to take a man away from your family who is going to support you?" She says "I don't need him, I got a boy working and a girl working, and I am a dressmaker and I always put some money aside so I can get along without him." She says that, and then I says, "When did that happen?" And she says "Some time ago."

I says, "Why didn't you make complaint right in the start?" Well, she says, "The daughter had never an opportunity to tell me, he was always behind her and don't give her any rest, so she wouldn't tell me anything."

I says, "Well, when he was working here every night she had all the time to tell you." Then she said, "Well, she only told me later, so I went down with my friend to the District Attorney to have him locked up and send him away for twenty years."

Q Is that all? A That's all the conversation I had

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with her.

THE COURT: Is that all?

MR. CARPENTER: That is all.

MR. McGUIRE: That is all.

MR. CARPENTER (calling): Mr James Kennedy. (No answer.)

JOSEPH FURST, called and duly sworn as a witness on behalf of the defendant, testified as follows:

THE WITNESS: I live at 4421 White Plains avenue.

DIRECT-EXAMINATION BY MR. CARPENTER:

Q Mr Furst, do you know, what is your business? A I am in the hotel line, the Park Casino.

Q Where is that situated? A 4421 White Plains Road.

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

Q Has he worked for you? A Yes, sir.

Q In what capacity? A As a waiter.

Q Do you know other people who know him? A Do I know others?

Q Other people that know the defendant at the bar?
A Yes.

Q Have you talked with other people concerning the defendant?
A Yes.

Q For decency and honesty? A Yes, sir.

Q What has that been, good or bad? A As much as I

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know of him as long as I know him he is a good, honesty man.

Q Have you ever heard or seen anything concerning this man objectionable or improper?

MR. McGUIRE: I object to that as improper.

BY THE COURT:

Q Have you ever heard anything said against him?

A Not to my knowledge.

BY MR. CARPENTER:

Q How many years have you known him? A I know him about four years. He has been working for me about a year and a half on and off.

Q That is all.

MR. McGUIRE: No questions.

MR. CARPENTER (calling): Mr Sulzer.

C A R L W I L L I A M S U L Z E R, called and duly sworn as a witness on behalf of the defendant, testified as follows:

THE WITNESS: I live at 1837 Wallace avenue, Bronx.

DIRECT-EXAMINATION BY MR. CARPENTER:

Q What is your business, Mr Sulzer? A At present?

Q Yes, sir? A I am a helper in a gas engine house.

Q Where is that place situated? A Where I am working?

Q Yes. A Right down here at 81 Centre street.

Q Do you know the defendant at the bar? A I do.

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Q Do you know other people who know him? A I do.

Q How long have you known the defendant at the bar?

A Ten years.

Q Have you talked with other people concerning him as to peacefulness and decency and honesty? Conversation with other people concerning Mr Monett as to honesty, peacefulness and decency? A Of late or in general?

Q Have you ever had any conversation with people in your neighborhood where you live? A Oh, I did.

Q What did they say about him, did you ever hear anything against him? A No, sir.

MR. McGUIRE: Are there two questions there?

MR. CARPENTER: Well, I asked one and then I asked another.

THE COURT: Have you any other questions?

MR. CARPENTER: No, sir.

THE COURT: Call your next witness.

MR. CARPENTER: I have no more. The defence rests.

THE COURT: Have the People any rebuttal?

MR. McGUIRE: No rebuttal.

THE COURT: The case is closed. Do you wish to sum it up?

MR. CARPENTER: Yes, sir, I certainly do. I feel that I can get through by one o'clock.

THE COURT: Go right on.

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Mr Carpenter closed the case on behalf of the defence.

The Court admonished the jury in accordance with section 415 of the Code of Criminal Procedure, and took a recess until 2 o'clock P. M.

After Recess. Trial Resumed.

Mr McGuire closed the case on behalf of the People.

The Court charged the jury.

The jury found the defendant guilty of sodomy as a second offence.

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