

MR. EMBREE: No objection.

A I observed the tall man came over to me and manipulated the glasses, the two glasses there, and while I didn't pay any attention to it, he was handling them in a peculiar way, and I am under the impression that he put some drug in that third drink.

Q That was at the third drink you saw the manipulation going on? A Yes, sir.

THE COURT: The answer is not competent if it is objected to.

MR. EMBREE: No, I don't object.

Q And it was after that third drink that you found yourself-- the next thing you knew you were in this taxicab?

A I don't know much of anything shortly after that until I was going along in this taxicab, and I have very little recollection of that until I got up to the house.

Q And do you recall telling these men where you lived?

A Absolutely not.

Q But you finally arrived at your house? A I did.

Q And what happened from that time on? A Well, I got in the apartment, and these two men were in the apartment with me, and I put up the electric light; there was just my sister up at the time; my niece had been in bed; and I believe this one fellow asked me if I would pay one of the records on the Victrola.

Q Who asked you that? A This Severance; and I got

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one of the records and played it, and in the meantime I offered them a drink, and I went in the ice box and got a syphon of vishy and some scotch whiskey and paured it out, but I didn't drink any of it.

Q Go on. A And after that I fell on the floor, in a rather mysterious way, and my nose bled shortly after, and Severance came in the bath room and wiped my nose; the blood was straming down; and came out again. Shortly after that I went in my own room and I undressed, apparently got all undressed, went to bed, and while I was in this sort of semi-conscious condition --

MR. EMBREE: Just one moment. May I ask the witness if whatt he is testifying to now is his recollection?

THE WITNESS: Yes, my own recollection, to the best of my ability, my own recollection.

Q Tell us what happened after that? A Well, while I was lying on the bed I noticed this electric light going up and down rather frequently, and I also have a recollection of my fingers being moist and the two rings taken from my fingers, but for some reason or other I couldn't seem to resist it.

Q Who was in the room at that time? A Severance was in the room only.

Q And about how near was he to you at that time, would you say? A Well, I was laying on the bed, and I don't know

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whether he was on the bed or at the edge of the bed.

Q He was right close to you? A Right in my room.

Q When you felt this sucking, as you call it? A Yes.

Q On your fingers? A Yes, sir.

MR. EMBREE: I didn't understand him to say, "sucking".

Q Tell us what happened? A Well, I must have gone to sleep after that, and I had a golf appointment on Sunday morning, and when I came out to breakfast in the morning, the first thing my sister said to me, she said, "Where are your rings?" I said -- I had realized that they were gone. I said "they must be gone". She says, "then that fellow has got those rings, because I saw them on you the night before".

Q What did she say? A My sister said, "That fellow"--

MR. EMBREE: I object to that.

THE COURT: What she said is immaterial.

THE WITNESS: Never theless--

Q Mr. Richter, when you started out that night to go to the Knickerbocker Hotel, did you have some rings with you?

A Yes, sir, I had my two rings.

Q Describe them to the jury, the color and shape of them? A One was a platinum ring with a single stone in it, nearly a two carat ring, and the other was a double ring, that is, two rings in one, with a sapphire and a diamond, and where there the sapphire was were small diamonds, and where the diamond was there were small sapphires.

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Q And did you have them on in the taxicab, do you know?

A Absolutely.

Q When was the last time you saw those rings? A Well, to the best of my ability, when my nose was bleeding I somewhat revived a little in the bath room, and I took my handkerchief and held my nose that way (illustrating), and I remember in the mirror seeing this ring on with the sapphire and the diamond; I was holding my nose that way (illustrating), and I saw that ring.

Q And was that the last time you recall seeing them?

A Absolutely.

Q Who do you live in that apartment with, Mr. Richter?

A My sister and my niece. My niece has since been married.

Q And where is she living now? A In California.

Q And when you came in that night to this apartment do you recall who opened the door for you? A My sister opened the door.

Q And do you recall whether or not she was about the house, in and out of the rooms, while the defendant, Severance and Carroll were there? A She was up all the evening, because she had had a very severe headache.

Q I mean, she was there? A Yes, sir.

Q You recollect that? A Yes, sir.

Q Did you at any time, Mr. Richter, attempt to assault the defendant in this taxicab or automobile that you were in

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with him that night? A Absolutely not.

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Q Did you attempt, to use the expression, to go down on him, and open his trousers? A Absolutely not.

Q Did you attempt anything on his person that night whatsoever? A Absolutely not. May I say another word in behalf of myself?

Q No, Mr. Richter, just answer questions, please. Did you, while you were in your apartment that night, commit any assault upon his person? A Absolutely not.

Q Did you invite Severance and Carroll to ride in this taxicab with you that night? A I did not.

Q You don't know where it was you first met them, do you? A My recollection is, just when they were in my apartment, up stairs, in the apartment.

Q I mean, when you first met them? A No, I do not.

MR. DONOHUE:

CROSS EXAMINATION BY MR. EMBREE:

Q You are an unmarried man? A I am.

Q I don't want to ask you an impertinent question at all, but for information, whether you had ever been drunk on previous occasions? A I had not.

Q The first time you were ever drunk? A Not absolutely intoxicated, no.

Q You are not a total abstainer? A Not absolutely, no, sir.

Q And you do drink highballs and things of that sort,

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occasionally? A Occasionally, yes, sir.

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Q Will you decide for these gentlemen the three men <sup>you</sup> met <sub>A</sub> in the Knickerbocker bar? A Two were tall men, one was rather a short man, and when I went in the Knickerbocker hotel I was absolutely sober, and, to the best of my recollection, they were very well groomed men, and one was dark; in fact, both were dark, and wore a soft hat, and the third gentleman was rather a short man, and wore a sport hat. That is the best of my recollection.

Q One of them you did know by sight, did you?

A No, I had never met any of them.

Q Total strangers to you? A Absolute strangers.

Q But one of them came to you and said unless you did have a drink with these boys that the others would be insulted?

A This one man would be offended, yes.

Q Can you give me some idea of about what hour this was? A When I went in the Knickerbocker?

Q Yes. A I should judge about a quarter of eight, or ten minutes of eight.

Q And your recollection of what occurred next was when you found yourself in your own apartment and with these two young men? A Well, I remember being in the Knickerbocker and having some conversation with these men after a while, and when this man came over and asked me to have another drink some little time elapsed, because we were discussing the war and we were discussing plays, and I should judge while I looked--

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there is a large clock in the Knickerbocker grill room; I looked at the clock there about ten minutes past eleven, and up until that time I had only had two drinks, and the third drink I had there I don't remember anything.

Q Now, you have a faint recollection of the wheels of the taxicab rolling along? A Yes, I have.

Q And you recall being in your apartment and seeing this young man and another one with him? A Yes, I remember that.

Q And that, so far as you know, was the first time that you had ever seen these two fellows, this man and Carroll? A Absolutely.

Q About what hour was that, do you know? A Well, I should judge that was around eleven or eleven thirty.

Q Do you recall that there was same music played there? A I remember the piano being played, but I don't remember the selection. In fact, I don't know as there was any selection.

Q Who played the piano, do you recall? A Mr. Carroll played the piano.

Q Well, do you recall that independently, or do you recall it from having heard his testimony read? A No, I remember that he was sitting there on the bench of the piano, and, in fact, he never left that bench, except to go in the dining room.

Q Do you recall-- Mrs. Schoenemann is your sister?

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A Yes, sir.

Q Do you recall her coming into the room where you were once or twice? A Yes, I do.

Q Do you recall asking her to withdraw? A No, I don't remember that.

Q You don't recall that? A No.

Q Do you recall any conversation which occurred between you and your sister while these young men were there?

A Why, no:

Q She came in occasionally, but there was no conversation? A As I said before, she had a very severe headache that day, and she was up; she couldn't go to sleep, and she remained up practically until I went to bed.

Q What is your recollection as to the length of time these young men stayed there? A I haven't any positive recollection of that. I believe one man went away, Mr. Carroll went away before, and Severance went away after, but I don't just remember when Severance left the apartment. He was the last one to leave it.

Q Now, I want to ask you about your testimony at the last trial. I simply mean by that I want to know not what the facts are, but what your testimony was then, so far as it was asked. On the trial, when this young man was tried for the larceny of the rings, you didn't state on the record, did you, anything about your nose being injured? A I believe that was brought up.

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Q It is very important for us to know. Do you recall whether you yourself testified that your nose was injured?

A Well, my nose was not injured, only it bled severely; it was not injured to any extent.

Q Do you recall whether you did, or did not?

A Voluntarily, myself?

Q No, was it brought out? A I believe it was brought out in the testimony some where.

Q But you are not sure of that? A I am not positive.

Q The young man testified to that, but I want to know if you were asked that and if you testified that your nose bled? A I believe I did. You see, that is a matter of seven weeks ago, and I have been rather busy since that time.

Q This proceeding is very important to this young man, and I want to know the facts? A Absolutely.

Q Don't you know, as a matter of fact, you were not asked about that, and that you did not testify about your nose bleeding? A No, I am not sure about that.

Q Isn't it a fact, Mr. Richter, that you were not asked and nothing was said on the other trial about your having raised your hand and seeing your rings in the mirror?

A That I don't recall, as far as the testimony is concerned, either. There was certainly some mention made of them, though.

Q By other witnesses. I am asking you? A No, I think some testimony came up where Severance went in the bath room

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with me to wipe the blood off my nose.

Q I am asking you whether or not on the other trial you gave that testimony, that you raised your hand to your nose and saw the rings in the mirror? A That I don't recall.

Q Now, does your statement that you remember the rolling of the taxicab wheels about tell all that you recall of what happened in the taxicab? A Well, I think it tells a great deal more, for the simple reason that if I was under the influence of some drug or liquor do you suppose for one moment that I could do such as that rascal tells that I could do?

Q What I want to know, for the benefit of these gentlemen, is whether you have any distinct recollection of what occurred in the taxicab? A Absolutely none.

Q Now, do you remember the young man telephoning to you on the following Sunday night? A Perfectly well. I just got back from my golf appointment, and I had just finished my dinner when the 'phone rang. In fact, it had rung several times during the day, and my sister answered the 'phone, and when I came home, about seven thirty, or a quarter of eight, after I had finished dinner, the 'phone rang, and I happened to answer the 'phone, so I said, "who is this?" He said, "Don't you know me? This is Bob Carroll." I said,-- He said, "I am the fellow that was up to your apartment last night". I said, "Is that so"? He said, "Yes!". When can I see you? I have got some important information for you".

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I said "well, please meet me to-morrow night at the Knickerbocker Hotel". He said, "I couldn't meet you to-morrow night, I am too tired, but I could possibly meet you Tuesday or Wednesday". I said "Where can I meet you?" He said, "You just ask for Bob Carroll of Carroll Cliffs, Scarsdale", but I rather thought that was fictitious, because I had had a letter in my pocket; I know some people in Scarsdale; and I had this letter in my pocket, and I didn't see that letter the next day. After I looked up the telephone book and I saw there was a Carroll Cliffs, but it is in Yonkers, not Scarsdale, and I was convinced that both the name--

Q I am not asking you for the operation of your mind. What else did you and he say over the telephone? A He said, "I can't meet you to-morrow night; I will probably meet you Tuesday or Wednesday", and he laid very strong emphasis on the fact that he had some important information for me; and I had to go to Pittsburgh the following Monday night, I knew that, and I attended to my business and came back on Thursday night, and Wednesday night my sister says, "The 'phone rang again, and he also expressed the --"

Q You didn't talk to him then? A No, I did not.

Q She told you that somebody had called up? A Yes sir.

Q And did you have a tepehone conversation with him after that? A I did not.

Q Will you tell us when you reported the matter to the police? A I left for Pittsburgh, and I got back either

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Thursday or Friday night of that week, and the following Saturday morning I went down to the second precinct and met detective Baron; at least he was assigned to the case; and I told him of the case. He said, "This is Saturday;" he said, "supposing you meet me to-night, and we will go over to Broadway and see if we can see any of these fellows". I said, "All right." I went home --

Q I think that answers my question. Tell us when you reported it? A Saturday, the 22nd of September.

Q Where did you say you met detective Baron? A At the second precinct, 43rd Street and Lexington Avenue, the first time I saw him.

Q Will you tell us-- you say you have some recollection of moisture on your fingers? A Yes, I did, and that seems all the more strange to me that I was not able to resist it.

Q I didn't ask you that. You felt some moisture on your finger? A Absolutely.

Q That is about the only sensation that you can recall, is it? A I felt these rings sort of being pulled off my fingers, and one was rather tight. In fact, the next morning when I woke up that finger was bruised.

Q Well, now, did you recall it enough to recall that it was -- did you realize that it was your ring that was being pulled off? A Yes, I think so, yes.

Q Not sure about that, though? A Yes, I am, more or less, because, as I say, this moisture and this pulling--

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this ring came off rather readily, and this ring was rather tight, and I have a recollection of that ring or both of them being pulled off.

Q Can you associate that sensation with any particular hour, of the night or the morning? A Well, that was before I had finally gone to sleep, that must have been around half past one or two o'clock.

Q You didn't consult any time piece, did you?

A No, I have my own time piece.

BY THE COURT:

Q That was after you were in bed? A Yes, sir.

Q And that was after Carroll had gone? A Yes, sir.

BY MR. EMBREE:

Q You didn't consult any time piece, you say? A No, I did not.

MR. EMBREE: That is all.

K A T E S C H O E N E M A N N, of No. 472 Central Park West, called as a witness on behalf of the people, being first duly sworn, testified as follows:-

DIRECT EXAMINATION BY MR. DONOHUE:

Q Mrs. Schoenemann, you are the sister of Edward R. Richter, the witness who was on the stand before you?

A I am.

Q Do you live with him? A Yes, sir.

Q Where? A 472 Central Park West.

Q And who else lives there, or did live there?

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A My daughter.

Q Did she live there with you in September of 1917?

A Yes, sir, she did.

Q And where is she living now? A In California.

Q Your household consists now of you and your brother?

A That is all.

Q How many rooms have you got there? A Eight rooms.

Q Do you remember the night of September 15th, 1917?

A I do.

Q Will you tell us what you recall about your brother, coming in with the defendant, Walter B. Severance, on that night? A I was sitting in the dining room, and I heard a noise, I thought I heard a nose, and I went to the door and opened it, and my brother stood there, and he was a little further back.

Q When you say "he", who do you mean? A Severance, the prisoner, and another young man who was here to-day.

BY THE COURT:

Q What time was that? A A little after eleven, about half past eleven. And my brother came in, and I looked at those two, and my brother said, "all right", and they walked in.

BY MR. BONOUE:

Q Where did they go, what room? A The music room, that is right off the hall as you go in.

Q Did you hear any music after that? A Yes, sir.

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Q Did you see them in the room? A Yes, sir.

Q Were you in and about the apartment all the time they were there? A In the apartment.

Q Did you see Mr. Carroll leave the apartment? A Yes.

Q About what time did he leave? A He left near one.

Q And when your brother was in the apartment, before Severance finally left, did you see any rings on his fingers?

A Yes.

Q When did you see those rings? A He went to get a bottle of vichy, and I saw the rings then, and then I was sitting in the kitchen, looking out in the dining room, and he came in there and was going to turn up the electric light, and I said, "I will turn it up", and he said, "Aren't you to bed? Go to bed. I think you ought to go to bed. It is all right"; and he wanted to assist me to get up, and he scratched me with one ring, and I happened to look down and saw it.

Q Did you see Walter Severance and your brother in the room that night, the bed room? A In his bed room, first in the bed room.

Q Tell us about that, please? A He fell, and then when he fell, I was watching them. I said "Well, if you men would only go now he would go to bed", and Carroll walked right out, and he stayed. He said "I will help him in the bath room; I will wash his face"; and then he went on in the bath room with him.

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Q And did you see Walter Severance near your brother while he was on the bed? A When I went to go in the room he would come forward too.

Q Who would come forward? A Walter Severance.

Q And who was in the room then? A My brother.

Q Just your brother alone with him? A Just my brother alone with him.

Q And did you try to get him to the room? A Yes, sir.

Q What happened? A Because the telephone rang --

Q Tell us what happened? A I didn't see anything happen.

Q I mean, why didn't you go in the room? A I didn't go in the room because before that my brother started to get up, and my brother was naked, and I didn't want to go in the room; that was the reason I didn't go in there.

Q And how long before you saw your brother in the room with Severance did you see those rings, how long a time was it? A About half an hour before that.

Q Your brother was under the influence --

BY THE COURT:

Q How long was Severance there after Carroll left?

A Only an hour.

BY MR. DONOHUE:

Q And about what time would you say that Severance finally left the apartment? A About twenty minutes after two; it was after -- he wanted to get a twenty minutes to three

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train for Scarsdale, he told me.

Q How did you know he wanted to get that train?

A He told me; he said that was the reason he wanted to go, he wouldn't have to stay.

Q How long a time was it that Severance was in the room with your brother when you couldn't see the two of them? Was it very long? A Yes, for a good twenty minutes; I went out in the dining room; I had a severe headache, and I walked away.

MR. DONOHUE: That is all; your witness.

CROSS EXAMINATION BY MR. EMBREE:

Q May I know how old you are, Mrs. Schoenemann?

A How old? Fifty-two.

Q Fifty-two, and how long have you worn glasses?

A I guess about fifteen years, all together.

Q Fifteen years? A Yes, sir.

Q Do you keep house for your brother? A I keep house for my brother.

Q He supports the establishment? A Runs the apartment, yes.

Q And, as a matter of fact, you are dependent on him for support? A He pays the bills and I do the work for him.

Q He pays all the bills? A Every bill, yes.

Q Now, you recall, do you not, what you testified to at the time this young man was on trial charged with stealing the rings? A Everything I said I remember.

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Q You recall it? A Yes, sir.

Q Do you recall saying to the twelve men who sat in the jury box at that time that you thought you saw the rings?

A I know I saw the rings.

Q I know that. We will take your word now. I want to know if you recall saying in the other case that you thought you saw the rings on your brother's hands? A I don't know that -- I said I recalled seeing them, if I saw them.

Q I don't ask you that. I am going to take your word that you saw them? A Yes.

Q All I am asking you now, Mrs. Schoenemann, is for your best recollection of what you told the other twelve men. You can make any statement here you like? A Yes, sir.

Q Don't you recall you said to the other twelve men that you thought you saw those rings on your brother's hands?

A No, I said I was sure I saw them; I couldn't say anything else; I saw them.

Q I am asking you what you said?

MR. DONOHUE: She has told.

THE WITNESS: I saw those rings.

THE COURT: You are not asked what you saw. You are asked what you told the other jury?

THE WITNESS: I am sure I saw them, when I told them I saw them.

Q Do you recall whether you used the word "think"-- and "I think I did"? A I don't think I said that, because I saw

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them.

Q Is that the reason why you think you didn't say that you think? A I don't see how I could when I saw them-- that I think I saw them.

Q As a matter of fact, don't you recall that the young man Carroll had left the apartment before your brother fell?

A No, he fell, my brother fell, then I was sitting where I saw them all the time, before my brother went to his bed room.

Q And your recollection then is that Carroll went after your brother had fallen? A Yes, directly afterwards.

Q When you say your brother was naked, you don't mean that he had his underwear off, do you? A Everything off him.

Q His underwear was off, too? A Everything.

BY THE COURT:

Q Did you observe any damage or disorder to this defendant's clothing? A No, sir, because they were in the back parlor, and they were not -- not that I saw. I didn't examine them.

Q Nothing that attracted your attention to his trousers as being torn or damaged? A No, he did not attract my attention.

BY MR. EMBREE:

Q Did you see them torn? A No, but my brother's were torn.

Q Your brother's were torn? A Yes, sir.

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Q Your brother's, one of them was torn on the knee, was it not? A Yes.

Q You don't know how it got torn there, do you?

A No.

Q Was there a part of the time that evening when you had this young man's-- I mean, when you were taking care of this young man's trousers and shoes? A Just -- first he left his hat and coat in the music room, and then he went back into the room later on, and he put out his trousers and his low shoes in the room next. I walked on into the kitchen and dining room. I never go to bed until--

Q After that, did you have his trousers and shoes in your hands? A No.

Q Didn't you on one occasion hand them to him?

A No, I didn't hand them to him.

BY THE COURT:

Q Whose trousers were they? A The prisoner's.

Q He took his trousers off? A They were off.

Q What did he do with them? A I don't know.

Q What room did he do that in? A He said, "I am not going to stay with him; he wanted me to stay, but I will leave them in the room so I can get out when I went to".

BY MR. EMBREE:

Q You say he said he must catch this particular train for Scarsdale? A Yes, sir.

Q And he gave that as the reason why he must go?

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A Yes, sir.

Q Then he wanted to go, apparently? A He wanted to go.

Q I show you this pair of trousers and ask you if they look in a general way like the trousers the young man had that night (handing clothing to witness)? A I couldn't tell you. I didn't look at the trousers.

Q His shoes were low shoes, were they not -- low shoes?

A Yes, the shoes, I did look down, sitting there, the shoes looked like low shoes.

BY THE COURT:

Q Did you see him when he took these trousers off?

A Why, no; he went in the bed room with my brother; I didn't see him when he took them off. He had my brother's wrapper around him.

Q Then he handed you the trousers? A No, he put them in the room next to my brother's room, which is used as a store room.

BY MR. EMBREE:

Q How do you know he put them in there? A He said, "Show me the next room, to put these in, that I can get out quickly".

Q And did you show him where to put them? A Yes, and I walked away, naturally, thinking he was going in there to get dressed.

Q And he said he wanted to get out quickly? A He said he wanted to get out.

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Q Your brother had asked him to stay? A Yes.

Q And when he went you thanked him, didn't you? this young man here? A I said -- he said -- he told me he had paid the taxicab, and I asked him how much it was, and when he told me I said "I will tell Mr. Richter, so he will pay you"? He said, "Don't mention it to him, it is only a trifle". Then I was suspicious.

Q I didn't ask you that? A I know it.

Q Did you thank him when he left? A No, I hadn't time to thank him.

Q I see you don't want to tell us that, but tell us, did you thank this man when he left? A No, I said, "good night".

Q "Yes", or "no"? A No.

Q Well, now, what did you say to him as he left, not what did he say to you, but what did you say to him? A He almost took my breath away.

Q I didn't ask you that? A I didn't say anything to him. I was asked that before, and I didn't say anything to him.

Q Did he say "good night"? A Yes, he said, "good night", and he came to me and kissed me on the forehead and said "good night, Mother", and ran.

Q And what did you say to him? A I said "good night", and then I asked him about the cab, the money. Then he told

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me. Then he walked away.

Q Then he said "good night, Mother", then you asked him about the cab? A I did.

Q You had heard the music in the other room? A Yes.

Q The Victrola and the piano? A Yes, sir.

MR. EMBREE: That is all.

RE DIRECT EXAMINATION BY MR. DONOHUE:

Q When he came out of this room, Mrs. Schoenemann, when you say he asked you where he could put these trousers, did he have a bath robe on? A Yes, sir, he had a bath robe on, laid across his shoulders; he didn't have it on; he had it thrown across his shoulders.

MR. DONOHUE: That is all.

J O H N P. B A R R O N, police officer, attached to the shield No. 296 second branch detective bureau, called as a witness on behalf of the people, being first duly sworn, testified as follows:-

DIRECT EXAMINATION BY MR. DONOHUE:

Q How long have you been in the police department of the City of New York, Mr. Barron? A Going on fifteen years.

Q And you are a detective now, assigned to the second branch detective bureau? A Yes, sir.

Q When was your attention first called to Edward R. Richter in this case, the complaining witness? A When?

Q Yes. A The day I arrested this defendant the first time, that was on September 22nd, 1917.

Q Did you have a talk with Richter on that day?

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A Yes, sir.

Q And as a result of that talk did you arrest the defendant, Severance? A Yes, sir.

Q Did you have any talk with him when you arrested him?

A Yes, sir.

Q Will you tell us what he said and what you said?

THE COURT: When and where did you arrest him?

THE WITNESS: At about eight thirty P. M. on September 22nd, 1917, in front of the Knickerbocker Hotel, on 42nd Street and Broadway. I was in company with Mr. Richter when the defendant was walking by the Knickerbocker. Mr. Richter recognized him and stepped up and touched him on the shoulder, and then I stepped up, and the three of us went over on the sidewalk in front of the Knickerbocker, and Mr. Richter accused the defendant of stealing a couple of rings, and the defendant denied that he had stolen the rings, but admitted that he had been up in Mr. Richter's apartment; so as soon as he admitted that he was the man that was in Mr. Richter's apartment on that night I told Mr. Richter that I was going to arrest him, so Mr. Richter said he had a little matter to attend to in the Knickerbocker Hotel, and he stepped in there, and I told him to meet me later over in our office at the Second Branch detective bureau, 43rd Street and Lexington Avenue, and I started on walk east on 42nd Street over to Lexington Avenue, and between Fifth-- or

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between Broadway and Sixth Avenue, walking east, the defendant said to me, he says, "If he makes a charge against me like that I will make a charge against him".

So I said "what will you charge him with?" Well, he says, "I will charge him with getting down on me". I said, "did he go down on you", he says, "I am going to say he did".

Q What was that? I didn't hear that? A He said, "I am going to say he did". So I said, "Oh, that is the kind of guy you are", and I continued to walk over to Sixth Avenue, and got on the 42nd Street car, east bound, and rode over to Lexington Avenue, and went into the second branch detective bureau, and I searched him, and he was booked, and I took him to headquarters.

Q And you were present at the trial, were you?

A Yes, sir.

Q When he was charged with larceny? A Yes, sir.

Q And did you afterwards arrest him again? A Yes.

Q And when was that? A November 23rd, 1917.

Q When did you arrest him this time? A Right over near where he lived, 805-A Lafayette Avenue, Brooklyn, on a warrant issued.

Q Did you tell him what he was being arrested for?

A Yes, sir.

Q What did you tell him? A When I approached him he started to run, and I grabbed him, and he and I struggled around the street there, and I told him that I had a warrant

for him, and he kept trying to get away from me, and finally I had to throw him down on a stoop there, and I kept telling him all the time that I had a warrant for him, and he kept saying "show it to me", and every time I would go to put my hand in my pocket to get it he would try to get away, and finally I got the warrant out, a crowd collected, and I told him what he was charged with, and showed him the warrant.

Q What did you tell him he was charged with? A I told him he was charged with perjury, so I got the officer on post, and he assisted me to the station house with him, and I waited for a patrol wagon and brought him back to New York headquarters, and he was booked there. Then I took him down to the tombs and turned him over to the keeper here, and that is the last I saw of him until to-day.

Q Did you have any-- did he make any reply when you told him he was arrested for perjury? A Yes, sir.

Q What did he say? A Well, he wanted to know what Carroll said about him and what I knew about the case, so I told him that Carroll went before the grand jury and told the truth about what happened on that night, and he said, "I thought that bitch would squeal as soon as it was put up to him", and said it was a good thing that we didn't get Carroll before, and he admitted that he framed up this story.

Q What did he tell you exactly, officer? A He said Carroll called on him in the tombs while he was awaiting trial, and that he told Carroll what to say when he was called as a

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witness.

Q Did he tell you what he told Carroll to say?

A Yes.

Q What did he say? A He told Carroll-- he said he told Carroll to accuse the complainant of getting down on him.

Q What was the word he used? A Well, that was it, that is the word he used.

Q Getting down on him? A Yes, in the cab.

Q Was there anything else he said at that time, officer, or any other time? A No, that is about all.

MR. DONOHUE: Your witness.

CROSS EXAMINATION BY MR. EMBREE:

Q Detective Barron, this boy was sixteen years old in August, wasn't he, so far as you know? A That is what he said.

Q He didn't make any attempt to resist arrest, did he, the first time, when he was charged with larceny? A The first time, no.

Q But on the occasion when he was charged with perjury he resisted arrest? A Yes.

Q And then afterwards in conversation with you he admitted this perjury, you say? A He admitted that he told Carroll--

Q Did he admit that he had falsely testified on the previous trial? A Yes, sir.

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BY THE COURT:

Q Did he admit that the defendant had falsely testified, or did he admit that he had told Carroll to falsely testify?

A He admitted that they both testified false, on the way over in the patrol wagon from Brooklyn, and he said that--

BY MR. EMBREE:

Q No, I just asked you that question? A All right.

Q How long did you say you have been a detective, officer Barron? A That was not asked me, Mr. Embree. He asked me how long I was a police officer.

Q How long is that? A A police officer?

Q Yes. A I will be fifteen years in August.

Q And how long a detective? A Over seven years. I think it is around seven years.

Q You have had frequent cases in these Courts, haven't you? A Yes.

Q And frequently have had cases with the different District Attorneys? A Yes, sir.

Q So that you are a pretty good lawyer yourself?

A I have had very few of mine go before a jury, in all my time, every time I bring a man down here they generally plead guilty, about three men that ever stood trial, that I ever got this far.

Q You know a rule of law, don't you, that no man can be convicted on the uncorroborated testimony of his accomplice, you know that general rule, don't you, that you must have some

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other testimony other than the accomplice's story? A Yes sir.

Q That is a rule of law. And you realize, don't you, that in this case the whole case depends on Carroll's story, and that Carroll is an accomplice, and that without the testimony from you that this boy admitted that he committed perjury, that there is no case here in law?

MR. DONOHUE: I object to that, if your Honor please.

THE COURT: Yes, I will sustain the objection. I am not prepared to say there would be no case at all without his testimony.

MR. DONOHUE: There is other evidence here besides this officer and Carroll's statement.

Q But you say you do know that general rule of law, that the testimony of an accomplice has to be corroborated?

MR. DONOHUE: I object to that, if your Honor please.

THE COURT: Well, he has already said so.

Q When you searched the boy you didn't find any pawn tickets on him? A No, sir.

Q Or anything else that led toward the rings? A No, sir, I didn't.

MR. EMBREE: That is all.

MR. DONOHUE: That is the people's case, if your Honor please.

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THE DEFENDANT'S CASE

WALTER B. SEVERANCE, the defendant herein,  
residing at 805-A Lafayette Avenue, Brooklyn, called as a  
witness on his own behalf, being first duly sworn, testi-  
fied as follows:

DIRECT EXAMINATION BY MR. EMBREE:

Q How old are you, Walter? A Sixteen past.

Q When were you sixteen? A August.

Q And where was your last place of employment? A The  
last place I worked was for my brother.

Q What wages did you receive there? A He used to give  
my mother my board and used to give me some change at the end of  
the week.

THE COURT: Now, speak louder and speak slower, so  
we can all hear you.

THE WITNESS: Yes, sir.

Q How long were you with your brother? A About seven  
months.

Q Where else have you worked? A I used to work for  
Joseph Ball.

Q Mr. Joseph Ball? A Yes, sir.

Q He is a druggist? A Yes, sir.

Q How long did you work for Mr. Ball? A A year and a  
half.

Q Was he in court when you were tried before? A Yes, sir.  
He was.

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Q Did he testify? A Yes, sir.

Q Did you send a message for him today?

MR. DONOHUE: Oh, I object to that, if your Honor please.

THE COURT: Yes, objection sustained.

Q Where did you work other than that? A I was at school then.

Q You were at school before that? A Yes, sir.

Q I don't know whether I asked you what were your wages when you were with Mr. Ball for the year and a half? A Seven dollars.

Q Seven dollars a week? A Yes, sir.

Q How long have you known Mr. Carroll? A A few months.

Q And did you frequently meet him over in Brooklyn and come to New York with him? A Yes, sir, I did.

Q And where did you usually meet? A At the Atlantic Avenue subway station.

Q On the night of September 15th, 1917, did you meet him there? A I did.

Q Now, is that place, the Atlantic Avenue subway, more or less midway between your home and his? A Judging from where his home is and where my home is, it is about equal distance, and he used to come from Flatbush, and I came from upper Brooklyn, and we used to meet at the Atlantic Avenue subway station.

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Q Speak up so the jury can hear, and tell us what happened?

A I met Frank Carroll at seven o'clock; I had an appointment at seven o'clock, and he didn't come until a quarter after seven, and we took the car up to Grand Central and transferred to Forty-second Street, and we met this Helen Handybolt at Gray's drug store, and went to the Rialto Theatre, and we saw the show, and I think it was the first show, and we got out at eleven o'clock, we left the Rialto Theatre at eleven o'clock, and we went across Forty-second to Sixth Avenue and put Miss Handybolt on the car. Then we continued walking up Sixth Avenue and was looking in the shop windows, and we went over towards the Hippodrome, looking at the bill-boards, and we walked up to Forty-seventh Street, and as I was stepping down in the gutter Mr. Richter was stepping up from the gutter; he had three gentlemen with him, and he grabbed hold of my arm and said, "Hello, there, " and he said, "Shimie McCoo." I said, "What is the matter with him?" So Frank laughed and he said, "I guess he is stewed;" so we walked - he says, "Come on and have a drink." I said, "I don't drink; I am not allowed in a saloon; they don't sell me any drink." He said, "Cpme on, be a good sport anyway." I said, "No." I said, "I am going up this way". They went up that way with me, and went in the drug store. I said, "I will get you something to sober you up." We brought him in the drug store, and the druggist gave him something to drink. Then we got on the elevator. He vomited in

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the elevator.

BY THE COURT:

Q When you got in the drug store what did you tell the druggist? A I said, "Will you fix this man up?".

Q Did you say that, or did Carroll say that? A I said that.

Q You asked the druggist if he would fix this man up? A Yes

Q Did you say in what way? A No, sir; I said, "He is drunk." He said, "All right, I will do that".

BY THE FOURTH JUROR:

Q Will you kindly tell us where that drug store is? A It is on the corner of Fiftieth Street and Sixth Avenue.

BY MR. DONOHUE:

Q Go ahead. A And we went in the elevator, and he vomited in the elevator. We got off at the next station, and meanwhile the three men had left when we came out of the drug store and there was nobody there. He said, "Take me home; I am not feeling good." We got off at the next station, and <sup>he</sup> said, "Call me a taxi," so I raised my hand, and a car came along, a fellow had a limousine, driving for a private family, and I said, "How much will you charge to take us up to One Hundred and Seventh Street?" I had asked Mr. Richter where he lived, and he said One Hundred and Seventh Street and Central Park West. We got in the car, and <sup>when</sup> we got to One Hundred and Seventh Street the driver said, "Where is my money?" Mr. Richter said, "Every-

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thing is gone I have got," and so he says, "You pay it and I will give you the money back;" so I had the five dollars I was going to buy my shoes with, so I gave the driver the five dollars, and he only had one dollar and ten cents change, he not being a chauffeur, he could only give me a dollar and ten cents, so I said, "That is all right," so, Mr. Richter said, "Come on upstairs." I said, "Where is my money?" He said, "Come on up and I will give it to you;" so we helped him upstairs; he was fooling around for his keys, and he couldn't open the door.

BY THE COURT:

Q On the way up in the cab did anything happen? A Yes.

Q Tell it as you go along? A As we were in the cab Mr. Richter laid his head in my lap this way (illustrating), and he had his head in my lap, and he tried to get his two or three fingers in my trousers, and tried to open my trousers, so I pushed him over to Frank Carroll's side, and he pushed him over to me, and I turned my head and looked out of the window of the limousine; so when we got up there he ~~took out~~ <sup>asked about</sup> the money, and he said, "Come upstairs and I will give it to you;" so, when we got upstairs, Mr. Schoenemann opened the door and said, "Who is here?" He says, "Two good friends of mine." So we went in and he lit the gas - the electric light, and said, "Have a seat," and he took me by the shoulders and put me on the davenport, and he sat Frank in another chair; so then he went over the records and kept fumbling around the records, and he put a record on. I

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said, "Have you got 'La Tosca's Good-bye'?", and he said, "I think I have."

BY MR. DONOHUE:

Q These gentlemen say they don't hear you. Speak slower, please. A Then he says to Frank, "Can you play the piano?", and Frank says, "Sure," so, he sat down and played the piano, and Mr. Richter said, "Wait a minute, I will be right back." He went in the kitchen, and Mr. Schoenemann came in, and he said, "You get the hell out of here; go to bed;" and she came in three or four times, and he told her that. I said, "Sit down and be quiet;" so, he said, "Wait a minute, I will be right back." He came in the dining room and lit the electric light, and he had a tray with him with some <sup>Scotch</sup> whiskey and a bottle of seltzer, and he said, "Here," he poured out a drink of whiskey, and he got a new record for the Victrola, and I took my whiskey and poured it in the try, and I took his whiskey and poured it in the tray, and I took Frank's whiskey and put it in the tray, and I poured out a glass of seltzer for Mr. Richter, so when he tasted the drink he said, "That tastes rotten." I said, "You have been drinking too much. After a while he said to Frank, "Have a drink." He said, "I don't want any." He said, "You are a hell of a sport," and he took his coat and hat and pushed him out. I said, "I am going, too, if he goes," and he said, "No," and he closed the door and put the bolts on, two or three bolts, and he was just coming across the doorway

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and he fell and hit his nose. I said, "Come here and I will fix your nose." I put some hot water and a cloth on his nose, to stop it from bleeding; so his sister came near the bathroom and went this way to me (illustrating); she said, "You stay with him until he falls asleep, and I will wait up for you; I have some heart trouble; I will wait for you and let you out; I have got your coat in the dining room." I said, "I have to go home." She said, "He will fall asleep pretty quick." He went in the bath room and undressed himself and dropped his clothes on the floor. He said to me, "You undress and stay overnight." I said, "I can't; I have to go to the country." He said, "What part of the country?" I have been up in WhitePlains and Scarsdale, and the first place that came to my mind was Scarsdale, and I said, "Scarsdale." He said, "You don't have to go up there. Stay and have breakfast and take the train tomorrow morning." I said, "No, I can't stay away from home." So he says, "You stay here," and he pushed me on the bed and took hold of my trousers and tore my shoes off; they were kind of loose, and they come off with my trousers. I said, "No, I have to go home." He said, "You stay here." So Mrs. Schoenemann came over near the door and says to me, "You stay with him", again, "You stay until he falls asleep, and I will take your clothes and put them in this room." She took my trousers and put them in a little

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storeroom.

BY THE COURT:

Q Where were you when you say he tore your trousers off?

A I was in the bed room. I didn't want to get undressed.

Q Were you standing, or lying down? A I was standing right near the bed.

Q Did you have any suspenders on, or a belt? A I had a belt on.

Q Did he undo the belt? A Yes, he grabbed the belt and all.

Q Did he undo the belt? A Yes, sir.

Q Unbuckled it? A All he had to do was to take the slip off.

Q Then he pulled the trousers down? A Then he pulled the trousers down, and he ripped them on the side.

Q And your shoes came off with them? A Yes, low shoes.

Q You were standing on your feet? A He had pushed me over the bed, took my arm this way (illustrating) and pushed me on the bed.

Q He pushed you on the bed? A On the bed, and I was lying on the bed, that way(illustrating).

Q And then he pulled your trousers off? A Yes, sir, then he pulled my trousers off.

Q And your shoes came off with them? A Yes, sir.

Q Were they lace, or button, shoes? A Oxfords, very loose.

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Q Lace, or button? A Lace.

THE COURT: Proceed.

BY MR. EMBREE:

Q Go ahead. A He gave the trousers to Mrs. Schoenemann. Mrs. Schoenemann took my trousers and put them in the storeroom, and she says, "All right, you lie down with him until he falls asleep, and I will give you your clothes."

THE TENTH JUROR: I can't hear; he is too quick altogether.

THE WITNESS: She took my trousers and shoes, and she said, "I have your coat out in the dining room, and I will give you everything; I will sit up for you and wait for you and let you out." I said, "All right." After a while Mr. Richter fell asleep, and he said something about losing everything, so, she said to me, "What was he talking about?". I said, "He was talking about losing everything." She said to me, "He comes home like this often; he is often drunk that way." I said, "It is too bad." She said, "I thank you, my boy", and she says - then we got talking about the taxi bill, and I said, "I paid for it." She said, "If you 'phone tomorrow and tell Mr. Richter, he will give you the money," and she shook my hand and kissed me on the forehead and said, "God bless you," and I left; I telephoned the next day, and Mr. Richter said when I telephoned if his brother got on the

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wire and asked me what I wanted of Mr. Richter I should say I wanted to see him personally. I telephoned that Wednesday, and a young lady's voice come on the wire, and I says to her, "Will it be all right to come up tonight? This is the young man who helped Mr. Richter home." She said, "Yes, Mr. Richter told me. Mr. Richter has gone out tonight." I said, "Will tomorrow night be all right?" She said, "No, Friday or Saturday," and I said, "All right," and I was coming up Saturday night, and they arrested me.

Q Were you with Carroll Sunday night when you telephoned to Mr. Richter? A Yes, sir.

Q And after you had telephoned to Mr. Richter did you have some conversation with Carroll? A No, sir, not that I remember. I says, "Well, Mr. Richter has told me he thinks you took his rings, unless he means one of the other men," and he said, "I will go with you, to show him I didn't take the rings".

Q Is that all that you said? A Yes, sir.

Q Did you say anything to him about going to make a charge against Mr. Richter if any trouble came up? A No, sir, I did not.

Q You were not expecting any trouble? A No, sir, I didn't expect any trouble.

BY THE SIXTH JUROR:

Q Did you give your name when you telephoned to Mr.

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Richter? A No, I did not. I said, "This is the young man that helped him home."

Q You didn't give your name? A No, sir, I did not.

BY MR. EMBREE:

Q Had you ever given him your name? A No, sir, he didn't ask me for it.

Q I want to ask you these questions: Did you on the night of the 15th day of September, 1917 meet Frank Carroll?

A When?

Q On the night of September 15, did you meet Frank Carroll? A Yes, sir, I did.

Q And were you and he together when you met Richter? A Yes, sir, we were.

Q That same evening? A Yes, sir.

Q And when you met them were some other men with Richter? A Yes, they were.

Q And did you ride in a taxicab with them, you and Carroll and Richter? A Yes, we did.

Q And while you were in the taxicab he did put his hand on your trousers? A Yes, he did.

Q Now, did you see any rings on his fingers in the taxicab, or later? A I did not, no, sir.

Q Did you see any rings on his fingers in the apartment? A No, sir, I did not.

Q Did you see any rings on his fingers that night at

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all? A No, I did not.

Q On that evening you did meet some young lady through Carroll, did you? A Yes, I did.

Q And her first name was Helen? A Yes, sir.

Q Did you see Carroll the next evening after the 15th, that is, the Sunday evening, the 16th, or the afternoon, did you see him in the Hotel York? A No, sir, I didn't see him in the Hotel York.

Q Did you ever show him any rings? A No, I did not; I had no rings to show.

Q Did you ever tell him that you had taken any rings from this man Richter? A No, sir, I did not.

Q Did you ever take any rings from him? A No, I did not take any rings.

Q Do you recall when Officer Barron arrested you the second time? A Yes, sir.

Q Tell the jurymen what happened? A I was going down the street to the candy store.

Q Try this time to speak slowly and loudly, so we can all hear you. A I was going down to the candy store at the corner to get my little brother Herbert to tell him to come home, my mother wanted him, I was down half a block, opposite the school, and Detective Barron grabbed me by the arm and said, "I have a warrant out for you for perjury." I said, "Give me the warrant." I thought I had to go to Carroll's trial.

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Q As a witness? A Yes, as a witness for Carrolll and I said, "Give me the warrant." He said, "You don't get any warrant. Come along with me." I said, "All right." Meanwhile some young boys training in the public school, they are teaching them to be soldiers, and one of the teachers came over and he spoke to Detective Barron and he says to me, "He is trying to get away," so, I was sitting on the stoop, and he was sitting next to me; he had me by the coat, this way (illustrating). I was not trying to get away, so this man says, "Let him alone," and a few other women there said, "He is not doing anything; let him alone," and some woman says, "I better get a policeman." He said, "All right, go get a policeman;" so some one ran around the corner and got the policeman on the beat, and he said, "I am going to take this man. Where is the station house?" He said, "Five blocks up to Gates Avenue;" so they took me to Gates Avenue, and then to headquarters and after that to the Tombs.

Q Did Detective Barron tell you he was a police officer?

A I knew him from last time.

Q Did you have any conversation with him, with Detective Barron, with regard to what your testimony had been on the trial? A No, sir, I did not; I didn't speak to him; I sat on the edge of the automobile.

Q Did you hear Officer Barron say you did say to him that you and Carroll did agree on a false story? A I did hear

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that.

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Q Did you say anything like that? A No, nothing like it.

Q Sure of that? A Positive.

Q The only thing that you discussed with him was that he told you that you were charged with perjury? A Yes, sir, he just told me I was charged with perjury. I didn't see the warrant until I got to the police station.

Q He didn't tell you what the allegations in the indictment were? A No, sir.

Q Or what it was alleged was false? A No, sir.

Q Now, do you recall Carroll one day visiting you in the CitybPrison? A I do.

Q About when was that? A About lunch time one day, about two weeks, probably three weeks, after I was arrested.

Q The first time you were arrested? A Yes, sir.

Q He never visited you but once, did he? A No, sir, he did not.

Q And where did he see you? A He saw me in the screen partition there; there is two screens, about that far apart (indicating).

Q In what they call the visiting room? A Yes, sir.

Q And he talked to you through these screens? A Yes, sir.

Q About how long was that visit? A About fifteen minutes, because I didn't get down until late; I was helping on the tier upstairs.

Q Were there other people on that tier at the same time?

A Yes, sir, there was quite a few Italians and Jewish people

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there, and they are all hollering at the same time, and you can't hear very well.

Q It is a noisy place? A Yes, a very noisy place.

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Q And how long do you suppose he was there?

A It must have been less than fifteen minutes, because I had to run down six flights of stairs, and I had been helping on the tier; I was like overseer of the boys, to see that they swept and mopped up.

Q Have you been assigned to any special duty in the city prison?

MR. DONOHUE: I object to that.

THE COURT: Objection sustained.

THE WITNESS: The second time, coming back, knowing Mr. O'Connor, the keeper--

THE COURT: The objection was sustained.

Q Tell these gentlemen, and go slowly, please, tell these gentlemen what Carroll said to you and what you said to Carroll when you visited with him there through these two screens? A Carroll said to me, "Hello". I said "Hello; a nice place I am in". He said "Yes". I said "I am here for nothing". He said "yes, I know, but you didn't give them my address, did you"? I said, "No, I don't really remember it, Frank; I don't really know the address". He said, "I don't want to get in this. You know how it is. I am working", and he explained about his home, how he is mostly the chief support home, and he said, to me, "you have other brothers that can help your mother". I said, "You know my brothers have gone away to the army, and my father is in the army now, and I will have to help home", so he says, "please don't give my

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address", so I says -- he says, "what is that 'phone number<sup>127</sup> again?" I said "Bedford 10,406 Bedford". He said "I will 'phone your brother and see your brother", so then the gong rang, and he left, and I went up stairs again. That is the only conversation we had.

Q Did you have any conversation with him at all on that day, or at any other time, with regard to what his testimony would be if he was called as a witness? A I did not.

Q And from the time you were arrested until you went to trial, that is the only time you saw him? A Yes, that is the only time.

Q Had you sent for him to come to see you in the city prison, or did he come voluntarily to visit you? A He came voluntarily.

Q You didn't expect him? A No, I did not expect him.

MR. EMBREE: Will your Honor give me some idea of how much longer you will sit?

THE COURT: I think you ought to complete the direct examination.

MR. EMBREE: Yes.

Q Have you told these gentlemen substantially the same story as you told on the other trial? A I have.

MR. DONOHUE: I object to that, if your Honor pleases.

THE COURT: I will allow it.

Q Is what you have told here to-day the absolute truth?

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A It is.

Q Is what you told on the other trial the absolute truth? A It is the absolute truth.

Q I want you to look at these gentlemen, and if there is any point in that story as you have told it to them that is not true, I want you to tell them and admit to them the part that is false? A No, everything I have said is the truth.

Q I show you these trousers, and I ask you if those were the trousers you were wearing on the night you went to Mr. Richter's apartment? (handing trousers to witness)?

A Yes, they are.

Q I ask you to show us if they are torn as you say they were on that night, the place where they were torn? A All along there and there (indicating).

Q Show these gentlemen? A There and there (indicating with trousers to jury)

MR. EMBREE: I offer the trousers in evidence.

MR. DONOHUE: I consent to have them go in. I would like to have them go in.

(Same marked Defendant's exhibit A, of this date)

BY THE COURT:

Q Did he unbutton the trousers before he took them off?

A No, sir, one of the buttons is open now.

Q He did not unbutton them? A No, sir, he just pulled them right off.

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Q You have not told us anything he did to you in the apartment. Did he do anything to you there? A When I was sitting on the edge of the bed he tried to fool around my privates here, and so I took the sheets and put them underneath his arms; his arms were down by his side, so he couldn't move, because any time I sat near him he wanted to get near my private, and I took the bed clothing and wound it around him, and every time I left the room I would say, "Well, Mr. Richter, I am going to the bath room", and he followed me around.

Q Did he bite you? A Yes, sir.

Q Tell that to the jury? A When I was sitting on the edge of the bed he tried to grab me, and he bit me here and here (indicating), and bit me on the shoulder, here (indicating); a little bit later in the night he had bit me on the shoulder; I have the marks here; and I had a cloth on my wrist; my wrist was kind of sprained; I couldn't use it for a little while

THE COURT: I think we will take an adjournment now.

Gentlemen of the jury, please do not form or express any opinion as to the defendant's guilt or innocence, until the case is finally submitted to you; please do not discuss the case among yourselves, or allow anybody to discuss it in your presence. We will adjourn until Monday morning.

(The court then accordingly took a recess until Monday, January 14th, 1918, at 10:30 o'clock A. M)

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THE PEOPLE, ETC., -against WALTER B. SEVERANCE.

New York, Monday, January 14, 1918.

TRIAL CONTINUED

WALTER B. SEVERANCE, the defendant,  
resumed the stand.

CROSS-EXAMINATION BY MR. DONOHUE:

Q Severance, do you remember testifying at the last trial? A Yes, sir.

Q Do you remember being asked, after you had been sworn by the Court, these questions, by your own lawyer: "Q. Have you ever been convicted of a crime?" - A Yes, sir.

Q Now, wait a minute, please. "A No. "Q. Never been in court in your life? A No. Q. You never had any trouble of any kind? A No." Did you testify to that effect? A Yes, sir.

Q Those are your answers, are they not? A Yes, sir.

Q And the very last question Mr. Embree, in this case, asked you, as you were leaving the stand, was to look these jurors in the eye and tell them whether everything you had told them at this trial was the truth, and your answer to that was, "Yes, sir"; is that right? A Yes, sir.

Q And you repeated in this trial you never were convicted of any crime? A Yes, sir.

Q And you repeated in this trial that you were never in any court in your life? A Yes, sir.

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Q Now, is that true? A That I was never convicted?

Q Is that true; "Yes," or "no"? A Yes, sir.

Q It is true? A Yes, sir.

Q Do you know this gentleman (indicating Mr. Lyons)?

A I don't remember.

Q Isn't he the probation officer in the Children's Court?

A Yes, sir, he is.

Q Oh, you know him now, then? A Yes, I recollect now.

Q How do you know him? A Because my brother had me placed on probation, in 1914.

Q And under what other conditions do you know him?

A Under no other conditions.

Q Weren't you arrested and charged with burglary? A No.

Q In February of 1915? A No, sir, I was not.

Q You deny that? A Yes, sir; I don't remember being arrested.

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

Q What is your answer? You don't remember, or you don't know? A I don't know.

BY THE COURT:

Q Can't you tell this jury whether an officer arrested you or not? You must remember that? A I was away from home three days, and my brother put a charge against me.

Q I didn't ask you whether you were home three days or three months. I asked you whether you remember being arrested

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by a policeman. A No, sir, I do not.

BY MR. DONOHUE:

Q Weren't you arrested by Officer Downey, of the Sixth Branch Detective Bureau, in Brooklyn, and charged with burglary, on February 1, 1915? A I don't remember.

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

Q You don't remember whether you were ever arrested and charged with burglary, or not? A No, sir, I don't remember.

Q Do you know Officer Downey, of the Sixth Branch Detective Bureau? A No, sir, I don't remember.

Q Did you ever see him? A No, sir, not that I can recollect.

Q Weren't you given a suspended sentence over there in the Children's Court, for burglary? A I understood that I was -

Q Weren't you given a suspended sentence, for burglary?  
A Yes, sir, I was.

Q And weren't you also put on probation for three months because your brother brought a charge against you? A Because I was away from home, and I didn't know how to get home.

Q So that was two distinct times you were in court?  
A One distinct time. I was only in court once.

Q What were you held for? A I was away from home, and I was near prospect park once, and I couldn't find my way home, and when I really did get home my brother said they

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better keep me down there, to frighten me.

Q Weren't you arrested and convicted in the Children's Court on February 5th, 1915 of Burglary? A No, sir, I don't remember.

Q Your answer is you don't remember? A Yes, sir.

Q What is your name? A Walter B. Severance.

Q And what is your father's name? A Charles Severance.

Q And what is your mother's name? A Mary Severance.

Q And where did you live in February of 1915? A 745 Lafayette Avenue.

Q So, you were in court before? A Well, yes, the Children's Court.

BY THE COURT:

Q How far is it from Prospect Park to Lafayette Avenue?  
A Oh, it is about three-quarters of an hour's ride.

Q On what? A On the surface cars.

Q You say it took you three days to get home? A I lost my way. I couldn't find my way home.

Q Nobody could tell you how to get there? A No, sir; I was cold and hungry, and a man bought food for me in a restaurant.

Q Nobody could tell you how to get home? A Some people told me to walk this way, and some people said to go this way.

Q Did you ever get lost when you were over on Broadway at night? A No, sir.

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BY MR. DONOHUE:

Q You never got lost around the Knickerbocker Hotel, did you? A Not that I remember, no, sir.

Q For the last six months, what have you been doing for a living? A I have been helping my brother.

Q Doing what? A Washing cars.

Q And how much would you get paid for that? A My brother used to give me some spending money.

Q About how much? A A dollar, two dollars, two dollars and a half, three dollars.

Q Did you during the month of September have an apartment at the Hilldonia Court, under the name of Seeman? A No.

Q Under what name did you have it? A I didn't have no apartment.

Q You had no apartment at the Hilldonia Court? A No, sir, I didn't have no apartment.

Q Were you there? A No, sir, I was not there.

Q Were you ever in the Hilldonia Court? A Yes, I was visiting somebody there.

Q Who? A A fellow named Robert Seeman.

Q And how many times did you stay there? A I never stayed there. I visited there.

Q Did you ever stay there all night? A No, sir.

Q Didn't you, under the name of Seeman, hire the apartment yourself? A No, sir.

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Q Aren't you what is known along Broadway as a fairy?

A I am not.

Q What are you? A I am nothing.

Q Do you know Carroll pretty well? A No, I don't know him pretty well.

Q When did you first meet him? A I was introduced to him by a friend of his who is not in the State Reformatory.

Q By the way, were you ever in a reformatory? A No, I was not; I was never in no reformatory.

Q Did you ever live at the York Hotel? A No, sir, I did not.

Q Did you ever have a room there? A No, sir, I did not.

Q Did you ever go to the York Hotel? A Yes, sir, one time I met Carroll.

Q Who else did you go with besides Carroll? A With a friend of Carroll's.

Q Was it Bob Elliott? A No, sir.

Q Do you know Bob Elliott? A No, sir, I don't know him.

Q You don't know Bob Elliott? A I have heard of him.

Q Do you know Bob Elliott is a well-known fairy around Broadway? A No, sir, I don't know that.

Q Do you know what a fairy is? A Just by the description I have heard in court here.

Q Only by that? A Yes, sir.

Q You never heard of one before you came to court? A I

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did, by my brother.

Q What did he say? A He said he took the place of a woman; that is the only thing I understood about a fairy.

Q Didn't you go up and down Broadway with your face painted and your eyebrows blackened? A No, I did not.

Q Picking up men? A No, I did not.

Q Didn't you tell Carroll you did? A No, sir.

Q Didn't you and Carroll walk up and down Broadway for that partbular purpose? A No, I did not.

Q Were you ever on Broadway? A I was on Broadway occasionally.

Q About how many times were you on Broadway in the last six months? A Once in the last six months.

Q When was that? A One day I went over for a position over there.

Q You were around there in September of 1917, weren't you?  
A Yes, I was over there.

Q How many times were you over there then? A I can't tell you; about once every two weeks, probably once every three weeks.

Q What was your purpose in going over to Broadway?  
A I met Frank over there.

Q Where would you meet him? A At the Atlantic Avenue subway station.

Q Then you would go to Broadway? A No, sir, he took me

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to some restaurant in Fiftieth Street and introduced me to a young girl named Frankie Raymond, in Al Reeves Beauty Show.

Q How often were you on Broadway during September? A Once in two weeks.

Q Once in every two weeks? A No, not once in every two weeks. Probably a month before I was there again.

Q And what time would you get there? A About eight o'clock.

Q Now, Severance, I am going to ask you once more, when you were arraigned in the Children's Court, what were you charged with? A I had been away -

MR. EMBREE: I object to that question. If he has been convicted, there is no one more anxious to know it than I.

THE COURT: I will allow it as introductory. He says he was placed on probation. He must have been convicted of something. I will allow it merely as introductory.

Q (Question read by stenographer, as follows: "Q. Now, Severance, I am going to ask you once more, when you were arraigned in the Children's Court, what were you charged with?")? A Do you want me to answer that?

Q Yes. A I understood I was arraigned because my brother had me arrested to keep me home and have me frightened, over at the Children's Court.

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Q And what would your brother have you arraigned for, to get you frightened? What was his idea in that? A Because I had been away from home.

Q While you were in the Children's Court did you see Frank E. Downey, a police officer? A Not that I remember, no.

Q You don't remember Mr. Downey? A No, sir, I do not.

Q Do you remember an officer making a charge against you at that time, stating, in open court -

MR. EMBREE: I object to what the officer stated in open court.

THE COURT: Yes, I sustain the objection.

Q Weren't you charged at that time by Officer Downey that on February 4th -

MR. EMBREE: I object to that. If he was convicted of it, let us have it quickly.

MR. DONOHUE: I offer the record of the Children's Court in evidence.

THE COURT: That is not competent. What was the date of this occurrence you have just been asking about?

MR. DONOHUE: February, 1915.

THE COURT: That is practically three years ago.

BY THE COURT:

Q How old are you now? A Sixteen.

Q You were sixteen last August? A Yes, sir.

Q And you say you were thirteen then? A Yes, sir.

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Q Did you give your age at that time? A No, my mother gave my age.

Q Did she give it as thirteen? A I think she did, yes.

BY MR: DONOHUE:

Q During the last six months, Mr. Severance, isn't it a <sup>not</sup> fact you have been home very much? A No, sir, it is not.

Q About how many nights a week in the last six months have you been away from home? A I haven't been away from home at all.

Q Never? A No, sir, unless when I went to visit my grandfather.

Q How about the night you slept in the York Hotel?  
A I didn't sleep in the York Hotel.

Q How about the nights you slept in the Hilldonia Court?  
A I never slept in the Hilldonia Court.

Q Did you ever stay at the Hilldonia late at night?  
A Yes, but I left -

Q How often did you stay late at night? A Two or three nights a week I went there to visit, and left there late.

Q You left there after one o'clock, usually? A No; about one.

Q About one? A A little after twelve.

Q And that happened two or three nights a week? A I wouldn't say two or three nights a week.

Q What was this friend of your named? A Robert Seeman.

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Q How old was he? A A young fellow, about twenty-one, I guess.

Q Do you know what his business was? A No, sir; he was staying at my house for a while.

Q Staying at your house? A Before he moved over to New York.

Q And he had this apartment at Forty-eighth Street and Broadway? A Forty-fifth Street.

Q Four rooms and a bath? A No, two rooms.

Q Two rooms? A Yes, sir.

Q And during that time you were working for your brother, washing automobiles? A Yes, sir.

Q Getting a dollar and a half a week at the most? A Yes.

Q Did you know the outside man at the Hotel Continental?  
A No, sir, I did not.

Q What made you hesitate about answering that question?  
A I can't recollect the Hotel Continental; I don't know where it is.

Q Do you know anybody connected with the Hotel Continental?  
A No, sir.

Q Don't you know the man who stands outside the door?  
A No, sir.

Q Didn't you ever talk to him, about two or three o'clock in the morning, while you were going along Broadway?  
A No, I wasn't out that late in New York, two or three o'clock.

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Q You were there until one? A Before one. As a rule, I struck home about one.

Q Now, let us get down to this night in question. What time did you meet Carroll? A When?

Q This night we are investigating now, September 15th?  
A I met him at seven o'clock, or a quarter after seven; he was late.

Q Where did you meet him? A At the Atlantic Avenue subway station.

Q The Atlantic Avenue subway station? A Yes, sir.

Q And that was the first you had seen of him that day?  
A Yes, it is.

Q Positive of that? A Yes, positively.

Q And that was about what time? A A quarter past seven I met him.

Q At the Atlantic Avenue subway station? A Yes, sir.

Q And did you have an appointment to meet him? A Yes, I had an appointment at seven o'clock.

Q From there where did you go? A Took the subway into Grand Central and transferred over to Forty-second Street.

Q From there where did you go? A Went over to Gray's drug store and met Helen.

Q Is this the girl you refer to as Helen (indicating Miss Helen Handfode)? A Yes, sir.

Q And was that at Gray's drug store? A Yes, sir.

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Q At Forty-third Street and Broadway? A Yes, sir.

Q Sometime after 7:15? A No.

Q You met her? A We met her at 8:15.

Q And where did you go with her? A Went over to the Rialto Theatre.

Q You saw the show there? A Yes, sir.

Q What show was there? A I am sure it is Taylor Holmes in "Efficiency Edgar's Courtship".

Q You recall that very well? A I am not sure whether it was that week or a week before that, or a week before that.

Q You and Helen and Carroll went to see this show? A Yes.

Q And stayed there until it was all over? A Until eleven o'clock.

Q Then what did you do? A We walked over to Sixth Avenue and Forty-second Street and Helen took a car.

Q And what happened after that? A Frank and I continued walking up Sixth Avenue until we crossed over on the other side of the street and looked at the billboard of the Hippodrome.

Q Were you in Churchill's that afternoon? A No, sir, we were not.

Q Weren't you in Churchill's with Helen and Frank that afternoon at about three o'clock? A No, sir, I was not.

Q And the first you saw of Helen that day was about 8:15, in front of Gray's drug store? A Yes, sir.

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Q You are sure of that? A Positively.

Q And the first you saw of Frank was 7:15? A 7:15, at the Atlantic Avenue subway station, yes, sir.

Q Sure of that? A Yes, sir.

Q No question about that? A No, sir.

Q You were not with Frank and Helen in Churchill's? A Not that night.

Q You were not over at the York Hotel that night with Frank, were you? A No, I was not; no, sir.

Q You arrived at Forty-seventh Street and Sixth Avenue with Frank? A Yes, sir.

Q What happened there? A That is where we met Mr. Richter.

Q Mr. Richter came along in an intoxicated condition, with three men? A Yes, sir.

Q And they were pretty big fellows, the three men? A No, sir, not very big.

Q And they were dirty? A Yes, they were.

Q At the last trial you said they were men whom you thought should not be in the company of Mr. Richter? A Yes, sir.

Q Is that correct? A Yes, sir.

Q They were what might be called tramps? A They were not really tramps; they were dressed, but they were not dressed like a gentleman, at least.

Q They were not dressed the same way Mr. Richter was?

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A No, sir.

Q And as they came along were you going up on the same avenue they were going down? A Yes, sir.

Q And Richter jumped out of the crowd and grabbed you by the arm? A No, sir; I was going down the curb and he was coming up the curb, and he grabbed hold of my arm.

Q And what did he say? A He said, "Hello, there," he says, "Shimie McCoo;" then he said to me, "come on, have a drink, join the crowd;" and I said, "No, I don't drink;" so he says, "Come on, we will go in the saloon and have a drink." There is a saloon right opposite there. I said, "No, sir, I don't drink; they wouldn't sell me no drink in the saloon."

Q And you wouldn't go in and have a drink, in the saloon?

A No, sir.

Q But, instead, you took him in a drug store? A Yes.

Q And you are sixteen years old? A Yes, sir.

Q And you took this man to the drug store for what purpose? A To get something to sober him up.

Q You were not interested in this man at that time, were you? A No, sir.

Q Why didn't you go on your way home? A His friends were gone, and he asked me to help him home.

Q He was pretty far gone? A Yes, he was gone.

Q Why didn't you call a policeman and go on your way home? A Because I didn't want to see the man arrested.

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Q You were interested in him? A I was interested enough in him not to turn him over to a police officer.

Q You had never seen him before? A No, sir.

Q And you thought it was your duty to take him home?

A Yes, sir.

Q And you got in an elevated train and subsequently got off? A Yes, sir.

Q And took a taxicab or automobile? A A limousine.

Q You and Carroll? A Yes, sir.

Q And it was in the machine that Richter tried to assault you, you say? A Yes, sir.

Q Tell us what he did? A Mr. Richter was in the middle, Frank Carroll was on the righthand side, and I was on the left. He laid his head in my lap, and I was looking at Frank, and Frank looked at me and laughed, so Mr. Richter took his two fingers or three fingers and opened my trousers and tried to get down on me.

Q Did he actually open your trousers? A Yes, he actually opened my trousers.

Q Did you make any outcry at that time? A I did not.

Q Did you say anything to anybody about it at all? A No.

Q Did he get your private parts out? A Yes, sir.

Q And did he get his head down near them? A Yes, sir.

Q And then you arrived at his house? A Yes, sir.

Q And you went upstairs in the apartment? A Yes, sir.

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BY THE COURT:

Q What did you go in his apartment for after he had done a thing like that? A After I had paid the bill I said, "Where is my money, Mr. Richter?" He said, "Come upstairs and I will get the money," and I went upstairs.

BY MR. DONOHUE:

Q Despite the fact that this man attempted to assault you or go down on you, as you say, you walked into a hallway with him and went upstairs? A Yes, sir.

Q Into his own apartment? A Yes, sir.

Q Didn't you at that time know what would happen to you if you went into the apartment? A No, sir. I told him not to bother me any more. He didn't seem to bother me any more, and he stayed on Carroll's side.

Q Did he attempt to open Carroll's trousers? A Yes, sir, he did.

Q That was after he attempted to open yours? A After I pushed him over to Carroll, and he laid in Carroll's lap.

Q And you both went up in the apartment with him? A Yes, sir, we did.

Q And it was while he was in the apartment that he tore off these trousers? A Yes, sir.

Q Did you have those trousers on that night (exhibiting trousers to witness)? A Yes, sir, I had the suit. I had the coat - I had been working in them, upstairs.

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Q Do you mean to say you were walking up and down Broadway with a suit on like that? A That suit was new when Mr. Richter tore it.

Q The suit was new when Mr. Richter tore it? A Yes; I had been wearing it upstairs, mopping and helping upstairsmen in the City Prison.

Q Who did this sewing around the crotch? A My mother.

Q Was that after, or before? A After.

Q You said some of the buttons are still off these trousers? A The buttonhole is still torn. My mother sewed it.

Q Mother didn't sew the buttonholes, did she? A She sewed the buttonhole, but it ripped again.

Q Who ripped it again? A It opened again, by being worn so much.

Q Didn't you tell us at the last trial Mr. Richter tore those trousers just the way they are now? A Yes, sir.

Q Why didn't your mother sew them, then? A My mother did sew them.

Q How are they ripped in the same place? A By all the work I have done upstairs with them.

Q And those trousers now are in the same condition they were the night you had them on? A No, sir, they are not so much torn as they were when Mr. Richter ripped my trousers.

Q Just where did Mr. Richter rip them? A When he

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pulled them off he had hold of them here, and this tore that way(indicating); there is one of the tears where it was sewed before, and he ripped here (indicating).

Q How about this here, where the patch is (indicating)?

A No,sir, he didn't do that, not where the patch is.

Q Do you remember at the last trial, Mr. Severance, when I asked you to point out exactly the spot that you claim Mr. Richtertore, and do you remember your referring to the part where the hole is now? "Yes," or "no", please; do you remember that? A Yes, I think I do.

Q And you didn't say anything about your mother sewing your trousers at that time, did you? A No,sir.

Q If she sewed this part where the patch is(indicating), why didn't she sew where the patch is there (indicating)?

A She did sew it up there.

Q And it has ripped out since? A Yes,sir, by the wear I had upstairs with it.

Q How long had you been working for your brother? A Oh, about six months.

Q And how many cabs did he have charge of? A He had charge of quite a few, but I only took care of two or three a day.

Q You took care of washing them? A Yes, just Putting the hose on the cabs.

Q Of putting the hose on two automobiles? A Two a day,

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yes, sir.

Q And that was all you did? A Yes, sir.

Q And you got a dollar and a half a week for doing that? A Yes, sir.

Q How long would that take you in a day? A It used to take fifteen or twenty minutes or half hour, to get the dirt off, the mud.

Q What would you do the rest of the day? A I used to take care of two or three cars a day, and I used to hang around, and if any of the chauffeurs asked me to clean the inside of the cars they would give me a quarter for it.

Q Didn't you testify at the last trial the only thing you did was take care of two or three cars your brother had at that garage? A Yes, sir.

Q And all you had to do with those cars was to put a hose on them? A Yes, sir.

Q And after you did that you were through for the day? A Yes, sir.

Q And that is all the work you did? A Yes, sir.

Q Do you know a man who has a candy store in your neighborhood where you now live? A There is two or three candy stores there.

Q Did you show any rings to a man who owns a candy store over in Brooklyn? A No, sir; I had no rings to show.

Q You never showed any rings to any of those people at

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all over there? A No, sir, I did not.

Q You went to Public School No. 25, in Brooklyn, didn't you? A Yes, sir.

Q And the principal's name there was Irving A. Haven, wasn't it? A Yes, sir.

Q Do you remember how you happened to leave that school? A I left to get a position.

Q Where were you going to go to work? A In Gleason, Peters & Company.

Q Is that the only reason you left? A Yes, sir.

Q Weren't you discharged from school? A No, sir, I was not.

Q And didn't you tell the principal at that time you were going to run away from home and go to Richmond, Virginia? A No, sir, I did not.

Q Do you remember that? A No, sir.

Q I am going to ask you one final question now. Didn't you plead guilty to entering premises 594 St. Marks Avenue on February 4th, 1915, in the County of Kings, and taking certain clothing and jewelry of the value of twenty-five dollars from those premises, in the Children's Court, on February 16, 1915, and weren't you sentenced February 25, 1915, and paroled in the custody of your mother? A No, I don't remember that, no, sir.

Q Carroll visited you in the Tombs, didn't he? A Yes,

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he did.

Q And you and Carroll before the last trial were very friendly? A Before this trial here?

Q Before the last trial, before the larceny trial, you were very friendly, were you not? A Yes, I should say we were friendly, yes, sir.

Q And you had talked over with him what he was going to testify to when he went to the Tombs to see you, didn't you? A I did not.

Q Did you have any idea what he was going to say when he took the stand in your case? A I did not.

Q About how many times had he been to the Tombs to see you before he took the stand? A Once.

Q And you didn't ask him to testify to anything in particular at all? A No, sir.

Q And you had no idea as you sat there and he took the stand what he was going to say? A No, I did not.

Q Did you give his name to your lawyer? A Yes, sir, my lawyer knew his name.

Q Did you give it to him? A Yes, sir. He asked me did I know Carroll well. I said I knew him about two months.

Q And you are positive that you and Carroll and this girl went to the Rialto Theatre that night? A Yes, I am.

Q Oh, by the way, what name did you give to Mr. Richter that night? A Mr. Richter didn't get no name from me at all.

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Q Didn't you tell him your name was Bobby Carroll?

A No, sir, I did not.

Q Sure of that? A Positive.

Q You didn't give him any name at all? A No, sir, he didn't ask me for any.

Q As I understand you, you say now, Mr. Severance, that Richter pulled the trousers off you while you had your shoes on?

A Yes, sir.

Q And he pulled them right off? A Yes, he did.

Q And you made no outcry, or never reported this matter to anybody at all? A No, sir, I did not.

MR. DONOHUE: That is all.

REDIRECT EXAMINATION BY MR. EMBREE:

Q Was there some time when you were in the custody of the Children's Society? A Yes.

Q How long were you in their custody? A I don't remember.

Q Give the jury some idea of how long you were there?

A I know it was a few weeks.

Q A few weeks? A Yes, sir.

Q And then were you on probation under some officer in that society? A My mother asked me to be put on probation.

Q Then you were? A Yes, sir.

Q And what was his name? A I don't remember his name.

Q Did he come to the house occasionally after that?

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A No, sir; I used to go down there.

Q How long did you do that? A I think a few months.

Q And your recollection is you were thirteen years old then? A Yes, sir.

Q Did you have a lawyer there in the court?

MR. DONOHUE: Oh, I object to that, if your Honor pleases.

THE COURT: I will allow it.

Q Did you have a lawyer in the court, in the Children's Court? A I don't remember. I know there was some man there, a friend of my mother's.

Q You don't know whether he was a lawyer, or not? A No.

Q Tell these gentlemen, as nearly as you can, whether or not you did plead guilty of something, and, if so, what you pled guilty of? A I remember when I was there my mother asked me where I was, and I told her I couldn't find my way home, and she said, "You have been staying out after nine o'clock; I am going to ask the Judge to put you on parole;" and I was put on parole, and I used to be in by seven o'clock, and my parole was taken away from me. That is all I remember.

Q Is that the only time that you were in court? A Yes, that is the only time.

MR. EMBREE: Your Honor, Mr. Donohue has some papers here which I am not disposed to question at all.

THE COURT: Well, it is not admissible if you object

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to it.

MR. EMBREE: I think that is all.

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THE DEFENDANT RESTS  
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REBUTTAL TESTIMONY

HELEN HANDIBODE, called as a witness, on behalf of the People, in rebuttal, being first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. DONOHUE:

Q Where do you live? A 531 West One Hundred and Sixtieth Street.

Q Miss Handibode, what is your business or occupation?  
A Stenographer.

Q And who are you employed by? A Baker, Caruthers & Pell.

Q And is that the same firm that employed Frank Carroll?  
A Yes.

Q And do you know Frank Carroll? A Yes.

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

Q And do you know Mr. Walter B. Severance? A Slightly, yes.

Q Did you meet him? A Yes.

Q Do you recall meeting him in the afternoon of September 15th, 1917, with Frank Carroll? A No, I don't remember the date, but I did meet him with Frank.

Q Did you ever go to the Rialto Theatre with Mr. Severance ?

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A No.

Q Did you ever meet him in front of Gray's drug store?

A No; I don't remember meeting him.

Q Do you remember the first time you had heard about this case? A Well, no, I don't remember; I don't remember.

Q Did Walter Seerance ever walk from the Times Square subway station over to Forty-second Street and Sixth Avenue with you and Carroll and put you on a Sixth Avenue car? A No, he never did.

Q How many times did you meet Severance with Carroll, or alone? A Well, I think about twice.

Q Will you tell us when the first time was, about?

A Well, one Saturday afternoon I met him. I went with Frank from the office.

Q Now, Miss Handibode, will you tell us about when that was, according to your best recollection? A The time?

Q Yes. A I should judge from - maybe from two to three.

Q No, I mean what day of the month? A It may have been in September; it was in the fall; I think around September.

Q And where did you go with Frank that day? A Frank and I went to lunch, and then we met - I went to a hotel with Frank, and he went upstairs and met Walter. I stayed down in the lobby. I think that was the first time.

Q Go ahead? A And he came down and introduced me to Walter, in the lobby of the hotel.

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Q Who came down? A Mr. Severance and Frank together.  
Frank went up there to the room and they both came down together.

Q About what time of the day was that, Miss Handibode,  
afternoon, morning, or evening? A It was afternoon, maybe  
from three to four, something like that.

Q Frank went upstairs and then he and Severance came  
down? A Yes, sir.

BY THE COURT:

Q Do you know what hotel that was? A The York, I think,  
some hotel on Seventh Avenue.

Q On Seventh Avenue and what street? A Around in the  
Forties, Forty-second, Forty some street.

Q You think it was the York Hotel? A Yes, sir.

Q And when Frank came down with Severance, where did you  
go? A Well, we took a walk, and Walter went to some place,  
made a stop at some house.

Q Did you have anything to eat at Churchill's that day?  
A After that.

Q About what time did you go in Churchill's? A Maybe  
around four.

Q And who was with you then? A Frank and Walter.

Q How long did you stay in Churchill's? A I guess we  
left there around five or half past five.

Q And where did you go then? A They left me at the  
subway, and I went home.

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Q What subway did they leave you at? A That subway that you go through the building.

Q What street? A Near Times Square there.

Q And that was one of the times you met Severance with Frank? A Yes, that is the only time. I think that was the first time, or the second. And then I think I met him once after that. I don't remember that. I either saw him with Frank or met him.

BY THE COURT:

Q That is the time you were introduced to him? A Yes, sir.

Q Then, it must have been the first time? A Yes, as far as I can remember.

BY MR. DONOHUE:

Q But you are positive, Miss Handibode, you never went to the Rialto Theatre with him? A Oh, yes.

Q And you never met him in front of Gray's drug store?

A No.

Q And you never walked from Forty-second Street and Broadway to Forty-second Street and Sixth Avenue, where he put you on a Sixth Avenue car? A Yes, I am positive.

MR. DONOHUE: Your witness.

CROSS-EXAMINATION BY MR. EMBREE:

Q What did you say your occupation is? A Stenographer and typewriter.

Q In Mr. Baker's firm? A What is that?

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Q The firm where Mr. Baker is a member of the firm.

A Yes.

Q Are you still there? A Yes.

Q You are a telephone girl there? A Telephone girl and stenographer, too.

Q You have known Mr. Carroll for some time? A Yes, two years.

Q And you frequently have gone with him to the moving picture show or some place? A Yes, to the theatres and to dinner.

Q And you have been with him to the Rialto? A Mr. Carroll, yes.

Q Several times? A Yes, The Strand, and other places, too.

Q Have you been with him to Churchill's, occasionally?  
A Yes, sir.

Q You know where the Hotel York is, don't you? A No, I can't say that I positively know. It is on Seventh Avenue. I know that.

Q You testified when this case was tried before, in which Walter was a witness, didn't you? A Yes, sir.

Q When this young man was tried? A Yes, sir.

Q You remember the testimony that you gave at that time, don't you? A Yes, I guess I do. I told the truth, any how.

Q I didn't ask you that; but you recall, don't you, in

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substance, what you testified to? A What do you say?

Q You recall in substance what you testified to, don't you? A Yes, I guess I do.

Q Do you recall that on that occasion you said nothing to the jury about meeting Severance at the Hotel? A Yes. Well, I hadn't remembered it.

Q You hadn't remembered that? A No.

Q You simply say, "I met him". A Yes, I guess I did.

Q Now, do you recall that on that occasion - I am not asking for the fact - I am asking your best recollection of what you testified - do you recall that on the other trial that you did say that you walked with Severance and Carroll over to Sixth Avenue and Forty-second Street?

MR. DONOHUE: I object to that, if your Honor please.

There was no such evidence given.

THE COURT: I will allow it.

A No, I said I didn't remember having walked, if I remember correctly, I hadn't remembered.

Q You hadn't remembered it then? A No.

Q And a moment ago, if I recall, you said to Mr. Donohue, did you not, that you did not remember about Gray's drug store, but you may have met the boys there, or you may have been with the boys there? A Well, I will tell you, when I said that I thought maybe I might have met them there, but not Walter Severance I did not, no. I said, maybe. I hadn't re-

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membered, if I remember correctly, that I hadn't remembered meeting him there. That is what I said.

Q Do you know the names of some of these prominent moving picture actors, don't you? You know the name of Taylor Holmes? A Yes, sir.

Q You have seen pictures in which he played, haven't you? A Yes, sir.

Q And do you recall seeing a picture in which Taylor Holmes played at the Rialto? A At the what?

Q At the Rialto. A No, I can't say that I do.

Q You may have, however, seen a Taylor Holmes picture? A Yes, I may have, but I don't just recall.

Q Now, about the best you can do on fixing the date is to say it was in the fall? A Yes, it was in September, I think, as far as I can remember.

Q With whom did you come to court this morning? A With myself.

Q Did you come with anybody? A No, I didn't.

Q Who asked you to come? A Mr. Donohue gave me a subpoena to come.

Q Beg pardon? A Mr. Donohue gave me a subpoena to come to court.

Q When was that? When did he give you the subpoena? A Friday.

Q Friday? A Yes, sir.

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Q And who brought you down to the building then? A I came myself.

Q I beg pardon? A I came to the building myself.

Q Yes, but who asked you to come on Friday? A Mr. Donohue called up and requested me to come.

Q Called up your place of business? A Yes, sir.

MR. EMEREE: That is all.

REDIRECT EXAMINATION BY MR. DONOHUE:

Q Have you any doubt, Miss Handibode, in your mind about meeting Severance in front of Gray's drug store? You know you did not meet him there, don't you? A Yes, I think I can say positively that I didn't.

MR. DONOHUE: That is all.

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F R A N K     E.     D O W N E Y, police officer, shield No. 199,  
attached to the Sixth Branch Detective Bureau, called  
as a witness on behalf of the People, in rebuttal,  
being first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. DONOHUE:

Q Officer, you are attached to the Police Department of the City of New York, are you? A Yes, sir.

Q And how long have you been attached to the Police Department? A Twelve years.

Q Are you a detective? A Yes, sir.

Q In the Sixth Branch Detective Bureau? A Yes, sir.

Q That is in Brooklyn? A Yes, sir.

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Q How long have you been there? A Eleven years.

Q Do you know the defendant, Walter B. Severance? A I do.

Q And did you see him in the Children's Court on February 24, 1915, in Brooklyn? A Yes, sir.

Q And did you see him before the judge who presided at that court at that time? A Yes, sir.

Q And did you hear what the judge said to him? A Yes, sir.

Q And did you make a statement to the judge? A Yes, sir.

Q In his presence? A Yes, sir.

Q What did you say?

MR. EMBREE: I object to that.

THE COURT: Objection sustained.

Q Officer, did you at that time make that affidavit (handing paper to witness)? A (After examining paper) Yes.

Q And is that your signature? A Yes, sir.

Q And was this in front of you when you were talking in the Children's Court? A Yes, sir.

Q Did you, on the 5th day of February, 1915, have any talk with this defendant? A I did.

Q Did you place him under arrest on that day? A Yes, sir.

Q Did you subsequently arraign him in the Children's Court? A Yes, sir.

Q On what charge? A The charge of -

MR. EMBREE: Objected to.

THE COURT: That ordinarily would not be competent,

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but this defendant has stated that he has never been in any court or arrested; however - no, I think the first answer binds there, too. The only thing his answer is not binding on is as to his conviction.

Q Were you present in court after all the talk had been given in reference to this particular case on which you arrested him? A Yes, sir.

Q And did you hear what the judge said to him just before the case was terminated? A Yes, sir.

Q What did he say? A He said, "I find you guilty and place you on probation".

THE COURT: What did he find him guilty of?

Q Did he say what he found him guilty of? A Burglary - juvenile delinquency.

Q Now, before that day in court, had you talked to the defendant about what you were arresting him for? A Yes, sir, the night before, at his home.

Q Tell us what he said and what you said?

MR. EMBREE: I object to that.

THE COURT: Objection sustained.

MR. DONOHUE: I ask to have this affidavit at this time marked for identification.

THE COURT: It may be marked for identification.

(Same marked People's Exhibit No. 2, for Identification, of this date.)

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BY THE COURT:

Q What is the date, Officer? A February 5, 1915.

Q That is the date of the conviction? A No, the date is some - I think it was February 5, 1915.

Q Do you remember whether the defendant stated his age at that time? A No, I don't remember.

CROSS-EXAMINATION BY MR. EMBREE:

Q Don't remeber that his age was thirteen? A I don't recollect.

Q How many hearings were there? More than one? A There was a hearing on the 5th of February, and then the case was given to Mr. Lyons, a probation officer, to investigate. There was some property that was not returned. He was to look up that property.

Q Was the mother present? A She was.

Q Was there any lawyer Present for the defendant, so far as you know? A I don't remember; I don't think there was a lawyer.

Q Your recollection is that he was adjudged guilty of juvenile delinquency? A He pleaded guilty.

Q Did he use those words? A He pleaded guilty.

Q You heard that, didn't you? A Not exactly those words, but the judge questioned him and asked him did he really take the stuff from this man's room, and he said, "Yes".

MR. EMBREE: That is all.

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J O H N    H.    L Y O N S, of No. 348 First Street, Brooklyn,  
called as a witness, on behalf of the People, in rebuttal,  
being first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. DONOHUE:

Q   Mr. Lyons, are you a probation officer detailed to  
the Children's Court?   A   I am.

Q   County of Kings?   A   Yes, sir.

Q   And have you had in your charge the case of Walter  
Severance since February, 1915?

MR. EMBREE:   I object to that.

THE COURT:   Well, what is the purpose of this? Was  
he present at the conviction?

MR. DONOHUE:   He was present at the conviction, yes.

THE COURT:   Allowed.

Q   And were you present in court when the judge said  
something to this defendant, Severance?   A   On or about February  
5th this boy was in the Children's Court, 1915.   At that time  
he pleaded guilty to a charge of burglary, otherwise known as  
juvenile delinquency.   He was remanded in the custody of his  
parents, and I believe he came up a few days afterwards and was  
then remanded to the Children's Society. On March 5, 1915, he  
was placed - brought up for sentence and placed on probation  
under me.   His probation period was extended -

Q   MR. DONOHUE:   That is all.   And you had him in your  
charge for how long?   A   December 14, 1915, when sentence

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was suspended by Judge Wilkin, of the Children's Court.

MR. DONOHUE: That is all.

CROSS-EXAMINATION BY MR. EMBREE:

Q He was at that time thirteen years old? A Thirteen, according to the record he gave me, he was born August 22, 1901. I took his pedigree when he was placed on probation.

MR. DONOHUE: The People rest, if your Honor please.

THE COURT: Go to the jury.

(Mr. Embree then summed up the case to the jury on behalf of the defendant.)

THE COURT: (To the jury) Gentlemen, please do not form or express any opinion as to the guilt or innocence of the defendant, until the case is finally submitted to you. We will take an adjournment until a quarter before two o'clock.)

(The Court then accordingly took a recess until 1:45 P.M.)

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