

October, wasn't it? A Yes, sir.

Q You say you did not see him after that talk again? A I don't remember having seen him again.

MR. RORKE: Mr. Linder, you were always friendly with the defendant? A Yes, sir; quite so.

Q So friendly you at one time would loan him money?

MR. MOORE: I object to that.

MR. RORKE: I am simply developing what counsel brought out.

MR. MOORE: I object to that as entirely immaterial and incompetent.

THE COURT: I don't know but that it is something in the same nature as some of your own examination, Mr. Moore. He was friendly and thought well of him. If he loaned him money he had confidence in him. That is a pretty good test of confidence, to loan a person money. I will allow the question.

A I did loan Mr. Jackson money.

BY MR. RORKE:

Q Will you state what the reason was that he was dropped from the force? A I would have to explain, I think, Mr. Rorke, that our business entirely, Sargent & Company's business rather was and is entirely one of commissions and men eliminate themselves without any formality of announcement or written order and a man would be dropped merely for non-attendance at the business meetings and non-production, no result. He was dropped from the

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records of the local office and then dropped from the records of the home office.

Q Do you remember about what time it was he was dropped from your records? A I don't.

Q In regard to the season of the year? A No, sir; it had nothing to do with that. Do you mean do I remember about what season?

Q Yes. A If I were to hazard a guess I would say it were either early in September or the last of August; but it is merely a guess.

Q You say that one reason why you did not appoint him manager of one of the branches was due to the trouble over the ad interim certificates? A When that developed it eliminated any chance he had for that appointment.

Q What were the other reasons which preceded the development of the trouble on the ad interim certificates?

MR. MOORE: I object to that.

THE COURT: I think I would perhaps agree with you if your own examination had not gone into that subject. I think I will take it in view of your examination on the cross.

MR. MOORE Exception.

A Those usual reasons -- I had to pass upon the appointment of them; I personally had all to do with the appointment of managers and we only take managers from our own organization and always were very careful, naturally, to learn and know that the man who was placed in that important post was clean, high

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grade and all that sort of thing and I postponed action until I was certain of it. There was no specific charges in my mind at the time.

Q Had you investigated the charges you referred to before the appointment as manager was assumed?

MR. MOORE: I object to that.

A It was not considered.

THE COURT: I think you have already had an answer to that. That matter eliminated him from your consideration for the post?

THE WITNESS: Yes, sir.

MR. RORKE: I will withdraw this witness at this time with the privilege of calling him again if I need to during the trial, your Honor.

MR. MOORE: I want to ask him another question.

BY MR. MOORE:

Q I want that clear. This man, you say, was simply dropped or not carried on the roll because of the fact that he was not apparently active in the work, was not carrying in subscriptions? A Is that a question?

Q Yes. A Yes, sir.

Q Is that right? A Yes, sir.

Q You learned, did you not -- haven't you told me that you learned that the loss of his voice was one reason for not working? A From him.

Q Now when he was working do you know that his average

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earnings were about \$20 a day? A I don't know; I kept no record of those matters.

Q Are you able to say about that? A It would not average that for any period of time; you would have to call it intermittent effort to get at the average.

Q About what would it average? A Over what length of time?

Q For the period of a month, about what he earned during a month? A I expect that there have been months that Jackson earned \$400.

ALPHONSE FELLER, a witness called on behalf of the People, being duly sworn, testified as follows;

(The witness states he lives at 3451 Broadway.)

DIRECT EXAMINATION BY MR. RORKE:

Q What is your business? A Chiropodist.

Q Where is your place of business? A 3451 Broadway.

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

Q When did you first see him? A I don't know the date; I forget about the date.

Q Do you know what year it was you first saw him? A This last year, 1917.

Q Did you have a talk with him at that time? A No, sir; Mr. Jackson just came in and asked me if I would like to buy a bond and I told him that ---

Q What sort of a bond? A A Liberty Bond.

Q What did you say? A I told Mr. Jackson I wasn't quite

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ready so Mr. Jackson said I could put a little down, a dollar or whatever it was and gradually pay, so I changed my mind quickly and I gave him a check for \$50 for the whole bond.

Q Was there any talk about whether you were getting it directly through Jackson or through some one else? A No, sir; I didn't hear nothing; I got a temporary bond, what you call a certificate and a few weeks after that, one or two weeks after from Sargent & Company.

Q You got that through the mail? A That I don't remember; I think it was by registered mail, yes, sir, I am not quite sure.

Q Did you see the defendant afterwards in the month of September, 1917? A I couldn't say the month; I don't remember the dates but Mr. Jackson came in.

MR. MOORE: I object to that upon the ground that the time has not been fixed.

THE COURT: Fix the time.

BY MR. RORKE:

Q At the time that the defendant came in to see you did he give you anything? A Why, no, sir -- he gave me a receipt for the \$50 check.

Q Was there any date on that, if you recall? A Yes, sir, I can look it up and find the date on the check.

MR. MOORE: This is the June transaction.

BY MR. RORKE:

Q Are you referring to the time you first gave him a check?
A Yes, sir.

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MR. RORKE: I consent that the answers be stricken out.

THE COURT: Strike them out.

Q I am speaking about the time in September after you had your ad interim certificate. Do you remember the date he came to see you then? A No, sir; I don't remember the date.

Q I show you a piece of paper and ask you look at it and read it? A Yes, sir.

Q Now does that piece of paper, in any way, refresh your memory as to the date that you saw the defendant in September?

A I don't remember the date but this is the receipt I got from Mr. Jackson when he called for this certificate.

Q Does the date on that paper refresh your memory, in any way, as to the date that you got the certificate? A Well, I don't remember if it was September but this is the paper that I got from Mr. Jackson.

BY THE COURT:

Q You gave him the certificate and he gave you a receipt?

A Yes, sir; this receipt here.

Q Now Mr. Rorke asked you if by looking at that you can tell the jury when that was turned over to the defendant. Can you by looking at that paper tell the jury the date? A Yes, sir.

Q When you turned it over? A Yes, sir, the date, well this must have been the date of the 19th of September because that is the date I gave him the certificate and he gave me the receipt for the same, so it must have been the 19th of September.

(The paper last referred to is offered in evidence.)

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MR. MOORE: Objected to on the same ground.

THE COURT: I will receive it.

Exception.

(Marked People's exhibit 8.)

BY MR. RORKE:

Q I notice some numbers here 556772, that is the number of the certificate that you gave him? A Yes, sir.

Q What talk did you have with Jackson at that time about the certificate? A Why, Mr. Jackson came in one day, I think it was it must have been the 27th of September, and he asked me for the certificate and I told Mr. Jackson I did not have the certificate, that I put it in the safe deposit. So he told me to have it ready for me the next day as he was going to call for it, as he was going to collect the certificate, and in a few days I would get the original by registered mail.

Q The original what? A The original bond.

Q You would get it the next day? A Mr. Jackson, the day he called for the certificate, I didn't have the certificate, I had it in the safe, and so Mr. Jackson told me I should get it and have it ready for him the next day and so the following day Mr. Jackson came for the bond, for the certificate, and I got a receipt for it.

Q Was there any talk between you and Jackson as to when you were to get the original bond? A In a short while, or something like that, in a couple of weeks or so.

Q Did you ever receive the bond, did you ever get the bond? A No, sir.

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Q Was there any talk between you and Jackson as to whom you would receive the bond from? A By registered mail,-- that was from Sargent & Co.

MR. MOORE: I object to that.

MR. RORKE: I consent that "that was from Sargent & Co." be stricken out.

THE COURT: Strike it out.

Q Was there anything said by Jackson to you as to whom you would receive the bond from by registered mail? A No, sir.

Q Did he say anything to you? A No, sir; not that way.

Q Tell us anything he did say, and then the jury will determine. A Why, I was very busy at that moment and in haste I gave him that certificate and he gave me a receipt, and he told me that in a short while I would get the original by registered mail; that is about all I remember.

Q Did you at any time tell the defendant that he could pawn your certificate? A No, sir.

Q Did you know that on September 19th the same day that you gave him the certificate, that he pawned it in Bernstein's pawnshop on 125th street? A No, sir, I did not know that the bond was pawned until Mr. Correll, I think is the name, the detective, told me about it; that was a few days after a week or two, or maybe, I don't remember the date.

Q Did the defendant ever tell you he pawned the certificate? A No, sir, never.

Q Did you ever receive the value of that certificate?
A No, sir.

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Q Did you see the defendant after you gave him the certificate? A After I gave him the certificate I don't think I saw him, but I saw him between the time I gave him the certificate and he called again.

Q Did you see him? A Mr. Jackson had feet fixed, I fixed his feet a couple of times.

Q Was that before you gave him the certificate? A Yes.

CROSS EXAMINATION BY MR. MOORE:

Q You treated him for his feet several times? A Yes.

Q Did you not? A Yes, sir, maybe three or four times.

Q You remember that you treated him after you had given him the certificates? A I don't think so; I wouldn't swear to it, but I don't think so; I wouldn't swear to it.

Q At the time you gave him the certificate he told you that the bonds were not ready yet, they would be ready in a short time? (No answer.)

Q When you gave him this certificate he said he would bring you back the bond-- he told you the bond would be ready in a short time and would be sent to you by registered mail after that time that you gave him the certificate? A Yes, sir.

Q At the time that you gave him the certificate --
A The bonds were not ready.

Q The bonds were not ready but would be ready in a short time, in a week or two or three, and he would send them to you or they would be sent to you by registered mail? A yes, sir.

BY MR. RORKE:

Q Did he say to you as Mr. Moore just said, "The bonds will

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be ready in a week or two or three"? A No, sir, he didn't say just exactly on that, in a short while, I don't say a short while, in a week or two or three it may be; it would appear to me in a correct way in a short while, but a week or two or three is not long.

SAMUEL B. DAVIDSON, a witness called on behalf of the people, being duly sworn, testified as follows:
(The witness states he lives at 729 Forest avenue.)

DIRECT EXAMINATION BY MR. RORKE:

Q What is your business? A Cigar store.

Q Your place of business? A 7 Hamilton place.

Q In 1917, did you meet the defendant, Jackson? A Yes.

Q Where? A At my place.

Q Have a talk with him? A Why he came in and sold me some bonds.

Q What did he say when he sold the bonds to you? (No answer.)

THE COURT: Can you fix the time?

BY MR. RORKE :

Q Can you fix the month he came into your place of business? A Well, when the first issue of bonds was, when the bonds were issued he came in and sold me that bond.

Q Do you know what month that was? A I don't remember what time whether it was in June.

Q June 17th, you think? A Yes, sir.

Q What talk did you have with him? A There was only one

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of buying the bonds but I bought it.

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Q Did he say anything or you say anything to him when he came in? A He asked me if I wanted to buy bonds, and I told him I couldn't afford to buy a big bond, I bought a fifty dollar bond, and I put that dollar down on deposit.

Q Was there any talk about whether he was doing business for himself or for some company? A Well, for Sargent & Co.

BY THE COURT:

Q He said that, did he? A Yes, sir.

BY MR. RORKE:

Q After you gave him the money did you get an ad interim certificate? A I don't understand that-quite right. After everything was paid there was sent to me a certificate from Sargent & Co.

Q Do you remember what month it was that the certificate came from Sargent & Co.? A Well, that was in September.

Q After you got your certificate did you again see the defendant? A The defendant was at my place when he took the certificate and gave me a receipt for it.

Q Do you remember the date that he gave you the receipt for the certificate? A I think it was on September 20th.

Q I show you a piece of paper and ask you to look at it, and tell me whether you ever saw it before or not? A This is the one he gave me.

MR. RORKE: I offer it in evidence.

MR. MOORE: That is subject to the same objection.

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Objection overruled.

(The paper referred to is marked in evidence people's Exhibit 9.)

Q Do you know what that number 1857031 refers to? A I do not, no, sir.

Q Do you know whether this certificate that you had was numbered or not? A It was numbers, but I can't recollect the number, sir.

MR. RORKE: Is that conceded?

MR. MOORE: Probably that is the correct number.

MR. RORKE: It is conceded by the defendant that the number 1857031 is the number of the certificate given to the defendant Jackson on September 20th by Samuel Davidson.

Q What talk did you have with him that day?

MR. MOORE: This is subject to the same objection.

Objection overruled; exception.

Q What did Jackson say to you on the 20th when you gave him the certificate, and what did you say to him? A He says, "That will save you trouble to send it down, I will take it. I have collected quite a few. I will return the real certificate. This is not the genuine." He took that certificate and he says, "This is not the genuine, I have collected a few, I will save you trouble to mail it down, I will bring you the real one", he didn't state when he was going to bring that certificate, but he says I will bring it in.

Q He said he would bring it in? A Yes, sir. He said he

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would bring it in himself.

Q Did he state when? A No, sir, he didn't state when.

Q After that did you see the defendant? A No, sir; I didn't see him any more.

Q Did you get the bond? A I did not, sir.

Q Did you get the value of that certificate, did anybody pay you the value of that certificate? A No, sir, that is all I got is the receipt. The receipt is right there.

CROSS EXAMINATION BY MR. MOORE:

Q Now, at the time he took up this certificate, and gave you the receipt which you have spoken of here, didn't he say that he would deliver you the stock certificate when it was issued. Wasn't there something said about when it was issued? A I don't understand that right.

Q Well, then if I use these words-- as soon as they were gotten out by the Government, the bonds would be gotten out by the Government, and as soon as they were he would get for you in place of this certificate? A Yes, sir, he will send me that as soon as he gets it from the Government.

Q Now, what is your business? A In the cigar business.

Q Where is your place of business? A 7 Hamilton Place.

Q That is where with reference to 135th street? A Near 137th street, opposite the subway.

Q That is near Broadway too, isn't it? A Yes, sir.

Q That is near where the defendant lived, is it not? A Yes

Q He was a customer of yours, was he not? A Yes, sir, a customer, occasionally.

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Q Do you remember of him coming in there after you had given him the certificate, and buying a box of cigars and having it sent over to Brooklyn? A I sent a box of cigars; I sent two boxes of cigars over at a time, one at a time to his father.

Q Now, his father is a banker in Brooklyn, isn't he?

A Yes, sir.

Q Wasn't that after you had given him the certificate-- you had given him these certificates? A Well, I sent one box of cigars over before that.

Q And one after that didn't you? A One box of cigars-- he didn't give me no money for it, and I sent it over and he came in a few days and he gave me a check and the check came back.

Q And then what? A And then he came in and he had a big roll of bills, and he paid me for it.

Q That was after this certificate had been given to him, wasn't it? A The certificate was given to him after --

Q After he bought the last box of cigars that was sent over to his father? A That was the day when he got -- well, I wouldn't say what date that was he came in, he used to come in every morning,-- he collected that certificate at the same time, and paid me for the box of cigars and I turned it over.

Q Didn't he come in after you sent this box of cigars to his father, after you had given him the certificate? A No, sir.

Q Sure about that? A Pretty sure.

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Q Pretty sure? A Yes, sir, pretty sure about that.

Q You know what his father's name is? A Well, I know it is Jackson, I don't remember the initial.

Q The first name? A J. W. Jackson, I couldn't remember.

Q What bank is he connected with? A He is in the Dime Savings Bank in Fulton street, Brooklyn.

Q What is his position in the bank? A I do not know, yes.

BY MR. RORKE:

Q You say that that check you gave him came back?

MR. MOORE: I object to that, it was not responsive to my question.

THE COURT: I sustain the objection.

Q Did you at any time authorize the defendant to place your certificate in pawn? A No, sir.

Q Did you know that on the same day that you gave him the certificate he pawned it in the pawnshop of Bernstein on 125th street, New York City? A I do not, no, sir.

Q Did he ever tell you that he had pawned it? A I didn't see him after that, sir.

ALBERT W. HERIMAN, a witness called on behalf of the people, being duly sworn, testified as follows:

(The witness states he lives at 250 Vermilyea avenue.)

DIRECT EXAMINATION BY MR. RORKE:

Q What is your business? A Druggist.

Q How long have you been a druggist? A Twelve years.

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Q Your place of business? A 3661 Broadway.

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

Q When did you first meet him? A I think it was in June.

Q What year? A 1917, last year.

Q Did you have any talk with him? A No, sir, only that he came in to sell me a bond.

Q What did he say when he came in and what did you say to him? A He asked me if I wanted to take out a bond, and I told him I did. So I gave him a dollar and he gave me a receipt for the dollar and he told me to pay the balance to Sargent & Co., and I went down and paid the balance.

Q Did you pay the full fifty dollars? A I paid the balance of forty nine dollars.

Q To whom? A To Sargent & Company.

Q After you paid them did you receive any evidence of your payment? A I got a receipt, yes, sir.

Q What did you receive? A A piece of paper from Sargent & Company.

Q A little louder? A A receipt, for forty nine dollars from Sargent & Company.

Q Was that all you got from them, a receipt for the money?
A At that time.

Q Subsequently did you receive anything from Sargent & Company? A I received a certificate.

Q After you received your certificate did you again see

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the defendant? A Yes, sir.

Q Have any talk with him? A Yes, sir.

Q What did he say to you. Speak up so that the jury can hear. A He asked me if I had my certificate with me; I told him no; I told him I could get it. He said, "Well, he was around taking up certificates, and he would get us-- I would have some trouble of going down there and getting it, such a line at the Federal Bank", so I told him I would bring it the next day. He came in the next day and got it and gave me a receipt for it.

Q Was there any talk about when you were to get your bond and from whom? A He said in two or three days I would receive the bond by special delivery or registered mail, I forget which.

Q I show you a piece of paper, and ask you to look at it. Did you ever see that before? A Yes, sir.

Q When? A When he got my certificate.

Q Is that what you call a receipt? A Yes, sir.

MR. RORKE: I offer it in evidence.

THE COURT: What is the date of that?

MR. RORKE: The fourth of October, your Honor.

THE COURT: I will not take anything as late as that.

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MR. RORKE: We have in evidence, with the consent of the defendant, pawn tickets after that date.

MR. MOORE: I assumed, under your Honor's ruling, that this was the last one. I object to it if the Court please as incompetent and inadmissible.

MR. RORKE: Yesterday counsel for the defendant admitted all the pawn tickets covering these transactions. This is simply developing the details.

MR. MOORE: We admitted all the pawn tickets because the jury might get the motion that we desired to conceal something.

THE COURT: I will exclude it.

BY MR. RORKE:

Q Did you ever receive any payment for your certificate?

MR. MOORE: I object to that as incompetent and inadmissible.

THE COURT: Objection sustained.

VALENTINE W. CORRELL, a witness called on behalf of the People, being duly sworn, testified as follows;
DIRECT EXAMINATION BY MR. RORKE:

Q You are an officer of the Police Department of the City of New York? A Yes, sir -- I was, yes, sir.

Q You are at present? A No, sir, I am a sergeant of the Military Intelligence Service of the United States Army now.

Q When did you take up your present position? A On the

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14th of December.

Q Prior to that how long were you connected with the Police Department of the City of New York? A About four years and six months.

Q In October, 1917, you were connected with the Police Department of the City of New York? A Yes, sir.

Q An officer of that department? A Yes, sir.

Q Some time in October did you see Mr. Talbot of the police force of the City of Greenwich, Connecticut? A This was about the 11th of October.

Q You had some talk with him at that time, I suppose? A Yes.

Q As a result of your talk with the Chief of Police, Talbot, what did you do? A I began an investigation of a number of pawn tickets that were found on the person of one Wynn arrested in Greenwich, Connecticut and also tickets that were in an envelope contained the address of one Fitzgerald and addressed to Sargent & Company.

Q Is People's Exhibit No. 2 the one that you have reference to? A Yes, sir.

Q I show you People's Exhibit 3 and ask you if you ever saw this before? A No, sir.

Q At the time that you had your talk with Talbot did you have made a list of numbers?

MR. MOORE: All of this is entirely incompetent in this case. I suppose as a result of his investigation he arrested this defendant, but the details of what he did with

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Talbot or somebody else is certainly incompetent.

MR. RORKE: I desire to show the course taken by the detective, if your Honor please.

MR. MOORE: I don't think it is competent.

THE COURT: With reference to these pawn tickets? We have some evidence from the pawn broker that the defendant presented himself with these certificate and that these tickets were given to him. The purpose is to connect that.

MR. RORKE: Yes, sir.

THE COURT: Moving step by step in a historical way I suppose.

MR. MOORE: I don't see that the fact that he collaborated with this man would have anything to do with it.

THE COURT: I do not know what is in the mind of the prosecutor but I will take an answer to the question.

A We copied the numbers of a number of pawn tickets in this envelope.

Q At the time that you saw Talbot do you recall whether he had these tickets that I have just shown you with him? A Yes, sir; Talbot presented the tickets to us in Police Headquarters and we made a record of them and as a result of the address on the envelope I went to Sargent & Company.

Q Whom did you see at Sargent & Company?

MR. MOORE: I object to that as entirely immaterial incompetent and inadmissible as against this defendant.

Objection overruled. Exception.

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A Mr. Seymour and Mr. Wilhoyt.

Q You had a talk with them? A Yes, sir.

Q As a result of the talk that you had with them what did you do? A Mr. Seymour got the books out and we checked up the numbers and found that each one of these sales had been made by Jackson.

MR. MOORE: I object to that on the ground that it is incompetent and inadmissible as against this defendant.

MR. RORKE: We have already the statement that the certificates in question were secured by Jackson.

MR. MOORE: Yes, we admit it, but what he did about checking up the certificates is of no importance here.

THE COURT: It may be in the nature of repetition but it cannot do any harm.

THE WITNESS: We checked up these numbers and got the names of the persons who held the certificates.

Q After you got the names and the numbers what did you do?

A In the meantime I had learned from Mr. Seymour --

THE COURT: You have been a policeman some time and you must answer the questions. Confine yourself to the questions and do not volunteer anything.

Q After you checked up what did you do? A I interviewed the people supposed to have had the bonds.

Q What persons did you talk to, name them? A Mr. Penn, Mr. Herriman, Mr. Fitzgerald, Mr. Brady, Mr. Griffin and Mrs. Brothier. That is all I can recall now.

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Q Can you recall any others? A Mr. Healy.

Q That is Healy the restaurant man? A Yes, sir.

Q And others I suppose?

MR. MOORE: Now I object to that.

MR. RORKE: If your Honor please I don't want to lead the witness by putting the names of individuals into his mouth.

MR. MOORE: That is grossly leading "and others I suppose?"

THE COURT: I sustain the objection.

THE WITNESS: Mr. Davidson.

Q Who else that you recall? A That is all I can recall at this time.

Q Do you know Mr. O'Rourke? A Yes, sir.

Q Did you meet him? A Yes, sir.

Q Do you know a man named Alphonse Feller? A Yes, sir.

Q Did you meet him? A Yes, sir.

Q Talk with him? A Yes, sir.

Q Do you know Samuel Slobodkin? A Yes, sir.

Q Did you meet him? A Yes, sir.

Q Talk with him? A Yes, sir.

Q As a result of the various meetings what did you do?

A I went to look for Jackson.

Q Now tell us what you did looking for Jackson? A I learned that Jackson ---

Q What did you do? A I went out to look for him.

Q Where did you go? A 601 West 135th street.

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Q What place there did you go to? A To the apartment of Mrs. Townsend, 4F and I learned that Jackson had ---

Q Just a minute. Did you talk with anybody in that apartment? A Yes, sir.

Q With whom? A Mrs. Townsend.

Q Did you talk with anybody else in those premises? A Yes.

Q Did you find Jackson there? A No, sir.

Q Then what did you do? A I continued to look and make inquiries in the neighborhood to see if I could locate him.

Q Where did you go? A When to Avodar's cafe, Penn's stationery store and the Castle Inn.

Q What did you do after that? A I continued to inquire from people along the avenue there in that neighborhood there to try and locate him.

Q As a result of your activities what did you do after that?
A I went back to Sargent & Company to learn if they had heard from him since; I believe it was on the afternoon of the 16th that I learned from Mr. Burrughs that he ---

Q You had a talk with Mr. Burroughs? A Yes, sir.

Q As a result of the talk with Mr. Burroughs what did you do? A I went to the Hotel Willard 76th street and Broadway.

Q With whom did you talk there? A Mr. Stamm.

Q Did you find Jackson? A No, sir.

Q Then what did you do? A I asked Mr. Stamm ---

Q Don't tell me what you said to anybody in the absence of the defendant. Any time that the defendant was present you

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may tell us what was said but in the absence of the defendant you cannot mention what was said. Now after you had a talk with Mr. Stamm, what did you do? A I left the hotel.

Q Where did you go? A I went back to Police Headquarters.

Q Now that was on what date? A On the 16th of October.

Q Now while you were at Headquarters did anything happen?

A No, sir.

Q Anybody come for you? A I received a telephone message.

Q Now as a result of the telephone message what did you do?

A I went to the Hotel Willard.

Q Who was there? A Jackson was there, that was on the 17th.

Q The 17th? A Yes, sir.

Q Fix the time of day? A I judge it was around one to the best of my recollection.

Q Was the defendant there when you got there? A In the office of Mr. Stamm.

Q Who was with him? A There was a taxicab chauffeur was with him and an officer that was called in and Mr. Stamm.

Q What did you do when you got there? A I told Jackson, I said, we wanted him, he was under arrest. He didn't say very much then.

Q Tell us what he did say that you recall at that time?

A Well, he didn't say much of anything in the office. We made arrangements to go downtown; he said he wanted to go in a taxicab; he didn't care to go with his babbage in the patrol wagon so they sent for a taxicab and we left in the taxicab for

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Headquarters.

Q Now did you have a talk with him on the way down? A Yes.

Q Tell us what you said to him and he said to you? A I asked him on the way down "How about the Liberty Bonds".

Q Tell us what you said and what he said? A He said -- I said "Fred, what did you do with the bonds". He smiled, he didn't say anything just then and I said "You ought to know something about them" and he said to me, "I will explain that later". So he said a few other things. I said to him again "You ought to know about these bonds and he said to me "Mr. Correll, he says, I am in trouble, I have got to do the best I can to get out of it"; he said "Now I needed the money, I took a chance and expected to be able to cover myself but", he says, "I see I did not". I said to him, "Well, I guess you did not" and he said "Well, I wanted a change of linen, if it hadn't been for that you never would have gotten me."

Q What is that? A "I wanted a change of linen, if it hadn't been for that you never would have gotten me".

Q Go ahead. A Then I said "Well, Fred, do you know Mr. Wynn" and he says "No." I said "Did you ever work for the American Defense Society" and he said no. I asked him if he knew Mr. Hart and he said he did not. I said "Did you ever meet Mr. Webb" and he said "No." I said "Are you sure you are not Mr. Webb" and he said to me "Now that is enough of that" he says, "I say no more". He didn't say very much after that until

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we got to Headquarters.

Q At the time that he said that you would not have "gotten him unless I needed a change of linen", did you have any talk with him then as to why he made that remark? A He said - I asked him why it was and he said that he had been out for a couple of days, he hadn't had a change, that he felt lousy and wanted a change and that is why he sent the chauffeur to the hotel to get his baggage.

Q Did he have any talk with you that you can recall in regard to his knowledge of the fact that some one at that time was looking for him? A What is that?

Q (Repeated) -- somebody looking for him? A Yes, sir.

Q State to the jury what it was? A He said to me "I knew you were looking for me. I was up at 135th street and Broadway two nights before and I heard about it".

Q Did you have any talk with him about the pawn tickets that you can recall? A Not while riding in the taxicab.

Q Well, after you got to Headquarters what took place there? A I asked him about the bonds and so forth and he said "Gentlemen" he said "I am in this trouble" he said, "I wanted to do the best I can" he said "Please don't ask me any questions". I asked him, I said "Well, does your father know about it" and he said "Gentlemen" he says "Please don't bring my parents into this thing" he said, "Whatever I did I did myself. " I then asked -- I said "Did you pawn the bonds Fred" and after some talk

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in the presence of Lieutenant Busby he said he had pawned the bonds.

Q Any talk about any attorney at that time? A Yes, sir, he told me to notify his attorney Mr. Levine number somewhere Morningside.

Q Did you carry out his request? A Yes, sir.

Q Now on the 18th, the following day, do you recall what you did that day? A I went to the vicinity of Broadway and talked with some of the people who, I had learned, had dealings with him.

Q Where did you go the following day? A To the Magistrate's Court that morning.

Q Was the defendant arraigned that day? A Yes, sir.

Q After the defendant was arraigned did you see anybody else that day that you can recall without having your memory refreshed?

A Mr. Barber and Mr. Talbot.

Q See anybody named Zaka? A I saw him in the evening.

Q On the 18th? A Yes, sir.

Q Did you talk with him? A Yes, sir.

Q Was there anybody else with him that you talked with?

A Mrs. Brothier.

Q After the 18th when the defendant was arraigned did you again see the defendant and have a talk with him? A Yes, sir.

Q Where? A At my home on December 1st.

Q The defendant came to your home? A Yes, sir, around December 1st.

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Q What took place then?

A We had a conversation.

Q State the conversation?

A He came to me and asked me if I would give him several pawn tickets that were taken from him at the time of his arrest and I told him that I couldn't do that, that I was sick, I didn't know what the articles were in detail and couldn't give them to him at that time. We talked about different cases and he told me that he had beat the other one as he expressed it.

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MR. RORKE: I consent at this time that this be stricken, and that the jury be directed to disregard it.

THE COURT: Yes.

Q I show you this piece of paper and ask you if you ever saw that before? A Yes, sir, I did.

Q When? A I saw it upon my return to duty about the 20th of December in the office of Police Headquarters.

Q Do you know whose signature that is? A Yes, sir.

Q Whose is it? A Mr. Jackson's.

Q Familiar with his handwriting? A Yes, sir.

Q Ever see him write? A No, sir.

CROSS EXAMINATION BY MR. MOORE:

Q Mr. Correll, you say you are working for the Government?

A Yes, sir.

Q Doing detective duty here in the city of New York?

A Yes, sir.

Q Still connected with the Police Department, are you not? A Why, no, sir, I am on an indefinite leave of absence but in the United States Army.

Q That is, you are on leave of absence from your duties as a police official? A Yes, sir.

Q Doing detective work here for the Government in the city? A Yes, sir.

Q One of the detective squad, the Federal Squad for the city of New York? A Well, we are not confined to the city of New York; we have a certain territory.

Q With Headquarters here in New York? A The object was

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to give us broader power so that we could move into other states.

Q Now, you went first looking for this defendant at the address given in 135th street? A Yes, sir.

Q You found that he wasn't living there any more, did you not? A Yes, sir.

Q You went back then to Sargent & Company, did you not? A Yes, sir.

Q And from something that you learned in Sargent & Company, did you go to this hotel? A Yes, sir.

Q What is the name of the hotel? A The Hotel Willard.

Q You arrested the defendant? A Yes, sir.

Q On the 17th? A Yes, sir.

Q At the time you arrested him did you find upon his person Defendant's Exhibit A for identification? A It was not found on his person.

Q Wasn't it? A Found in a bag that he had among other papers.

Q It was found among his possessions, by the way, wasn't it, whether on his person or in his bag? A Yes, sir.

Q You took it from there did you not, Mr. Correll? A Yes.

Q When he came to see you in December he asked you to return this to him, did he not? A He didn't ask me, no, sir.

Q Did he ask you if you had it? A I can't recall that he did.

MR. MOORE: I offer this in evidence, if the court

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please.

MR. RORKE: No objection.

(The paper is received in evidence and marked as
Defendant's Exhibit A.)

BY MR. MOORE:

Q At the time he came to see you did he tell you the certificate of stock was worth five hundred dollars? A No, sir.

Q Say anything about it? A No, sir.

Q He did come to see you any way in December? A Yes, sir.

Q You understood that he had been in jail all the time from the time of his arrest until that time, did you not? A No.

Q His bail was reduced then, and he was released on bail?
A Yes, sir.

Q Immediately after his coming out of jail he called upon you, did he not? A No, sir.

Q I mean immediately -- I mean within twenty four hours?

A Well, you see I was in the hospital.

Q I don't care where you were -- within twenty four hours of the time he got out of jail in December he called upon you?
A No, sir.

Q How soon after he got out? A It must have been around the first of December; it was on a Sunday afternoon.

MR. MOORE: Will it be conceded that he was bailed on November 28th?

MR. RORKE: I take that is the official record.

MR. MOORE: It is conceded that the defendant was ad-

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mitted to bail on November 28th, 1917.

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Q You think he called upon you on the first of December?

A Yes, sir; it was a Sunday afternoon as I place it.

Q At that time his clothing had all been returned, had it not, by the police officials? A Yes, sir.

Q He called upon you for his clothing, you were the man who took the clothing from him, were you not? A On Sunday afternoon, yes, sir.

Q He called for his clothing, did he not? A Yes, sir.

Q And the pawn certificates? A The pawn certificate.

Q Particularly for this certificate? A No, sir, I don't recall that.

Q Don't you know this was the most important thing of all, this paper, defendant's exhibit A? A I was a very sick man, and it was with difficulty-- I didn't care to say anything too much to him at that time; very few words.

Q You do remember particularly this certificate of stock being talked about, don't you? A He didn't say anything to me about it.

Q Do you know of his going then to the property clerk in Police Headquarters to get this certificate of stock and also get his clothing? A I heard-- they telephoned from police headquarters that he applied there for his property.

Q Including these two shares of stock, did he not?

A Yes, sir.

Q Now, you were asked whether there was any objection to

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letting him take the property, were you not? A No, sir.

Q What is that? A Not at that time.

Q Well, at that time, he didn't get either his clothing or the two shares of stock did he? A No, sir.

Q His clothing was kept from the time he was arrested, the 17th of October until sometime in December, wasn't it? A Yes.

Q Well, you were asked if there was any objection to letting him take his clothing, were you not? A Yes, sir.

Q You said there was not objection to letting him have his clothing? A Yes, sir.

Q You were also asked if there was any objection to letting him have these two shares of stock, and you objected to it, didn't you? A At the time, yes, sir.

Q You objected to it at all times, even up to the present, haven't you? A That was the first time I heard he wanted the stuff.

Q He had been up there to the property clerk a number of times for these two shares of stock? A Not to my knowledge.

Q You had those two shares of stock in your possession part of the time? A Yes, sir.

Q When did you turn them into the property clerk? A They were turned in about the 20th of December.

Q So that you carried these two shares of stock in your possession from the time of his arrest, on the 17th of October until about the 20th of December? A They were kept in police headquarters, in a desk there.

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Q Do you know that it is one of the rules of the department that things of value or property when taken from a prisoner should be turned over to the property clerk, do you not?

A Yes, sir.

Q You did not comply with that rule, do you? A The reason for that--

Q Repeated? A I did not, no, sir.

Q Don't you know that this defendant was constantly saying that he had to get these two shares of stock to redeem the pawntickets, that he wanted them so that he could make good on this transaction? A No, sir.

Q Didn't he tell you when you took them from him that had got these and was going down to sell these two shares of stock so that he might redeem the pawntickets.

Q Say anything about it? A Yes, sir.

Q Did he say that was his idea with those two shares of stock? A He told me that he had received them for the good work he had done.

Q Well, there was not any question about these two shares of stock belonging to him, was there? A Well, I haven't been able to find out; I was investigating it to see.

Q Didn't you investigate -- did you ask Sargent & Company whether that was his property or not? A Not at the time no, sir.

Q You knew that he wanted them all the time up to the 20th of December -- you say you never heard that this defend-

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ant wanted these two shares of stock so that he could redeem the pledges? A No, sir.

Q Don,t you know-- A Not before the 20th of december; that was about December 1st, around the time he came to my home.

Q Then you kept them until he had gone to the property clerk and found that they were not filed there, didn,t you?

A Well the reason for that was--

Q I don,t care for the reasons, I want facts. You did?

A Yes, sir. I kept them until the 20th.

Q Then when he didn't find them with the property clerk he went to your house there looking for them, didn,t he? A No.

Q He went where you were, at the hospital, didn't he?

A No, sir.

Q What is that? A No, sir.

Q Well, where did he see you about the first of december?

A In my home.

Q Well, then, he did go to your house, didn,t he? A Yes.

Q You had turned over his clothing to the property clerk hadn,t you? A Yes, sir.

Q But you held out this stock certificate? A Yes.

Q Now, did he go to your house and tell you that his clothing was at the property clerk's office, but the certificate was not? A No, sir.

Q Did he say anything to you about where the certificate was? A No, sir.

Q Asked you nothing at all about it? A No, sir.

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Q Asked you nothing at all about it? A No, sir.

Q At the time that you took this certificate of stock from him you gave him no receipt for it, did you? A No, sir.

Q What is that? A No, sir.

Q Well, this receipt for aught you know might be more valuable than the clothing that you had turned over to the property clerk, might it not?

Objected to; objection sustained;

Q At the time that he came to your place on the first day of December, he knew you didn't have his clothing, didn't he?

MR. RORKE: I object to that. It calls for the operation of this man's mind.

THE COURT: Objection sustained.

Q Did he tell you he had been to the property clerk's ?

A Not that I recall.

Q Did he come to see you again after that with regard to this certificate? A No, sir.

Q Did you know of his going to the property clerk and there demanding the certificate? A I heard about it.

Q It was then that you turned it in, wasn't it? A No, sir
BY MR. RORKE:

Q When did you turn it in if at all? A December 17th, I believe.

Q I show you a card and ask you if you ever saw that before? A Yes, sir.

Q When? A In Jackson's bag on the 17th of October.

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Q Where did you get the stock certificate? A That was found among other papers in Jackson's bag.

Q You got this paper from the same bag? A Yes, sir.

MR. RORKE: I ask that it be marked for identification.

(Marked for identification people's exhibit 10.)

Q Did you have any talk with Jackson about some of his clothing and personal effects? A Yes, sir.

Q State what that was?

MR. MOORE: When was it?

BY MR. RORKE:

Q State as near as you can remember the date, Officer?

A It was on December 1st, I believe now on that Sunday afternoon.

Q What did he say in reference to that? A He said to me that he had an overcoat on belonging to Al Smith, it was too small for him; he wanted to get his over coat out of pawn and asked for the tickets; they were in Headquarters.

MR. MOORE: I object to that. I move to strike it out as immaterial.

THE COURT: I think that a good deal of your inquiry was not very relevant but you went into it.

MR. MOORE: It was both relevant and material.

THE COURT: It took it for the reason that it was not objected to. Had it been objected to, I think I might have excluded some of it. I think I will take the answer

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in view of your examination.

MR. MOORE: I object to this as incompetent.

(The stenographer reads the last question and answer.)

THE COURT: It is immaterial. I think I will exclude it. I wish counsel would object and keep within the issues, within the proper boundaries of the pleadings here. It is not relevant to the issue, but much of your matter, Mr. Moore, was of the same description. It came in without any objection, and I took it for that reason.

MR. RORKE: May I state, your Honor, why I did not object to Mr. Moore going into that?

THE COURT: We won't go into it any further now. The question is was there a larceny committed on this date, whether something was done oppressively or some improper act was done is beside the question as I view it. The question is was there a larceny committed on this date.

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

MR. MOORE: I now move at this time that your Honor direct a verdict of not guilty as upon the ground that the people have failed to establish a case.

THE COURT: Motion denied; exception.

Mr. Moore then opens the case on behalf of the defendant :

N I C H O L A S Z A K A, a witness called on behalf of the defendant, being duly sworn, testified as follows:

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(The witness states he lives at 3569 Broadway.)

DIRECT EXAMINATION BY MR. MOORE:

Q Mr. Zaka what is your business? A Confectioner.

Q Where is your place of business? A 3547 Broadway.

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

Q How long have you known him? A Since the First Liberty Bond came out.

Q Did you purchase a liberty bond through him? A yes.

Q What amount? A Fifty dollars.

Q Did you give him your ad interim certificate? A I gave it back to Mr. Jackson.

Q Was the ad interim certificate mailed to you? A yes. Mailed to me.

MR. RORKE: What is the date?

THE WITNESS: I don,t remember the date; I don,t keep any record.

MR. RORKE: I would like to have the date fixed by counsel, as long as we are particular about dates.

BY THE COURT:

Q Can you do anything better than that, can you tell about the time? A Well, the only thing is if you let me call up the store and get the date.

Q You can tell the exact time? A Yes, sir, the date they mailed it to me, I have the envelope.

Q That was the date when you received the ad interim certificate? A Yes, sir.

BY MR. MOORE:

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Q That was some time before the 20th of September, wasnt it?

MR. RORKE: I object to that if your Honor, please. The witness ought to fix the date and not counsel.

THE COURT: He said he could do it if got a chance to call up on the phone.

MR. MOORE: This relates to the ad interim certificates which were concedly prior, to that time -- sent by out by Sargent & Co. This is only a waste of timr.

THE COURT: He says he can do it by calling on the telephone. Can you do that?

THE WITNESS: Yes, sir.

THE COURT: And fix the date when you received the certificate?

THE WITNESS: Yes, sir.

THE COURT: Perhaps you can withdraw him for that purpose.

MR. RORKE: I will consent.

MR. MOORE: I don,t think it makes any difference, because there has been no question about when the ad interim certificates were received -- they were received before this transaction. I have not been technical about that.

Q I don't care when you received the ad interim certificate. After you received the ad interim certificate did you have a talk with this defendant? A Yes, sir.

Q About certificates? A Mr. Jackson.

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Q Yes or no. Did you have a talk with him? A Yes, sir, I had a talk with him.

MR. RORKE: May we have the date fixed?

BY MR. MOORE:

Q Can you tell when that date was? A yes, sir.

Q What is that? A I don't remember the date.

Q Can you fix about the date? (No answer.)

BY THE COURT:

Q Can you fix the month? A The month it was in, November something.

THE COURT: In November.

MR. MOORE: I think the District Attorney has got the data there that will show it.

MR. RORKE: If I have any data in my papers that will show any date of a talk between this defendant and this witness then I know nothing about it. My papers are all here.

MR. MOORE: You have the date when the first certificate was pawned.

MR. RORKE: It was sometime in June.

BY MR. MOORE: Q That was sometime the latter part of June that you received the ad interim certificate? A Yes, sir.

Q Now, when was it that you had the talk with him about that ad interim certificate? (No answer.)

MR. MOORE: May I get that certain pawnticket of September 21st?

MR. RORKE: Well, of course, if your Honor please,

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if I show counsel and he hands it to the witness, there is no chance of getting anything else from the witness.

MR. MOORE: The pawnticket is in evidence and I have a right to see it, I suppose.

MR. RORKE: I haven't got it. The clerk has the exhibit.

BY MR. MOORE:

Q Do you know the number of your liberty bond?

MR. RORKE: 1857342.

MR. MOORE: Will that be conceded?

MR. RORKE: Yes, I will concede that.

MR. MOORE: It is conceded, if your Honor, please, that the number of this man's certificate was 1,857,342. Now will it also be conceded that it was on or about the 21st of September that he had a talk with reference to it?

MR. RORKE: Yes.

MR. MOORE: It is also conceded that it was on or before the 21st of September, 1917 that this witness had a talk with the defendant with reference to the ad interim certificate.

BY MR. MOORE:

Q Now what conversation did you have with the defendant at that time? A After that Mr. Jackson came in the store and asked me if I will change my bond back to him, he brings the certificate, so I gave it to him and he says all right, "I will pay you your bond" and so he paid me and I will make good with

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him.

Q What date was that? (No answer.)

Q Did you see him soon after that? A Yes, sir, I saw him.

Q When did you see him again? A I don't remember the date it was, but it was up at the store and he asked one of the girls that was working for us--

Q That was after you turned over the certificates. I understand you to say you got the money? A Yes, sir.

Q He paid you the money when you gave him the certificate? A No, sir, in three days after.

BY THE COURT:

Q He came back in three days? A Yes, sir.

Q And gave you the money? A Yes, sir.

Q Three days after? A Yes, sir.

BY MR. MOORE:

Q At that time when he came back three days later you told him you didn't want to change your certificate, you wanted to sell it? A Yes, sir.

Q He told you he would give you the money for it, and he gave it to you? A Yes, sir.

Q Do you remember just how much he gave you? A He gave me fifty dollars and ninety eight cents.

Q \$50 and 98 cents interest? A Yes, sir.

Q Now was there another person in your store, any woman in your employ that had a bond with him? A Yes, sir.

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Q Do you know what her name was? A Helen Brothier.

MR. MOORE: What was the number of her certificate,

MR. RORKE: 159793.

Q Now do you know what this lady's name was? A Helen Brothier.

Q Were you present when she subscribed for the bond?

A Yes, sir.

Q Do you know the amount of her bond? A \$100.

MR. RORKE: What was the date. Let us have the date of that.

MR. MOORE: That was at the time the loan was being subscribed for I suppose.

THE COURT: Was it at the same time that you had your dealings with the defendant?

THE WITNESS: No, sir, it was on the second liberty bond.

Q It was on the second liberty bond? A Yes, sir.

BY MR. MOORE:

Q Were you present when she turned her certificate over to the defendant?

MR. RORKE: I object to that. That is assuming that she got a certificate.

MR. MOORE: She could not have turned it over to him if she didn't get it.

MR. RORKE: We have been particular about dates before this.

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MR. MOORE: We have when it was of importance.

THE COURT: I think you ought to fix the date.

MR. MOORE: Sometime prior to the 22nd of September.

If he was not present there is no need of talking about the question of date; if he was present I will fix the date as best we can.

Q Were you present at any transaction between the defendant and this young lady with reference to her ad interim certificate? A Yes, sir.

Q Can you tell about when that was? A It was on a Saturday, I don't remember the date, I don't remember the date that was.

Q Do you know what month it was in? A I don't know. I never keep any records as long as I got my --

Q Was it the same day you turned yours over? A No, sir.

Q It was after that, was it? A yes, sir, it was, I think it was a month later or something after the second liberty bond, two weeks or a month, something like that.

Q Do you know whether that bond was given to him to sell or not? A That bond--

MR. RORKE: What bond, if your Honor, please.

MR. MOORE: A hundred dollar bond.

THE COURT: Do you object to this?

MR. RORKE: Yes, sir.

THE COURT: Objection sustained.

(At this point the Court admonished the jury calling their attention to Sect on 415 of the Code of Criminal procedure and took a recess until a quarter after two o'clock.)

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AFTER RECESS.

F R E D E R I C K J A C K S O N, the defendant, residing at 2528 Broadway, called and sworn as a witness for the defense, testified as follows:

DIRECT EXAMINATION BY MR. MOORE:

Q Mr. Jackson, how old are you? A Thirty-seven.

Q And during the year 1917 by whom were you employed?

A Sargent & Company.

Q And what was the nature of your employment? A Selling securities.

Q When did you begin? A About February last year.

Q And do you remember when the call for the subscription for the first Liberty Loan bond was issued last year? A Do I remember when?

Q Yes. A In June I think.

Q And at that time were you working for Sargent & Company? A I was.

Q About how many men were working in the various offices of Sargent & Company? A I think about 700.

Q Will you tell the Court and jury just what you did with reference to aiding in the solicitation for subscriptions to that loan? A Sargent & Company were one of the first subscribers to any large amount of that first loan and they subscribed to the extent of \$5,000,000. They decided to distribute that \$5,000,000 worth of bonds through the medium of their 700 salesmen throughout their 50 odd offices from Massachusetts to

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California. They asked their men in addition to their regular work of disposing of Sargent & Company's securities to put in such time as they could find to dispose of Liberty Bonds in very small denominations, such as the fifties and the one hundreds. So some of the men worked half holidays and some whole holidays --

MR. RORKE: I want to object to what the other men did. May we know what this man did?

THE COURT: Yes.

Q Never mind what they did.

THE COURT: Confine yourself to your own efforts.

A Yes, sir. I put in the best effort I could.

MR. RORKE: I would like to know just what he did.

MR. MOORE: Yes.

THE WITNESS: I sold several thousand dollars worth of fifties and one hundred dollar denominations.

Q Well, in the sales of those bonds what did you do with your customers? A I took the applications for the bonds, had the subscriber sign it and collected either the first payment or as much as they had or the full amount and gave a receipt for it and turned the money into Sargent & Company.

Q Now just tell us -- you say you worked. Just what did you do? What was the nature of the work you did in inducing people to subscribe? A In many cases I went to restaurants and talked to groups at a time and the rest of the time I called on people from door to door and from store to store, one after another.

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Q And after the subscriptions were closed did Sargent & Company make you a present for your efficient work? A They gave me the third prize out of seven hundred.

Q By third prize what does that indicate? A It indicates that they presented me with a certificate of stock.

MR. RORKE: No. I object to what it indicates.

MR. MOORE: I don't want to lead.

Q You say the third prize. Does that mean that you were the third highest in the list of procuring the subscriptions?

A The third highest in 700 men.

Q And I show you Defendant's Exhibit A and ask you if that is the stock certificate that was given to you? A Yes.

Q Do you know the value of that certificate? A I do.

Q What is the value of it? A \$500.

MR. RORKE: I object to that until it is shown that he knows.

THE COURT: Sustained.

MR. MOORE: I asked him for his knowledge.

MR. RORKE: Qualify him.

THE COURT: Qualify him first.

Q Well, what means have you of knowing or ascertaining the value of that stock certificate? A I was offered \$500 for it last August.

MR. RORKE: Now, if your Honor please, I object to it. He has not been shown to be qualified to testify to the value of the certificate.

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THE COURT: Do you ask to have the answer stricken out?

MR. RORKE: I do.

THE COURT: Granted.

MR. MOORE: Isn't the offer some evidence of value?

THE COURT: No. It depends upon the person making the offer. It might be the person had good judgment and it might be that that person did not have a knowledge of these things.

Q Have you made any inquiry as to the value of this stock in the market? A I know a man that will give me \$500 for it.

MR. RORKE: Now, if your Honor please, I again object.

MR. MOORE: Yes.

MR. RORKE: And ask your Honor to strike out the answer and direct the jury to disregard it.

THE COURT: Motion granted.

MR. MOORE: I take an exception because I think it is some evidence.

Q Do you know anything further with regard to the value of the stock than you have stated? A I know it is not for sale anywhere.

Q Did you have this certificate of stock in your possession at the time of your arrest? A In my pocket.

Q Where? A In this pocket.

THE COURT: What bearing has it upon this case anyway?

MR. MOORE: It has just this bearing, if your Honor please. As I understand the law, it is that before there

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can be a conviction in this case, inasmuch as the thing that he was to do was the thing that was to be done in the future, it must either be a demand and refusal to perform on his part or he must have put it beyond his power to perform by his own voluntary act. Now, I think this is some evidence that he was in a position to perform.

THE COURT: I won't prevent your having a record of such. You may raise the point. But I don't agree with you. I won't, of course, prevent you making your record so that you may raise that question if it is necessary to have my work reviewed in another court.

MR. MOORE: I think I can cover it by simply showing that he had this certificate of stock at the time of his arrest and has owned it ever since.

Q It was issued to you in August? A Yes, sir.

Q And it is still your property? A Yes, sir.

Q And it was taken from you by officers? A Yes, sir.

Q And it has been held by the Police Department ever since?

A Yes, sir.

Q You have heard the evidence here related. I show you People's Exhibit 3, being the several pawn tickets, and I ask you if you have seen those before? A Never.

Q And those tickets were pawned by you? A By me.

Q They were received by you for pawns? A Yes, sir.

MR. RORKE: For certificates.

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MR. MOORE: Yes, sir, for certificates.

Q And after they were received by you. I now show you People's exhibit 4 and ask you what you did with those pawn tickets? A What I did ---

Q Yes, after you received them in the shape I have them now. A I had them in this envelope.

Q Will you put them in the envelope as they were? A (Witness puts papers in envelope). About like that.

Q And did you lose this package? A I lost it out of my pocket.

Q About when did you lose it or miss it, rather? A About either the 8th or 9th of October.

Q Did you communicate with the pawnbroker of the loss of the tickets? A I telephoned him to stop payment on them.

Q And when was the next time that you saw these pawn tickets? A The next time I saw the pawn tickets was here in court.

Q What conversation did you have with Brady at the time that you took the ad interim certificates from him? A The only conversation I had with him was that if he wanted me to I would take his interim certificates, turn it into a Federal Reserve Bank and get him a definitive bond of the four per cent loan as soon as it was issued, and he said all right, he would like to have it.

Q He says that it was the three per cent? A I know very well that we talked about four per cent.

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Q As a matter of fact, at that time, this being the 22nd of September, do you know whether any of the 3 1-2% bonds had been issued? A There had not.

Q Did you make any inquiry of the Federal Reserve Bank as to when they would be able to issue those bonds? A Yes. And they told me they would start to issue some about September 27th.

Q Did you make any further inquiry? A I made inquiry every day or two up to the time I was arrested.

Q Did Brady or anybody in Brady's behalf make any demand upon you prior to your arrest for the return of the money, the certificates or the bonds? A They did not.

Q Were you ready at all times to deliver the bonds when you could procure them from the Federal Reserve Bank? A Any time.

MR. RORKE: I object, if your Honor please. The evidence in the case shows that he was not prepared to deliver the bonds at any time.

MR. MOORE: We say we were.

THE COURT: I will allow the answer to stand.

Q Among these pawn tickets there is one dated September 21 for bond 1857342. Do you know a man by the name of Nicholas Zucker? A Yes, sir. Zaker.

Q Zaker. Was he one of the men whose ad interim bonds you took? A He was.

Q And that bond you also pawned, did you? A Yes, sir.

Q Later did Zacker tell you that he wanted the money for

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the bonds rather than the new bond? A He told me the day he gave me the certificate that he wanted the money, not the bond.

Q And did you give him the money for that? A As soon as I raised the money on one of the bonds I gave him his money.

Q Within a few days? A Three days I think.

Q And is he the only man of these witnesses who testified here who made any demand upon you for his bond? A Well, there was no demand made for a bond; He gave me the certificate to sell.

Q Was he the only man that made any demand upon you of these various witnesses who testified? A The only one.

Q You heard the evidence of Officer Correll at the time of your arrest? A I did.

Q You heard Officer Correll's testimony? A Yes, sir.

Q Now, at the time or at Police Headquarters, I believe, did you say to Correll that you took a chance in pawning these bonds and you expected to cover yourself but was unable to do so?

A I never made any such statement.

Q Did you say to him then that you wanted a change of linen "Or you would not have gotten me" or anything to that effect?

A I did not.

Q Did you tell him that you knew he was looking for you?

A I did not.

Q What sort of a conversation did you have with officer Correll? A The conversation was all on the side of the officer, as I refused absolutely to discuss any of my affairs with him without first having been given permission to communicate with

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an attorney.

Q How long were you held at Police Headquarters? A I was in charge of officer Correll 28 hours.

Q And during that time were you permitted to communicate with an attorney? A I was not.

Q So you were held in Police Headquarters for 28 hours before you were arraigned in court? A I was held at Police Headquarters about 24 hours and then the other four hours on the way to court and in his charge until the arraignment in the police court.

Q You were then confined in the Tombs Prison, were you not? A Yes, sir.

Q And when were you discharged from prison? A On the 30th of November -- or December 1st, - I am not sure -- no, 28th of November. Excuse me.

Q Yes, bail was fixed on the 28th of November? A Yes.

Q What was your bail before that date? A \$3000.

Q And on the 28th of November it was reduced to \$1500 and you procured a surety company bond? A Yes, sir.

Q How soon after your release did you see Office Correll? A Three days.

Q Did you at that time have a conversation with him with reference to this stock certificate, this Exhibit A? A I did.

Q What conversation did you have with reference to that? A I was trying to find out who had it and how I could get it.

Q What did he say? A He said I could go down to Police

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Headquarters the next morning and perhaps I would get it, and they were to phone him.

Q Did you go to Police Headquarters? A Yes, sir.

Q How many times did you go to Police Headquarters?

A About five altogether.

Q Did you go there with me? A Yes, sir, the last time.

Q You were never able to get the certificate? A Never.

Q Now, I ask you, did you at any time have any intent to defraud any of these people out of their bonds when issued?

THE COURT: He may answer that. Yes or no.

A No, I did not.

CROSS EXAMINATION BY MR. RORKE:

Q Where were you living on the day of your arrest? A Why, the night previous to my arrest I was in Fleischmann's Turkish Bath.

Q How long had you been residing at the Fleischmann's Baths? A Why, I think for the two nights previous, I am not sure.

Q And prior to those two nights where had you lived?

A 65 West 70th street.

Q With whom? A I couldn't tell you the name now. It was in a furnished room, in an apartment house.

Q Living there alone or with any one? A Alone.

Q Alone or with any one? A Alone.

Q And how long had you lived there? A Four or five days.

Q And where had you lived before that? A Hotel Willard.

Q Married or single? A Married.

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Q Living at the Willard alone? A Yes, sir.

Q Did you register when you went to the Willard? A Yes, sir.

Q How did you register? A F. Jackson or Frederick Jackson.

Q And wife? A No, sir.

Q Positive? A Quite sure.

Q Did you have any trouble with the proprietor Scrum at the hotel? A Never talked to him.

Q Where did you live before you came to the Willard?

A 601 West 135th street.

Q With whom? A With a Mrs. Townsend.

Q Live there alone? A Alone? Yes, sir.

Q Did you live with any one there? A Mrs. Townsend.

Q Did you live in the relation of husband and wife with any one there other than your own wife? A No, I did not.

Q Did your wife live there with you? A No, sir.

Q Did your wife come there while you were there? A No, sir.

Q Where does your wife and family live? A I don't know where my wife lives.

Q Are you divorced? A No, sir.

Q Quite sure that when you went to the Willard you didn't register as husband and wife? A I am sure because I went there alone.

Q Did you live with any one there after you went there and registered as husband and wife? A No, I did not.

Q Quite positive of that? A I am quite positive I never lived at the Willard with any one.

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Q How did your pawn tickets and the letter sent to you in car of Sargent & Company get into the pockets of Wynn, the man who was arrested in Greenwich, Connecticut? A I haven't any idea.

Q How long had you known Wynn? A I never saw Wynn in my life.

Q Do you know what Wynn was acting as a representative of the American Defense Society? A No sir, I did not.

Q Do you know that when Wynn appeared at Greenwich Connecticut that he had credentials, alleged credentials, from the American Defense Society? A I don't know anything about Wynn.

MR. MOORE: I object to it upon the ground it is immaterial and incompetent against this defendant.

Objection overruled. Exception.

Q Do you know any one named W. Arthur Marshall? A No, I do not.

Q I show you People's Exhibit 4 for identification and ask you if you ever saw it before? A No, I didn't.

Q Did you represent the American Defense Society? A Never in my life.

Q Can you tell us how the card of the American Defense Society came to be in your bag? A I don't know that it was.

Q I show you this card and ask you if you ever saw it before? A Never did.

Q You heard the officer testify that he found that in your

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bag at the time he searched it? A Well, he didn't.

Q What is that? A He couldn't have. I never saw it before.

Q Do you know anybody named Marshall? A I do not.

Q Never knew a person named Marshall in your life? A Never in my life.

Q Did you cash a check for a man named Avidian? A The name ---

Q Avidian? A The name?

Q Avidian? A Avidan.

Q Avidan. A Yes, sir.

Q I show you a paper and ask you if that is your signature on the back? A Yes, sir.

Q You wrote that? A Yes, sir.

Q Did you give this check to Avidan? A I haven't seen the front of it yet. I may be able to tell you when I see it.

Q Look at it.

MR. MOORE: I don't understand the question. Gave it to whom?

MR. RORKE: Avidan. Yes or no.

A I don't know.

Q You say you didn't? A No, sir.

Q Do you say you don't know after you have looked at the signature on the back of the check? A Why, there is no name of Avidan on there; I don't know if I gave it to him - yes, I did.

Q You did? A I did.

Q And why do you decide you did give it to Avidan? A Be-

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cause I see his endorsement on the back.

Q This check you note is drawn by H. L. Marshall? A Yes.

Q How did you come in possession of this check? A It was given to me.

Q By whom? A A man named Marshall.

Q I thought you told us you didn't know a man named Marshall.

A You asked me H. Arthur Marshall.

Q I did not. I asked you if you knew a man named Marshall and you said no. A I know a man named Harry Marshall.

MR. MOORE: I beg your pardon. He gave the first name and the initial.

(Previous testimony of the witness read by the stenographer.)

Q Who is H. L. Marshall? A Why, he is a salesman for some brokerage house downtown selling oil stock.

Q What is the name of the brokerage house? A I couldn't tell you.

Q How well do you know him? A Why, possibly six or eight months.

Q Did you ever take any checks from that Marshall before? A Several.

Q Do you know that this check was returned from the bank marked no account? A I do now.

Q And after it was called to your attention by Avidan?

A I have never seen Avidan since I gave it to him.

Q Did you pay it? A No. I didn't know it had come back

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until just now.

Q Will you tell me whether the signature W. Arthur Marshall is written by the same hand as H. L. Marshall? A I couldn't. I am not an expert.

MR. MOORE: Just a moment. Let me see this check a moment.

MR. RORKE: When were you in Greenwich, Connecticut?

A Never.

Q Do you know any one named John Webb? A No, sir.

Q I show you an endorsement and ask you if you know who wrote the name John Webb? A No, I do not.

Q Did you write it? A No, sir.

Q Why did you pawn Brady's certificates? A Why did I? Do you say why?

Q Yes. I withdraw that question for a moment. Did Brady tell you to pawn his certificates? A No, he did not.

Q Had any of the subscribers told you to pawn their certificates? A They did not.

Q Did you tell any of them that you had pawned their certificates? A I did not.

Q Did you ever receive any authority from Sargent & Company to pawn the certificates of subscribers? A No, sir.

Q Did you ever receive authority from any one in Sargent & Company to collect ad interim certificates and turn them over to the subscribers without direction of the subscribers that Sargent & Company would return to them the bonds? A Mr. Chaffa

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told me that I might.

Q What did he say? A I told him that some of the --

Q What did Chaffa say? A He said if I wanted to I might but not to do it, as there was nothing in it.

Q He told you not to do it? A He said not to bother with it; there was nothing in it, but I might if I liked.

Q When did he say that? A At luncheon at the Biltmore.

Q What date? A About the middle of September.

Q Did you ever turn over any of the bonds of the certificates to Sargent & Company? A No, I never said I was going to.

Q Did you ever turn to any of the subscribers and tell them that you had put their certificates in pawn? A I did not.

Q Why did you put their certificates in pawn? A Because I found out I couldn't get the definitive bond and I wanted some money for a few days.

Q Why did you need money? A Because I had been spending all my time on selling Liberty bonds, on this Liberty Loan, and I had lost my voice and was unable to earn any money.

Q Did you intend at the time that you took up the certificates of these people to put them in pawn? A No, I did not.

Q On the 19th when you took up Fellows bond you immediately pawned it with Bernstein, did you not? A I wouldn't say immediately. Possibly seven or eight hours later when I found out I couldn't get the bonds.

Q The same day? A Surely.

Q Did you need more money the next day when you took Penn's

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bond up and pawned it the next day? A Yes, I needed considerable money.

Q Did you need more money on the 22nd when you took up O'Rourke's certificate or Brady's certificate? A Yes, sir, I did.

Q You had a lot of money as far back as the 12th of August, didn't you? A I couldn't tell you the date.

Q Didn't you have several thousand dollars in your pockets and display them to the bootblack at Gerry Owen's store and Castle Inn on the 12th day of August, 1917? A I don't know about the date. I had a thousand dollars some time last summer.

Q Wasn't it two days after the check was cashed at the Fifth Avenue Bank (handing witness check)? A I don't know. I never saw that check before.

Q How did you come into possession of the money that you displayed at Gerry Owen's and Slobodkin's store on the 12th of August, 1917?

MR. MOORE: I object to that. There has been no date fixed here as the 12th of August.

MR. RORKE: I am fixing the date.

MR. MOORE: He is assuming that he displayed it on the 12th of August. He said he had some money. I object to it as assuming something not yet in evidence.

THE COURT: Fix the time.

Q Do you know Slobodkin? A Slobidkin.

Q Do you know Gerry Owen, his employee? A Yes, sir.

Q Did you show them in August, 1917, several thousand dollar

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bills and several hundred dollar bills? A No, sir.

Q Did you not say to them, here are several one thousand dollar bills, and didn't they ask you to be permitted to hold them in their hands? A One thousand dollars.

Q One one thousand dollar bill? A Yes, sir, not several.

Q How much more did you have in your hand? A How much more did I have?

Q Yes. A I don't know. Only one one thousand dollar bill.

Q Where did you get that one one thousand dollar bill?

A Where did I get it?

Q Yes. A Must I tell where I got it?

MR. RORKE: Now, if your Honor please.

THE COURT: You may answer the question.

MR. RORKE: I will say this. I will ask that the --

THE COURT: You are entitled to an answer to your question

Q From whom? A Garfield Force.

Q What date did you borrow it? A Some time the 1st of August.

Q What date? A I couldn't say.

Q Who is Garfield Force? A He is a solicitor.

Q For whom? A For the Hudson Tunnel Advertising Co.

Q What was the date you borrowed it? A I couldn't say.

Q Where did you borrow it from him? A I think in Hahn's restaurant on Park Row.

Q Who else was there at the time you borrowed it from Force?

A No, one.

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Q Where did he get it from? A I don't know.

Q Did he have the thousand dollars with him? A No. I had asked him a day or two before if he could get it for me.

Q And where did you ask him that? A Why, I think at Hahn's.

Q What did you need it for? A Debts.

Q What debts. A Living expenses, clothes and vacation.

Q Had you gone on a vacation and left unpaid bills?

MR. MOORE: If your Honor please, I object to that.

A I couldn't say.

MR. MOORE: I don't think that is material here.

THE COURT: This is cross examination.

MR. MOORE: Very well.

THE COURT: It is only admissible for that reason.

Q (Read by the stenographer). A I don't know.

Q Well, you don't know whether you had unpaid bills? How do you know you needed a thousand dollars with which to pay them?

A You asked me if I left them before I went on my vacation. I don't know that, whether I paid them first or after.

Q Is Garfield Force in the city now? A I think he is in Washington.

Q Do you know where he is? A He will be back today I believe.

Q That thousand dollar check or bill that you say you displayed to the bootblacks, did you have any other thousand dollar bills besides that? A No, sir.

Q You are positive that all you had was the one one thousand

bill? A That is all I had.

Q What did you do with the third certificate that Brady gave you on the 22nd day of September, 1917? A I don't know.

Q Brady gave you three, did he not? A Yes, sir.

Q Two of those were pawned on the 25th? A I don't know.

Q You don't know what you did with them? A I sold some to get the money; I sold one for Mr. Zacker. I might have sold Brady's because Zacker's was found in pawn. They are all alike.

Q You mean you took Brady's and sold his whereby you paid off Zacker? A They are all alike. There is no name on them. They are like \$50 bills.

Q Did you or did you not sell Brady's certificate? A I don't know.

Q Where is the certificate? A I don't know.

Q Didn't you exchange it for a Liberty bond? A No, sir.

Q What did you do with the money that you received from these various certificates that you pawned? A Why, I paid bills and spent some I guess.

Q And spent it up at the Castle Inn? A I have been there frequently.

Q Did you display thousand dollar bills in that place?
A Bills you say?

Q Thousand dollar bills. A Bills?

Q Money. A A thousand dollar bill I might have. I don't know.

Q You say you did or you didn't? A I don't know.

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Q Did you tell these subscribers that you represented Sargent & Company when you were collected their ad interim certificates? A I told them nothing except that I would get the bonds for them.

Q You have heard them testify here that you told them that Sargent & Company would sent the bond by Registered mail, did you not? A I didn't hear anybody testify to that.

Q Why did you sign the receipts that you gave them for their ad interim certificates Sargent & Company per Jackson?

MR. MOORE: If your Honor please, I object to that on the ground that it is assuming something not in evidence.

I think there is only one receipt, isn't that so?

THE WITNESS: That is it.

MR. MOORE: Pardon me. Part of them are signed Fred Jackson and part of them the other way.

Q Davidson's was signed Sargent & Company, Frederick Jackson? A That is right.

Q You signed other receipts with the initials of S. & Company, did you not? A I don't know; I can't remember now.

Q I show you this paper and ask you if you ever saw that before? A Yes, sir.

Q Is that the receipt that you gave to John J. Healy for two \$50 loan certificates on September the 22nd, 1917? A I wrote that.

Q On that date? A Yes, sir.

Q You signed that Frederick Jackson for Sargent & Company,

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did you not? A Does it say for? Yes sir.

MR. RORKE: I offer it in evidence.

MR. MOORE: I object to it upon the ground it is entirely immaterial.

THE COURT: Receive it.

MR. MOORE: Exception.

(The paper referred to is received in evidence and marked People's Exhibit 11.)

Q You received the certificate of Griffin and Fitzgerald by registered mail, did you not? A I don't know whose they were. I received two certificates by registered mail from Fitzgerald.

Q You received them in that envelope? A Yes, sir.

Q It is in evidence. A That is the envelope.

Q People's Exhibit 2. And at that time the name of Michael Fitzgerald was on the back of the envelope, was it not? A Yes.

Q And you knew from whom they came? A You asked me Fitzgerald and Griffin. I never heard of any one by the name of Griffin.

Q Did you make any inquiry of Fitzgerald to know whose was the other certificate contained in that envelope? A I did not, because he had told me he was going to send me two. I didn't ask him whether they were his or whose they were.

Q Did he tell you that the other certificates he was going to send belonged to somebody else other than him? A No, he did not.

Q You assumed that they both belonged to him? A I thought they did, yes, sir.

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Q Now, at the time that you were arrested you had other things in pawn besides certificates, did you not? A Yes. I had my winter overcoat. I always put that in in the summer.

Q Yes. Did you have anything else in pawn besides that winter overcoat? A Yes, sir, my watch.

Q Anything else besides your watch in pawn? A I don't think so.

Q Now, on the 11th of October, 1917, you pawned your watch with McAleenan at 35th street and Broadway, did you not?

A That is just what I said, yes, sir.

Q That was on October the 11th, is that right? A I don't know.

Q Did you have more than one overcoat in pawn? A Two.

Q And that other overcoat was pawned with Sobel, was it not? A Yes, I think that is the name.

Q And after your release on bail the police department gave you the pawn tickets for those, did it not? A After I went there four or five times to Headquarters.

Q After your release? A Yes, sir.

Q On bail? A Yes, sir.

Q You borrowed money from Mr. Lindner? A Several times.

Q Have you paid him back? A I think except the last time.

Q Fifty dollars? A Yes, sir.

Q That is unpaid? A Yes, sir.

Q When did you borrow that? A September I think.

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Q Did you borrow any money from the shoe bootblack man, Slobodkin? A I think so.

Q Do you owe him some at the present? A Yes, sir.

Q Unpaid? A Yes, sir.

Q When did you borrow that money? A I don't remember.

Q How long ago? A I couldn't say, Mr. Rorke.

Q Oh, well, give us an approximate time? A Approximately four months. I am not sure.

Q Why didn't you procure the bonds for Brady around the 27th of September? A Because I couldn't get the fifties or One hundreds denominations.

Q Hadn't the Fifties or Hundreds been issued at the time by the Government? A No; they only had the Fifties, Hundreds and Thousands.

Q When were the Fifty dollar definitive bonds of the First Liberty Loan issued by the Government? A Around that time or around the first of October, they were issued.

Q Why were you not appointed manager of one of the branches of Sargent & Company? A Because I had lost my voice and couldn't talk.

Q You had a talk with Mr. Lindner about that time? A On October 1st the last time.

Q You had talks with him about your being appointed head of one of the branches? A Ever since I had been in their employ, yes, sir.

Q Didn't Lindner appoint you? A Never.

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Q Before that you had been in the Tombs had you not?

A Just a year ago now, yes, sir.

Q And Mr. Lindner knew of that didn't he? A Surely.

BY MR. MOORE: I object to that if the Court please, and move to strike it out.

MR. RORKE: The witness, if your Honor, please, seeks to give the impression that the only reason that he was not appointed by Mr. Lindner was due to the fact that he had lost his voice. I seek to show some of the reasons.

Object ion overruled; exception.

Q Isn't it a fact, Jackson, that Lindner knew of some trouble that you had had or had been having with your wife?

A Yes, sir, he knew of it; of course, I told him about it.

Q Isn't it a fact that they also knew of some trouble that you had been having with your father? A I had no trouble with my father.

Q Never? A I don't know what you mean by trouble.

Q You had been drawing checks on your father? A Drafts you mean.

Q Drafts? A Yes, sir.

Q Have any trouble about them? A No.

Q Have any trouble about some English drafts? A I think so, yes, sir, no trouble, no, sir.

Q Hadn't your father communicated with you to the effect that you were making trouble for him? A I don't know what you mean by trouble, Mr. Rorke.

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Q Perhaps I can help you a little? A All right.

Q I ask you to read that letter and ask you if it refreshes your recollection? A Yes, I know what this is.

Q Did Mr. Lindner know about this? A No, sir.

MR. MOORE: May I see that?

MR. RORKE: It is not in evidence.

MR. MOORE: You are asking if Mr. Lindner knows something -- he is interrogating the witness about something which I think I ought to see or make an objection as immaterial and incompetent.

MR. RORKE: I haven't offered it in evidence.

THE COURT: It has not been put in evidence.

MR. MOORE: I know, but he is trying to create an impression. He is asking if Mr. Lindner knows about that.

THE COURT: Of course, if he offers it in evidence you are entitled to see it.

MR. MOORE: I know, but I am objecting to this question as immaterial, whether Mr. Lindner knew about this or not.

Objection overruled; exception.

Q Did Gerry Owen ever subscribe for a liberty loan?

A Yes.

Q Did Gerry Owen ever subscribe through you for shares of stock in the Commonwealth Finance Corporation? A Yes, sir.

Q He did? A yes, sir.

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Q Did he ever give you any money for it? A No, he gave me a check.

Q Did the check go through all right? A I don't know. Sargent & Company had it.

Q Was the full amount due to Sargent & Company on that subscription to the stock of the Commonwealth Finance Corporation paid? A I don't know.

Q Are you able now to tell us what you did with the third certificate that you took up from the complainant Brady?

A I couldn't tell you because I had no records of the different numbers of the different certificates because they are negotiable, they are transferrable without endorsement, and they are just the same as fifty dollar bills, and one looks just like another, and I sold some and I sold several of them.

Q Your answer is that you can't tell us? A I can't.

Q Did you put any other certificates in pawn other than those that have been spoken of in this trouble? A I couldn't say as to that.

Q You can't tell us whether you put ^{certificates} in pawn in addition to these? A I don't know which those are, Mr. Rorke.

Q You have heard them testified ^{to} there, have you not, you have heard reference to Feller's, Penn's, Davidson's, Healy's, O'Rourke's, Brady's, Fitzgerald's, Griffin's, Herman's and some woman? I ask you if you pawned any certificates

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other than these? A That is all the certificates that I have pawned. There were thirteen and the amount was \$650.

Q I ask you if you ever pawned--

MR. MOORE: I beg your pardon, he has answered the question. He said that he pawned thirteen and they are all in that list.

THE WITNESS: Which ones they were I don't know.

Q Did you collect any other person's certificates other than those? A Yes, sir, plenty of them.

Q Did you put the certificates of those other persons in pawn as you did these? A No. I sold lots of them.

Q Did you put any of these certificates that you collected from other persons in pawn? A Now, Mr. Rorke--

Q Yes, or no. A I don't know.

MR. RORKE: Now, may I ask your Honor--

THE COURT: He may answer that.

THE WITNESS: I can't tell, your Honor.

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Q Is that the best answer you can make, you can't tell?

A I couldn't say.

BY MR. MOORE:

Q Regardless of whom the names may be or the individuals may be. I ask you to look at those pawn tickets and ask you if those are all the certificates that you pawned? A That is all.

MR. MOORE: That is all. We rest.

R E B U T T A L.

SAMUEL SLOBOTKIN, residing at 3365 Broadway, called and sworn as witness for the People, testified as follows:

DIRECT EXAMINATION BY MR. RORKE:

Q Mr. Slobotkin, what is your business? A Hat and shoe cleaning parlor.

Q Do you know this defendant? A Yes, sir.

Q Where is your place of business? A 3365 Broadway near 136th street.

Q How long have you known the defendant? A Why, I know him, I think, about the end of May or the beginning of June, about the end of May I think.

Q Did you see him in your place of business sometime about August, 1917? A Yes, I saw him.

Q Can you fix the time in August about when it was? A The last time when he paid me my fifty dollars back after that it was about the fourth or fifth of August when he was in my place and he paid me.

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Q About the 4th or 5th of August? A Of August.

Q At that time will you tell us what happened in your place? A What happened in my place at that time?

Q Yes. A At that time there was nothing happened, he just brought in the money, and he paid it back because he said the company hasn't any more bonds to pay us off, and we should keep the money until they have small bonds to give to us.

Q Now, what happened after that? A And he pays the fifty dollars.

Q Yes. Did you see the money he had with him at that time? A No, at that time I didn't see any money.

Q When was the next time you saw him? A I saw before.

Q How long before that was it, Mr. Slobodkin? A I think about five or six days before.

Q What happened then? A Then he took at that time a shone, and he says, Sam, do you want to see some money, and he said, did you ever see a thousand dollar bill? I said, I would like to see it. And he took out from his pocket and showed to me, he had quite a roll of money--

MR. RORKE: I object to that. If it is in contradiction I object to it on the ground that it is collateral if it is contradiction I don't know that it is yet.

THE COURT: I don't know that it is either.

MR. MOORE: I object to it.

Q Did the defendant owe you any money? A Seven dollars.

Q For what? A He just borrowed from me seven dollars

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that date. It was about Wednesday, that date, a week before he was arrested, I think it was something like that.

CROSS EXAMINATION BY MR. MOORE:

Q Now, let's see. Just a little while before he was arrested he borrowed seven dollars of you, didn't he? A Yes.

Q And that that time did he have a Mr. Loner's check for fifty dollars, and did he give you the hash for it? A No.

Q Do you remember about that? A It was this way. Early in the morning it was about ten or half past ten in the morning, he said Sam, I need now some money and at that time, about, I think it was, the 3rd of the month, I just had my rent paid, and I says, now, Mr. Jackson, I haven't got any money with me now.

Q I don't care about that. Do you remember about his having a check? A No, he didn't have it. He said, just he needs some money, and I had in the register seven dollars only and I gave it to him.

Q That was a few days before his arrest? A Yes, sir, a few days before he was arrested.

Q This fifty dollars that you speak of was fifty dollars that you had subscribed for a liberty loan bond? A yes.

Q And he brought you back the fifty dollars? A yes.

Q And he told you that he didn't get that in time so you could get in on it, didn't he? A No, he said that the company hasn't got any small liberty bonds and he gave us the fifty dollars back.

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Q Do you remember that you made the subscription on the last day that the loan was all subscribed? A The last day? No. It was in the beginning of June.

Q It was in June anyway? A Yes, sir, the beginning of June. I paid him the first part in the beginning of June and the second on the 15th.

Q Now, you paid twenty five and then again twenty five, did you not? A Yes, sir.

Q And the last twenty five was paid on the last day of the loan? A I don't know. It was the 15th of June. I don't know.

MR. MOORE: Might it be conceded that that was the last day of the loan?

MR. RORKE: I don't know. I would much prefer to bring an official here of the Federal Reserve Bank.

MR. MOORE: I don't know that it is of enough importance.

BY MR. RORKE:

Q Before he came in to pay you this fifty dollars had he borrowed any money from you before that? A Before that, Yes.

Q Yes. How much? A Ten dollars he used to borrow at a time.

Q And how long before he paid you this fifty dollars?

A How long before? He paid me ten dollars before. It was that time when he paid the money. That was the beginning of

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August.

Q The beginning of August he borrowed ten dollars from you? A Yes, sir.

Q And he paid it to you when he came in afterwards with the money? A With the money?

Q Now, what date was it when he came in with that money, if you know? A That date? I don't know exactly what date. But it was about the 6th or 7th, some time about that time. I know because he paid us the fifty dollars a week after that time.

Q You can't fix the date any closer than that? A No.
BY MR. MOORE:

Q This defendant had borrowed five or ten dollars from you upon a number of occasions before this, hadn't he? A Yes, sir, lots of time.

Q If he was short of change he borrowed of you and gave it back? A Yes, sir.

Q Always paid it back? A Always paid it back.

Q And generally when he paid it back he gave you something to get a little present for the baby with in addition? A Yes, once he gave me a dollar for something for the baby. Once or twice he bought a couple of cigars for me.

MR. RORKE: Now, if your Honor, please, I have a couple of witnesses I would like to bring. It is rather late in the afternoon. I have sent telegrams to certain witnesses and expect to hear from them.

MR. MOORE: May be I might concede what he wants to

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prove. I was in hopes to get through tonight. I am in pretty bad shape just at this moment.

(Counsel confer with the Court.)

THE COURT: You won't be able to close your case tonight?

MR. RORKE: No, your Honor, I will not. I will be ready in the morning with the rest of my evidence.

THE COURT: Gentlemen, don't discuss the case nor form or express any opinion upon about it, but keep your minds open and free until it is submitted to you. Be very careful. It is a very important case. Take up its consideration only when you have heard everything that both counsel have to say about it, and I have directed you to consider your verdict.

(The further trial of the case was then adjourned to tomorrow, January 16, 1918, at 10.30 o'clock a. m.)

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New York, January 16, 1918.

TRIAL RESUMED.

MR. RORKE: Now, if your Honor please, I have just submitted to counsel for the defense the reply telegram receive from Mr. Chaffee which indicates that he will arrive tonight. I will state, at the outset, that I expect to put Officer Correll on the stand to testify to the service of a subpoena upon Mr. Healy.

THE COURT: The restaurant keeper?

MR. RORKE: Yes, sir. Then I will ask your Honor for an adjournment in view of the fact that Mr. Chaffa's presence is necessary in this important case.

MR. MOORE: If your Honor please, I think we should have an understanding as to what the situation is. The case is closed then with the exception of the evidence of Mr. Chaffa?

MR. RORKE: No, I don't say that.

MR. MOORE: Then I think we should go on with the case and then, if we are going to adjourn I believe we should know what it means. If we adjourn the case I understand that they want Mr. Chaffa in rebuttal and that should be the understanding. If they have any other rebuttal they should put it on now I submit.

MR. RORKE: I will go ahead as far as I can with the

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rebuttal and in the event that the evidence of Mr. Chaffa makes it necessary for additional evidence to be put in I would like to have the opportunity to do so.

THE COURT: As I view this case both of you gentlemen have been spreading around a good deal.

MR. MOORE: It is a question of intent here.

THE COURT: I know your theory but as I view it it is a question whether or not there was a larceny committed on the day in question. What somebody else did I don't think is very consequential. Your theory is that the defendant had a right to handle these ad interim certificates in the manner that he did.

MR. MOORE: Yes, sir, and that is all there is to this case.

THE COURT: The question is whether he committed larceny on that day, whether he took these certificates and appropriated them feloniously without the consent of the person who owned them. That is the question. Both sides have gone into it and for that reason, perhaps, the testimony referred to ought to be taken.

MR. MOORE: I have tried the case upon the theory that the question of intent made it necessary that the whole transaction should be gone into.

THE COURT: Not the intent of somebody else,-- the intent of these parties, this defendant and the complaining witness Brady. You have gone into these matters and for that reason counsel for the State wants to take

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it up and he is entitled to that, the door having been opened I shall to allow him to go in, but this is a very narrow issue as I view the case.

MR. MOORE: Well, I won't object to the adjournment if the witness is on his way. If it is adjourned it is for the purpose of receiving Chaffa,s testimony.

MR. RORKE: I don,t want to be limited to that as I don't know what may develop. This is an important case.

THE COURT: It is a case of very considerable importance to both sides.

MR. MOORE: It is important to the defendant.

THE COURT: Yes, and to the public it is just as important as it is to the defendant.

MR. RORKE: I will go as far as I can.

OFFICER CORRELL, a witness for the people resumes the stand.

BY MR. RORKE:

Q Did you in response to my request seek to serve a subpoena upon Mr. John J. Healy, proprietor of Healy's restaurant 145th street and Broadway? A Yes, sir.

Q When? A Yesterday morning.

Q Did you see him? A Yes, sir.

Q Where? A At his home in bed.

Q Did you ascertain what the trouble was with Mr. Healy?

A Yes, sir, I saw Dr. Donovan who was attending him and he told me there was a strong leaning towards typhoid and that he

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could get out by any means; he was now under the care of a nurse.

BY MR. MOORE:

Q He is sick in bed? A Yes, sir.

Q You found him in bed? A Yes, sir.

BY MR. RORKE:

Q Do you recall whether Mr. Healy was down here as a witness for the People when the case first came on? A Yes, sir.

MR. MOORE: I object to that as entirely immaterial. He has shown the reason for his not being here today.

THE COURT: That is the explanation he is not here because of his incapacity.

MR. RORKE: But I desire to show that he was here at the time the case first came up.

MR. MOORE: I object to that as entirely immaterial.

MR. RORKE: I think that counsel brought out through his cross examination that Mr. Healy was a friend of the defendant and that he had brought him in and introduced him to all these men.

THE COURT: Both you gentlemen have been going very wide afield I think, and we now understand pretty well what the situation is.

MR. RORKE: Now, if your Honor, please, in view of the telegram from Mr. Chaffa I would request an adjournment until tomorrow morning.

THE COURT: What do you say to that, Mr. Moore?

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MR. MOORE: Why, if your Honor, please, from the manner in which the case has been tried, I think Mr. Chaffa is probably a material witness.

THE COURT: You both think he is material; I don't know whether he is or not but I am going to give the District Attorney the opportunity to call him. Of course, you gentlemen will try your case in your own way. It is as important a case as was ever tried in this court to my mind and for that reason I am going to grant the application. Now, gentlemen, you won't discuss this case nor form or express any opinion about it. Keep your minds open and free until the case is sent to you. Let me impress that very forcibly upon you, because of this adjournment. Don't take up the matter again with any one, even in your own family, or consider it in any way until I ask you to, for the first time in your deliberating room. The case is one of great importance I said I think it is as important as any case that has ever come into this court and for that reason please observe this admonition strictly. If anybody should speak to you about the case I will ask you to notify me at once. Be in your places tomorrow morning at half past ten.

(The Court then adjourned the further trial of the case until tomorrow, Thursday morning, January 17, at 10.30 o'clock.)

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PEOPLE vs. JACKSON.

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January 17, 1918.

ROSCOE R. CHAFFA, a witness called on behalf of the
People in rebuttal being duly sworn, testified as follows:
(The witness states he resides at 914 Glendile Place, Chi-
cago.)

MR. MOORE: May we have a direction that if there be
any witnesses in the court room that have not already been
called that they be requested to step out.

MR. RORKE: On both sides.

THE COURT: Yes.

DIRECT EXAMINATION BY MR. RORKE:

Q Mr. Chaffa, state your name? A Roscoe R. Chaffa.

Q Will you speak up so that juror No. 12 will hear you?

A Yes, sir.

Q What is your present business? A Manager for the Le-
roy-Sargent Company.

Q What place? A Chicago.

Q When did you arrive in New York City? A Very early
this morning on a delayed train.

Q You came in response to a telegram received from Sar-
gent & Company? A I did.

Q What was your business in August and September of 1917?
A The same position as I have now -- in charge of the New
York office for the same company.

Q Any particular branch? A The Murray Hill office at
42nd street.

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Q Do you know the defendant? A I do.

Q The defendant in this case has testified, in substance, that about the middle of September, 1917, at luncheon at the Biltmore he spoke to you about collecting the ad interim certificates from the subscribers to the First Liberty Loan of 1917 and changing them into the definitive bonds and returning them to the subscribers, and that you said if he wanted he might do it but not to do it as there was nothing in it. Did you ever have any such conversation with this defendant?

MR. MOORE: I object to that on the ground that it is a collateral matter.

THE COURT: You went into it. I don't know that it has great relevancy, but you went into it and inasmuch as you did and as it is before the jury I will take a reply.

MR. MOORE: I didn't go into it.

THE COURT: Objection overruled.

Exception.

MR. MOORE: The District Attorney asked those questions

Q (Question repeated):

MR. MOORE: I object to it upon the ground that it is collateral and immaterial.

THE COURT: I am receiving it because you went into it at some length and made it a portion of your examination of the witnesses it may be answered.

Exception.

THE WITNESS: The question again please.

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Q (Question repeated) A I remember no such conversation at the Biltmore. I remember having lunch with Jackson.

Q Did you ever tell Mr. Jackson at any time that he could collect these certificates for the subscribers? A I did not.

Q Were there any orders ever given to your office by you, in the Murray Hill Hotel branch, to collect ad interim certificates for subscribers or exchange them for the definitive bonds?

MR. MOORE: I object to that as incompetent and immaterial.

THE COURT: I don't think it is of any consequence whether he did or not as I view the case. Whatever he did would not affect this issue, but you have gone into it and for that reason I will take a reply.

MR. MOORE: I object to this upon the further ground that what he told others is of no importance here-- what he told his subordinates.

THE COURT: You have gone into it and we may have an answer.

A I advised the salesman not to take them, not to accept the interim certificates, but advised them against it -- to advise their clients to go over to the Federal Reserve Bank to have them exchanged.

MR. MOORE: I object to that and move to strike it out on the ground that it is incompetent and inadmissible as against the defendant.

THE COURT: I will let it stand.

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MR. MOORE: I take an exception.

BY MR. RORKE:

Q When, if you know, did the defendant leave the employ of Sargent & Company in 1917? A He was suspended early in September.

Q Of 1917?

MR. MOORE: I object to that and I move to strike it out upon the ground that the question calls for a conclusion.

THE COURT: Objection sustained.

CROSS EXAMINATION BY MR. MOORE:

Q Mr. Chaffa, what do you mean by suspended?

THE COURT: I have sustained your objection to that.

Q You do remember having luncheon with the defendant at the Biltmore? A Yes, sir.

Q In September? A Yes, sir.

Q Do you remember whether or not at that luncheon there was something said about certain of the subscribers wanting to change their ad interim certificates to Liberty Bonds? A I don't remember anything of that nature.

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

Q Do you remember that -- at that time Mr. Jackson told you or said something to the effect that some people wanted to change their ad interim certificates? A I don't remember of any discussion of certificates on that occasion; I discussed it in the open morning meetings -- advising the contrary.

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MR. MOORE: I move to strike that out.

THE COURT: The first part will stand. The latter part may go out.

BY MR. MOORE:

Q Do you remember saying this to Jackaon-- that you would not bother with anything of that kind "Go on now get to work and sell some securities for the corporation"? A Not on the occasion of the luncheon.

Q Well upon any occasion? A The question again, please?

Q (Question repeated.) A I remember of giving --

Q That in substance? A Not with Mr. Jackson.

Q You say not with Mr. Jackson in particular-- well, in Mr Jackson's presence? A I advised the salesmen --

MR. RORKE: I submit that the witness is trying to answer.

THE WITNESS: No, sir.

Q Or that in substance? A No, sir.

Q Do you remember saying that in the preseence of Jackson or that in substance? A There were anumber of salesmen in the room.

Q I don't care about that? A My recommendation to the of fice force was collectively.

Q Can you answer my questions Mr. Chaffa?

THE COURT: Reframe the question.

BY MR. MOORE:

Q Do you remember saying that in substance that "I wouldnt

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bother with changing these ad interim certificates, but go on now and go to work selling bonds? A That was my advise to the office force in general.

Q Now, some of the people who had ad interim certificates before the certificates were issued had called or made inquiry with reference to those office upon a number of occasions? A Yes.

Q These ad interim certificates were delayed, were they not? A Yes, sir.

Q Do you remember a man by the name of Penn calling at the office with reference to these ad interim certificates?

A I don't remember the individual.

Q Do you remember Penn calling at the office with reference to the change of his ad interim certificates for his bond?

A I don't remember the individual.

Q Do you remember the circumstance of such a man coming?

A No, sir, I don't remember the man; I know of clients who have done that.

Q Do you know of a number of clients who did that? A On several occasions.

Q Then your men or representatives did make some changes after that, did they not? A They were not advised to.

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

THE WITNESS: They did not to my knowledge.

Q Did they do it? A Not to my knowledge.

Q Did it come to your knowledge afterwards that they had

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done so? A In this instance only.

Q This is the only one? A Yes, sir.

Q Now do you know when these bonds were delivered or when they were ready for delivery? A No, sir, not the exact date.

Q Some time in October you began making deliveries? A I don't know.

MR. RORKE: I object to that as already answered.

Q Now, I ask you the question if it was sometime in October, 1917? A I don't know the exact date.

Q I know you have said that. Do you know whether it was in the month of October you began making the deliveries? A I really do not.

Q Do you know a man named Ray, an artist? A Mr. Ray Van Buren?

Q Is his first name Ray? A Ray Van Buren. I do.

Q You know him well, do you not? A I do.

Q A friend of yours? A Yes, sir.

Q Subscribed to this first Liberty Loan, did he not? A I believe he did.

Q Do you remember of having a talk with this defendant in which you requested him to get his ad interim certificates and go to the main office and get his bonds? A I do not.

Q Do you know anything about that, Mr. Chaffa? A I do not.

Q Do you remember saying to him if he couldn't get the bonds to convert them into money as he was going away, Ray?

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A I do not.

Q Do you remember having any talk with him about this Ray an artist and his bond? A I talked with the artist personally and phoned the office to get the bond.

Q Talking with the defendant? A No, sir.

Q Do you remember having any talk with him in reference to something that he was to do with these ad interim certificates for him? A No, sir, I do not.

Q You wouldn't say that you didn't talk with him, would you? A I don't recall that I did personally.

Q So you didn't charge your mind particularly with these talks, did you?

Objected to; objection sustained.

CHARLES H. PLATNER, a witness called on behalf of the People in rebuttal, being duly sworn, testified as follows:

(The witness states he resides at 2560 Boulevard, Jersey City.)

DIRECT EXAMINATION BY MR. RORKE:

Q Will you address Juror No. 12 and all of these other men can hear you. What is your business at present? A Banking.

Q Where is your place of business? A 140 Broadway, New York.

Q What is the name of the business? A Guarantee Trust Co

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Q In 1917 what position did you occupy with regard to the First Liberty Bond issue of 1917? A I was manager of the bond exchange department of the Federal Reserve Bank.

Q Are you able to state at what time the fifty and one hundred dollar bonds of the First Liberty Bond Loan of 1917 were placed on delivery in exchange for certificates at the Federal Reserve Bank in the city of New York? A On September 27, 1917 was the first day we made a delivery of the fifty and one hundred dollars as well as the other denominations of coupon bonds, fifty, one hundred, five hundred and thousand.

Q You continued the delivery of the fifties and one hundreds from September 27th to what date? A From September 27th until October 10th as far as the small denominations were concerned.

CROSS EXAMINATION BY MR. MOORE:

Q You haven't made all the deliveries yet of the fifty and one hundred dollar bonds? A We have not.

Q As a matter of fact you were always short? A No, sir, not between the dates of September 27th and October 10th.

Q You were not between those dates-- weren't there always times when you didn't have sufficient bonds on hand? A No, sir, not between those dates, after October 10th, yes.

Q Before that time anyway there was sufficient on hand? A There were.

Q What was your business? A My business -- I was manager of the bond exchange department.

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Q Just what connection did you have with regard to deliveries? A I had charge of the deliveries of the engraved bonds against the surrender of their ad interim certificates.

Q Having charge, what do you mean? A Direct supervision.

Q Were you the person who handed out the bonds that were called for? A No, sir, I was in charge of the force that physically handed out the bonds.

Q During that time, of course, applications were made to and this reserve bank by telephone, upon numerous occasions inquiry was made as to whether the bonds were ready for delivery or not? A There were inquiries made by telephone as to whether the bonds were ready, yes.

Q The bonds were not ready, were they? A These bonds were ready between those dates.

Q All of the bonds were not ready, were they? A I don't quite understand.

Q I asked you if the bonds were ready, all of the bonds were ready for delivery between the 27th of September and the 10th of October? A All bonds were ready for delivery.

Q After the 10th of October, weren't there requests for delivery made and denied because you were not in a position to perform? A That is true, sir.

Q The bonds certainly were not ready for delivery before the 10th of October, were they? A Well, no, sir, they were not.

Q Are they all ready for delivery at the present time?

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A No, sir, they are not.

Q From the time you first began making the deliveries, from the 27th of September up to the present time repeated requests for delivery had been made upon your reserve and have been put off, have they not? A Yes, sir; and repeated deliveries have been made.

Q Requests, I said? A Repeated requests have been made.

Q And requests have been made for delivery that you have been unable to carry out? A Yes, sir.

MR. RORKE: The People rest.

MR. MOORE: The defense rest. I renew the motion, if your Honor, please.

THE COURT: Motion denied. Exception.

MR. MOORE: How much time shall we take?

THE COURT: Just as much as you need.

MR. MOORE: Possibly Mr. Rorke and I can finish in twenty minutes.

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