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CASE #3319

THE GRAND JURY OF THE COUNTY OF NEW YORK
COURT OF GENERAL SESSIONS OF THE PEACE.

: : : : : X

THE PEOPLE OF THE STATE OF NEW YORK :

-against- :

BENJAMIN STERNBERG :

: : : : : X

March 28th, 1917.

OFFICER FRANK SCHMITT, being called and duly
sworn as a Witness by the Foreman, testified as
follows:

BY THE FOREMAN:

Q Where are you connected? A 23rd Precinct.

BY MR. TALLEY:

Q Were you on patrol on Thursday the 15th of March in the
afternoon--- Friday the 16th of March? A I was.

Q Where was your post? A Post 15 on Broadway from 30th
to 33rd Streets.

Q Did it take in the part of 32nd and 33rd Streets occupied
by the Hotel Martinique? A Yes sir.

Q Were you called into the Hotel Martinique on Friday, the
16th of March? A I was.

Q Did you go to any particular room in that hotel? A I did

Q Do you remember the number of the room? A 726.

Q Will you state to the jury just what you discovered?

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2.
What time were you called in? A At 10:15.

Q On Friday the 16th? A Friday the 16th at 10:15 I got a signal from a police signal box to go to the Martinique Hotel, that there was a report of a woman dying suddenly-- sudden death.

Q This was in the morning, wasn't it? A Yes sir.

Q 10:15 in the morning of Friday the 16th of March? A Yes sir. I went to the clerk's desk and asked him if anybody reported a case of sudden death. He says "just a minute." He brought the house physician to me, Mr. Henry M. Lewis.

Q Officer, did you subsequently go to a room on the seventh floor? A I did.

Q Do you remember the number of the room? A 726.

Q Did you enter the room? A I did.

Q Did you find a body there? A I did.

Q Tell the jury just what you saw? A I found the body on a bed to my left as I entered the room. I lifted the cover from this body. It was nude with the exception of shoes and stockings. From the mouth and nose there was blood. Her head was turned to the right side. Her hand was extended up on a level with her head.

Q That is the right hand? A Yes sir.

Q Where was the left hand? A On the left breast.

Q Did you notice the complexion of the woman-- was she light or dark? A Light.

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3.
Q Would you describe her as a blonde woman? A Yes sir.

Q What did you do? A I looked for a weapon of some kind, thinking she might have committed suicide. I looked all over the bed and re-covered her, went to the front part of this room and to my left on the bureau was a lot of beauty make-up. To my right from this bureau or dresser is a bathroom and in this bathroom is a basin containing two towels wet, wrung and saturated with blood. I walked back into this room where the body was and I asked Dr. Lewis what he thinks it is. He says it is--

Q We don't want to hear what the doctor said to you, officer. Have you described fully the condition of the room and the condition of the body as you found it? A The body-- the left leg of this body was extended up, knee bent, foot flat in the bed, legs spread.

Q Can you say anything with respect to where the pillow of the bed was when you discovered the body? A The pillow was on the inside of the bed. Her head was partly on this pillow.

Q Partly on or under the pillow? A On the pillow, the chin sunken into the pillow and it was partly covered with blood.

Q Was the face covered by the pillow or was it not? A The lip, the right side of the lip, was about three inches from the edge of the pillow, about three-eighths of an inch from the very edge of the pillow.

Q Was there one or two pillows on the bed? A There were two pillows on the bed.

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Q Was she lying on the edge of one pillow? A Yes sir.

Q Where was the other pillow? A It was in its proper place on the outer edge of the bed.

Q Were you present when the body was removed? A Yes sir.

Q Did you accompany the body any place? A I took the body to the station house at the request of the coroner.

Q Took it to what station house? A West 30th Street station house.

Q Were you present when it was removed from the station house to any place? A No sir.

Q The last you saw of the body was in the station house?

A Yes sir.

Q Was the body identified by you to anyone? A Yes sir.

Q By whom? A Dr. Schultze and Dr. Schwartz.

Q Who did they say the body was? A They said the body was that of Florence Gray found in the room of the Martinique Hotel.

Q Were you present at any time in the morgue when the body was there? A I was.

Q Were you present at any identification of the body made in the morgue? A I was.

Q Who identified it there in your presence? A Dr. Schultze. He called my attention to a few skin abrasions on the left lower jaw, also a mark across the neck. He told me it was strangulation caused by a band of some kind.

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Q Did anybody identify the body to you by name? Did anyone indicate to you whose body it was? A In the hotel?

Q No, in the morgue? A I myself recognized the body of that being Florence Gray who was registered in the Martinique Hotel.

Q In other words, the body you saw in the morgue was the same body you found in room 726 in the Martinique Hotel? A Yes sir.

Q Did anyone identify the body by any other name than Florence Gray in your presence in the morgue? A No sir.

Q Were you present at the autopsy? A Yes sir.

Q Was that performed in the morgue? A Yes sir.

Q By whom? A Dr. Schultze and Dr. Schwartz.

Q And the body upon whom the autopsy was performed in your presence was the same body you saw in the Martinique? A Yes sir

Q Also the same body that you accompanied to the police station? A Yes sir.

BY A JUROR:

Q When you saw the body lying there nude did you notice anything wrong around the neck? A Not then.

Q You saw the entire body lying there? A I did.

BY ANOTHER JUROR:

Q Did the bed look as if it was mussed up, as if there was a fight? A No sir.

Q Everything was in order? A The bed itself-- the body

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was covered with a quilt and a spread.

Q No chairs overturned? A No, everything in order.

BY ANOTHER JUROR:

Q Was the condition of her hair rumpled? A No, her hair was made up as if she didn't take any hairpins from the hair.

BY ANOTHER JUROR:

Q You said she had on stockings and shoes. When you got in the room the body was covered? A Yes sir.

Q With the sheet? A Yes sir.

BY ANOTHER JUROR:

Q What time had elapsed when you saw the body in the morgue and your attention was called to these abrasions on the shoulder from the time you first saw the body? (No reply)

BY MR. TALLEY:

Q You first saw the body at 10:15 in the morning of Friday the 16th? A Yes sir.

Q What time was it on the day you saw the body in the morgue and your attention was called to the abrasions on the cheek? A 11:20 March 17th my attention was called to that by Dr. Schultze.

Q That was Saturday morning? A Yes sir.

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7.
IRENE E. MURRAY, being called and duly sworn as a Witness by
the Foreman, testified as follows:

BY THE FOREMAN:

Q Where do you live? A 211 Clinton Street, Brooklyn.

Q What is your occupation? A I don't do anything.

Q You are living at home? A Yes sir.

BY MR. TALLEY:

Q Miss Murray, with whom do you live at 211 Clinton Street,
Brooklyn? A My uncle, Mr. Hilair.

Q Up to the 15th of March did Mrs. Elsie Lee Hilair reside
there also? A Yes sir, she did.

Q Were you related to her? A Only by marriage.

Q What relationship was that? A She was my uncle's wife.
He was my mother's brother.

Q How long before her decease had you lived with her? A
I lived with her since I was about five years old.

Q Were you living there on the 15th of March 1917? A Yes.

Q Did you see Mrs. Hilair on the morning of the 15th of
March? A Yes sir.

Q What time did you first see her in the morning of that
day? A Was that Thursday morning?

Q Yes? A Around 9:30.

Q Will you describe Mrs. Hilair's appearance? Where did
you see her on that morning? A I went into the bedroom to
her. She was in her bedroom.

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Q In the house on Clinton Street, Brooklyn? A Yes sir.

Q Will you describe generally Mrs. Hilair's appearance, her complexion; is she light or dark? A She was light, very light blonde, and tall, rather slim.

Q Do you identify this picture which I show you as a photograph of Mrs. Hilair? A Yes sir.

(Photograph marked Exhibit 1 in evidence)

Q You first saw Mrs. Hilair on the morning of the 15th, Thursday, at what time? A At about 9:30.

Q Did she leave the house on Thursday morning? A Yes sir.

Q At what time? A I judge about twenty five of ten, because I was only with her a few minutes before she left.

Q Will you tell us how she was dressed at that time? A She had on her gray dress with the beaver collar and cuffs and a large black hat, gray shoes and stockings.

Q What kind of shoes were they? A Soft kid.

Q Were they high laced shoes? A Yes sir.

Q Did she have any furs? A Yes sir; she had on her black sealskin stole.

Q What color were the shoes? A Light gray.

Q Were the furs black furs? A No; she had on a beaver set of collar and cuffs but had her black stole over that.

Q Was that a large black stole? A Yes sir.

Q Did she have any jewelry on her when she left that morning? A Yes sir, all her jewelry.

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9.
Q Describe what jewelry she had on? A Her lavalier with the pearls and a big pin with a brown stone in it surrounded with diamonds and a dinner ring and another five stone ring, a pinkey ring with a large solitaire set with diamonds and her engagement ring.

Q What kind of a ring was the engagement ring? A Solitaire, a green stone ring surrounded with diamonds.

Q After she left the house did you remain there? A Yes sir, I did.

Q Did she have any money with her, if you know, when she left the house? A Yes sir, she had money but I don't know how much.

Q Have you any idea? A Around \$11 maybe.

Q Did she have her handbag? A Yes sir.

Q Describe the handbag? A Dark blue with beads on it, colored beads and with jet on the bottom of it.

Q Before she left the house at about twenty five to ten as you have testified, do you know whether or not the telephone rang? A When she left the house?

Q Before she left the house? A Not before she left the house.

Q You saw her leaving the house about the time you indicate?
A Yes sir.

Q Did you receive a telephone message from her shortly thereafter? A Yes sir.

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Q At what time? A At about 10:30.

Q Did she call you on the telephone? A Yes sir.

Q You went to the telephone? A Yes sir.

Q And had a conversation with her? A Yes sir.

Q After that conversation did Mrs. Wilair come back to the house? A Yes sir.

Q What time did she arrive back? A About twenty five of eleven I guess.

Q Was she dressed as you have described when she returned?
A Yes sir.

Q She had her jewels on? A Yes sir.

Q And her appearance was about the same as when she went out? A Exactly.

Q How long did she remain in the house after her return?
A I guess about half an hour maybe.

Q Did you have anything to eat during that interval? A
Yes sir, we had breakfast.

Q Will you tell us what you had for breakfast? A We had
steak, macaroni, tomato sauce and coffee and rolls.

Q Did Mrs Wilair leave the house that morning? Did she
leave the house again that morning after breakfast? A Yes sir
she did.

Q At what time? A Maybe five or ten minutes of eleven I
guess.

Q When she left the house the second time was she garbed

or dressed the same as you have described? A Yes sir.

Q Did she have the jewelry on as you have indicated when she left the second time? A Yes sir.

Q You say this was about ten minutes to eleven? A Yes sir; I judge it would be. I am not so positive about all the time here.

Q You think it might have been later than ten to eleven? A Yes sir, it could have been. I did not take notice of the time.

Q Could it have been as late as eleven twenty or eleven thirty? A Maybe around eleven twenty.

BY A JUROR:

Q You say ten to eleven. Have you a way that you fix that in your mind? (No reply)

BY MR. TALLEY;

Q How do you fix the time you indicate as between ten to eleven and eleven twenty? A We will say she got back to the house about quarter to eleven at the latest for breakfast that second time. If we started breakfast right then we would be finished easy about five after eleven. Then she got the phone call and she went out to slip on her outside jacket and hat and she went---

Q While she was there after her return, as you have described, did you hear the telephone ring? A No, I did not hear the telephone ring.

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Q Do you know whether or not she went to the telephone?

A Yes sir, she went to the telephone because she came and told me---

Q We don't want to hear what she told you. How did you know she went to the telephone? A Because when she came back she told me she had been down there.

Q That is your only knowledge of her having received a telephone message, is that right? A Yes sir.

Q Tell us in what part of the house the telephone was? A Downstairs on the first floor.

Q Is this a private house? A No, this is an apartment.

Q And the telephone was on the ground floor? A Yes sir.

Q And you were occupying what floor in the house? A The third floor.

Q After Mrs. Hilair left the house as you have described, after having breakfast, when did you see her again? A I did not see her at all after that.

Q Did you see her body? A I saw her body when it was going to be buried.

Q After it had been brought to your home, Clinton Street, Brooklyn? A Yes sir.

Q You saw the body buried? A Yes sir.

Q And it was that of your aunt, Mrs. Hilair? A Yes sir.

Q Do you know a man named Benny Sternberg? A Just by sight.

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Q Had you ever seen him? A Once by sight.

Q How many times? A Once.

Q I show you a photograph and ask you if this is a correct likeness of the man known as Benny Sternberg? A Yes sir.

(Photograph marked Exhibit 2 in evidence)

Q Miss Murray, did Mrs. Hilair, when she left the house the first time, on the morning of Thursday, the 15th, did she have on gloves? A I could not answer that because I don't know.

Q Did she have gloves on the second time she left the house after having breakfast? A I could not answer that; I don't know.

Q How is it you can give us the list of jewelry she had on in the way you have? A Because she always wore it.

Q Are you sure she wore it on that particular morning? A Positive of it.

Q Have you seen it many times? A Yes sir.

Q Were you very familiar with it? A Very.

Q And you know on that day she had on her jewelry? A Yes.

Q And you have described it all? A Yes sir.

BY A JUROR:

Q How do you know she had \$11 in money in her possession?

(No reply).

BY MR. TALLEY:

Q What knowledge have you of the amount of money you tes-

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tified she had when she left the house that morning? A Her husband generally gives her a certain amount and through her husband I found out she must have about \$11 in her purse.

Q Then you don't know of your own knowledge she had \$11 on that morning? A No, I do not.

Q You have identified a photograph as being a likeness of a man named Benny Sternberg? A Yes sir.

Q When did you first see Benny Sternberg? A In the Orpheum Theatre.

Q On what day? A On a Thursday.

Q Was that Thursday, March 8th? A I guess it was.

Q Was it the Thursday preceding the Thursday upon which you last saw Mrs. Hilair alive? A Yes sir.

Q Were you in the Orpheum Theatre with Mrs. Hilair? A Yes.

Q Is that the Orpheum Theatre in Brooklyn? A Yes sir.

Q Where is it located? A It is right above Latimer's corner.

Q Where is that? A Fulton Street, Brooklyn.

Q Was there a performance going on at the time you were there? A Yes sir.

Q Were you in company with Mrs. Hilair? A Yes sir.

Q In what part of the house were you sitting? A We were sitting in the right hand box.

Q Was the man whom you have identified, referred to as Benny Sternberg, was he also in the box? A Yes sir.

Q Will you tell us what you noticed about him and what you

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observed about Mrs. Hilair in the Orpheum Theatre? Was Benny sitting in front of your aunt or behind? A In front of her.

Q Did you see any jewelry on him? A Yes sir.

Q What did you see? A I saw a diamond ring on his pinky.

Q Was it a large or small diamond? A Very large.

Q What happened, if anything, at the intermission of the performance? A I don't believe this happened during the intermission.

Q What did you see subsequently? Was there any conversation between Mrs. Hilair and Benny Sternberg? A Not until they went out to the back of the theatre.

Q What happened there? What did you see? A I turned around to see who she went out to meet and saw her talking to this fellow.

Q The fellow that had been sitting in the box in front of you with the diamond ring? A Yes sir.

Q The same man you described as Benny Sternberg after looking at the photograph which has been shown to you? A Yes sir.

Q How long were Benny and Mrs. Hilair in conversation at the back of the theatre? A I guess about five minutes.

Q This was a vaudeville theatre, the Orpheum? A Yes sir.

Q A vaudeville performance was going on that day? A Yes sir.

Q Were you present with Mrs. Hilair when she bought the tickets for the theatre? A Yes sir.

Q How many tickets did she buy? A Two.

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Q And these two tickets being presented by you to an usher brought you into this box you have described? A Yes sir.

Q And there were other people sitting in the box as you have indicated? A Yes sir.

Q Besides Benny? A Yes sir.

Q How many other people? A Well, maybe about eight.

Q Did Mrs. Hilair introduce you to this man you describe as Benny? A No.

Q Prior to going to the rear of the theatre had she talked with Benny? A No.

Q Did you see her smile at him or he at her? A I did not see anything like that.

Q And you had never seen Benny prior to this day in the Orpheum Theatre? A No.

Q When did you see the man you have indicated as Benny Sternberg after Thursday the 8th of March at the Orpheum Theatre? A When he was brought to the house.

Q When was that? A I don't know.

Q Was it on Monday after your aunt's body was found? A It was one evening. I don't know what evening it was.

Q Do you know whether it was Monday, March 19th? A I don't remember.

Q Was it after your aunt's death? A Yes sir.

Q By whom was he accompanied when he came to your house?

A By some detectives. I don't know who they were.

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Q You know they were members of the police department? A They said they were.

Q They told you they were detectives? A Yes sir.

Q And this man you saw at your house, as you have indicated, with these detectives was the same man that you have described as Benny Sternberg, and that you saw in the box at the Orpheum Theatre, and that you saw in conversation with Mrs. Nilair? A Yes sir.

Q How many people did you say were in this box? A About eight.

Q In what portion of the box was Mrs. Nilair sitting? A We were sitting in the two last seats of the box.

Q And in front of you was who? A I don't know. Between us and Mr. Sternberg was a lot of people.

Q There were several people between you and Mr. Sternberg? A Yes sir.

Q Who was sitting on the outside of the box, you or Mrs. Nilair? A I was.

Q Were there people sitting nearer the stage than Benny Sternberg? A No.

Q He was sitting nearest the stage? A Yes sir.

Q Then there were people in between you and him? A Yes sir.

Q Then you and Mrs. Nilair were sitting in the last seats in the box? A Yes sir.

Q Were you sitting nearer the railing of the box or were you

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on the inside of the box? A I was at the railing of the box.

Q Bearer the people in the orchestra seats? A Yes sir.

Q And Mrs. Hilair was sitting right next to you? A Yes sir

Q Will you, Miss Murray, try and fix a little more definitely the time when you saw Benny Sternberg brought to your house by the detectives? Do you remember when it was that you first learned that your aunt was dead? A Saturday morning.

Q Saturday morning, March 17th; is that right? A Yes sir.

Q Then was it on that Saturday that you saw Benny Sternberg at the house? Do you remember when your aunt's body was brought home? A Yes sir, Monday.

Q Aren't you mistaken about that, Miss Murray? Was the body home on Sunday? I am asking you, Miss Murray, if you can recall when it was your aunt's body was brought back to your house. You recall it is claimed she died on Thursday the 15th. Did you see the body on Friday, the 16th? A No.

Q Did you see it on Saturday, the 17th? A No.

Q Did you see it on Sunday, the 18th? A No.

Q Did you see it on Monday, the 19th? A Yes sir.

Q Was it after your aunt's body had been brought home that you saw Benny Sternberg? A No, it was before.

Q Was it before? A Yes sir; it must have been Sunday night he was down at the house.

Q Or might it have been Monday? A No, it was Sunday night

Q That is your best recollection? A Yes sir.

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Q Do you remember what day your aunt was buried? A Yes sir

Q What day of the week was it? A On Tuesday.

Q And the body had been brought home on the day preceding that, on Monday; is that right? A Yes sir.

Q So that it was only in your house one night? A It wasn't in our house even.

Q Where was it? A Around at the undertaker's.

Q Did you see it in the undertaker's? A Yessir, Monday night.

Q That was the first time you saw it after Mrs. Hilar had died? A Yes sir.

Q Did you ever see the jewelry you described after you saw it on Mrs. Hilair when she left the house on Thursday morning? Have you seen it since that time? A No.

Q Did you see any evidences of recognition or anything pass between Mrs. Hilair and Benny Sternberg in the Orpheum Theatre? A No.

Q Do you know how they got acquainted? A Yes sir.

Q How, tell us? A By flirting.

Q Who did the flirting as far as you observed? A I didn't see that part of it. I didn't know anything about it until she told me she was going out.

Q You never heard of him before this day? A No.

Q Never saw him before this day? A No.

Q Did you leave the theatre with Mrs. Hilair on that

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afternoon? A Yes sir.

Q Did you see her separating or parting from Benny? A Oh no, I did not.

Q Did he accompany you out of the theatre? A No.

Q Did he go with her out of the theatre? A No.

Q Did you see where he went? A No.

Q Did you see anything of him after you saw your aunt and Benny in conversation in the rear of the theatre? A Only when he left the theatre before us.

Q What did you see? Where did he go? A He came out of the box to go out of the theatre.

Q Then you saw him in the back of the theatre? A No. He had to pass us to get out of the box.

Q You say you saw them in conversation in the back of the theatre? A Yes sir.

Q When was that? A That was the first time she flirted with him and they went out. That was during the performance. They walked to the back of the theatre and had a conversation and came back.

Q Was that during the intermission? A No, a little before the intermission.

Q During the performance? A Yes sir. She left the box first and he left after.

Q Did he get up immediately after she left the box? A Yes sir, I think so.

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Q Did you see where they went? A To the back of the theatre.

Q Did you see them talking together in the back of the theatre? A Yes sir.

Q You observed that from where you sat in the box? A Yes.

Q Miss Murray, you have told us that you thought the acquaintance arose as a result of a flirtation? A Yes sir.

Q Did you see anything passing between them in the box that indicated to your mind a flirtation? A No, I did not.

Q Did you see him as he passed Mrs. Hilair in the box? Would you say she left the box first? A Yes sir.

Q Did you see anything pass between them, a smile or anything of that sort, before she left the box? A No.

Q Do you know how it was that after she left the box he followed her during the performance? A She must have given him some sign to follow.

Q Did you see any signs pass between them? A No.

Q The first thing you observed as to these two persons being acquainted with each other was when you observed them talking in the rear of the theatre; is that right? A I asked her where she was going and she said---

Q I don't want to know that. The first evidences of any acquaintance between them was when you saw them in the rear of the theatre standing together; is that correct? A Yes sir.

Q During the performance, after they resumed their seats,

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did you see Benny look back at Mrs. Hilair? A I noticed him on account of the ring he had on his finger. He was sitting this way (indicating). That is the first time I noticed him.

Q Do you know whether Mrs. Hilair noticed that or not? A Yes, she noticed it because she told me of it.

Q When you were in the box together did you see Benny turn around and look at her or look at you? A No; I didn't notice that at all. I only noticed his position and the ring on his finger.

Q Did Mrs. Hilair have any scars upon her face? A No.

Q From where you sat in your box could you see the rear of the theatre? A Yes sir.

Q How much of the rear could you see? A Only where the drinking stand is, that is all.

Q Where is the drinking stand? A In the rear of the theatre at the right hand corner.

Q You were in the last seat in the box? A Yes sir.

Q And if you turned around could you see all the orchestra of the theatre? A Yes sir.

Q On what side of the box with respect to the stage, on what side of the box with respect to the stage, assuming that you are facing the stage, on what side of the theatre was the box in which you and Mrs. Hilair were sitting? A You mean coming in the theatre?

Q Yes? A It was at the right hand side.

Q In what portion of the rear of the theatre was Mrs. Hilair

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and Benny standing in conversation when you saw them? A ²³ The right hand side.

Q And you had a clear view of them from where you were? A Just at the drinking stand and as he walked out there and they started to speak.

Q Who came back first, Bennie or Mrs. Hilair, after this conversation that you saw? A Mrs. Hilair.

Q How long after she returned was it before Benny returned? A Only a few minutes.

Q After the conversation that you saw take place, Mrs. Hilair returned to the box first did she? A Yes sir.

Q And then in order to get to his seat Benny Sternberg had to pass her? A Yes sir.

Q Did you see any signs of recognition or any other sign pass between them as he went by her to his seat? A No.

Q When you came into the theatre first was Benny Sternberg in the box? A I guess he was. I could not answer that.

Q You mean you don't know? A I didn't pay any attention whether he was or not.

Q When was your attention first attracted to him? A When I saw the ring on his finger.

Q You described that as a large solitaire diamond ring, is that right? A Yes sir.

Q A single stone? A Yes sir.

Q After the intermission and after Mrs. Hilair and Benny

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had returned to the box, was there any conversation or did anything pass between them during the remainder of the performance?

A When he passed out he smiled at her.

Q When was that? A At the end of the performance.

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D R. O T T O H. S C H U L T Z E, being called and duly sworn as a Witness by the Foreman, testified as follows:

BY THE FOREMAN:

Q What is your occupation? A Physician; at present medical assistant to the District Attorney of New York County.

BY MR. TALLEY:

Q You have been practicing medicine a good many years in this City? A Yes sir.

Q And have been making autopsies of a great many bodies?

A I have.

Q On Friday the 16th of March 1917 did you see a body of a woman at the Hotel Martinique in this City? A No sir.

Q Did you see on any day of that week a body of a woman at the Martinique? A I did not.

Q Did you ever see the body that was identified to you as being that of Mrs. Elsie Lee Hilair? A I saw the body at the morgue Saturday morning following, March 17th, of a woman who was identified as the same body that was seen by Officer Frank Schmitt in room 726 at the Hotel Martinique the previous day.

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Q Who identified that body to you? A Officer Frank Schmitt of the 23rd Precinct.

Q What time did you see the body in the morgue? A At 9:30 in the morning.

Q Did anyone identify the body to you as being that of Mrs. Elsie Hilair? A No; that identification was made after I left the morgue.

Q Did you perform an autopsy on the body? A I did.

Q Will you tell us whether the body was that of a woman?

A It was.

Q Light or dark complexion? A Light complexion, blue eyes

Q Would you describe her as a blonde? A She would be described as a blonde with hair that was evidently made lighter by the use of some chemical, with a lightblonde false switch. The hair at the scalp was dark blonde.

Q Will you describe exactly what you saw and what you found there as a result of your examination and autopsy? A The face and neck of the body were deep blue in color, both eyeballs were prominent, there were hemorrhages of the whites of the eyes, the lids were dark and brown from drying, across the front of the neck there was a mark two and a half inches in length that was dry and reddish brown in color. It extended from one inch to the left of the middle line to one and a half inches to the right of the middle line. It was two and a half inches over all. The width of the mark on the left side was quarter of an

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inch and on the right side increased to three-eighths of an inch in width. This mark was depressed one-eighth of an inch below the level of the rest of the skin of the neck. The mark coincided with the normal fold of the neck between the neck and the part that goes towards the chin. There were scratch marks, seven or eight in number, on the left side of the neck, on the left side of the chin, the front of the chin, and there was a mark on the right side of the neck.

The dissection of the brain showed congestion of the brain. In the scalp there were numerous hemorrhages. In the right frontal sinus, the hollow part of the bone of the skull, there were hemorrhages. In the right middle ear there was a hemorrhage. Back of the right eyeball there was a hemorrhage. The parts of the neck on being dissected showed complete compression of the root of the tongue against the epiglottis, which is the covering of the opening to the windpipe, pressing that cover of the opening of the windpipe directly back against the back part of the gullet.

The rest of the organs showed the result of asphyxiation by strangulation.

Q In your opinion, doctor, what was the cause of death of this woman whose body you examined? A Strangulation.

Q Did you make any examination which would indicate to your mind, in your opinion, whether or not she had had intercourse? A Yes sir. I examined the vaginal secretion and found spermatozoa, which indicated the presence of semen in the vagina.

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BY A JUROR:

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Q Was the spermatozoon alive? A No, that is they did not move.

Q Did you have them under the microscope? A Yes sir.

BY MR. TALLEY:

Q Was there anything about the ears or the fingers of the deceased which indicated to you anything with respect to the forcible removal of jewelry? A There was no injury or scratch mark on the ears or on the fingers or arms or any other portion of the body.

Q Did you find any menstrual blood in the vagina? A No; there was no blood whatever in the vagina and the lining of the uterus was thickened as it is just immediately previous to menstruation. There was no hemorrhage in the lining of the uterus. A gravine follicle in the ovary had ruptured. The woman was going to menstruate in a very short time."

BY MR. TALLEY:

Q When you say death in your opinion was due to strangulation, you mean due to forcible external strangulation? A Undoubtedly strangled by compression of the neck.

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GEORGE E. DOWDEN, being called and duly sworn as
a Witness by the Foreman, testified as follows:

BY THE FOREMAN:

Q Where do you live? A 311 West 48th Street.

Q What is your business? A Clerk, Hotel Martinique.

BY MR. TALLEY:

Q Are you known as registration clerk in the Martinique?

A Yes sir, I act as that sometime.

Q Were you on the desk in the afternoon of Thursday, March 15th? A Yes sir, I was.

Q Did you see a woman there who registered in the hotel register as Florence Gray? A I did.

Q Did you assign her to a room? A Yes sir.

Q What room did you assign her to? A Room 726.

Q Did she indicate on the register her residence, where she came from? A Simply Boston.

Q Room 726 is on what floor of the Martinique? A Seventh floor.

Q Did you have any conversation with her? A Yes sir.

Q Just describe to us how the Martinique runs. Does it run from 32nd to 33rd Streets? A Yes sir.

Q Along the entire length of the block on Broadway? A Yes sir.

Q And this room was on the Broadway side on 32nd Street?
A Almost on the corner.

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Q Almost on the corner of Broadway and 32nd Street? A Yes sir; just one door away from the corner.

BY THE FOREMAN:

Q Which way from the corner, east, north or south? A To the right, between 32nd and 33rd-- what is that, south-- to the right of 32nd on Broadway.

BY MR. TALLEY:

Q Does the room overlook Broadway or 32nd Street? A Broadway

Q How many windows in the room? A One window.

Q Does that window face Broadway? A Yes sir.

Q Will you describe the appearance of the woman who registered as Florence Gray ? A She seemed to be a woman between thirty five and forty years of age, about five feet six or seven I judge, rather fair.

Q Would you call her a blonde woman? A Yes sir.

Q Did you notice how she was dressed? A Yes sir. She had gray clothes on as far as I can remember, a suit it was.

Q Any furs? A Yes sir, trimmed with fur.

Q Any furs around her neck? A I noticed a stole around her neck. I could not see a muff.

Q A large black stole? A Yes sir.

Q What kind of a hat? A Large black hat.

Q What did you discover with respect to jewelry? A I noticed one ring on her finger.

Q When she came to the desk did she have gloves on? A She didn't have the right glove on. I didn't see the left hand.

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Q Did you see her sign the register? A Yes sir.

Q On the hand she used to sign the register tell us what you discovered with respect to a ring? A She had one three-stone ring on her finger.

Q Only one? A That is the only one I remember.

Q Anything particular about that ring you observed? A It was the size of the stone attracted my attention.

Q A large stone? A Yes sir.

Q Three diamonds? A Yes sir.

Q I show you a photograph marked in evidence and ask you if you identify that as a true likeness of the woman you have just described? A Yes sir, absolutely.

Q I ask you to look at this book that is handed to you and tell us what that book is? A This is one of the registers in the hotel.

Q I ask you to look at the page indicating arrivals at the hotel on Thursday, March 15th, and tell us if you find there the name of Florence Gray? A Yes sir; the second from the bottom.

Q Is the page numbered on which you are indicating that?
A No; the page is not numbered.

Q How is the page indicated there? A Just by the date.

(Entry marked Exhibit 3 in evidence)

Q Can you tell us at what time the woman who registered as Florence Gray made the entry in the register that you have indicated? A Not the exact minute but I judge any time between one and one twenty.

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Q Did you make an entry as to the time in the book? A
No sir. We don't do that but stamp the typewritten name and
that is stamped one twenty. It was not more than ten minutes
between her registering.

Q So that you are able to indicate the time she came there
was some time between one and one twenty on the afternoon of
Thursday, March 15th? A Yes sir.

Q How much of the entry that appears on that page of the
register is in the handwriting of this woman? A Just her
signature and Boston.

Q How does it read? A Mrs. Florence Gray, Boston.

Q Is the entry as to the room in your handwriting? A Yes sir.

Q That is what? A 726.

Q What other entries appear? A In the rate column is the
figure 8, which divided by 2 means \$4. That is the rate.
Also "pd." meaning, paid in advance.

Q Did the woman have any baggage with her? A No.

Q Was the amount of the room paid in advance? A Yes sir.

Q After the register entry was made as you have described,
what did you do with respect to this woman? Did you call a
bellboy? A Yes sir.

Q Give him any instructions? A Handed him the key.

Q. Key to room 726? A Exactly.

Q Then did the woman leave the desk? A Yes sir.

Q After you handed the hallboy the key she left the desk?

A Immediately.

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Q When did you next see her? A I have never seen the woman since.

Q Have you described all the jewelry you saw on her person?
A Yes sir, absolutely.

Q What was the name of the hallboy that you summoned? A
The first name is Emil. The last name is a peculiar name.

Q Is it Emil Brackensieck? A Yes sir.

Q Was it to that boy you handed the key? A Yes sir.

Q You have testified about seeing her sign the register with an ungloved hand? A Yes sir.

Q That was the right hand? A Yes sir.

Q Did you see whether she had anything in her left hand?
A No; I did not notice her left hand.

Q Did you notice whether she carried a purse or bag? A
The purse was on the desk.

Q What kind of a purse was it? A As far as I remember, a dark colored bead purse.

Q Made of cloth? A I presume so.

Q With a cord on it? A I suppose the usual run of that sort of purse.

Q Would you call it a purse or bag? A Bag.

Q Did you give her anything that was known as an outfit?
A Yes sir, I did.

Q Just tell us what that is? A The outfit--- the only thing we gave her was a lady's nightrobe done up in paper.

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Q Is that known as an hotel outfit? A Yes sir.

Q To whom is that outfit generally given in the Martinique?

A To those registering without baggage.

Q Did you give this outfit to this woman or to the boy? A To the boy.

Q You don't ordinarily volunteer to give this outfit to people who come to the hotel, do you? A No, not unless they are without baggage.

Q And usually on the request of the person registering; is that right? A Frequently we have requests for them.

Q Is it not your practice to give the outfit only on request or upon information being conveyed to you that the arrival is without baggage? A Exactly.

Q I think you testified this woman had no baggage? A No baggage whatever.

Q After she arrived there did anyone inquire from you about this woman? A No sir.

Q Do you know whether she had any visitors or not while she was at the Martinique? A Not to my knowledge.

Q You testified she paid in advance for this room? A Yes

Q Where did she get the money? A From her purse.

Q Then you saw her use her left hand? A What I meant that I did not see her use her left hand, I did not take particular notice of the left hand.

Q Did you see her put her hand in the purse or bag that

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you have described and take therefrom some money? A Yes sir.

Q Did she give you \$4 in even change? A No; she gave me a \$5 bill.

Q And that money was taken from the bag that you say was lying on the desk? A Yes sir.

Q Did you see how she took that money out? Did she separate it from any other bills, or was it a single bill, or did you see anything in relation to the money? A No; I did not see any other money but this bill. It was folded up when handed to me.

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EMIL BRACKEN SIECK, being called and duly sworn
as a Witness by the Foreman, testified as follows:

BY THE FOREMAN:

Q What is your business? A Bellboy.

Q Where? A Martinique Hotel.

BY MR. TALLEY:

Q Were you employed as a bellboy at the Martinique on Thursday, March 15th? A Yes sir.

Q Were you there in the afternoon of that day? A Yes sir.

Q Give us your address? A 602 Tenth Avenue.

Q New York City? A Yes sir.

Q Did you receive a key from anyone in the office or at the desk of the hotel for room 726? A Yes sir.

Q Did you escort anyone to that room? A A lady, yes sir.

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Q Do you know what time that was? A I am not certain; some time between one and one thirty. I am not sure as to the minute.

Q I ask you to look at this photograph and tell us if that is a correct likeness of the woman you escorted to that room?

A She wasn't dressed like this.

Q Do you recognize that as a correct likeness of the woman's face? A Yes sir.

Q Would you say that was a photograph of the same woman?

A Yes sir.

Q Did you go up on the elevator with her? A Yes sir.

Q Did you observe whether she had any baggage or not? A She had no baggage.

Q Did you carry what is known as an hotel outfit up there and leave it in her room? A Yes sir.

Q When you got to the room was the door locked or open?

A Locked.

Q What did you do? A Unlocked the door.

Q Did you leave the key in the door? A No; I took the key out and put the key on the inside. I am not sure whether I set it on the small desk where the phone is or on the dresser

Q You set the key on the inside of the room? A Yes sir.

Q What did you do when you went in the room? A Switched on the lights first.

Q Which light did you switch on? A On the right hand as you go in.

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Q On the right hand side of the door? A Yes sir.

Q Did this woman follow you into the room? A I let her step in first.

Q Then what did you do, turn up the light? A Yes sir.

Q What else did you do? A Set the outfit on the dresser there and asked her if there was anything she wanted; inspected the room first and asked her if everything was all right.

Q Did you go into the bathroom? A Yes sir.

Q Did you find the bathroom in order, towels in place and everything clean? A Yes sir.

Q Did you find the bedroom in order likewise? A Yes sir.

Q Everything in order there? A Yes sir.

Q After you fixed up the room did you leave? A Yes sir.

Q Did you receive any tip from this woman? A Yes sir.

Q What did she give you? A Twenty cents.

Q Did she give you a quarter? A Yes sir.

Q Did you give her change? A Yes sir.

Q Then did she give you any money? A Gave me two dimes.

Q From where did she get the quarter that she gave you originally? A Out of a small purse.

Q Were her hands gloved or ungloved when she gave you the money? A Ungloved.

Q Both of them? A As far as I remember.

Q What did you observe about her hands? A A good many rings on her fingers.

Q What kind of rings? A I am no judge of jewelry but they

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looked all right to me.

Q Do you mean they looked like diamonds? A Yes sir.

Q Were there many of them? A Yes sir; her hand was pretty well covered with them.

Q And you observed that while she was getting the tip out of her bag; is that right? A Yes sir.

Q Tell us how the woman was dressed? A She had a gray silk or satin dress on, kind of large dark hat, black hat. I didn't notice the color of her shoes.

Q Notice anything in respect to furs? A I didn't take any notice of that.

Q Do you know whether she had any furs on or not? A I couldn't say that.

Q After you received the tip did you go back to the main floor of the hotel? A Yes sir.

Q When did you see this woman again? A I never saw her again.

Q Did you ever see her body again? A No sir.

Q You are familiar with this room, are you not? A Yes sir

Q Will you tell us how the lights of the room are arranged-- one light on the right hand side of the door as you enter? A Yes

Q Is there a dresser in the room? A Yes sir.

Q Where is the dresser located with respect to the window facing Broadway? A It is right alongside of the window, right on the left hand of the window.

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Q Are there any electric lights near the dresser? A A light on either side of the mirror of the dresser.

Q That is three lights you have described. Any other lights? A A light in the bathroom, but I never bothered with that.

Q You have told us all the lights that were in the bedroom? A I just switched on one light that is above there.

Q How many lights are there in the bedroom--- two over the dresser? A Yes sir.

Q One on the right hand side of the door. Is there any other? Is there a ceiling light? A That is the one I switched on.

Q These are all switched on from a button in the wall that turns on all the lights in the room? A No; just turns on the ceiling light.

Q Only the ceiling light? A Yes sir.

Q In addition to that ceiling light there is a light over the dresser and a light on the right hand side of the door? A Yes sir.

Q We have asked you about the light on the right hand side of the door. You said there was one there. Did you mean there was a fixture there or a press button there? A The switch button.

Q There is no fixture on the right hand side of the door; is that right, with a lamp in it? A No sir.

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Q You say you switched on the light when you went in the room? A Yes sir.

Q This was between one and one twenty in the afternoon?

A Between one and one thirty.

Q Were the shades down? A About half ways as I remember.

Q What color is the shade? A The outer one is white and the inside one is dark green.

Q Are there any curtains on the window? A I never noticed whether there were any lace curtains up or not.

Q You don't know whether they were there on that day or not? A No.

Q Was the room in darkness or half darkness when you went in? A It was a fairly good light in there at that hour.

Q Why did you turn on the light? A I don't know. I guess just the natural habit of trying it out anyway.

Q Room 726 is on the Broadway and 32nd Street corner of the hotel, is it not, or near the corner? A Right near the corner.

Q Where is it with respect to the elevators of the hotel?

A It is on the right of the elevators as you step out.

Q Is there an elevator on the 32nd Street side of the hotel?

A There is three elevators on the 32nd Street side.

Q Did you go up with this woman in one of those 32nd Street elevators? A Yes sir.

Q When you got out of the elevator, which way did you have

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to turn to go to room 726? A Right hand.

Q How far approximately do you have to walk from the elevator to get to this room? A That is a very short distance, probably from here to where you are at the moment.

Q To where the foreman of the jury sits? A About that.

Q When you get there that would be the end of the hall, wouldn't it? A The hall turns there and runs across.

Q When you go, as you have described, from the elevator to where the foreman of the grand jury sits, would that bring you to room 726? A Yes sir.

Q Then there is a turn in the hall? A Yes sir, turn on your right.

Q If you walk straight from the elevator you walk right into 726 without making any turn? A Yes sir, directly into the room.

Q Ordinarily is there an elevator man at the elevator? A Yes sir, an elevator starter.

Q Does he ordinarily stand in a position where he can see anyone going up or down in that elevator? A He should, yes sir.

Q What is the elevator man's name who was on duty on Thursday, the 15th, if you know? A Mr. McCue.

Q What is his first name? A I don't know.

Q What floor is room 726 on? A Seventh floor.

Q You have told us, I think, the elevator is on the 32nd Street side of the hotel? A Yes sir.

Q Are there elevators on the 33rd Street side? A Yes sir.

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Q How many? A Two elevators.

Q Could anyone reach room 726 by coming up the elevators on the 33rd Street side of the hotel? A Yes sir.

Q Are there any stairways running up on the 33rd Street side of the building? A Yes sir.

Q Is there a staircase running up on the 32nd Street side of the hotel? A Yes sir.

Q And by either of these staircases or by any of these five elevators that you have described, anyone could reach room 726? A Yes sir.

Q Where are the stairs with respect to the elevators at the main floor of the hotel? A What side-- 32nd or 33rd?

Q We will talk of the 32nd Street side? A The stairway is in front of the elevator there.

Q Would you say the stairway was opposite the elevator? A Yes sir.

Q The hall comes between the elevator and the staircase, that is one of the main halls or corridors of the hotel? A Yes sir.

Q Ordinarily is there an attendant, an employee of the hotel, stationed on each floor of the hotel? A No sir.

Q There are maids stationed on each floor of the hotel, are there not? A I don't know, not certain about that. They have station on the eighth floor after a certain hour and an assistant housekeeper takes all the orders from there.

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Q There is no what is called floor service in the Marti-
nique? A There is a waiter floor service.

Q There is no one stationed all the time on one floor? A
On these particular floors where stations are there are waiters
until 12:30 in the evening.

Q A waiter on the eighth floor for service? A Yes sir.

Q He is stationed on the eighth floor? A Yes sir.

Q And if anyone wanted a waiter, anyone occupying a room
on the seventh floor, the waiter would come from the eighth
floor? A That isn't always certain. If that waiter was busy
they would give it to another waiter on a different station. I
wouldn't be sure of that.

Q You told us the doorman in the hotel around the 15th of
March was a man named McGue. Has he a regular station that he
occupies by the elevators? A It is a very short space there.

Q He is ordinarily in that space beside the elevators? A
Yes sir.

Q And from where he stands could a man get a view of the
staircase that you have described as opposite the elevators?
A Yes sir, he stands right alongside of it.

Q The Martinique runs from 32nd Street to 33rd Street? A
Yes sir.

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SALOME PETIT, being called and duly sworn as a Witness by the Foreman, testified as follows:

BY THE FOREMAN:

Q Where do you live? A 353 West 44th Street.

Q What is your business? A I am a maid in the Martinique.

BY MR. TALLEY:

Q How long have you been employed in the Martinique? A About four months.

Q Were you employed as a maid there on the 15th of March last? A Yes sir.

Q On what floor were you employed? A The seventh floor.

Q On that day did you see a woman who occupied room 726? A Yes sir, I did.

Q What time of the day did you see her? A I haven't seen the woman alive, but I made the room ready. A party went out and I made the room ready. When I came back it was about nearly one o'clock. I opened the room and looked and saw the room was re-occupied but I did not see the person. The person was out. So I closed the door and went away.

Q On Thursday you made up the room after a guest had departed; is that right? A Next morning.

Q No, on Thursday the 15th of March you made up room 726 on that morning, did you? A That was next day the woman was in

Q I am asking you about what you did on Thursday, March 15th. Were you in that room? A I cleaned the room, fixed

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the room up to be ready for another party.

Q When did you do that, on Thursday? A Yes sir.

Q That is what I want to know. What time did you fix the room up on Thursday? A That was before twelve o'clock.

Q Before twelve o'clock noon? A Yes sir.

Q When you fixed the room up did you leave it in perfect order? A Yes sir, I did.

Q Did you leave the bathroom clean? A Everything clean.

Q The bed made up and everything in order? A Yes sir.

Q Then what time was it you say you came back and found the room occupied? A That was, it must be near one o'clock, between twelve and one.

Q Are you sure it was between twelve and one? A I am not quite sure, but it was around that time. Must be about one or after one.

Q Did you open the door? A Yes sir.

Q Did you have a pass key? A Yes sir.

Q You say you saw the room was occupied? A Yes sir.

Q What was there that indicated to you it was occupied at that time? A I simply looked in the room. I didn't go in the room. I looked at the bureau and saw a little handbag. I did not see it near but as far as I seen it was a woman in the room.

Q You saw a woman's hand bag? A Yes sir.

Q Did you see anything else that would be used by a woman besides the hand bag? A No. I did not see anything else

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and I thought maybe the woman is in the bathroom, but I didn't hear anything and I thought the woman wasn't in the room.

Q Did you go in the bathroom? A No, not at that time. I thought no one in the bathroom because I didn't hear anything

Q Was the door of the bathroom open when you looked in?
A Yes sir.

Q Did you see an hotel outfit on the bureau or any other place when you looked in? A Not at that time.

Q All you saw was the bag? A Yes sir.

Q And you heard no sound? A No.

Q Why did you go and look in the room at that time? A As a rule we open the door again and look in the rooms to see they are all right. I just opened the door and looked.

Q Is that the usual thing all the maids do to look in the rooms occasionally to see if they need attention? A Yes sir; sometimes there is something missing in the room.

Q How many floors in that hotel were you working on about the 15th of this month? Did you make up any rooms on any floor besides the seventh floor? A Yes sir, only the seventh floor. I have from number eleven to number thirty to make up.

Q You have charge of a certain number of rooms there? A Yes sir.

Q Which rooms did you have charge of-- rooms on the 32nd Street side? A Yes, towards Broadway.

Q What numbers did they run from? A From number eleven---

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Q From 711? A 711 to 730.

Q All of these rooms are under your charge; is that correct? A Yes sir.

Q How much of the time were you on the seventh floor on the 32nd Street side on Thursday the 15th of March; were you there all afternoon? A I was there until four o'clock in the afternoon.

Q Then where did you go? A Then we left the floor and go to the room upstairs.

Q What time did you leave the hotel after your work was finished at four o'clock? A I went home that afternoon. It was past five o'clock.

Q When did you return to the hotel? A I came back next morning.

Q What time? A I had to be on the floor at eight o'clock.

Q Were you near to room 726 at any time on the morning of Friday the 16th of March? A No sir, no one called me.

Q Were you near there? Did you go there? A I went there about eight o'clock in the morning.

Q At eight o'clock in the morning you went to room 726?
A I went to all the rooms.

Q Did you go to room 726? A Yes sir.

Q Did you open the door? A Yes sir.

Q Did you go in the room? A No; I opened the door and saw the room was still occupied and closed the door.

Q What was there that indicated to you it was still occupied

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What did you see? A I simply saw some clothes there but didn't look particularly.

Q Did you see anyone occupying the bed? A No, I didn't look at the bed. The bed was behind the door and I didn't go in the room.

Q You opened the door and looked in the room? A Yes sir.

Q And you saw some clothes there? A Yes sir.

Q Describe exactly the clothes that you saw and how they were lying about or where they were? A I saw that afterwards, the second time I came in.

Q The first time you looked in what did you see; did you see a woman's clothes there? A Yes sir.

Q Did you see any man's clothes there? A No.

Q Where were the woman's clothes you observed? A The corset was on the big armchair with the underclothes on it.

Q Where was the armchair? A Up by the window towards Broadway.

Q Was that near the door of the bathroom? A Yes sir.

Q Could you see the door of the bathroom when you first looked in? A Yes sir, it was open.

Q Was anything on the door? A Her clothes were on that door.

Q You saw a dress hanging there? A Yes sir.

Q Anything else? A The dress and everything was hanging on that door.

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Q Neatly on the door? A Yes sir.

Q Did you notice the color of the dress? A Light gray.

Q Notice any furs there? A She had only a long stole.

Q Was that black in color? A No; I think it was brownish.

Q As you look in on entering the bedroom how does the bathroom door swing, into the bedroom or into the bathroom? A It swings into the bedroom.

Q That is, you pull the bathroom door towards you to enter it from the bedroom? A Yes sir.

Q After you observed these things you shut the door without going into the room; is that correct? A Yes sir.

Q When did you go back to that room? A I went back about quarter to ten.

Q On Friday morning? A Yes sir.

Q What did you do then? A I simply went to see if I could make the room up. I knocked at the door, no answer. I opened with my passkey and went in the room. It seems to me I had to go in that room. Something told me to go to this room, so I went. I went through the room and said "Someone in", no answer. The bed was away on the wall behind the door. I didn't look there. I went through the room and went in the bathroom. I said "Anyone in here." and then went in the bathroom and looked in and then the bathroom was in terrible condition.

Q Tell us exactly what condition it was in. Describe it very completely? A I looked in the basin and there were two

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soiled towels sticking in the basin, no water in, and the bath mat and everything in the bathroom was in bad condition. Two bath towels in the tub.

Q What did you notice about the bathroom mat? A As a rule it lies straight on the floor. It was everything upset.

Q Everything was mixed up and upset? A Yes sir.

Q Did you observe whether there were any stains on the towels in the basin? A Yes sir. The under towel-- there were two in it-- the under towel was full of blood.

Q The under towel of the two was stained with blood? A Yes /

Q Was there any mark on the upper towel? A No., not on the upper.

Q And these were both in the basin in which there was no water? A Yes sir.

Q There were two bath towels in the bath tub? A Yes sir.

Q Did you notice their condition? A No. I did not see any blood on them.

Q Did they look as though used; were they soiled? A Yes. /

Q And the bath mat was crooked? A Yes sir.

Q Notice anything else about the bath mat? A No, that was all.

Q Then did you leave the bathroom and come to the bedroom?
A Yes sir.

Q Tell us what you saw there? A I thought to myself it is strange a woman has such a disorderly bathroom and I went out.. I came back to the room---

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Q Back into the bedroom? A Yes sir.

Q Will you tell us what you observed in the bedroom? A I came out of the bathroom and looked at the big armchair and saw a corset hanging and her drawers. I said to myself it must be someone here in this room because her corset is here. Then I went to the bed. You couldn't see someone in the bed at all. The pillows were that way and everything was upset. You could not see anyone in the bed. I went near the bed and I saw a nude body, the side of the body. I took the covers off a little and saw the woman lying there nude. Then I covered her and I didn't want to see any more. Her pillow was the long way on her face.

Q Was the pillow lying lengthwise covering her face? A Yes sir.

Q Then the lower part of her body, was that covered with anything? A Yes sir, some covers, some bedclothes.

Q When you took the bedclothing off you didn't disturb the pillow did you? A No.

Q Then you saw it was the nude body of a woman? A Yes sir

Q Did you note whether the body had any shoes or stockings on? A I did not see that.

Q Did you notice how the hands were placed? A I noticed that afterwards?

Q I am speaking now of the first time you saw this body in the bed? A Yes sir.

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Q The first time you went in the room you didn't observe whether anyone was in the bed or not, did you? A No.

Q It wasn't until you came out of the bedroom you went over to the bed and then discovered this body? A Yes sir.

Q And the body was entirely covered when you saw it; is that right? A Not entirely. You could see the side, a space like that (indicating).

Q Where was the side on which you could see the skin facing? A It was on the right side.

Q Was that facing towards the wall of the room or towards the door? A It was the right side, that way (indicating) towards the door, towards the room.

Q Was the body lying on the back? A Yes sir.

Q Was it lying straight along the bed as one would sleep in bed or stretched across the bed? A No, the long way.

Q You mean, stretched across the bed? A No.

Q Stretched in the position in which one would ordinarily sleep? A Yes sir, in a funny position.

Q What kind of a funny position? A She had her legs away out like that (indicating).

Q Would you say an unnatural position? A Yes sir.

Q The legs were extended? A Yes sir.

Q Far apart? A Yes sir.

Q This bed is against the wall of the room, is it not? A Yes sir; she was lying pretty near to the wall.

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Q She was lying nearer the wall than she was to the outside of the bed? A Yes sir.

Q Is it a double or single bed? A Double wooden bed.

Q Did you notice at that time, the face of the woman? A No sir, not at that time.. I left the pillow on her face.

Q Did you leave the room then? A Yes sir and called Miss Garrison.

Q Who is Miss Garrison? A The second housekeeper.

Q You brought her back to the room with you? A Yes sir.

Q Where did you go to get Miss Garrison? A I went back to the floor and met her on the seventh floor and she wanted to go upstairs and I called her and she came immediately and we both went to the room.

Q You were only out of the room a few seconds before you met Miss Garrison? A Yes sir.

Q And no one entered the room from the time you left it until you came back with Miss Garrison? A No.

Q What did you do when you came back with her? A I told her to come to this room, something has happened. I didn't want to do everything and she came with me. We went to the room and she called the woman, maybe she is asleep. No answer. Then she took the pillow off the face

Q Did you see whether or not the hair was light or dark?
A The hair was light.

Q What did you observe about the face, any marks on it or

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on the neck? A No, we did not see that. I simply saw her face was bloody down here (indicating).

Q Around her mouth? A Yes sir.

Q Were there any marks or stains on the bed clothing or on the pillows? A Oh yes sir, the pillow was full of blood.

Q The pillow that had been on her face? A Yes sir, and the end of the pillow was full of blood.

Q Were there marks on the other pillow? A The other pillow was lying across her.

Q But this pillow lying on her face was lying lengthwise covering her head and part of her breast? A Yes sir.

Q Did you notice when the pillow was taken off the face the position her hands were in? A Yes sir.

Q Tell us how they were? A She was about on the back; the left hand she had it that way (indicating).

Q Up towards her left shoulder? A Yes sir, and the right hand was lying down.

Q The right hand was away from her body on the right hand side of the body? A Yes sir.

Q Did you notice whether she had any rings on, any jewelry?
A She had only the marriage ring on.

Q Did you notice any diamond rings at all? A No.

Q You know she had none on her fingers when you saw the body? A No; she had a little bracelet on, that's all.

Q When you went to the room the first time at eight o'clock

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was the door locked or unlocked? A The door was locked with
the lock from the door from the outside.

Q Would you say the spring lock? A Yes sir.

Q Do you know what became of the key to room 726? A Yes
sir, the key was lying on the bureau when I came in the room.

Q Was the key lying on the bureau when you looked into the
room at eight o'clock Friday morning? A I didn't see it.

Q When did you see the key lying on the bureau? A When
we came in.

Q With Miss Garrison? A No, when the doctor came up.

Q When he came up you saw the key lying on the bureau? A
Yes sir.

Q Will you tell us how the lock and the keys operate on
that door? A There is a key you take the opposite way to go
in the room, turn on the left side.

Q To get in the room, to open the door if it is locked, you
turn the key to the left? A Yes sir.

Q And when you get in the room if you want to lock the door
what would you do? A You can slam the door, but there is a
night lock on the door. On every door is a night lock and a
little knob. When you turn that knob inside no one can come in
with the key. That is the night lock.

Q But you got in with your key when you entered that morn-
ing? A Yes sir.

Q Do you know what a spring lock is? A Yes sir.

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Q Is there such a lock on this door? A There is a spring lock, but lots of people ask me if they can't fix the door, push the knob in to get in without a key. I said "No, you can't. It is a spring lock. When it is locked you have to get a key to get in."

Q If you come out of the room and slam the door behind you the door will lock and you could not get into that room again without using a key? A No.

Q And if having entered the room you desire to lock the door so that no one could get in without a key you turn the little knob on the side of the lock? A Yes sir.

Q Going back to Thursday, the 15th, Miss Petit, you say that you were in there around one o'clock? A Yes sir, about that time.

Q And you say the room was empty, saw a lady's purse there? A Yes sir.

Q Then you left the hotel at four o'clock? A Left that floor at four.

Q Between the time you looked in the room around one o'clock and the time you left the floor off duty, you did not go back to that room? A I did not go.

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S U S A N G I L R O Y, being called and duly sworn as a
Witness by the Foreman, testified as follows:

BY THE FOREMAN:

Q Where do you live? A Martinique Hotel.

Q What is your business there? A Chambermaid.

(Hearing adjourned)

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(Hearing continued) March 29th, 1917.

S U S A N G I L R O Y, re-called, testified as follows:

BY MR. TALLEY:

Q You are employed as a maid in the Hotel Martinique? A
Yes sir.

Q And you were there on Thursday, the 15th of March? A
Yes sir.

Q And on that day did you see a woman who has been referred
to as Mrs. Hilair? A Yes sir.

Q I show you a photograph, which has been marked Exhibit 1
in evidence, and ask you if that is a correct likeness of the
woman whom you saw and has been referred to as Mrs. Hilair? A
Yes sir, but she was dressed differently.

Q But this photograph appears to be a correct likeness of
the woman you are referring to? A Yes sir, but dressed
different.

Q Did you see her on Thursday, the 15th of March? A She
was coming out of room 726.

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Q When was that? A I couldn't say the exact time, somewhere between one and two o'clock.

Q Was it on Thursday? A Yes sir.

Q On the 15th of March? A Yes sir.

Q Between one and two in the afternoon? A Yes sir.

Q Were you engaged in doing your work on that floor at that time? A Yes sir. I was coming out of one of the rooms.

Q Did you see her come out of 726? A Yes sir, I saw her close the door.

Q How was she dressed? A Light skirt and some black piece of fur--- I didn't take much notice of the lady---- round her neck. She had light shoes, light tops, I don't know whether of white. They were high laced shoes.

Q Any hat on? A She had a black sailor hat.

Q Any ornament or decorations on the hat? A I couldn't tell. I didn't take any notice.

Q Did you have any conversation with her? A Yes sir. She came across past the elevator, the 32nd Street elevator, and came to where I was in the hall and she asked me how could she get down to the 33rd Street entrance of the elevator, to go out of the 33rd Street entrance.

Q When you saw her she was on the 32nd Street side of the hotel? A Yes sir. I was on the 32nd Street side and she came to where I was.

Q She asked you how she could get to the 33rd Street side?
A Yes sir.

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Q Were you in one of the rooms when you saw her first? A
No sir; I was coming out of the room.

Q And you were in the hallway? A Yes sir.

Q How far away from room 726 were you when you had this conversation with her? A I was about the length of this room.

Q About the length of the room from the windows to the other wall? A Yes sir.

Q Did you direct her where to go or say anything to her?
A Yes sir; I told her to go around the hall as far as she could go.

Q What did you see her do after that? A She turned and went right away around the hall.

Q Towards the 33rd side of the building? A Yes sir.

Q Was there anything about her manner that you noticed? A
No sir, not at all, more than any lady I see.

Q She wasn't excited or flustered? A Not at that time.

Q Did you see her again on that day? A Yes sir, I seen her.

Q At what time? A Twenty minutes to three o'clock.

Q When you first saw Mrs. Hilair, this woman you have described, the first time you saw her was she alone? A Yes sir.

Q After she left you did you see anyone with her at all?
A No one at all, sir.

Q The second time that you saw her, where was she then? A
I was in one of the rooms working quite a good ways from her

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room. I heard someone speaking and I looked around and the same woman was at the door. She asked me "Will you please tell me where 726 is? I seem to get mixed up around here. I can't find the number."

Q How far away from 726 was she standing when she was speaking to you in this manner? A She might be a block.

Q A block away from her room? A Yes sir.

Q Was she in the same corridor on which her room was? A In the same hall.

Q Tell us again what time it was when you had that second conversation? A Twenty minutes to three.

Q When you say the room in front of which this second conversation was had was about a block away from 726, tell us more definitely what you mean by that? A About the length of a block, what you would take for a block.

Q You mean a short city block? A Yes sir. It would be about the length of a block. I could not exactly describe. It was quite a little distance, the length of the hall.

Q The length of the hall on the 32nd Street side? A Yes.

Q Room 726 is facing Broadway, is it? A Yes sir, quite a

Q And the room that you were working in when she spoke to you the second time was a considerable distance away from room 726? A Yes sir, quite a little ways.

Q Would you say several hundred feet? A Yes sir. I am not a very good judge about that.

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Q The best estimate of distance you could give us was about the distance of a short city block? A Yes sir.

Q Do you know the number of the room in which you were working when this woman came to you the second time? A Yes sir, 742.

Q Was it on the 32nd Street side of the hotel? A Yes sir.

Q Was this woman alone the second time she was speaking to you? A Yes sir.

Q You say this was around twenty minutes of three? A Yes sir.

Q Was there anything in her manner when she was speaking to you at that time, about twenty minutes of three, which attracted your attention? A She seemed to me to be a little more excited and as if in a hurry, her face a little more red as if she was excited. I thought it was perhaps that she could not find her room.

Q After you saw her at twenty minutes of three did she leave you after you had this conversation with her? A Yes sir. I showed her where the room was. It was opposite to where I was standing in the hall, right opposite in that direction, the otherside of the elevator. I was on this side of the elevator and she on the other.

Q When you say you were on one side of the elevator and she was on the other--- A The room was on the other.

Q You mean as she came out of the elevator and went to go

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to 726 she would have gone in a different direction from where you were standing when you had this conversation? A If she had turned to the right she would have found the room, but she came to the left.

Q Did you see what she did after she left you as you describe? A No. She went up the hall a little ways and I went back in the room.

Q Did you see her go up the hall a little way towards room 726? A Yes sir.

Q That was the last you saw of her that time? A Yes sir.

Q How was she dressed on that second occasion? A The same as the first.

Q Did she have a hat on and furs? A Yes sir.

Q Did you notice whether she had gloves on or not? A I couldn't see, sir. I didn't pay much notice to her.

Q You did not notice anything with respect to jewelry or rings, did you? A No sir.

Q When did you see that woman again? A I never seen her again, sir.

Q Did you ever see her after she was dead? A No sir. I only went as far as the door but didn't go in the room.

Q After that twenty minutes to three did you go into room 726? A No sir.

Q And that is the last that you saw of this woman, when you spoke to her about the direction of the room? A Yes sir. I

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hadn't anything to do with 726. I don't do the work in that room.

Q Miss Gilroy, I ask you to look at the place on that diagram now shown you which is marked "elevator". Do you see that? A Yes sir.

Q Do you see the place on the diagram marked "elevator"? A Yes sir.

Q Do you recognize that as a drawing of the location of the elevator on the 32nd Street side of the Martinique? A Yes sir

Q Do you see the place on the diagram marked "726"? A Yes.

Q Do you recognize that as a correct drawing of the general location of room 726? A Yes sir.

Q Will you point out on the diagram about where you were standing at the time you had this talk with the woman that you have described on the second occasion, at about twenty minutes to three? A I was right down here, 744 (indicating).

Q Will you mark the place with an X mark? A Yes sir.
(Witness marks diagram).

Q You were at room 744, weren't you? A 742. I was in the room.

Q The number of the room is 742? A Yes sir..

Q When you saw this woman at twenty minutes of three, the second time, you saw her, did you see anyone else in that hallway at the time? A No. There could be no one in that hall I couldn't see.

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Q You did not see anyone? A No sir.

Q How close did you stand to this woman at the time you had this talk with her? A I was pretty close to her. She was on the outside in the hall and I was inside the door of the room.

Q Would you say within a few feet? A Yes sir.

Q Were you as close to her as that the first time you talked with her? A No.

Q How close were you the first time? A She may have been two or three yards from me in the hall.

Q Have you told us all you noticed about her appearance, her flushed face, the second time you had a talk with her? A Yes sir.

Q You don't recall anything else about her that attracted your attention? A No sir.

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D R. H E N R Y M. L E W I S, being called and duly sworn
as a Witness by the Foreman, testified as follows:

BY THE FOREMAN:

Q You are a practicing physician in the City of New York?

A Yes sir.

Q Where do you reside? A 56 West 33rd Street, Hotel Martinique.

BY MR. TALLEY:

Q How long have you been a practicing physician, doctor? A About forty six years.

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Q How long have you been a resident of the Hotel Martinique

A About fourteen years.

Q During all that time have you been the house physician at that hotel? A Yes sir.

Q On the 16th of March 1917 did you see the body of a woman in room 726 of the Hotel Martinique? A Yes sir. I don't know about that time.

Q Had you seen this woman who occupied 726 on Thursday, March 15th? A I saw this body the day I was notified, but I am confused whether the 15th or 16th.

Q Do you remember whether it was Thursday or Friday? A It was Thursday.

Q What time did you see the body? A About half past nine or quarter to ten o'clock.

Q At night? A In the morning.

Q Doctor, don't you think that day was Friday, the 16th?

A No sir.

Q You think it was Thursday, the 15th? A It was the morning the body was found.

Q We are trying to get you to state your best recollection as to the day of the week and the date of the month. Now this woman, the testimony shows, registered in the hotel in the afternoon of Thursday the 15th of March. Now you say you saw a dead body in that room in the morning around ten o'clock. If the facts appear to be that she registered on Thursday

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afternoon you would not say it was Thursday morning you saw her dead body? A I certainly would not.

Q Is your recollection refreshed at all as to when you saw her body? A My recollection is not refreshed in the matter, but I have it in my mind very firmly it was on Thursday.

Q Well, in any event, you did see a dead body in room 726 on Thursday or Friday, March 15th or March 16th; is that right? A Yes sir.

Q Your best recollection is it was Thursday? A That is my best recollection.

Q What time did you see that body? A About nine thirty or quarter to ten.

Q In the morning? A Yes sir.

Q How did you come to go to the room? A I was telephoned to from the main office by Mr. Melloy, the room clerk, who said he had been notified there was a body there and would I go up.

Q Did you then go up? A Yes sir.

Q Tell the jury just what you found with reference to that body. Was it the body of a woman? A Yes sir.

Q Tell us exactly what position you found the body in? A I found the woman lying in the bed with a pillow over her face and two or three maids and an assistant housekeeper standing around in an awed sort of way and either with me or immediately following afterwards came the assistant manager, Mr. Coughlin, and I lifted the pillow from the woman's face. I saw she was

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dead and had been dead for a number of hours. I told Mr. Coughlin that she was dead, which was obvious to him as to me, and we together went to the telephone bureau and telephoned to police headquarters, I think 3100 Spring, and asked them to send the coroner.

Q Did you move any part of the body or any of the effects that were around the body, other than the pillow that you have described? A I did not, sir, except to pick up a reversed glass. There were two glasses setting on the tray by the side of the bed and possibly a tablespoonful or more of reddish liquid there. I picked up one of these glasses and smelt of it and asked Mr. Coughlin to smell of it, and he said it was port wine. I carefully replaced it exactly as I found it. I left word no one was to touch anything.

Q This pillow you say was over the face of the dead woman?

A Yes sir.

Q In what direction was the pillow placed; was it lengthwise over her face or across her face or how? A It was crosswise of her face. The length of the pillow was transverse to her body.

Q The length of the pillow was not lying in the same direction as her body? A No.

Q It was lying transverse? A Yes sir.

Q As you might describe lying across her face? A Yes sir.

Q Did it entirely cover the face when you first saw the body

A Yes sir.

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Q What was the position of the body itself? A She lay on her back with her face turned towards the north, her head being that way (indicating). That brought her on her--- I have to visualize this---

Q You are familiar with the general layout of that room? A Yes sir.

Q I will ask you to look at this photograph and tell us if that is a correct representation of room 726 of the Martinique?

A I should say it was.

Q And do you recognize in the photograph that the bed is in the same general situation as it was when you saw the woman lying on it? A Yes sir.

Q Will you describe and mark with an "H" the position on the bed in which the woman's head lay? A I should say about where I mark it.

Q Would you mark with an "F" the place where, as you recall, the feet were placed? A You can't see it in this photograph because the foot of the bed is in the way.

Q I ask you to look at this photograph and see if you can indicate the position of the head and feet any better on that?

A The feet were down here, certainly.

Q I ask you to look at this photograph and tell us if that appears to be a correct representation of that room? A I should say so, yes sir.

(Three photographs marked Exhibits 4, 5, 6 in ev.)

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Q What position were the feet or legs of this woman when you saw them? A Spread wide apart.

Q What was the position of the hands? A One hand was over her head and one up this way over her breast. (indicating)

Q Can you indicate which hand was over her head? A The right hand was up like this over her head (indicating).

Q And the left hand was where? A Over the chest up towards the neck, like that (indicating).

Q Would you describe the position in which she was lying as a natural or unnatural position? A Very unnatural position

Q Would you describe it as being a strained position? A It would impress me as being a very queer sort of attitude, yes sir.

Q Dr. Lewis, were the legs drawn up? A No sir.

Q Were they extended flat in the bed? A Yes sir.

Q And extended wide apart? A Yes sir.

Q Was the body entirely covered when you first saw it? A Yes sir.

Q Was the woman a blonde or a brunette? A I got the impression she was an artificial blonde, but I am not sure.

Q Did you notice if any part of the body was exposed when you ~~first~~ came into the room? A I did not see any part of her exposed when I came in the room. It was barely possible a portion of the body was but I am not certain. The bedclothes were more or less tangled. I think there was a blanket thrown

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loosely on the bed.

Q What was the condition of the body with respect to rigor mortis? A It was marked.

Q That is, it had been, in your opinion, existing for some time? A Yes sir.

Q Could you give us an opinion as to the number of hours the woman had been dead when you saw her? A There is a good deal of difference in those kind of cases, but in a general sort of way I should think she had been dead twelve or fourteen hours.

Q Is it difficult to determine how many hours a body has been dead after finding it in the condition you found this one? A I think so. Possibly a man who has made an expert study of that thing could tell, but I had to generalize.

Q Upon what did you base your generalization? A On the rigidity of the body and on the general appearance of it. The blood had settled and she was purple and discolored in the lower part, while the upper portion of the body was pallid.

Q Did you see any blood around the face or pillow? A I saw some blood on the face.

Q Would you describe how the blood appeared to you to be? A It appeared to me as though it came from the nose or the corner of the mouth and trickled down.

Q Was there any blood on the pillow that you observed? A I don't think so.

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Q Can you tell us if there was a second towel on the bed in addition to the one you describe as being over her face? A I believe there was.

Q Do you know in what position that pillow was? A My best recollection is, sir, that it lay in the natural position at the head of the bed nearer the outside.

Q Under her head or away from her head? A No, I don't think so.

Q Did you observe any blood or any colored stain of any kind that might indicate blood or something else in any other portion of the bed? A There were two stains, perhaps an inch and a half or two inches wide, something like that, possibly three inches long, on the sheet, five or six inches from her face. They looked more like bloody water, and it occurred to me that possibly it might be a stain from the same material that was in the glass.

Q There was some material in one of the glasses? A No; the glasses were turned wrong side up, both of them, and whatever had been in them had either run out or they had been set into a little puddle of this red material, which was pronounced to be wine.

Q You don't know whether it was wine or not? A No.

Q Someone else has given that information? A Mr. Coughlin smelt that and said "that is port wine."

Q Did you observe whether the hair was disturbed or ruffled

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or upset, or whether it was in order when you saw the body? A It looked a little untidy.

Q Was it rolled up? A I would not say that. I did not make a very careful examination of that body. I thought I had no business to do it.

Q Did you see whether or not the woman's body had any jewelry on her, when you observed her, on the hands or in the ears? A I noticed a wedding ring and a thin bracelet on the same left hand.

Q And is that the only jewelry that you observed? A Yes.

Q Did you see the woman's right hand? A Yes.

Q And there was no jewelry on that? A I did not see any on that. I am very positive there was none on that.

Q Did she have on any of her clothing at all when you saw the body? A When I first saw the body I did not even turn down the bedclothes. I simply ^{she} saw/ was dead and immediately went to notify the authorities and they said they would send an officer. After the officer came, and not until then, was the bedclothes thrown down. I then found the woman had on a pair of stockings and a pair of shoes. Aside from that she was naked.

Q What kind of shoes did she have on? A My impression is they were white with possibly some little black trimming.

Q Were they high laced shoes? A Laced or button shoes; I could not tell you certainly now.

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Q Would you describe them as high shoes? A I would say they were high shoes.

Q Were there any scars on this woman's face that you observed? A Only two little flecks, whether due to a scratch or due to blood that had dried on there I am not sure.

Q Those were the only marks you observed? A The only ones I observed.

Q Did you notice anything with respect to the eyes? A I did not, particularly. My impression is they were closed.

Q Have you given us all you observed with respect to the appearance of this body when you saw it? A Yes sir.

Q Were there any marks on the woman's neck that you saw? A I did not look to see.

Q In other words, you did not make a very definite examination of this body? A I did not. I thought I had no business to do it.

Q You called the attention of the police to the situation as soon as you saw the general conditions there; is that right?

A I think within one minute of the time I saw the woman's body I was calling up the police with Mr. Coughlin by my side.

Q You called up police headquarters? A Yes sir.

Q Did you call up from the room, or did you go down to the lower part of the house? A I went downstairs.

Q Around the office of the hotel? A Yes sir.

Q Tell us again what time it was when you saw the body?

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A It was between nine thirty and quarter of ten I should say.

Q In the morning? A Yes sir. If there is any question about that being Thursday I can tell you gentlemen here how I arrive at that conclusion. My wife always has an appointment at--- she is president of the Aid Society and she has to go Thursdays, and I know that she goes a little before ten o'clock and it was just the time she was getting ready to go when I went upstairs, and I got back from that telephone before she had left, so I am very confident the day was Thursday.

Q The hotel clerk has testified, and the hotel register indicates, that the woman registered on Thursday afternoon?

A Well, I may have made a mistake. I am telling you the basis----

Q Don't you think you have made a mistake in view of the testimony that the woman registered Thursday afternoon? A She could not register on Thursday afternoon if she were dead Thursday morning.

Q Will you indicate by an "H" where the head was? It does not appear plain enough in the photograph marked in evidence?

A Yes sir. (Witness marks photograph).

Q Dr. Lewis, when you were first called into the room and saw the body as you have described, did you go into the bathroom? A I am not sure that I went into the bathroom then. I think I did.

Q Can you tell us what you observed, if anything, about

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the bathroom? A Yes sir. There was a cloth, I think a folded up towel, possibly two of them, in the basin with a stain of blood on it.

Q Did you observe any towels in the bath tub? A I don't think I did.

Q Did you observe anything else about the condition of the bedroom with respect to clothing or anything of that sort? A There was some women's clothing hanging on the post.

Q A clothes post? A Yes sir.

Q Did you observe any clothing hanging on the door of the bathroom? A I don't think I did.

Q Did you observe any clothing on any of the chairs in the room? A I don't recall that I did, sir. The reason I went in the bathroom particularly was, the first thing that struck me as curious was that if that was wine there was no container for it, no bottle around. I looked in the bathroom to see if there was a bottle or anything of that sort.

Q Did you find any? A I did not. I looked a little further around thinking here was a woman dead and we wanted to find who her friends were and where she came from and possibly there would be some letter on the bureau, or some direction or something of that sort, but saw nothing of the kind. I took great pains not to disturb anything in the room.

Q Can you tell us the condition of the fluid that you found in the tray; was it dried up? A It had not entirely dried up

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but looked to me a little bit thicker than, a little more than water, a little bit syrupy, but I did not put my finger in it, only took a sniff at it and set the tray back exactly where I found it.

Q How many glasses were there in the tray? A Two.

Q Was that alongside of the bed? A Yes sir, on the little stand which shows in the photograph where the telephone is.

Q The little stand alongside of the bed where a tray or telephone might be placed; is that right? A Yes sir.

Q Did you see anything that might be described as a beauty outfit or vanity case or anything of that sort in the room? A Why, there was a little bag about that high (indicating about eight inches) eight or ten inches, such a bag as women folks carry with their pocketbook, I think made of black silk; I am not sure about that.

Q Did you see anything that might be called a vanity case or, as a juryman says, a beauty box, lying on that stand or in any portion of the room? A I don't recall I did.

Q Did you see any rouge, powder, lip pencil or anything of that sort? A I don't recall I did.

Q Do you know whether or not the spots upon the towels which you saw in the bathroom were spots which were made by blood? A They had that general appearance, but it would be impossible to absolutely determine without examination.

Q You are not able to state positively these spots were caused by blood? A No sir; not more than I have indicated that they had that general appearance.

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ALICE GARRISON, being called and duly sworn as a

Witness by the Foreman, testified as follows:

BY THE FOREMAN:

Q Where do you live? A Hotel Martinique.

Q What is your position there? A Assistant housekeeper.

BY MR. TALLEY:

Q How long have you been assistant housekeeper in the Martinique? A About three years.

Q Your general duties are what with respect to the rooms or the maids? A I have charge--- all the maids on four floors from the tenth to the seventh are under my charge and I inspect every room belonging to these four floors.

Q Is room 726 under your charge? A It is.

Q Was it under your charge on the 15th and 16th of this month? A It was.

Q Did you see, on either of those days, a woman who had registered in the hotel as Florence Gray, in room 726? A I did not.

Q You didn't see her on the 15th of March? A Not on the 15th.

Q Did you see her on the 16th? A I saw her on the 16th.

Q Did you see her alive on the 16th? A No.

Q Did you see the body of a woman in room 726 on the 16th?

A I did.

Q At what time was your attention attracted to that body?

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A As near as I can figure it was about quarter of ten.

Q In the morning? A In the morning.

Q Of the 16th of the month, that is Friday is it not? A
Yes sir.

Q Nine forty five or quarter to ten? A Yes sir.

Q How did you come to go to that room that time? A I was
on the floor and the maid called my attention to that room.

Q Do you know which maid it was? A Salome Petit.

Q Did you go into the room with her? A I did.

Q Will you tell the jury, and describe as accurately as
you can, just what you found there? A I knocked at the door
and got no response. I took my passkey and opened the door and
went in. I looked at the bed and said "Madam, madam, are you
asleep?" I received no response. I lifted the pillow from
over her face and saw she was dead.

Q In what position was the pillow that was over her face?

A You would say it was across her face, the same position as
though you were going to sleep, except a little bit at an
angle. The pillow lay across the bed as though you were going
to sleep and this pillow was slightly at an angle.

Q Did it cover her face entirely? A It did.

Q Did she have light hair? A Yes sir.

Q Would you describe her as a blonde woman? A I would.

Q You removed the towel from the face? A I did.

Q Will you tell us what you observed about the face, with

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respect to marks of blood? A The face seemed to be swollen a little bit and around the face, underneath the side of the face, I noticed a blotch or bit of blood maybe as big as my hand.

Q A spot as big as your hand? A Yes sir.

Q What portion of the face was that spot? A The right hand side of the face lay in it.

Q Did that seem to you to be blood? A Yes sir, it did.

Q Was the body lying on the back or on the side? A No; it was lying on the back but it seemed to be just a little bit twisted.

Q Would you say the position was a natural one? A No, it was not.

Q Would you describe it as an unnatural, strained position?
A Yes sir.

Q How were the legs or the feet lying? A I think if I am not---- the right foot was out straight like this (indicating) and the left foot was drawn up like this (indicating), the knee was drawn up.

Q The left knee seemed to be drawn up? A Yes sir. The right foot like this (indicating) and the other foot, the knee came up like this (indicating).

Q Were the legs apart? A Yes sir, something like that (indicating). That is the angle as I remember.

Q What was the condition of the body with respect to

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clothing? A No clothing except shoes and stockings.

Q What was the character of the shoes; were they high laced shoes? A Yes sir.

Q On the body they were entirely laced; is that right? A Yes sir.

Q What was the color of the stockings? A Gray.

Q What was the color of the shoes? A Gray.

Q Did you have any difficulty getting into the room at all?
A I did not.

Q Did you open the door with your passkey? A I did.

Q If the room had been locked from the inside you could not have got in with your passkey? A No.

Q Is there a spring lock on that door? A Yes sir.

Q Anyone coming out of the room could lock the door by simply slamming it behind them? A Yes sir.

Q And if the room was in that condition you could get in with your passkey? A Yes sir.

Q There is also a lock inside of the room, what you call a night latch? A Yes sir.

Q And if that is turned and locked you could not get in with your passkey? A No, I could not.

Q When you went in the room did you see the key of the room?
A I did.

Q Where was it? A On the bureau.

Q Tell us what you observed about the bathroom

Q Did you see anything in the bathroom that you have described? A I did not see anything in the bathroom that I have described.

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when you first went in the room as you have described? A In the bathroom there was two towels. They seemed to be wet or damp, not water dripping out of them. They seemed to be damp and spots of blood on them.

Q Where were they? A In the wash basin.

Q Was the basin dry or was there water? A No; it was dry.

Q How big were the spots you describe as blood? A Some of them about as big as a twenty five cent piece.

Q How many of those were there? A I saw two or three. The water spread them a little bit.

Q Did you observe any clothes hanging on the door of the bathroom? A I did.

Q What clothes were hanging there? A A gray dress trimmed in brown fur, deep cuffs up to here (indicating) and a collar of the same material, a wide collar. I did not take them off the door.

Q They appeared to be hung in an orderly manner on the door? A Yes sir.

Q What did you observe with respect to any other clothing in the bedroom? A On a large easy chair there was the underwear and the corset hung over the back of the chair.

Q Did you observe any disorder about the room at all? A Nothing except the bathroom.

Q What was there to indicate disorder in the bathroom? A The towels that were in the wash basin and the other towels,

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some of them were in the tub and some thrown over the side of the tub, and the bath rug on the floor was mussed up.

Q Not in the usual position? A No.

Q And the towels were in the bathtub? A Yes sir.

Q Was the bathtub dry? A It was.

Q Did you observe any jewelry on that woman's body? A I saw a wedding ring and a thin wire bracelet.

Q Any diamond rings on either hand? A No.

Q Did you see both hands? A I only saw one hand.

Q Which hand was that? A That was-- (witness hesitates)

Q You don't recall it? A The left hand.

Q Did you see the right hand at any time while the body was in the room? A No.

Q You are unable to state whether there was any jewelry on the right hand or not? A I am.

Q What was the condition of the hair of this woman? A It was braided, but it looked as though the hair---- as though you slept with it.

Q Slightly disturbed? A Yes sir.

Q Would you say the hair was mussed a bit? A Yes sir.

Q I show you a photograph marked Exhibit 5 and ask if this is a correct representation of room 726? A Yes sir.

Q I ask you to look at Exhibit 4 and ask you if that is a correct representation of the room? A Yes sir.

Q I ask you to look at Exhibit 6 and tell us whether that is a correct representation of room 726? A Yes sir.

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Q Look at Exhibit 6. Do you recognize the door on the left hand side of the bed as it appears in the photograph as the entrance door to the room? A Yes sir.

Q When that door opens from the hallway does it open against the bed? A Yes sir.

Q And if anybody opened the door and pushed it back, the head of the bed would be obscured? A It would.

Q Will you mark the door which you designate as the entrance door, with an "E"? A Yes sir. (Witness marks paper).

Q Do you see a door on the further left hand side of the photograph, Exhibit 6? A I do.

Q Is that the door leading to the bathroom of that room? A That is the closet door.

Q That is the door leading to the closet? A Yes sir.

Q Will you mark that with a "C"? A Yes sir. (Witness marks paper).

Q I ask you to look at photograph, Exhibit 5, and indicate with a "B" the bathroom door? A This is the bathroom door (indicating and marking paper).

Q The bathroom door opens in towards the room; is that correct? A It is.

Q Do you know whether there are any hooks on the side of the door facing the bedroom? A No, there is not.

Q There are three hooks on the inside of the bathroom door; is that correct? A Yes sir.

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Q Was it on one of these hooks the dress and the furs that you have described were hanging? A Yes sir.

Q Look at Exhibit 6; will you indicate with an "A" the door which leads into any adjoining room? A Yes sir; that is the door (marking paper).

Q Look at Exhibit 4; will you indicate with an "A" the door which leads into the adjoining room? A Yes sir (marks paper).

Q That is the door which appears in the photographs as having a mirror door; is that correct? A Yes sir.

Q Was there a clothes tree in the room when you saw it? A Yes sir.

Q And was there any clothing hanging on that clothes tree? A No.

Q When you saw the room on Friday the 16th? A No.

Q The clothing was hanging where--- the clothing you described as being on the tree? A It was on a chair.

Q Miss Garrison, do you know whether or not, looking at the photograph, the door you have marked with the letter "A", can you tell us into what numbered room that door leads? A To 728.

Q Do you know whether or not on the day of March 15th that room, 728, was occupied? A It was.

Q Do you know whether it was occupied on the night of March 15th? A It was.

Q Do you know by whom it was occupied on those days? A

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Two ladies but I don't know their names.

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Q Would you recognize the names if you saw the register?

A No. It is very seldom we ever know the guests names unless we come in personal contact.

Q Do you know when these two ladies came to the hotel and first occupied 728? A They had been there a week or ten days.

Q Do you recall when they departed? A I think it was on the 16th.

Q Are you sure about that? A No, I am not sure.

Q When you came into the room, Miss Garrison, and removed the pillow from the face of this body, did you disturb anything in the room? A I did not.

Q Didn't touch anything? A I did not.

Q You did remove the bedclothing, didn't you? A I did not

Q Did you lift it up at all? A No, I did not.

Q The only thing on the bed that you moved was the pillow that was on the face? A Yes sir.

Q Were you in the room when Dr. Lewis came in? A I was.

Q And was that on the morning of Friday? A It was.

Q Sure about that? A Yes sir.

Q Was that the first time Dr. Lewis had seen the body, if you know? A As far as I know.

Q Could anyone occupying room 724 get into room 726? A No

Q There is no connecting door between those two rooms? A No

Q Between the time you saw the body and the time you saw Dr. Lewis in there, in that room, was there anything changed

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with the exception of the pillow you have described over the face? A No; I remained in the room until Dr. Lewis came up.

Q How did you send for Dr. Lewis? A I telephoned from the room.

Q And you remained there until he came? A Yes sir.

Q Did you observe anything with respect to the tray and glasses on the night table next to the bed? A There had been something spilled on the tray, looked like port wine.

Q In what condition were the glasses? A They were inverted

Q Did they appear to you to have contained any liquid? A Yes sir.

Q They appeared to you to be dry and clean? A Yes sir.

Q With the exception of the rim that rested on the tray? A Yes sir.

Q Do you recall whether or not the liquid that was in the tray was still in liquid form or had dried out? A It was in liquid form.

Q You were not there on the 15th of March were you, in that room? A I was.

Q At what time? A As near as I can place it, between two and three in the afternoon.

Q What was the condition of the room at that time? A It was in perfect order.

Q When you say that do you mean that a guest was in possession of the room? A Yes sir. I had the room changed and

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I am supposed to inspect the maid's work. I think it was nearer two than three, because when I went in the room the room was in perfect condition. I went through the bathroom and everything and noticed on the bureau there was a hotel outfit. That consisted of a night dress and comb and brush. ✓

Q To what guests are hotel outfits given? A Those without baggage.

Q Is it a fact the outfit is given when such a guest registers? A Always.

Q And you saw this hotel outfit when you were there at two on Thursday? A Yes sir.

Q Did you discover anything else in the room that indicated to you a guest had taken it? A There was a black fur stole on the writing desk; therefore I knew the occupant was a lady.

Q Was that the same stole that on the following morning you saw hanging on the bathroom door? A It was.

Q Did you try the connecting door which led from 726 to 728? A I did.

Q When did you try that? A They are always locked. If they are connected as a suite the minute people depart those doors are locked.

Q Did you try it on Thursday the 15th about two o'clock when you were in the room? A Yes sir.

Q Did you find it locked? A Yes sir.

Q From which side was it locked-- 726 or 728? A It was

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bolted from the 726 side. They sometimes only lock them one side. I don't think I took the bolt off the door but I know I pulled it.

Q You say that you only moved the pillow lying over the face? A Yes sir.

Q When you first saw the body it was entirely covered, was it not? A No.

Q Was any of it uncovered? A Yes sir; about half of the chest and the trunk here (indicating).

Q About half of the upper part of the trunk was uncovered? A Yes sir.

Q When did you discover that the legs were stretched apart and one was drawn up slightly? A When Dr. Lewis threw the covers back.

Q After you left the room about two o'clock on the 15th were you in the room between that time and the following morning when you found the body? A I was not.

Q Do you know whether that room was occupied for a single occupant or for a couple? A I know it was single because there was only one outfit there.

Q Do you get any notice whether a room such as that is occupied by one or occupied by two people? A We do not.

Q How did you know the room was quite independent of the adjoining room, 728, for instance? A Because the occupants of the other room had been there a week or ten days and if

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they had any connection whatever the bell boy would have opened the doors and left them open. When I went in I would see the two rooms open together.

Q You described one of the legs as being raised a little bit? A Yes sir.

Q Is it your recollection that was the left leg? A Yes sir

Q Was the raise which you observed in the leg sufficient to be indicated when the body was covered? A It was.

Q That is, it would show from the elevation of the bed-clothes; is that right? A Yes sir.

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AUGUSTUS J. COUGHLIN, being called and duly sworn as a Witness by the Foreman, testified as follows:

BY THE FOREMAN:

Q What is your business? A Assistant manager of the Martinique.

Q Where do you live? A Hotel Martinique.

BY MR. TALLEY:

Q How long have you been assistant manager? A Two years.

Q You were assistant manager on the 15th and 16th of March?

A Yes sir.

Q Did you see any woman who occupied room 726 on the 15th of March; did you see her on that day? A On the morning of the 15th, yes sir. Is Friday the 15th?

Q No, the 16th? A No sir, I did not on the 15th.

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Q Did you see her on Friday the 16th? A Yes sir.

Q Was she alive or dead when you saw her? A Dead.

Q Was that the first time you had seen the woman, when she was dead? A To the best of my knowledge.

Q What time on Friday morning did you see her? A About 9:45.

Q How did you come to go to the room? A I was notified by the room clerk that a death was reported in 726. I immediately went to the room and arriving there found the assistant housekeeper and the maid.

Q Miss Garrison, the assistant housekeeper, and Miss Salome Petit, the maid? A Yes sir.

Q Anyone else in the room besides those two when you arrived? A Dr. Lewis.

Q Was he in the room before you got there or did he go with you? A As I remember he got there two seconds previous to me.

Q Anyone else besides the two women and Dr. Lewis? A No.

Q When you went into the room what did you observe? A I saw this body on the bed apparently dead and her clothing about the room, some on chairs and some on the back of the door, and after investigating I found some towels in the bathroom sink.

Q How many towels were in the bathroom sink or basin? A I did not count them.

Q Were they stained? A Apparently so.

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Q With what, as it appeared to you? A Appeared to me to be blood.

Q Was there much blood on the towels or just spots? A Just spots to my best recollection.

Q Were there any towels in the bathtub? A Yes sir, three bath towels.

Q In what condition were they? A They had been used.

Q What was the condition of the bath mat? A I don't remember.

Q Did you observe anything about that? A It was apparently on the floor in the place it should be.

Q With respect to the body, was it the body of a woman?

A Yes sir.

Q Would you describe it as being a blonde woman? A Yes sir

Q Just exactly what position was it in when you first saw it? A She was lying sort of half way diagonally across the bed.

Q Which part of the bed with respect to the wall was the head lying? A Her head was to the wall.

Q And her feet were where? A The feet were at the foot of the bed towards the outer part of the bed.

Q Were the feet spread apart? A Yes sir.

Q The legs apart? A Apparently so.

Q Did you notice anything with respect to whether either or both of the legs were raised or lifted at all? A No; they were apparently flat on the bed.

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Q Were they apart? A That I can't swear to.

Q Would you describe the position as being a natural or unnatural position? A I should say a fairly natural position.

Q What did you observe about the head or face? A I noticed blood stains on the face; her hair was apparently done up the same as it would be as if she was dressed, and there was a pillow slightly over her face.

Q Was the hair disarranged at all? A Not at all to my knowledge.

Q Any spots on the bathtub towels, the towels in the bathtub? A No sir, not to my knowledge.

Q They simply appeared to have been used? A Yes sir.

Q What did you observe with respect to the glasses on the tray which was at the side of the bed? A I noticed there were two glasses apparently not used, turned over, and on the tray was a substance which I smelled and appeared to me to be port wine.

Q Was it you who gave the opinion it was port wine? A Yes.

Q You were the first one who gave that opinion? A To my best knowledge I am.

Q Upon what did you base that conclusion? A From past experience in drinking port wine and smelling it.

Q Did you drink any of this substance? A No.

Q Did you taste it? A No.

Q Did you smell it? A Yes sir.

Q You base the conclusion it was port wine on the odor of

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it? A Yes sir.

Q And that is all? A Yes sir.

Q Did you disturb or move the body or any of the bed clothing when you went in the room? A Not a thing.

Q Didn't touch anything? A No.

Q Did you see Dr. Lewis touch anything? A To my best knowledge I think I saw Dr. Lewis sort of raise the outer sheet to look at the woman's body.

Q Did you see the woman's hands? A I did.

Q Was there any jewelry upon either one of them? A A wedding ring and bracelet on the left hand.

Q What was on the right hand? A Nothing.

Q Any ear-rings? A Not to my knowledge.

Q Any necklace? A No.

Q You have described all the jewelry that was on that body when you saw it; is that right? A Yes sir.

Q Any shoes or stockings on the body? A Yes sir.

Q Which? A Both shoes and stockings.

Q What was the color of the stockings? A I think gray.

Q Color of the shoes? A Gray.

Q Were they high laced shoes? A Yes sir.

Q Were they laced? A Yes sir.

Q What did you do after you saw the body as you have indicated? A I told Dr. Lewis the best thing for him to do, I thought, was to notify the police at once, which he did.

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Q Were you present with him when he notified them? A Yes sir. I went to the booth with him and called up police headquarters.

Q What did you hear him say? A He went in the booth and I heard him ask for 3100 Spring.

Q Room 726 is located on the 32nd Street side of the building? A Yes sir.

Q With one window facing Broadway? A Yes sir.

Q Can you give us any idea how far from room 726 is room 742? A I should say fifty feet.

Q Not more than that? A Possibly; I don't think much more than that, fifty to sixty feet.

Q You would not describe 742 as being about a block away from 726? A No, not a block. It is more than fifty feet on second thought, but it is not a block.

Q Would you say seventy five feet? A I should say nearer seventy five feet.

Q The rooms run in consecutive order? A There is a hallway between.

Q Is there a hall between 726 and 742? A There is 726, 728 and then a staircase and then goes to 730.

Q The elevator is also between those two rooms? A Yes sir, on the opposite side.

Q How many elevators are there? A Three.

Q There is a space for three elevators and space for a

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stairway. They come in between 742 and 726? A Yes sir, except the space for the stairway is opposite the elevators.

Q Now to go up to 726 those three elevators and that stairway could be used, couldn't they? A Yes sir.

Q And to go up to the same room elevators on the 33rd Street side could be used and the stairway on that side? A Yes sir.

Q Did you make any investigation as to whether any liquors or anything of any description had been sent up to a room 726 on Thursday morning, afternoon or night? A Yes sir. I made a personal investigation from the time of the registering of Mrs. Gray to the time I found her body.

Q What did you find as a result of that investigation? A She had no service of any description from the barroom, kitchen, telephone or anything as far as we had any record.

Q To what depth does the elevator on the 32nd Street side go down? A It goes down to the barber shop, which is the lower level of the hotel.

Q Is there anything intervenes between that level and the main floor of the Martinique? A Nothing.

Q That is, the main floor and the office of the Martinique is on what is described as the street floor? A Yes sir.

Q And there is one story below that? A Yes sir.

Q Which you have described as the floor in which the barber shop is? A Yes sir.

Q And that is as far as the elevator goes down? A Two of

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these elevators go to that floor and one does not.

Q Is there an exit from the barber shop floor to the street, a stairway? A Yes sir, goes out to 32nd Street.

Q Were the two glasses you saw on the side of the bed part of the hotel service? A Apparently so. They are the same as we use.

Q When you saw them they were inverted? A Yes sir.

Q These glasses are ordinarily left in the bedrooms all the time, are they not? A Yes sir.

Q Is there any watch or attendants upon each floor of the hotel? A No; the eighth floor desk. There is only one desk in the hotel.

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OFFICER HERMAN SCHIESSER, being called
and duly sworn as a Witness by the Foreman, testified
as follows:

BY THE FOREMAN:

Q Where are you connected? A 169th Precinct.

BY MR. TALLEY:

Q Where is the 169th Precinct? A Coney Island, west
Eighth Street near Surf Avenue.

Q Were you attached to that precinct on Thursday, the 15th
of March? A Yes sir.

Q Do you know a man named Benjamin Sternberg? A Yes sir.

Q How long have you known him? A Four years.

Q What is the character of your acquaintance with him?

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A I have never known him to be doing much work.

Q I mean did you meet him frequently? A Yes sir.

Q Knew him pretty well? A Yes sir.

Q What did you call him when you spoke to him? A I met him around theatres several times.

Q Did you know him well enough to call him Benny or call him Sternberg? How did you address him? A Benny.

Q How would he address you? A Hello, that's all.

Q You met him frequently before the 15th of March? A Yes.

Q Knew him pretty well? A Yes sir.

Q I show you a photograph and ask you whether this is a correct likeness of the man you have indicated as Benny Sternberg? A Yes sir (Referring to People's Exhibit 2).

Q On the 15th of March did you see Benjamin Sternberg? A Yes sir.

Q Where did you see him? A I saw him on a Long Island train, 11:16, leaving East New York station.

Q The 11:16 train from East New York on the Long Island Railroad? A Yes sir.

Q There is a station known as East New York over there?
A Yes sir.

Q And it left there about 11:16 in the morning? A Yes sir.

Q Did you leave that station on Thursday, the 15th of March?
A Yes sir.

Q Did you see him at the station? A I didn't see him

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until he got on the train. We all got up at once on the train.

Q You got on the train and he got on the train at the same time? A Yes sir.

Q Did you have any conversation with him? A On the train?

Q Any place on that day? A Yes sir, on the train.

Q Had a talk with him on the train? A Yes sir.

Q Tell us exactly what was said to you and what was said to him? A There were four of us in the conversation, one Stemper I believe is the name--

Q Who else? A Another party I know him only by Vincent; later found out his name is Klipper, and Benny Sternberg. We got fooling around there about different odd things. I said "Jesus, you look pretty well dressed up. You aint in want of anything." We got talking about women and making a lot of noise and Benny he said "I am going to meet a big blonde dame this afternoon and spend time in New York." He was talking about the ring on his left hand finger. I said "That's a bird." He said "Yes, that cost me about \$500." We got into Flatbush Avenue station. I had to get the Fourth Avenue subway to go to Coney Island and they got over towards where you buy tickets and I went down to the Fourth Avenue subway. That's the last I saw of Benny.

Q Where did he go when you left him at Flatbush Avenue? A Went to buy a ticket.

Q To buy a ticket for what? A As far as I could see, for the subway.

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Q You mean he went towards the ticket seller of the subway?

A Yes sir.

Q That connects with the Flatbush Avenue station of the Long Island Railroad? A Yes sir.

Q He went to the ticket booth where people go who desire to come to New York from Flatbush Avenue? A Yes sir.

Q Do you know whether he bought a ticket or not? A No.

Q You went upstairs from the station? A I go right inside into the subway as you go to New York and as you go down you go to the Fourth Avenue subway. Only a man would go that way that would not have to pay a fare. You have to go through two ticket choppers and anyone who had to pay fare had to pay two fares. Being in uniform I go downstairs and walk into the Fourth Avenue subway.

Q You left the East New York station about 11:16; is that right? A 11:16 train.

Q And what time was it when you got to Flatbush Avenue?

A 11:25.

Q And it was about 11:25 or thereabouts when you saw the last of Benny Sternberg on that day? A Yes sir.

Q And you are sure that was Thursday, the 15th of March?

A Positive, being I was on reserve that day.

Q When did you see Benny Sternberg again? A I saw him on Tuesday morning up in the Second Branch Detective Bureau.

Q That was on Tuesday following Thursday the 15th-- the

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20th? A Yes sir

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Q What time on the 20th did you see him? A Between 10:30 and 11 o'clock I believe.

Q Where did you see him? A In the Second Branch Detective Bureau.

Q Have any talk with him there? A Inspector Gray took me up and says "is that the man?" I said yes.

Q Indicating who? A Benny Sternberg. Inspector Gray says to Benny "Do you know this man?" He says "I don't know if I do" He looked at me. He said "Put your hat on." I put my hat on. He said "I don't know." I said "My name is Schiesser." I said "I am a uniformed man, I was on the 11:16 train. Did you ever see me in uniform?" He said "Yes, now I recollect. That's right. I know you."

Q At first he said he didn't know you? A Yes sir.

Q Then when you spoke about the uniform he said he did know you? A Yes sir.

Q As a matter of fact had he ever seen you in your citizen's clothes, as far as you know? A Yes sir, I have seen him down at shows.

Q Have you ever talked with him when you were not in uniform? A Yes sir.

Q You met him at theatres and on trains and various places frequently? A Yes sir.

Q And you and he knew each other pretty well, didn't you?
A Yes sir.

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Q You said you had some conversation about women, officer?

A Yes sir.

Q You told us he said he was going over to New York; is that right? A Yes sir.

Q To meet a big blonde? A Yes sir.

Q Was there anything else said on that subject or anything like it? You said you got talking about women. Let us hear what Benny Sternberg said about women, if you recall anything further? A We merely talked about women, being I know he is a chicken chaser. I know him pretty well at that going round. I said "You don't seem as though you wanted anything." That is about all we talked about until he mentioned this to me about a big blonde dame he was going to spend the afternoon with.

Q Did he say anything about where he met her or was going to meet her? A No; he didn't mention that to me at all.

Q Did he say anything to you about having telephoned her or having been telephoned by her, or making a date? A No sir, not at that time.

Q Have you told us all you recall he said to you about women? A That is on that time, yes sir.

Q When had you seen him before the 15th? You say that is all he said at that time. When did you see him before this conversation on the East New York train? A I saw him at the Empire. We didn't have any conversation. I said "hello" to him.

Q The Empire Theatre? A Yes sir.

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Q How long before Thursday, the 15th, had you seen him? A That was a week or so before that I guess.

Q Did he say anything to you about having met this big blonde or any woman at the Orpheum Theatre? A No sir.

Q Did he say to you he was going to Manhattan or New York? How did he describe that? Did he say where he was going to meet her? A No, he did not.

Q He said "I am going to meet a big blonde and spend the afternoon with her." Is that what he said? A Yes sir.

Q Do you know whether you saw Benny Sternberg in the month of January of this year? A I have seen him several times around the Empire Theatre. I could not recall whether it was in the month of January or not. I have seen him several times around there near the Bushwick Theatre. Couldn't recall whether in January or not. I have seen him pretty regularly anyway.

Q One of the jurymen wants to know did Benny say or did he not say anything about meeting this blonde in New York. Just tell us what is your best recollection. If he did not say that tell us he did not say it, if he did say it tell us what he did say? A Put the question again.

Q Did Benny say to you he was going to meet a big blonde in New York? A Yes sir; this is what he said to me: "I am going to meet a blonde dame in New York this afternoon."

Q Was there any conversation other than you have told us

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about jewelry or this ring he had on? A All I said "that's a dandy you got on there. Where did you get that?" He said "I got that a long time."

Q Did he say anything further about jewelry? A No sir, not at the present time, outside of what Vincent said his wife has plenty of jewelry.

Q Did he say that to you on this Thursday? A Vincent says his wife has lots of jewelry.

Q Referring to Vincent's wife? A No, to Sternberg's wife.

Q Anything else by anyone in that party about jewelry? A No, outside Vincent mentioned he was going to get one next week

Q Going to get a ring? A Yes, about two and a half karats

Q Did Benny say anything about that? A No.

Q Nothing further that you recall from Benny about jewelry?

A Except he said he could heck the ring for about \$500.

Q Anything further? A That's all.

Q You have told us now all you recall Benny said to you about meeting the blonde or about jewelry? A That's all.

Q What was the character of the ring? What attracted your attention to it? A It was such a big one it would attract anyone's attention. It was on his pinkey and he wasn't afraid to let you see it. He almost put it up to your face so that you couldn't help noticing it.

Q On which hand was it? A I believe on his left hand pinkey.

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Q You say you commented on his appearance, that he was looking pretty good. What was it that caused you to make that remark? A He is a pretty natty sort of fellow, silk shirts and all that, and being I know he hadn't been working, as he told me at the time, I said "You don't seem to be wanting anything."

Q What did he say about not working at the time? A He didn't mention anything then.

Q You said he told you he was not working? A Yes sir.

Q When did he tell you that? A That was on the train.

Q What did he say on that subject? A He didn't mention anything on that subject.

Q You just said he mentioned on the train he was not working. What did he say? A He said "I am not working." I said "You look pretty good" I said.

Q Would you say he was neatly dressed? A Yes sir.

Q Tell us how he was dressed? A He had a blue suit on I believe; it was black anyway.

Q You mean dark colored suit? A Yes sir; those tight, short pants with cuffs on, a little English cut coat and overcoat on, soft hat, silk shirt, soft collar with a pretty heavy tie.

Q Did you notice the color of the tie? A I could not say.

Q What kind of shoes did he have on? A That I couldn't be positive of.

Q He impressed you as being well dressed, didn't he? A Yes.

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Q Did the suit look as though it were in good condition?

A Yes sir.

Q Neatly pressed and clean? A Yes sir.

Q He was well dressed? A Yes sir.

Q Did Benny ever say anything to you about having met this blonde woman at any time other than as you have testified? A No sir.

Q Have you told us all he said to you about being able to pawn the ring? A That was all, yes sir.

Q You have told us all you recall? A Yes sir.

Q Tell us exactly what you knew about Benny Sternberg, officer. You say you knew he was a chicken chaser or something of that sort, going after the women. Tell us what you know about him? A I have seen him on several different occasions with women I know not being his wife.

Q Did you see him with women since the time you knew he was married? A Yes sir.

Q What was the general appearance of the women you saw him with? A The women seemed to be all right as far as I could see. I don't know anything about the women.

Q About how many different women had you seen him with? A About five different women.

Q Where did you see him with these women? A Down at the Empire Theatre.

Q Ever see him in the Orpheum Theatre? A No.

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Q Where is the Empire Theatre? A Ralph Avenue between Quincey and Broadway or Lexington Avenue.

Q How far is it from the Ralph Avenue police station? A Right across the way.

Q And Benny spent a good deal of his time around the Empire Theatre; is that right? A Yes sir.

Q Did you ever see him at any dances, at any place where dancing is? A Outside of up in his father-in-law's place.

Q What place is that? A Roosevelt Hall.

Q What is the type of that place? A Saloon downstairs, dancing upstairs.

Q Cabaret performance there? A No.

Q Do they have dancing in the afternoon? A No.

Q Dancing in the night? A Only when there is a racket there.

Q Is it a place where they hold rackets? A Yes sir.

Q These people give dances there? A Yes sir.

Q And you have seen him there? A Yes sir.

Q What do you mean by a racket? A A ball or a dance. They hold soirees.

Q Did you ever see him with women you knew weren't good women? A That I couldn't say; no sir.

Q You don't know anything about the character of the women you saw him with? A No sir.

Q Did you ever know Benny Sternberg to have a steady job

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during the time you knew him? A When I first saw him I knew he worked.

Q Where did he work? A That I could not say.

Q What did he work at? A As far as I understand at furs.

Q What was he in that furriers if you know? A I don't know what he was doing. I saw him talking about furs to different people when I was in conversation with him.

Q During the time you knew him did he seem to have plenty of time off? A Yes sir.

Q His time seemed to be his own? A Yes sir.

Q You have seen him all hours of the daytime? A Yes sir.

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EMMA H. HOELSCHER, being called and duly sworn as a Witness by the Foreman, testified as follows:

BY THE FOREMAN:

Q Where do you live? A 289 Macon Street, Brooklyn.

BY MR. TALLEY:

Q How near the Nevins Street station of the subway system, Mrs. Hoelscher, do you live? A Well by trolley, of course, it would be a greater distance than by L. I sometimes go by trolley, sometimes by L. I should say by L it was somewhere around ten minutes on the L.

Q Do you use the subway from Nevins Street occasionally when you are coming to New York? A Occasionally. More often I use the Hoyt Street station.

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Q Were you on the subway train coming from Nevine Street, Brooklyn on Thursday March 15th? A I was.

Q And can you tell us at about what time you were on that train? A I should say it was somewhere between quarter of twelve and ten or five minutes to twelve. I should imagine I boarded the train at quarter to twelve.

Q And where were you going? A On my way to Manhattan to keep a luncheon engagement.

Q Whereabouts in Manhattan; where were you going in Manhattan, what street? A Around 42nd Street.

Q Were you alone? A No; I had a lady friend with me, an old friend.

Q What is the lady's name? A Mrs. Joseph Mullen. She and I taught in the same school together before our marriage.

Q Is she now a school teacher? A No, she is married. We have not taught now for twelve or fourteen years.

Q And you were also a school teacher? A Yes sir.

Q In the City of New York? A In Brooklyn. I taught in the school from which I was graduated, in Number 23.

Q How long were you a teacher there? A About five years.

Q Were you teaching there, Mrs. Hoelscher, at the time of your marriage? A Yes sir.

Q Have you any children? A No children. I lost one.

Q Where did you get on the subway train? A Hoyt Street station.

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Q That is beyond Nevins Street? A Yes sir, between Nevins and Borough Hall.

Q Between Nevins and Borough Hall? A Yes sir. The next station is Borough Hall station coming over this way.

Q Did you observe any man and woman on that train? A Yes sir, I did.

Q That attracted your attention? A Yes sir.

Q What was there that attracted your attention to them?

A When we entered the tube our conversation had lagged. There was quite a distinct noise in the subway and one's conversation is apt to lag and on account of the noise you can't make yourself distinctly heard, and as I glanced around we were practically settled in the subway by that time. There had been various changes in and out at Borough Hall and there were no people standing in the train, and as I sat there quietly looking at various people I observed this couple who particularly drew my attention because of the various points of contrast. In the first place the woman seemed to be at least ten years older than the man and I should say she was of Irish extraction while he seemed to be Hebraic, and she was a striking blonde, one that you would naturally look at, and her costume seemed to be a little light for the weather, and I remarked to my friend, when we left the tube, I asked her if she had observed the couple in the corner, and one feature about it was that we had been talking of restaurants that did not meet with our

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approval, and we had just about finished that conversation on account of the noise. Our conversation had about ceased at that point when I observed this couple and naturally they impressed me as being the type we had just been talking about. When the noise subsided and we were practically out of the tube I drew her attention to the couple and said what a peculiar looking couple they were, so wholly unmated. If I remember rightly she said, "It doesn't look as if she had a coat on."

Q You made some remarks about her apparel? A Yes sir.

Q Do you recall how she was dressed? A Yes sir. She had a large black hat on that had sort of a turn and showed her hair, quite blonde and curly, seemed to be artificially curled, and around the edge were sort of little scallops of ribbon.

Q Like tassels? A More ribbon, forming sort of--- I can't explain it.

Q Little ribbons hanging from the rim of the hat? A Yes sir. Her dress was very light gray, her shoes seemed to match. They were high laced boots. She wore white gloves, and after we had talked about her not being warmly clad I noticed she had something in her lap like a scarf or coat and then I said how unmated they seemed and she said "Well, probably he has money. Look at the great diamond ring on his finger." I hadn't observed it until that moment. On his finger was an enormous ring I should say about three or four karats. He held it in a conspicuous manner.

Q What hand did he have it on? A His hands were crossed.

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It was hard to tell, but I know it was the pinky finger..

Q It was on one of the pinkys? A Yes sir.

Q Did you notice any trimmings on the sleeves of the woman's dress? A Yes sir, a deep cuff like imitation chinchilla, a square collar of imitation chinchilla, grey and white sort of.

Q I show you a photograph marked Exhibit 1, and ask you if you recognize that as an accurate likeness of the woman you have just described? A It is a likeness. It is not the clothing but a correct likeness.

Q I show you this photograph and ask if that looks like the clothing of the woman you saw on the train? A Exactly. Those are the cuffs, collar and dress.

Q And the hat? A And the hat no doubt.

Q Do you recognize that as the face of the woman you saw on that day? A Yes sir.

(Photograph marked Exhibit 7 in evidence)

Q I ask you to look at that photograph, Exhibit 2, and ask if that is a correct likeness of the man you saw in company with the woman you have just described? A I should say it was his picture.

Q Do you say it is? A I do say it is.

Q You got on the train, as near as you recall, about 11:45 on Thursday? A About 11:45.

Q And were they on the train when you got off? A On the train.

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Q Then did you get off first or did they get off first? A I can't recall. I left the Grand Central to take a local and whether they left at the same time I can't say. My friend says-

Q We want to know what you observed? A No, I really did not see.

Q Where was the train when you last observed them? A Quite near the Grand Central Station.

Q You think they were on the train after the train got to Manhattan? A I am positive. Our conversation was about them almost all the way.

Q Would you say they were on the train after they got to 14th Street? A Yes sir.

Q Was it an express train you were on? A Express train from Brooklyn.

Q What time would you say it was you and your friend got off the train at 42nd Street? A Judging from the time it usually takes I would say between quarter and half after twelve; somewhere around there.

Q Did you say you were sure they were on the train at 14th Street? A Positive.

Q Then the train you were on made no stop to let passengers off between 14th Street and Grand Central Station? A That is correct.

Q Did you ever see a person that was identified to you as Benjamin Sternberg? A Never in my life until I made the

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identification at the police station.

Q I am asking you now about that. You saw him, you say, on the train on the 15th of March? A Yes sir.

Q When did you see him again? That was Thursday the 15th. When did you next see him? A The following Tuesday.

Q That was Tuesday, March 20th? A Yes sir.

Q Where did you see a man identified to you as Benny Sternberg? A At the Lexington Branch is it-- I am not familiar with the detective department.

Q Second Branch of the Detective Bureau? A Yes sir.

Q Did you see the man whose photograph you have said was that of the man you saw on the train? A Yes sir.

Q How did you pick him out? Tell us how you made the identification which you have indicated? A As I entered the room there were probably fifteen men around in various poses, some standing, some sitting, various types, some wearing their hats, some had no hats, but I immediately recognized him among all, although he had neither hat nor coat on and he was standing, and when I last saw him he had a coat and hat on and was sitting.

Q When you went into the room what did you do with respect to picking out a man? A I simply looked around at every face and saw him. I carefully glanced around and scanned every face

Q Then did you pick out the man? A Yes sir.

Q The man whose photograph you have identified, marked

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Exhibit 2? A Yes sir.

Q And you say the photograph I showed you marked Exhibit 2 is a correct likeness of the man you saw in the train and the man you picked out from this group of fifteen men in the Detective Bureau? A That is correct.

Q Quite sure about that? A Quite sure.

Q Will you tell us how this man on the train that you have indicated was dressed? A He wore a fedora hat, was very thick set, I should call him chunky, broad shoulders, and his head seemed to set right in his shoulders and had very little neck.

Q I mean the clothing? A Fedora hat, dark overcoat and what seemed to be brown trousers. The light in the subway of course cast a sort of---

Q They were dark? A Yes sir, dark clothes and Fedora.

Q Do you know how it was you were called over to the Detective Bureau to identify anyone? A I do.

Q Will you tell us how it was? A On Friday I had not seen any papers but had heard sister talking about some woman who had been murdered in the Martinique and according to the hotel register she was Florence Gray of Boston. That was all that happened at that time, but next morning when I came down to breakfast she had already read the paper and she asked me where certain friends of ours lived on Clinton Street in Brooklyn and I told her---

Q Dont tell us conversation please. How did you come to go

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to the detective bureau to identify anyone. That is what a juror desires to know? A I felt from the descriptions in the paper the man who was being held and the woman who was murdered were the couple who sat opposite to us and about whom we talked in the subway.

Q Had you seen a photograph of either one up to that time?

A No.

Q Did you go to any police authorities and tell what you had seen? A I inquired of the police regarding the clothing the woman wore and instead of telling me, asked me to give a description instead of the woman I thought I had seen before they indicated it might be the woman.

Q Did you describe the clothing about the same as you have done? A Yes sir. I described the clothing to the man at the other end correctly.

NATHAN BIRCHALL, JR., being called and duly sworn

as a Witness by the Foreman, testified as follows:

BY THE FOREMAN:

Q What is your occupation? A Stenographer.

Q Where? A District Attorney's office, homicide bureau.

BY MR. TALLEY:

Q Mr. Birchall, on the 19th of March did you see a man described as Benny Sternberg? A I did.

Q Where did you see him? A At the Second Branch Detective Bureau.

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Q Were you present when a statement was made by him with respect to his movements on Thursday the 15th of March? A Yes sir.

Q Can you tell us, without going into details or reading your notes, what he said about his whereabouts on that day? A He said that he left the house about ten after twelve that morning. That he remembered the hour because the children were coming out of school, that he went out and got something to eat brought it in and ate it, then went out again and went to Mertz's cafe, Ralph Avenue and Broadway, Brooklyn, got there about one thirty in the afternoon, that he stayed there all afternoon and mentioned several people he talked to over there, among them Tom Getzner, the bartender, and I believe Mr. Mertz himself he saw in there and a man named Billy Sheppard and a man named Frank McGuire, and that his purpose in going there was to meet Frank McGuire who owed him \$5. That he stayed around there all afternoon hoping to get the \$5, until about 5:30, that McGuire had been out. At 5:30 McGuire came in with two girls and McGuire, Sheppard and the two girls went in the back room and invited Sternberg in with them. He went in there and had several drinks, then they went to a cafe known as Muller's Cafe near by and had some more drinks and about eight o'clock he left them and went home and went to bed about nine o'clock.

Q Where was that statement taken? A In the Second Branch Detective Bureau.

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Q And at what time was it taken? A About eight o'clock in the evening.

Q Were you present when he made another and different statement with respect to his movements on the afternoon of Thursday the 15th? A I was.

Q Will you tell us the subsequent statement he made with respect to that, and when did he make the statement? A It was the following evening, Tuesday evening, March 20th, at the same place.

Q What place is that? A Second Branch Detective Bureau.

Q About what time of the evening? A Around midnight some time.

Q What did he say? A He said that he left his house and took the 11:16 train from East New York and arrived at the Flatbush Avenue station, Brooklyn about 11:25 and proceeded to the Duffield Street station of the subway where he had an appointment to meet Mrs. Hilair. He said the appointment was for any time between 10 and 12, that he met Mrs. Hilair about 12 o'clock or 11:45, I am not certain as to the exact time, and took the subway to the Grand Central, got out at the Grand Central Station, and as they got out they met a man who took off his hat and said "how do you do" to Mrs. Hilair. He went on to describe the man, that she had some conversation with him, separated from Sternberg for a moment or so, and she came over and told Sternberg this was an old friend of the family or a

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relative, and she would have to call off her date with Benny, and she went away with this man telling Benny she would meet him next afternoon at the Casino Theatre at between 1:30 and 2 o'clock.

He then said that he took the next local train uptown. He first said he got off at the 50th Street station, afterwards changed it and said he got off at the Time Square station, and he went to Simpson's pawnshop, 47th Street and Broadway, and pawned his diamond ring for \$200 and he telephoned in a saloon right next to the Palace Theatre, 47th Street and Broadway, to a firm named Cohen Brothers about some furs he was to buy there, and that he also had lunch in a bakery at 47th Street and Broadway, that he could not get Mr. Cohen on the phone so he proceeded back to Brooklyn and went to Mertz's cafe.

Q What was his first statement as to how he went back to Mertz's cafe? A Took the subway either at 50th Street or Times Square. He made different statements on that point.

Q Tell us in what respect they were different. What was the first statement and what was the second statement? A According to the first statement he took the subway at 50th Street and his second statement was he took it at Times Square.

Q Did he say he went on the subway to Mertz's cafe? A No; he said he took the subway to Brooklyn Bridge and took the Lexington Avenue elevated in Brooklyn to Gates Avenue.

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Q On his second statement, after he told you how he got back to Mertz's cafe, did he make any further statement as to the stop he made there and what he did, and how much time he spent there? A I don't think he did to me, no sir.

Q That is, you don't recall having made any notes or heard him say anything about the stop he made there when he was giving the second statement? A No.

Q Was there another stenographer at the District Attorney's office assisting you on this investigation? A Yes sir. He was there between my first and second visit.

Q Who is that? A Mr. Cheesman.

Q Do you know what brought about a change in the statement with respect to whether Sternberg got on the subway at 50th Street or at Times Square? A Yes sir.

Q Tell the jury that, only what you know about it? A When he said he got off and got on at 50th Street, got off coming up and got on coming back, Mr. Joyce asked him if he didn't know there was an explosion in the subway at the 50th Street station on the Tuesday prior to the Thursday he was talking about. After that he changed and said he got on and got off at Times Square.

Q You mean after he was told there had been an explosion at the 50th Street station on Tuesday preceding the Thursday, he then said he didn't get on and didn't get off the train at 50th Street but got on and off at Time Square? A Yes sir.

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Q Do you know whether or not there was any explosion in that station on the Tuesday preceding the Thursday? A There was not, no sir.

Q Tell us what the appearance of the man was when he was giving these statements? A He appeared very calm and collected

Q At this statement you say was taken at twelve o'clock midnight what was his manner then? A Cool and calm.

Q Do you know anything that happened between the time he gave the first statement in which he said he didn't know or hadn't seen Mrs. Hilair as I understand? A I don't know it personally because I wasn't there between those two times.

Q Do you know whether he had been identified by anyone between the time he made the first statement and the time he made the second statement? A Not in my presence.

Q Were you present at any identification made of Sternberg by Mrs. Hoelscher? A No sir.

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B E N E D I C T W. C H E E S M A N, being called and duly sworn as a Witness by the Foreman, testified as follows:

BY THE FOREMAN:

Q What is your occupation? A Stenographer, District Attorney's office.

BY MR. TALLEY:

Q Mr. Cheesman, were you present at any statements made by a man now in custody known as Benny Sternberg? A Yes sir.

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Q Did you hear him make any statements with respect to his movements on the day of Thursday, the 15th of March? A Yes sir

Q Before we go further into that, were you present at any time when a woman, Mrs. Hoelscher, made an identification of Sternberg? A Yes sir.

Q Did you see her pick him out of a group of men? A Yes sir

Q Do you remember just when that was? A The exact time of day?

Q What day was it? A It was on Tuesday, March 20th, I think.

Q Tuesday March 20th. Was it before midnight of that day, Tuesday? A It was in the afternoon.

Q Were you present at any statement made before this Tuesday afternoon and before the time when he was identified by Mrs. Hoelscher? A Yes sir.

Q Did you hear him make any statement as to whether he knew Mrs. Hilair or not before that identification was made? A I think he knew her as Miss Hill.

Q Did he say he knew her as Miss Hill? A He called her Miss Hill.

Q Were you present at any statement he made before this identification, as to whether he was with her on the afternoon of Thursday the 15th? A Before Mrs. Hoelscher's identification?

Q Yes? A Yes sir.

Q Were you present when he made that statement? A Yes sir

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Q Do you recall what he said with respect to having been with her or not having been with her? A No, I didn't have that

Q When Sternberg was identified by Mrs. Hoelscher did you observe anything about the actions of Sternberg? A Yes sir, I did.

Q Tell us what you observed? A He was evidently very much taken back and he could barely either rise or sit down.

Q Describe with your chair there just how he did act? A I think he was standing up and when he went to sit down he got almost this way, something like this (indicating).

Q He appeared to be unable either to stand up well or sit down easy; is that right? A Yes sir.

Q Did you observe anything further about him? A He was very pale.

Q Were you present when he made any statements after that identification which were different to the statements he made before the identification? A Yes sir.

Q Get down to these statements. Tell us the first one he made, then tell us the subsequent ones he made which were different? A The first statement he made was that he got on the Long Island train at Van Siclen Avenue, I believe, and rode to Atlantic Avenue and then rode to the subway; on the train met two other fellows and an officer. They rose to the subway and each man bought their own ticket and I think he said he lost the other two fellows in the subway and he rode to New

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York, Grand Central, and changed and went to 50th Street and got off.

Q Did he say he was alone in the subway train from Brooklyn to 42nd Street? A Yes sir.

Q Did he say he wasn't with Mrs. Hilair on that train? A At first he did, that he was alone.

Q When did he make this statement? A That statement was made about twelve o'clock on Tuesday.

Q Twelve o'clock noon? A Yes sir.

Q On Tuesday? A Yes sir.

Q That was before the identification which you saw made by Mrs. Hoelscher? A Yes sir.

Q Were you present when he made any different statement with respect to his riding on the subway and getting off at 42nd Street or another station? A After Mrs. Hoelscher left he made another statement in which he said practically the same thing, only he lost the fellows in the subway as they went to Atlantic Avenue and when he arrived at Duffield Street in the subway he was riding in the last car, and according to his appointment the lady was standing on the platform of the subway and saw him in the last car and she got on at Duffield Street.

Q Did he say who the lady was? A Mrs. Hilair.

Q Then did he say where they rode together? A They rode to the Grand Central station and they changed. They were going to take a local, I believe, to the Palace Theatre, but on the

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station before they were able to get a local she met a man, he described the man, and she spoke to this fellow and then came back to him and told him she would have to leave him (that is Benny) because this fellow was a relative of hers, and she would meet him next day in Brooklyn at the Casino Theatre. Then she left him and he took the train to 50th Street and got off there and went to Simpson's pawnshop and pawned his ring.

Q Did he say which Simpson's he went to? A 46th Street and Broadway.

Q Were you present when he changed his statements about getting off at 50th Street? A No sir.

Q Did Sternberg say, in your presence, that after leaving 50th Street he went to Mertz's cafe? A Yes sir..

Q Did he say, to be more accurate, that it was after he left Simpson's, the pawnbroker? A Yes sir.

Q He then went to Mertz's cafe? A Yes sir.

Q Did he say he spent the afternoon there? A Yes sir.

Q Did he say what time he got to Mertz's cafe? A He said he got back there about 1:30..

Q Did he say how long he remained there? A He stayed there until he went home at night. I think he said he got home at eight at night.

Q Did he mention the names of any men he talked to in Mertz's cafe? A A man named Frank McGuire and Billy Sheppard. He said he saw Mr. Crawford there.

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Q Did he say anything about meeting Tom Getzner? A Yes sir; he was the bartender.

Q Say anything about meeting Mertz, the proprietor? A I don't remember that he did.

Q Did he say anything in your presence about having talked with Getzner, the bartender? A I think he did.

Q Do you recall what he stated he said to Getzner or Getzner to him? A I believe there was something about some shoes he bought, a pair of shoes, and this fellow, McGuire, he said came in and didn't speak to him and he mentioned it to the bartender, the fact that he loaned him \$5 and this fellow walked by him without paying and didn't say anything to him, and the bartender told him he was a fool to loan his money.

Q Did Sternberg say in your presence he remained continuously in Mertz's cafe from 1:30 until about 5:30 that night?

A I think he went across the street for something.

Q Did he say he came back? A Came right back.

Q Did he say he spent practically the entire afternoon in Mertz's saloon? A Yes sir.

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G E O R G E N E U M A N N, being called and duly sworn as a

Witness by the Foreman, testified as follows:

BY THE FOREMAN:

Q Where do you live? A New Rochelle.

Q What is your occupation? A Appraiser for J. Simpson & Company, pawnbrokers.

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Q Where is their place of business? A 1550 Broadway.

BY MR. TALLEY:

Q You are the appraiser for Simpson, the pawnbroker, are you not? A Yes sir.

Q You are located at the Simpson store at 46th Street and Broadway? A Yes sir.

Q Were you there on the 15th of March of this year? A Yes.

Q At any time on that day was a solitaire diamond ring left with you in pawn? A We had quite a few on that day.

Q Have you got any record which identifies a ring pawned with you on which you gave \$200? A Yes sir. There is a record down at police headquarters on a card system which all pawnbrokers have. That record was sent to police headquarters of that ring.

Q Do you know independent of that card whether or not on that day a ring was pawned for \$200 with you? A I took in one for \$200.

Q What is the character of the ring? A That I could not say. That is on the card down at police headquarters.

Q Have you no recollection of it? A Of that particular ring?

Q Yes? A No, outside of that I loaned \$200 on it.

Q Was that a ring containing two or three diamonds? A I understood and believe it was a one-stone ring.

Q What was the type of the setting of the ring? A That I

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could not say. That is on the record.

Q We know that, but we want to know what you know? A I can't say.

Q Can you give us any idea of the size of the diamond in the ring? A I judge offhand about--I wouldn't like to say that. That is too long ago-- around a karat and five-eighths.

Q Would you say a large or small diamond? A A large stone

Q Was that the only single or solitaire diamond ring on which you loaned \$200 on that day? A There was another one taken in sooner in the day. Of course I can't say who took that in, whether I or some other clerk.

Q Was \$200 given on that? A Yes sir.

Q Was that also a solitaire? A I could not say about that

Q But you know you took in a solitaire and loaned \$200 on it? A Yes sir.

Q What time did you do that? A Around one o'clock, one or one thirty I judge.

Q How close on the matter of time are you able to come? Is there any record showing the exact time it came in? A No; there is not.

Q Do you know that it came in between one and one thirty? A That is to the best of my knowledge I should say that.

Q Do you know anything about the ring being redeemed? A Yes sir, I do.

Q When was it redeemed? A On the 17th of March.

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Q It had been put in there on the 15th of March? A Yes sir

Q It was redeemed two days later, on Saturday the 17th; is that right? A Yes sir.

Q Can you tell us the name that was given by the pledgor?

A The name was Hollender.

Q Have you any recollection of the appearance of the man that pawned the ring? A Yes sir, I have.

Q Was the same man who pledged the ring the one who redeemed it? A Yes sir.

Q Can you describe the man? A Yes sir, I think I can.

Q Describe him, Mr. Neumann? A I should think a man about my size, not quite as stout as myself, and had black eyes and more hair than I have got.

Q Smooth face or a moustache? A Smooth face.

Q Clean shaven man? A Yes sir.

Q About how old a man would you say he was? A Around 30 or 35 years old, probably 30 years old.

Q About 30 years old you say? A Yes sir.

Q I show you Exhibit 2 and ask you if you can identify that as a correct likeness of the man who pawned the ring as you have described? A That is the man that pawned the ring.

Q And is that also the photograph of the man who redeemed the ring on the 17th? A Yes sir.

Q And is that the man to whom you gave \$200 when the ring was pledged? A That's right.

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Q Do you remember whether the ring was pledged before you had your lunch or after you had your lunch on Thursday the 15th? A It was after my lunch.

Q What time did you go out to lunch that day? A 11:30.

Q What time did you get back? A About five minutes past twelve I generally get back.

Q Did he pawn anything else on Thursday the 15th? A No, he did not.

Q What amount did he ask for when he offered the ring? A \$200.

Q And that is the amount you gave him? A After a little discussion.

Q Did you ever see this man before he came in on Thursday and pawned this ring? A No sir, I did not.

Q The man was a stranger to you? A Yes sir.

Q And those are the only two occasions you recall having seen him, when he pledged and when he redeemed? A That's right.

Q Did he pledge anything on Saturday when he redeemed the solitaire? A No, he did not.

Q Did he pawn anything at any time after Saturday? A No sir

Q You only saw him on those two occasions? A That's right

Q Did you have any conversation with him? A I did when he redeemed it.

BY A JUROR:

Q What did he say? A The fact of it being not two days

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he made a kick about the interest. The interest on the \$200 would have been \$4, so he asked me if I could not make it less. I says "Why, yes, the fact of it being in two days I would make it \$3 for him, so he was satisfied and I made the total amount \$200 and charged him interest \$3 and he went out satisfied.

BY MR. TALLEY:

Q Do you know the denomination of the bills you gave him on Saturday? A No, I don't.

Q When he redeemed the ring did you notice whether he had any additional amount of money other than the \$200 that he paid with interest? A No. I didn't pay any attention to that part of it.

LOUIS G. MERTZ, being called and duly sworn as a

Witness by the Foreman, testified as follows:

BY THE FOREMAN:

Q Where do you live? A 1306 Broadway, Brooklyn.

Q What is your occupation or business? A I am in the saloon business, cafe.

Q At the place you have just mentioned? A Yes sir.

BY MR. TALLEY:

Q Is the cafe that you are proprietor of 1306 Broadway? A Yes sir.

Q And is that at Broadway and Ralph Avenue, Brooklyn? A Yes sir.

Q Were you the proprietor of that cafe on Thursday the

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15th of March? A Yes sir.

Q Were you there on the afternoon of that day? A Yes sir.

Q What time did you get there on that day? A 12 o'clock.

Q How long did you remain there that day? A Until one o'clock in the morning.

Q You were there continuously? A Yes sir.

Q Had your meals there? A I live upstairs.

Q How long between 12 o'clock and 7 o'clock that night were you out of the cafe? A Not at all.

Q And in the back room of your cafe were you also in that room? A Yes sir.

Q At various times? A Yes sir.

Q And frequently during the day? A Yes sir.

Q Do you know a man named Benjamin Sternberg? A Yes sir.

Q How long have you known him? A About 6 or 7 months.

Q What name did you know him by? A By Benny.

Q Did you ever know him by another name? A Not until a few months ago--- Sutton.

Q Did you know him as Benny Sutton? A Yes sir.

Q Did you ever know him prior to the 15th of March by the name of Sternberg? A No; I never knew him by that name.

Q I show you a photograph and ask you if that is a correct likeness of the man that you have described as Benny Sutton (referring to Exhibit 2)? A Yes sir.

Q I ask you to look at the photograph handed you and ask you

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if that is a correct representation of the interior of your cafe? A Yes sir.

(Photograph marked Exhibit 8 in evidence)

Q On the afternoon of Thursday the 15th of March did you see Benny Sutton or Benny Sternberg in your cafe? A No sir.

Q Sure about that? A Positive.

Q Describe the bar in your cafe; is it a circular bar? A No, a triangular bar.

Q The bar runs around in a triangle? A Yes sir.

Q So that a man standing at one side of the triangle could see a man standing on the other side? A Couldn't help seeing him.

Q How big is the interior of your saloon would you say? A The bar itself is fifty one feet.

Q You mean fifty one feet across? A All around.

Q If you measured it from one end to the other going around practically it would be fifty one feet? A Yes sir.

Q How many feet of floor space does it occupy? A About twenty eight feet on Broadway and about twenty eight feet on Ralph Avenue and then I have ten feet for a sitting room.

Q That is the entire saloon? A Yes sir.

Q But the bar only takes up about half that space? A About three-quarters.

Q That is twenty eight by-- about how deep is the barroom?

A That is the depth of the barroom and I have ten feet sitting room. It is thirty eight feet altogether on Broadway.

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Q It isn't as large a room as this grand jury room? A No.

Q Maybe half the size? A No, not quarter the size.

Q It is a small barroom? A Yes sir.

Q Who was your bartender on Thursday afternoon? A Tom Getzner.

Q Are you sure you did not see Benny Sutton or Benny Sternberg on the afternoon of that day in your cafe? A Yes sir.

Q Did you see him there that evening? A No.

Q You were there that day up to one that next morning? A Yes sir.

Q And he wasn't in your cafe or you did not see him that afternoon or that evening? A No sir.

Q You went out for your luncheon, didn't you? A I don't have lunch until five or six in the afternoon.

Q After you came there at twelve did you remain in the barroom until five or six o'clock? A Yes sir.

Q Then where did you go? A Upstairs to supper.

Q How long did you remain upstairs? A About three-quarters of an hour.

Q If you went up promptly at five o'clock you would be back about quarter to six? A Yes sir.

Q And from quarter to six or thereabouts you remained until one o'clock next morning? A Yes sir.

Q During all that period you did not see Benny Sutton or Benjamin Sternberg there? A No sir.

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THOMAS GUTENBERG, being called and duly sworn as a

Witness by the Foreman, testified as follows:

BY THE FOREMAN:

Q Where do you live? A 253 Cornelia Street, Brooklyn.

Q What is your position or occupation? A Bartender for Mr. Mertz.

Q Where is Mr. Mertz's place of business? A Ralph Avenue and Broadway.

Q What kind of business? A Liquor business.

Q Saloon and cafe? A Yes sir.

BY MR. TALLEY:

Q Were you working in that cafe on the afternoon of Thursday the 15th of March 1917? A Yes sir.

Q What time did you go on duty? A Twelve o'clock.

Q Noon? A Yes sir.

Q How long did you remain there? A I remained there until about twenty after five and went to my supper.

Q Where did you go for your supper? A Right next door.

Q What time did you come back to work? A I got back there I judge about five or ten minutes after six.

Q During all of that time, with the exception of the interval for your supper were you tending bar in the cafe? A Yes.

Q Behind the bar? A Yes sir.

Q Do your duties call you into the back room? A No sir. I very seldom go in the back room.

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Q Did you go in the back room that afternoon? A Yes sir.

Q On more than one occasion? A Just the one occasion where I had to go to the telephone.

Q Do you know a man named Benny Sternberg? A I know him by the name of Benny Sutton.

Q I ask you to look at the photograph, Exhibit 2, and ask you if that is a correct likeness of the man you knew as Benny Sutton? A Yes sir.

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

Q What did you call him? A Benny.

Q What did he call you? A Tom.

Q You knew each other pretty well? A From coming in--from his coming in as a customer.

Q Did you see him on the afternoon of Thursday, the 15th of March, in the saloon where you were working? A No sir.

Q You are sure he was not there? A Positive, I did not see him.

Q Did you see him there in the evening? A No sir.

Q Do you know a man named McGuire who comes into your saloon? A Yes sir.

Q Ever see McGuire and Benny Sutton together? A Yes sir, talking.

Q Did you have any conversation with Benny Sutton or Benny Sternberg about McGuire owing Sutton or Sternberg any money on that day? A No sir.

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Q In fact you didn't see him in the saloon that day or that evening? A No sir.

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WILLIAM SHEPPARD , being called and duly sworn
as a Witness by the Foreman, testified as follows:

BY THE FOREMAN:

Q Where do you live? A 910 Putnam Avenue, Brooklyn.

Q What is your business? A With the Brooklyn News Company

Q In what capacity? A Clerical position.

BY MR. TALLEY:

Q Do you know a man named Benny Sternberg? A No sir.

Q Do you know a man named Benny Sutton? A Yes sir.

Q I ask you to look at the photograph on the table alongside of you and ask you if that is a correct likeness of the man you knew as Benny Sutton? A Yes sir.

Q How long did you know that man? A About six months.

Q Did you know him pretty well? A Not very well outside of meeting him at that time.

Q Ever meet him in Mertz's cafe? A Yes sir.

Q Did you meet him frequently there? A Sometimes once or twice a week.

Q You and he had a drink occasionally together in the cafe?
A Yes sir.

Q And frequently conversed with each other? A Yes sir.

Q Were you in Mertz's cafe on the afternoon of Thursday, the 15th of March? A Yes sir.

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Q What time did you get there? A 5:30.

Q In the evening? A Yes sir.

Q Did you see Benny Sutton there at that time? A No sir.

Q How long after you arrived there did you remain there?

A I was there until about 7:30.

Q 5:30 to 7:30--- A Yes sir.

Q You were in Mertz's cafe; is that right? A Yes sir.

Q In whose company were you? A Mr. McGuire.

Q What is his first name? A Francis McGuire.

Q Frank McGuire? A Yes sir.

Q And who else? A Benny Childs I believe was there.

Q Who was behind the bar? A Mr. Getzner.

Q Did you see Mr. Mertz there? A Mr. Mertz was there,
yes sir.

Q Did you see Benny Sutton or Benny Sternberg at any time
on that day or that evening? A I met him that evening at 7:30.

Q Where? A In Muller's cafe.

Q In Mertz's cafe? A No.

Q Where is Muller's cafe with respect to Mertz's cafe? A
It is a distance of about two blocks.

Q Is it on Ralph and Gates Avenue? A Yes sir.

Q And Mertz's saloon is on Ralph Avenue and Broadway?

A Yes sir.

Q There is a distance of about two blocks between them?

A Yes sir.

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Q What time did you leave Mertz's cafe? A About 7:30.

Q And it was after you left there that you met Benny Sutton or Sternberg? A Yes sir.

Q So that it was probably between 7:30 and 8 o'clock when you met Sternberg or Sutton? A Yes sir.

Q You passed the Empire Theatre on your way from Mertz's to Muller's? A Yes sir.

Q Were the people going into the theatre as you were going by? A Yes sir.

Q Does that fix the time as being around 8 o'clock? A That is the reason I judge it was between 7:30 or 8, because people were going in the theatre.

Q Who was with you when you went in Muller's cafe? A Two ladies.

Q Two friends of yours? A Yes sir, and Mr. McGuire.

Q Where did you sit in Muller's cafe? A Right as you go in the door, the first table on that side (indicating).

Q In the back room? A Yes sir.

Q Back of the bar? A Quite some distance from the bar.

Q When you got in there was Benny Sutton or Sternberg there?

A No. I had been seated about five minutes and he came in.

Q Had you ordered anything to eat when you and your two friends went into Muller's? A No. That is a little place.

When you order a drink they serve you a little sandwich.

Q Had they served you with the little sandwich by the time

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Benny Sutton or Sternberg came in? A I am pretty positive they did.

Q You had your drinks and sandwiches on the table? A Yes sir

Q You had gone in, taken your seat, you had given your order to the waiter, the waiter had come back with the drinks and the sandwiches? A Yes sir. He brings the sandwiches after serving the drinks.

Q He served the drinks and went back and got sandwiches and brought the sandwiches, and all of that had been done before Benny Sutton or Sternberg came in? A I believe he was in at that time. I was only sitting five minutes when he came in and said "hello Billy."

Q That was after 7:30, between 7:30 and 8 as near as you can fix it? A Yes sir.

Q Was he alone? A Yes sir.

Q Do you remember how he was dressed? A No; I know he had a dark suit on.

Q Did he have an overcoat? A I don't know whether he did or not.

Q What kind of hat did he have on? A That I don't recollect.

Q Do you remember whether it was a derby or fedora? A It was a fedora, because he always wore a fedora.

Q You know this was a fedora hat he had on? A Yes sir.

Q Remember whether he had a soft collar or a stiff collar?

A No.

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Q What did he do when he came in Muller's? A I don't know whether he came in through the front or the side door, but he says "Hello Billy." I said "Hello Benny." I don't know whether he treated to a drink or not.

Q Do you remember whether he sat down at the table with you or not? A No, he didn't sit down.

Q Did he show any money? A Yes sir.

Q How did it appear to you? A It was a very large bank roll which he showed.

Q Seemed to be a large bank roll? A Yes sir.

Q Did you notice the denomination of any of the bills? A No sir.

Q You are sure you did not see him in Mertz's cafe that day? I didn't see him in Mertz's at all that day.

Q You had been there from 5:30 until 7:30 when you went to Muller's? A Yes sir.

Q After you left Muller's cafe did you leave Benny behind you? A We came out and I left him right there on that corner and I don't recollect whether he said he was going home or where.

Q Did he come out of the cafe with you? A I believe he did

Q What time? A That was around eight or ten after eight.

Q You were only in Muller's a short while? A Yes sir.

Q About how long would you say you were in Muller's cafe?

A About twenty five minutes at the most. Of course I couldn't be right sure how long we were in there.

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Q Were you carrying a watch with you at the time? A No sir.

Q Didn't have any timepiece on that time? A No.

Q After you left Muller's cafe where did you go? A I went back to Mr. Mertz's.

Q Did you see Benny in Mertz's? A No sir.

Q How long did you remain in Mertz's? A I guess we were there for an hour.

Q That would be 9:30? A Yes sir.

Q And you left about that time? A We might leave a little later than that.

Q Between 9:30 and 10? A Yes sir, we went to a cabaret after that.

Q And you didn't see Benny again that night, did you? A No sir.

Q The only place you saw him on that day or that night was in Muller's cafe? A Yes sir.

Q For a period of maybe 15 or 20 minutes; is that correct, the time you and the two ladies were there? A I would say 20 or 25 minutes that night.

Q How many drinks did you have, you and the ladies? A I think we had two drinks.

Q How did it happen you saw Benny's bank roll? A He took it out and was going to buy a drink, took it out of his pocket.

Q Did he? A Yes sir.

Q Did he pay for the drink? A Yes sir.

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Q Did you make any remark to him about the size of the bank roll? A I don't recollect I did.

Q How would you describe what you have called a large bank roll? Indicate with your hands about how large it seemed to be?

A About that (indicating), pretty thick.

Q A big roll of bills? A Yes sir.
(Witness indicating about 4 inches in diameter).

BY A JUROR:

Q Did you see the denomination of the outside bill? A No

Q What color? A It was green.

Q Not yellow? A No sir.

BY MR. TALLEY:

Q I asked you 4 inches in diameter. You mean 4 inches around, in circumference? A He had it doubled over.

Q Was it rolled or flat? A He had it doubled over once.

Q Would you say it was four inches thick? A I would not say four inches, no.

Q You described it as a large roll of bills? A Yes sir.

Q Could you describe it by putting your two forefingers and two thumbs together? A I don't think I would be able to describe it that way.

Q Isn't that the way you described it? A Yes sir. It was a good large amount of money. I couldn't tell exactly how thick it was.

Q Did you have any conversation with him about the bank roll? A No.

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Q Ask him how much he had? A No.

Q Didn't have any conversation on that point at all? A No

Q Did you have any talk on any subject? A No sir.

Q Didn't discuss anything in particular? A No.

Q Do you recall any conversation you had with him? A No.

I can't recall any conversation I had with him.

Q You must have had something to say. He came in and said "Hello Bill"? A Yes sir, that is all he said and had a drink and left the party then.

Q Did he have the drink with you? A Yes sir, and he left us on the corner.

Q He must have talked about something when he was sitting with you and the two ladies? A I don't recall he did.

Q Wasn't he in your company about 20 or 25 minutes? A Yes.

Q And you can't recollect anything he said? A He was fooling with the girls.

Q Talking with the girls? A Yes sir.

Q Did you hear anything he said to them? A Talked about the show at the Empire.

Q Do you remember what he said about that? A He said it was a pretty good show.

Q Observe anything about his manner at all? A No sir, I did not.

Q You had seen him frequently on other occasions had you not? A Yes sir.

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Q On these other occasions did you ever see him with as large a bank roll as on this night? A Yes sir, on different occasions.

Q Was he in the custom, as far as you saw, of carrying large rolls? A Yes sir.

Q Do you know whether he was working at that time? A I never knew anything he done outside of being interested in furs.

Q Never knew of him having a steady job? A No.

Q The only thing you knew him to do was in reference to furs? A Yes sir, buying and selling furs.

Q Did he have any place of business as far as you know? A No. I never even received a card from him.

Q Was he pretty well dressed as a general rule? A Yes sir; always kept himself very neat.

Q What are the names of the two women you were with in Muller's cafe? A I don't know the last name. One was named Anna.

Q Do you know where she lives? A No.

Q What is the name of the other girl? A I think her name is Flo.

Q Do you know where she lives? A No.

Q Do you know whether they live in Brooklyn or not? A No.

Q Did they go frequently to Muller's? A Whenever they go to the Empire they usually stop in that place.

Q The Empire Theatre is right opposite Muller's? A Right opposite Mertz's.

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Q Did they go to Mertz's? Did these two girls go there?

A That is the first time I ever seen them there.

Q The first time you ever saw them there? A In Mertz's.

Q Did you take them from Muller's to Mertz's? A No; met them outside of the Empire.

Q You took them to Muller's? A After I left Mertz's.

Q Then you went and had a drink with them in Muller's and there you met Benny? A Yes sir.

Q Where were the girls-- in Mertz's cafe? A I met the girls round six o'clock.

Q Where? A Broadway and Ralph Avenue.

Q Before you went to Muller's were they in your company in Mertz's? A Yes sir, the girls.

Q Then you took them over to Muller's? A Yes sir.

Q And you went in there and had your drink and sandwiches in Muller's with the girls? A Yes sir.

Q And it was in Muller's Benny came in? A Yes sir.

Q Before you met the girls in Mertz's cafe what part of the cafe were you in? A Looking out of the front door.

Q At the bar? A Yes sir.

Q And when the girls came in did you go with them into the back room? A Mr. Childs brought them in. I went in after them.

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BRYD CAMPBELL TRIGG, being called and duly sworn as a Witness by the Foreman, testified as follows:

BY THE FOREMAN:

Q Where do you live? A 350 West 28th Street.

Q New York City? A Yes sir.

Q What is your business or occupation? A I am a stenographer now but I am admitted to the Bar down South where I came from, but never secured a license in New York.

Q Are you working at the present time? A As stenographer.

Q Where? A Now working for the secretary, temporarily for about ten days, at the Lambs Club.

Q Secretary of the Lambs Club? A No; working for the secretary at the Lambs Club.

BY MR. TALLEY:

Q In what State were you admitted to the Bar? A Mississippi

Q Did you practice law there? A I did not practice law for myself. I practiced law but I was working for another firm

Q A law firm? A Yes and was going into the practice but about a month before I was going in with father (he was on the Bench about 20 years there) he died.

Q On what Bench of the State of Mississippi was your father a judge? A Chancery judge.

Q How long have you been in the City of New York? A On the 26th day of last February a year ago.

Q You have been here continuously since then? A Yes sir.

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Q Before you began work for the secretary of the Lambs Club what was your occupation? A About nine months, a little over eight months, I was with W. & J. Sloane, 47th Street and Fifth Avenue.

Q What business? A As stenographer.

Q What business are they in? A Carpet and rug business.

Q You worked for them how long? A I worked for them from May until January when they let out all their stenographers and put in dictaphones and employ young ladies now, on account of retrenchment, cutting down expenses of the firm.

Q Were you in the vicinity of the Hotel Martinique on Thursday the 15th of March? A Yes sir, right at it.

Q Where had you been on the afternoon of that day? A I had left downtown something after two o'clock; I am not sure about the exact time but it was after two o'clock, and went up to 44th Street to see a party up there on some business. Then I came back and usually take my meals at the Pennsylvania Cafe because it is convenient for me.

Q Where is that cafe? A Pennsylvania station. I always go up there for breakfast every morning. On my way back I went to Astor Court Building to see a party there.

Q Who was the party you went to see? A I went to see Mr. Cohen but he wasn't in.

Q After you left there where did you go? A I started to go down to the Pennsylvania and I came down 34th Street to Broadway and was hesitating a moment on the corner of 32nd

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Street and Broadway and said I would go in the Martinique cafe and get a drink and go down town. As I was standing there I noticed this couple coming down Broadway and coming over close to me, this Mrs. Hilair I afterwards found out to be her name and Sternberg.

Q I show you a photograph on the desk alongside of you and ask if that is a correct likeness of the man you have referred to as Sternberg? A Absolutely. I think it flatters him a little. It is a likeness of him.

Q I show you a picture marked in evidence and ask if that is a correct likeness of the woman you saw in company with Sternberg on that day? A That is the woman, only she was dressed a little different when I saw her. She had some furs on. She hasn't it in this picture.

Q I show you a photograph marked Exhibit 7 and ask if that appears to you to be a correct likeness of the clothes worn by the woman you saw as you describe? A Absolutely.

Q Were they walking together when you saw them? A Yes sir

Q Where were they when you first saw them? A They were coming down 32nd Street by the Martinique on Broadway, turned up 32nd Street and went into the Martinique and I followed behind them.

Q You went into the Martinique with them? A Behind them.

Q In the 32nd Street entrance? A Yes sir.

Q What did you see them do? A I walked in. They stopped

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about fifteen feet, to my estimate of it, south of the clerk's desk. I walked up to the end of the clerk's desk and watched them. I was attracted by the looks of the woman and I followed them in there to see what it was. I stood there about ten or fifteen seconds maybe and they were standing about fifteen feet south of the clerk's desk. I thought I would go into the cafe and get a drink and come back out. I went in there and just about the time it would take while I was waited on as soon as I got in, I took a drink and turned and walked back out into the lobby and they had disappeared, both the parties.

Q While you stood at the clerk's desk did you have a clear view of this man whose photograph you have identified and this woman whose photograph you have identified? A Yes sir; I would never forget that man or woman there. I would know the man in London if I was to meet him.

Q What was it attracted your attention so particularly to this man and this woman? A The woman was an attractive looking woman. It was her dress and all, and that man would make an impression on you, his carriage and his looks and all. Some faces you forget and some you won't. That is the only way I can answer you.

Q There is no doubt in your mind this man whose photograph you have identified was the man you saw with this woman? A Absolutely none.

Q And the same man whose photograph you have identified? A Absolutely.

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Q What time of the day, fix it as closely as you can, was it when you saw them in the Hotel Martinique together? A I would say possibly 3:50, after 3:40.

Q Can you give us any idea as to how you fix that time as 3:40 or 3:50? A It was about 3:40 when I started down there from the Astor Court Building and only a few minutes transpired between the time.

Q How do you fix the time that you left the Astor Court as 3:40? A I looked at a clock and saw the time.

Q What clock? A The clock in the office where I went up to inquire for this man but could not find him.

Q Did you ever see a man identified to you as Benny Sternberg after this 15th of March? A I identified him. He was not identified to me.

Q Where? A Going down on the street from the Tombs to the Coroner's Court in a crowd of maybe ten or twelve people.

Q Did you pick him out there? A Immediately.

Q Did you know he was in custody at that time? A No. I did not. There was nothing to show it that I could see. There might have been but if there was I could not see it.

Q There was quite a group going down Center Street? A I would say ten or twelve people. I didn't count them.

Q And you picked out a man in that group who you know as the same man you saw in the Martinique with this woman? A Yes sir. I was with Detective Dribben I think his name is and

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left with him to come up for that purpose. When we saw the crowd coming we stopped I think two blocks or three blocks, about two blocks I reckon it was, from the Tombs where they were bringing him from and stood there a minute. I said to Dribben "You stand here and I will walk up half a block and just casually cross the street in front of him so that he won't or anyone else see you with me and I would have an absolutely good view of him." I wanted to be sure because I have absolutely no interest in it except as a matter of common justice. I finally decided to do what I have done and think the only thing to do. I told Dribben I wanted to be sure. I want to know what I am doing. He stood there and I walked up I suppose half a block and met the crowd in time to cross the street in front of them. I kept across when I saw him. They went on by and I went back and met Dribben and told him "that is the man in the middle there" and pointed him out. There was absolutely no question about it.

Q How did it happen that you came forward, Mr. Trigg, and told any of the authorities substantially what you have told us now? A I thought over the thing for several days and nights after I read the account of the murder in the paper, and I finally decided it was a matter of duty and right I should do it and when I did it I went to Inspector Cray's office to tell it.

Q What made you think the woman you saw in the hotel with this man was the woman who subsequently was known to be Mrs.

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Hilaire who had been killed in the Martinique? A The looks of the woman. I knew it was the same woman.

Q What first called it to your mind that there was some identification between the woman who was found killed and the woman you saw in the corridor? A I saw the woman's picture in the paper. I read the account in the paper.

Q You recognized the picture you saw in the paper? A Yes sir

Q Will you describe the appearance of the man that you saw going into the Martinique with this woman? A My recollection is now I paid more attention to the woman than I did to the man, that is to the dress of the woman. I think he had on a light kind of brownish suit of clothes. I am not sure about that. I would not absolutely identify his clothes but the face I would identify, but the woman I could. I paid more attention to the woman than the man, except the man's face.

Q Did you notice what kind of hat he had on? A I am not sure whether a soft hat or not. I did not pay much attention to his dress but the face of the man I would know anywhere.

Q How would you describe him with respect to height and build? A He is a man about five feet--- he isn't as tall as I am. I am five feet ten and a half. I would have to guess at that. I would say about 5 feet 8. He is not as tall as I am. I suppose I am nearly half a head taller than he.

Q How about his build? A He is a very heavy built man.

Q Did you notice anything about his shoulders or his head or neck or any other features that impressed themselves on your

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mind? A Just noticed the way he carries himself and all. I
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didn't notice any marks on him.

Q Tell us how you observed he carried himself? A He had
kind of a peculiar walk, a clumsy walk I would say.

Q Did you notice anything about his head or shoulders? A
Kind of holds his head down.

Q Would you say his neck was long or short? A Short I
would say.

Q Did he have an overcoat on when you saw him? A Yes sir.
I am pretty sure he did. I would not swear to that.

Q Do you know what kind of an overcoat it was, if you
recollect he had any on? A I think he had an overcoat on
but I would not be willing to swear about the overcoat now,
except I am satisfied he had the overcoat on, but as to the
overcoat I would not swear to that. I am pretty sure he had an
overcoat on at the time.

BY A JUROR:

Q Was it a light or dark coat he had on? A I think it
was a dark coat. I would not swear to the overcoat.

BY MR. TALLEY:

Q Have you any recollection as to the overcoat? A To be
frank with you I haven't any recollection about his overcoat,
except I am pretty sure he had one on. I don't want to say
anything I am not sure about.

Q Can you state whether when you identified him as you have

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described on the street, whether he was dressed the same way as you saw him in the Martinique? A I think he was, except he had no overcoat on when I identified him I don't think. I only looked at the man's face when I identified him. I did it just that quick. As soon as I saw him I knew it was the man.

Q After you saw him on the street as you have testified did you see him any place else since then? A No sir, I have not seen him since then.

Q Did you see him in the Supreme Court? A No sir. I have never been to any of the coroner's inquests or anything.

Q You are sure about the photograph you have identified? A Absolutely. I could not be mistaken about it. I would not swear to anything I did not feel that way about.

Q Did you see either one of them register at the desk of the Martinique? A No sir.

Q Did you see them going up to the desk in the Martinique? A No. I left them standing about fifteen feet south of the desk.

BY A JUROR:

Q That was about 3:50? A Yes sir, I think I could say 3:50

Q On the afternoon of March 15th? A Yes sir.

BY MR. TALLEY:

Q Where were they standing when you left the position you had around the desk and went into the cafe? A Can I get up and show you?

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Q Certainly? A We will say when I was this is the clerk's desk here (indicating) They fifteen feet south of the desk. I walked on past then walked on up and got to the clerk's desk. I know those fellows in there. I just stood there in a restful position leaning on the desk and looking at them. I suppose ten or twelve seconds transpired and I said I will go in here and get a drink and come out. I walked in the cafe and they were gone when I got out. I did not see them go to the elevator or register.

Q You testified, Mr. Trigg, that you were employed in Sloane's carpet house about nine months? A Yes sir.

Q When was it you left there? A I was employed there on the second Monday in May I went to work and left them during the second week in January of this year.

Q Then what was your employment from the time you left there in January up to some ten days ago when you went to work for the Lambs Club? A Only temporary work. I had a temporary office with a public accountant's office for about a week at 30 Broad Street, and did about two weeks court work Deuel.

Q Who is he? A He is a lawyer.

Q Where is his office? A His office is the Building, Nassau and Liberty. All of that work is temporary.

Q Have you told us all the places you did temporary work between January and some ten days ago? A Yes sir.

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