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This volume contains information
contained in the previous volume,
but not verbatim.

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COURT OF GENERAL SESSIONS OF THE PEACE,

Part IV.

-----x
THE PEOPLE OF THE STATE OF NEW YORK : B e f o r e Hon.
-against- :WARREN W. FOSTER
M A X K R A K A U E R. : and a jury.
-----x

Indictment filed December 20, 1904.

Indicted for Seduction.

New York, February 15, 1905.

A P P E A R A N C E S:

For the People,

ASSISTANT DISTRICT ATTORNEY ARTHUR C. TRAIN;

For the Defendant,

MR. ISAAC MARKS.

Peter P. McLoughlin,
Official Stenographer.

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LILLIE SCHLOSSER, a witness for the people,
sworn, testified:

My full name is Lillie Schlosser; I now live at 233 Stanton Street. I live with Mr. Freedman and Mrs. Freedman. I have lived at 233 Stanton Street with Mr. and Mrs. Freedman for five years.

I am nineteen years old, going on twenty now. I was born in Hungary; it is Nemet Paruba, the city where I was born. My parents are not alive; I have no parents. My mother died when I was six years old and my father when I was only six months old.

I lived at this place in Hungary until I came to America. I have a brother here, one brother I had; his name is Eddie Schlosser. I cannot remember when he came over here.

Q So when he did come to America you had no one in Hungary, is that right? A I do not know.

I came over here in the summer; I do not remember the year; it was five years ago. My brother sent for me and brought me over here, and took me over to Mrs. Freedman to stay with her. My brother went over and got me and brought me to this country and then left me with Mr. and Mrs. Freedman; they aint relatives of mine. Mr. freedman comes from not far away where I come from in Hungary. My brother did

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not live at 233 Stanton Street; he lived in Goerck Street, in New York; that was when I arrived. During 1903 he lived on 8th Street. He lives now in Jersey.

I boarded with Mr. and Mrs. Freedman; I am there now; she had five children.

When I first came over here I went to work in Hilsons on 38th street; that is a cigar factory; I went to work there. I worked there for four years. I stopped working in this factory in the summer, last summer; then I got another job; he got me off, Mr. Krakauer got me away from this job.

Q And got you another job? A No, sir. (Stricken out)

After leaving the place on 38th street I worked in Foster's, 36th Street.

Q Foster's? A Yes, sir.

Q Up where? A On 63rd Street; I don't remember the number; it was right near 3rd avenue. I did the same work there, cigar making. I did not work there long because-- I think I worked there about three months. I worked somewhere after that; I got this same job, I got a job where I am working now, on 68th Street, Hirschbein's; that is a cigar manufacturer. I am working there ever since. I am working there now.

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I first saw the defendant at the bar, Krakauer when I came in his office, No. 8 Avenue C.

Q Will you tell us how you came to go to his office?

A Well, in August one day, that was on a Monday, I went to work and when I started to work I had a toothache and so after I stopped from working I went home and I changed my clothes and I went up to see a dentist. They told me on Avenue C is a dentist and so I went up there. When I came in there I asked for the dentist and so the boy says "He is inside." So he came out, Dr. Krakauer the defendant came out; he came out of his inner office; from the laboratory; he was in the laboratory and he came out in the reception room and so he called me in and asked me-- he called me inside in the room; he asked me what I wanted and so I told him how I have a tooth and I have a cap on it but it pains me and I don't know what to do and so I told him to take it out. So he says he didn't want to take it out, but he treated them, but he told me to come around-- that was in the morning and he told me to come around in the afternoon again. This was on Monday; it was in August. I don't remember the day of the month but I know it was in August on a Monday. I can't tell you if it was in the beginning or the end of the month; I don't remember. This was at No. 8 Avenue C that I saw the defendant.

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That was the first time I had ever seen him. I did come in the afternoon because I had pains, so I came again and he asked me to give him-- asked me where I lived and I told him; he asked me who I have here in this country and I told him I have a brother; he asked me the number where I lived and told him. I told him 233 Stanton street. I told him where my brother lived; he asked me where he lived and I told him; he said he would like to see me and so I told him he can't see me; so he started talking to me and so I told him he can't see me because I don't, I am not a girl keeping company yet and he asked me-- I told him he is a doctor and I am only a poor working girl and so I don't want to have anything to do with any doctors. So, in the evening I was sitting outside with Mrs. Freedman and Mr. Freedman and he passed by and threw me a newspaper and asked me whether my tooth had stopped paining me and so I said "Yes;" so he told me I should come around now, he is not busy, I should come around there every day, he is going to treat my teeth; he is going to do me a good job because he is not busy, he first started; so I did go around there the next day again and so he asked me the same things, he wants to keep company with me and he gave me a card from

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his parents that I should get my brother to go to his parents; but my brother was busy and he did not go.

That night when he passed and threw the newspaper into my lap I forgot to say that I introduced him to Mr. and Mrs. Freedman. I told them "this is the doctor, this is the dentist where I have been to see." I said that was the dentist I had been to see. So he said he wants to keep company with me, and so Mr. Freedman says, or Mrs. Freedman: "Do you know she is a poor girl, you are a doctor, what do you want to keep company with her for;" so he says, "Nevermind, I am man enough, I don't want her to have any money, I am man enough to make money myself;" he said. So since that time he came up, and that was on a Thursday, Saturday my brother came up and so he said the same thing to my brother. I heard it; I heard what he said to my brother; he said the same thing, he wants to keep company with me and he wants to marry me, and that my brother should trust me to him.

It was Monday morning that I first went to the defendant's place of business. He took a tooth out for me; he done that on Tuesday morning; he told me to come back in the afternoon. He treated my teeth in the afternoon. I sat in the chair, and he did something to my teeth;

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he told me to come the next day again. I went again the next day. He passed me on the street and I introduced him to the Freedmans on Monday night, that same Monday night. I went to his office every day for sometime after that; he treated my teeth; he told me to come every day because he first started in business and he has nothing to do and so he is going to do me a good job. I went.

He first told me he wanted to marry me the same week he started the same week I started to go to him. It was that same week that I heard him tell Mr. and Mrs. Freedman; Mr. and Mrs. Freedman asked him right away what for he came up, why he came to my house; he saw me at their house. It was that same week that I saw my brother and the defendant together, I think; I think he seen him the same week. I am not quite sure whether it was that week or later.

After the defendant was introduced to Mr. and Mrs. Freedman the defendant called at 233 Stanton street every night, every evening. I saw him in the company of Mr. and Mrs. Freedman and the children; they were in; sometimes we were in the kitchen and sometimes in the front room. We spent the evenings in the house mostly; he said as soon as he will work up he is going to marry me, to work hard. He told me not to go nowheres, not to stop off with anybody

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at all, and never only to stay with him always.

I didn't go out with the defendant in August. I did not go out. I did not see his parents at anytime in August. The defendant took me to see his father and mother at Christmas, about Christmas time; he took me in his house 601 Water Street.

I remember Thanksgiving Day, 1903. He bought me a ring and he told me to make an engagement; so I told him I haven't got friends as I have no parents and so I haven't got money to spend for an engagement party, but we had a party in the house, a small party, we made a Thanksgiving-- a party that we made.

Q You mean that you asked people to the house?

A Well they were in but they were not at the party-- but he came in at the sametime they were in the house, the neighbors. There were neighbors in my house, visiting the Freedmans. Mrs. Freedman told them, "Why, Lillie is getting engaged." The defendant was there. My brother and my friend were at 233 Stanton Street. My friend's name is Lena Schwartz. I invited from uptown another young lady, but she took sick and she could not come down; she is here to-day. Her name is May Grossman. I invited her

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whole family but she took sick and so they did not come down.

Lena Schwartz, my brother and my cousin came a little later on Thanksgiving Day. My cousin's name is Max Schwartz; Miss Grossman was not there. Only Mr. Freedman and Mrs. Freedman and my brother, Max Schwartz and Lena Schwartz was there. No other young ladies there. The defendant was there. He came there in the afternoon; he was there until about after ten o'clock in the evening. We had supper; all these people stayed to supper. The defendant brought a ring with him. He put the ring on my finger; he put the ring on my finger right there by the table.

Q Were there other people in the room when he put this ring on your finger? A Only those people there.

Q Were those people in the room, the people that you have mentioned? A Yes, sir, by the table they were standing, at my side; they were at the table. At the time he put the ring on my finger we were drinking; it was half-past eight or nine o'clock in the evening. Before that the defendant had, in my presence, said something about the engagement to the other people who were there; he said, "It is only a small engagement I have here, I bought her a

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ring, these people should know that I am taking her out, only like that, people should know she is engaged." He said that to all these people. There were congratulations. When he gave me the ring he kissed me before these people; there was handshaking; they all shook hands; then we had something to drink. I wore that ring till this year the Jewish holidays, till after the Jewish holiday.

Q What holiday? What Jewish holiday, what is the name of it? A No, sir; he took the ring before off me, the last of August, this year. I wore that ring from Thanksgiving Day 1903 until August 1904.

He did not say anything about the ring; he only asked me to give it to him, to give him the ring because, he says he needs some money; he asked me first for money; so I says, "I haven't got any," so he asked me, he said "Let me have the ring, I want to pawn the ring, I am going to get money! He needed money and he wanted the ring to pawn. I gave him the ring because he said he is going to take it out in about a week; he was going to get it out and give it back to me. This ring was with a diamond stone, one stone, and the rest was gold; it was 14 carat; that is the only mark it had on it; it didn't have any in-

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itial or anything like that.

Q We will go back to the Thanksgiving Day party, when he gave you the ring? A Yes, sir.

Q Up to that time had anything-- had he ever said anything to you about money? A Yes, sir.

Q Before Thanksgiving? A After Thanksgiving. Before Thanksgiving he had said nothing to me about money. I gave him money before the Thanksgiving Day party, after that party. I gave him none before that.

Before the Thanksgiving Day party I had gone up to 171 West 106th street with the defendant. I went up there to visit people with him. May Grossman, Mary Grossman lived up there; that was this friend of mine. After the Thanksgiving party I went up there. Before that I was nowhere with the defendant. I never went anywhere. After the Thanksgiving party he took me sometimes to his house to see his parents. I was down there several times. I went there with him together. He did not say anything with the parents when we were there on these visits; he introduced me. He introduced me the first time as Miss Schlosser, the young lady what I am going with and showed to his parents the diamond ring which he bought me. After that I called several times with him.

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I said we went up to see Mary Grossman uptown; we went up to her house; I was there about three times with the defendant, with Krakauer. The first time when he went up to see Miss Grossman, when I was there with him he told them how he met me in his dental shop. He told them the first time when he asked me to go out with him I didn't want to go, that he had a lot of trouble till he got me out for the first time, going out with him. The defendant said he had a lot of trouble.

We went up to see Miss Grossman about three times. When we were up there seeing her he was speaking to her parents and all of them inside and telling them how much he cared for me and how much he loves me and cares for me, and soon he is going to work up and he is going to marry me.

I went to the defendant's shop and I used to go quite often there because he asked me to come. Sometimes he telephoned to me, he called me from the shop home-- when he used to tell me to make him supper and to bring it over to the office; I done that during the whole time I went with him, all through this time. I remember Christmas. I saw him Christmas Day in my house; he came to see me Christmas Day. After Christmas Day he asked me to go somewhere with him; that was Christmas when he

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asked me to go to a ball with him; I don't exactly remember. That was on a Saturday night that he asked me to go to the ball with him; that was after Christmas, I think; that was Christmas. I know that Christmas Day is the 25th of December. He asked me to go to the ball on a Saturday. I don't remember what day Christmas came on; it was on a Saturday that he asked me. It was on Saturday that the ball was; that is when the ball was. He told me several times before I should get ready for that ball. He told me about the same ball, that it was going to happen, and I must get ready for it.

I had been working on that Saturday and when I came home from work he was at my house; he was waiting for me; he told me to dress and to come to the office because he cannot come after me to the house; he is busy. I got a dress ready; I wore this suit which I have on now. I was going to wear this dress to the ball with a white waist I had. He told me to get dressed and come over to the office. I went over there. I went over there it was about eight o'clock in the evening. This dental office was on the first floor; he kept the whole floor. The parlor was in the back. In the front was a chair, in the front. He had there only one chair. There was a room between the

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room where the chair was and the parlor.

Q What was that room? A Only like chairs, only chairs there, a witing room. I went in there where he had the chair that Saturday night, into the front room with the chair; he was working in the laboratory; he opened the door for me. So I asked him whether he is ready and he says "No," he has got some patients to finish up. I call the room where he worked the laboratory, not where the chair was, where he made the teeth; it was two rooms in the front, it was not in the back-- in one room was a chair and in the other room he worked. When I came in he played cards by the table. A man was there; that was a man by the name of Alexander; I didn't know him but I know his name is Alexander. I had seen him there before in the office. The defendant and Alexander were playing cards together at the table.

So he says to me, "Well, Lillie, if you come in here and if I play cards you have a right to take the cards and tear them up and throw them away;" so I did, I took the cards tore them up and threw them away, "I says, "Why dont you get ready to go to the ball;" he says, "Well, to the ball we have time to go at ten o'clock;" well I was sitting

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there and I was hurrying on him to dress; but he says, "All right ten o'clock;" all right, he says, "I am going to dress," so he went in there in the parlor or reception room. I thought he is dressing there; I was sitting in the front and after he called me in there and so I asked him what for he is calling me in there and he said to help him to fix his tie; so I says "No, I don't want to go in there because it isn't nice for a lady to be where a man is dressing;" so he says, "Nevermind, just come in;" so he asked me so long until I went in there. So when I went in there he sat doen on the rocker and asked me to sit down on his lap; I didn't want to; so after he called me over-- he was there when I came in sitting in the rocker, sitting in a rocker.

So he asked me to fix his tie; I did; and after he took me in his lap; he was sitting in a rocker. I fixed his tie and after he took me in his lap. Then he started kissing me and begging me that I should go with him like a wife with a husband together. That is what he said. He said I should go with him. I should do with him like a husband with a wife.

BY THE COURT:

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Those were the words that he used. So I said no, I didn't want to. So after I said "I don't want to go to the ball if you are such a kind of a man I don't want to go with you to the ball;" so he comes to take me home and he was crying on the way, that I don't like him, I don't care for him, he is going to hang himself, he is going to leave me, he is going to do this and that, if I would not do that with him; so in the hall he took me and in the hall he said--

BY THE DISTRICT ATTORNEY:

It was about ten o'clock when I went into the room where he was in the rocker. I came away with him about one o'clock; during all that time he had been talking to me. I had been talking to him; then we went home together. I said he cried and said these things on the way home, and we gave up going to the ball. I refused to go to the ball. The Freedmans do not have the whole house on Stanton street; they live on the first floor.

When he was speaking to me he was crying the whole time that I don't love him, he loves me so much, he is going to get married to me soon, and so he begged me and he says "What is the use to go to another woman;" so he says, "You

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might as well let me do that to you;" he says, "we are going to get married soon anyhow, what is the difference," so I gave in to him.

He had sexual intercourse with me.

Q Before that had you ever known any other man?

A No, sir, I never went out with any young man. No man had ever had sexual intercourse with me before that time, not in that hallway or anywhere else. I never went with any young men before this, this is the only young man I went with. I saw somebody in the hallway. I was crying and so Mrs. Freedman heard it. I was crying; she came out with a candle. She seen me standing with him; he had his hands around me and Mrs. Freedman says: "What is the matter, Doctor Knakauer, you keep the girl so long out;" so he says, "Nevermind, Mrs. Freedman, I am her protector, I am her everything, don't mind it;" but she says "Oh well, that's all right, what do you want to stay so long in the hall with her, what is she crying for in the hall." So he said, "She aint crying."

So when I came in the house Mrs. Freedman asked me why I am crying. He brought me up to the door and she asked me why I am crying and he said he will be up the next day for he is going to tell her all about it. The defendant said that to me in Mrs. Freedman's presence,

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that he was coming back the next day and tell her all about it. He went away then. I went to bed. Mrs. Freedman asked me why I was crying.

Q Did you see Mrs. Freedman till the next morning?

A When she opened the door for me. I did not see her until the next morning after I went to bed. I had very bad pains and I was bleeding during the night. I could not get up the next morning. Mrs. Freedman asked me to get up; she says, "Lillie, it is time to go to work, it is seven o'clock;" so I was crying and so Mrs. Freedman asked me what I was crying for, "What is the matter?" She told me to get up. The bed was full of blood. Mrs. Freedman was there. I finally got up.

I saw the defendant that day about nine o'clock in the morning. Mrs. Freedman was there when he came, no one else; Mr. Freedman was working and the children went to school. Mrs. Freedman asked him right away, as soon as he opened the door, she said to him, "Doctor Krakauer, what did you want to do that with the girl;" so he says, "I am glad I done it, I am the only one to marry her, no one else." So Mrs. Freedman says, "Yes, is it so?" He says, "Yes, here is my hand, it is so;" he gave his hand to her, "and it is so," he says.

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Q What was so? A That he done that to me and he is glad he done it and he is the only one to marry me. Mrs. Freedman, she is the housekeeper, she was cleaning the house and I was lying sick on the lounge; he was staying with me there the whole morning. He was speaking to me. I was crying and he said, "Don't cry Lillie, as soon as I work up we are going to get married;" as soon as he is going to work up his place he is going to get married, that is work up his business.

That was not the time when anything was said about my brother; my brother did not know about that. That is all what the defendant said.

I didn't go to work at all that day. I saw the defendant in the evening when he came, the same evening. Mr. Freedman and Mrs. Freedman and the children were home. That evening the defendant was telling us the same thing, I shouldn't worry and they shouldn't say anything, he is going to marry me soon, not to worry, not to say anything he is going to marry me. He repeated that he was glad he had done it in the evening.

I next saw him the second day again; he came up to see me the next day but one; he saw me in the house; Mr. and Mrs. Freedman were there.

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Between the first time and New Year's Day he had something to do with me again. I don't remember when it was but one day he asked me to come up in his office also, I made him supper; I took him up the supper there and so he was speaking to me so long, he says, "Well, Lillie, I don't want to go to other women, we are going to get married soon anyhow," he says, "I don't want to bring any sickness to you from another woman," he says, "You might as well," he says "let me." He said he didn't want to bring any sickness to me from another woman. I let him have sexual intercourse with me in his office, once. I think in all the defendant had sexual intercourse with me four times. The next time he took me up-- we were to a ball once and after that so he took me up to a place, near Crosby street, a hotel, after the ball. I had intercourse with him there; I think that is about all; I think it is only about three times.

Q Now, when was this visit to his office with his supper that you speak of, how long after Christmas?

A Well, in a couple of weeks. That was before the ball. I don't remember how long after this visit to his office the ball was; I have no idea.

The doctor came to my house last year. Dr. Kamitzer was in my house when I was sick. I was sick last winter.

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It was on a Saturday. I don't remember the month. It was in the winter time.

Q What was the trouble with you? A Well I was sick after that, after that I took sick and he took me to the doctor. My monthly periods stopped after that.

Q How long after this ball that you speak of his taking you to, and his taking you to a hotel, was it that you ceased to be sick? A Well, I was sick once and then he sent me up to the doctor. I don't remember when I went to the doctor. It was last year in the winter time; it was in the latter part of the year. I went to the doctor because I didn't feel well. I could not eat and I could not drink. I told the defendant about it. So one day I told him and the next day he came around and he asked me whether I feel better; I told him no; so he says, "Come down and I will take you down to a friend of mine, to a doctor. He asked me if I felt better, I said no, and then he said he would take me to a friend of his who was a doctor. I went with him to see that doctor in Eighth street. I went with him in the afternoon. Nobody was there but the Doctor, Krakauer and I.

I did not hear what Krakauer said to the doctor; he went with him in a different room to speak; he was in there for a couple of minutes. And after he came out then

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he asked me what was the matter with me and so I told him I don't feel well. I told the doctor that and he says, "Come in and I will fix you." The doctor said that. So I went in there and he gave me something to drink, I don't know what it was. The defendant was there; and after I felt so bad I could not see in my eyes, but he told me to lay down there on a big chair, just like a table I laid down; he held my mouth and held my hands and he operated on me. Krakauer held my mouth and hands. I seen the doctor taking instruments like scissors and he operated on me. After that I got full of blood.

I drank something, the doctor gave it to me. I laid down on a chair like a table; the defendant held my mouth and hands, and the doctor took something that looked like a pair of scissors. Something was done with my skirts. After that I was lying from about two o'clock till about four o'clock there on the couch. He put those scissors into my private parts. I was very sick after that. I was there from about two o'clock until after four; I was lying there on the couch, I could not move myself. I was on a couch and I could not move myself; the blood was running terribly from me. Krakauer stayed there all this time

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After I felt a little better and so he took me home and I was lying sick only about for three or four days; I was home at the time. Krakauer visited me every day during that time. I did not say anything to him about my brother he begged me not to say to anybody because "We are going to get married soon." So I shouldn't let anybody know, only Mr. and Mrs. Freedman knew about it. Mrs. Freedman seen it. She seen that, everything, she knew it because she asked me, "What is the matter Lillie, you haven't got your time." I mean that I didn't have my monthly sickness. She had noticed that I didn't have my time. I was sick there at that time for a couple of days. That was before the Passover time.

Q Now, after you got well, you had intercourse with the defendant? A After, in the summer it was.

Q Last summer? A Yes, sir.

I visited this same doctor again in August, just August. It was the same thing happened then; he came around and he asked me why I looked bad and so I told him. Max Krakauer came around, the defendant came around. He asked me why I looked bad and so I told him "I can't eat I have no appetite to eat." My time had not come on; I

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told him that. Then he took me down to this doctor. He asked me; he came in and he says, "What is the matter;" he says, "You are here again, what is the matter?" He said, "What is the matter, Miss Schlosser, are you here again." I asked him right away, "Doctor are you going to do the something on me what you done before;" so he says, "Oh no, no" he says "I wont do that;" So he says, "I will give you something for your stomach." I said "All right, but don't you do the same thing what you have done before?" So he says, oh no, he wouldn't do it any more.

Krakauer was there; he took me in the same room again; he gave me something and I got so dizzy that time again and he done the same thing to me. He took the thing that looked like a scissors and put it in the same place. Max Krakauer held me. At that time I was longer there then; I was very sick after that; the doctor came about twice or three times in the day to me to my house. I was so sick, I think three weeks; I was very sick.

I was there in the doctor's office that time till about six o'clock, lying down. I was sick at my stomach; I was very sick; I could not move myself or nothing, both times; at the second time he hurted me terribly; I was very

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sick; the second time he hurt me very badly; worse than before.

Q How long after Christmas was the first time that Krakauer took you to the doctor's office? A I think, I aint sure, but I think it was in March. It was around August that he took me the sond time. The doctor visited me at the house after this second visit. He came about three times in the day. The defendant Krakauer came to my house. I did not pay the doctor anything. Krakauer paid it himself. He sent me a note once for the first time, to pay him a dollar for him and to charge him.

I saw the paper which is shown me. I got it from Max Krakauer; it did not come in the mail; he sent it up with a boy, with his office boy, sent it up with his office boy to me. I know his handwriting; that is Max Krakauer's handwriting. He sent me this at that time; he sent it around that time, around the first time I went to the doctor's.

Q After you got that from Krakauer did you give the doctor anything? A He told me to give him-- he went at that time to Hartford and he telephoned to the doctor that he should go around to my house. I paid the soster a

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dollar; I gave the doctor a dollar.

The defendant Krakauer gave me a photograph of himself as soon as he started to call up to my house, in about four weeks he brought me up a large picture of himself, a large one. He had given me a button picture before the Thanksgiving Day party. After the Thanksgiving Day party he gave me a large picture, about this size (illustrating.) It was broader than the top of this table. It was a large photograph. First he gave me a button picture, and after the button picture he gave me the large picture. As soon as I started going with him he gave me the large picture; that was before the Thanksgiving party.

Q Before the Thanksgiving party, did he give you any other picture? A No, sir, later, after that. These photographs he gave me. After that he gave me this one. That was before I went to the doctor. This one I believe he gave me before that, in the summer, not in August. He didn't give me this before the Thanksgiving party; it was after the Thanksgiving party. I don't remember how long after that, because he used to bring such a lot of pictures.

It was after Thanksgiving Day party, that he gave

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me the picture People's Exhibit 3. I don't remember how long it was after; it was after Christmas, after I was to the doctor. It was not before I had been to the doctor the second time; I had it already the second time I went to the doctor. It must have been given to me between my visits to the doctor. I know it was after Passover already that he gave me the picture.

He gave me people's exhibit 4; he gave me that in the winter. I don't remember whether it was before I went to the doctor or after. The defendant never gave me any money. I gave the defendant \$50. once-- once \$50. because he asked me for \$100., but I didn't have it. He said why he wanted \$50. He said he worked for a dentist once and so they took his diploma away.

Q Took whose diploma away? A His boss's diploma away and his diploma away, so I asked him why did they take it "If they took the boss's diploma away, why did they take his diploma if he worked for him;" so he said that they had a party in the chair, and she dropped dead in the chair and so they took away the boss's diploma and his. So he says, "Now, the diploma is coming back from Boston;" they sent that diploma back and so he needed \$150. for that. They were going to send the diploma back

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from Boston is what he told me; the defendant said he wanted \$150. for that. He said what he was going to do with the money; he is going to pay for that; he said he has got to pay for them, to pay for the diplomas; he said the same diploma comes back to him; he said the same diploma came back. I gave him \$50. and \$50. he borrowed off the people, off Mr. Freedman, but he did not return it, and so of course if he don't want to return it, I have got to return it, I shouldn't like to see these people lose their money.

Q Did you give Freedman \$50. for Krakauer?

A I didn't give it to them.

Every week I gave Krakauer money because he asked me to help him out, he is in business, and I should help him out. I made \$10. or \$12. a week. I used to give the defendant \$5. or \$6. every week, sometimes \$7. and \$7.50.

Q When was the last time you gave him any money?

A The last time I didn't have any money no more, because I was sick, laying so long; it was a couple of weeks slack in our place, and so I didn't have any money, and so that is why he took the ring from me to pawn.

The last time I was sick I had sixty cents in my pocketbook yet; I had yet sixty cents in my pocketbook, and so this last sixty cents he took out of my pocketbook.

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That is not while I was sick. I was sick at the time when he took me to the doctor.

BY THE COURT:

He asked me whether I had any money and I said "My pocketbook is on the sideboard, I have sixty cents for my carfare when I will feel better to go to work, so I have sixty cents for my carfare." So he wanted to go to get me something from the druggist, and so he says he hasn't got any money with him, and so he took this sixty-cents and he didn't send me up anything from the druggist, he took the sixty cents and went away.

BY MR. TRAIN:

Q With the sixty cents? A Yes, sir.

That is the time he took the ring, the same time he took the ring and said he was going to get some money on it and then take it out in about two weeks. After that he came up to my house yet for a couple of weeks till about three weeks before Thanksgiving Day, he stopped coming up; he stopped coming about three weeks before Thanksgiving Day. That was last August.

I didn't count all the money I gave to the defendant I gave him money since last Thanksgiving since I got en-

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gaged to him up to the following August, every week.

The defendant in my presence received money from Mrs. Freedman, \$50. also; \$25. he took it off me. I didn't get that from Mrs. Freedman, only the \$50. I did not get my \$50. from Mrs. Freedman, but he did, Mrs. Freedman borrowed it to him for the sake of me. Once I took \$25. from Mrs. Freedman to give to the defendant, and to pay her back \$5. a week.

After the defendant ceased to come to our house Mr. Freedman went to see him. The second time I went, not the first time.

Q When was the second time you went to see the defendant? A Mr. Freedman came-- Mr. Freedman went on a Friday morning; I had been working at the time and in the evening when I came home they told me-- I went up there with Mr. Freedman in his house, 801 Water street. The defendant was not home; I called again. With Mr. Freedman the second time, no, sir, with myself. I next saw him up in the house. I went alone to see him. I saw him; I talked with him; he said it is all over, he says he changed his mind; that is all he said. I says, "How can you

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change your mind so quick, you made me swear every night whether I am true to you, you made me raise my hand every night and made me swear whether I am true to you and are only your Maxie boy, and now you always said you could never walk with any woman only with me, and you asked me always if I could walk with any other man and so I said "No." So he says, "All right, swear to that, raise your hand and swear to that," and I swore to that, that I could never walk with another man, and I never walked before only with him;" so he says, "Well, I can't help it; I am not getting married yet," he said "I am not getting married yet, don't be afraid," and at the same time he turned around and got married.

Q What is that, what do you mean by that? Is the defendant now married? A Yes, sir; that is what they are telling me, he is.

That visit to him, when he said he had changed his mind, was before I had seen him walking with a young woman.

After I visited him, after he said he changed his mind, I saw him walking with somebody on Grand Street. I don't know the date; I did not look up the date at that time; I believe it was on a Tuesday night, in December.

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That was before Christmas, in December. I said I saw him on Grand Street with another girl. I noticed that that girl had on my ring that he gave her; she had on the ring that he had given me that Thanksgiving Day, the ring with the diamonds in it. They passed me by and he passed some remarks about me. I heard him. I did not hear what he said, but I heard, I seen her looking after me, and he was looking after me, and so I thought, I stepped up to this lady, and I am going to tell her why he makes such a face at me and he points at me and so I did.

I spoke to the girl. I said to her, "Young lady, do you know this gentleman is engaged to me, and that the ring that you have got on your finger he gave to me last years?" I says to her. I told her that. The defendant did not say anything; he said, "Here, you better be careful you should not get arrested;" so I said to him "I should be careful, I should not get arrested, with all that you done to me, took my money away, my honor and everything, and now you tell me I should be careful I should not get arrested?" So the elevated came and they went right away.

When I said this to the woman about his being en-

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gaged to me and that he had given her my ring she said like this "Oh, well, he is married to me." She said that He didn't say anything when she said "He is married to me; he only said so much, "You better take care you shouldn't get arrested." He said that twice. I didn't say nothing at all further to her. I didn't have a chance to speak to her because the elevated came and they went in the elevated right away.

CROSS-EXAMINATION BY MR. MARKS:

I have told everything from the beginning to the end I have not made any mistakes this afternoon in answer to the questions of the District Attorney which I want to correct. What I testified to this afternoon is the only true and correct statement of everything that took place between me and this defendant.

I am going on twenty now. I was going on 18 on the 18th of November of last year.

Q How old did you tell Judge Cornell you were?

A I don't remember at that time; I did not understand; I was sick and nervous at that time. I don't remember.

I said I was sick and nervous at that time.

BY THE COURT:

I was examined by Magistrate Cornell in the Police

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Court; I remember that. I don't remember whether he asked me or not touching my age. I don't remember whether anybody asked me a question concerning my age at the time I was examined before the Magistrate. I have no recollection at all; I don't remember.

BY DEFENDANT'S COUNSEL:

I don't remember whether or not I testified that I was twenty years old on November 18th last.

Q Now, Miss Schlosser, you say that you went to the place of business of Max Krakauer through a card which someone gave you? A Well, please don't use such high word to me because I don't understand so well English. Someone did not give a a card the first time I met Krakauer. I said that Max Krakauer gave me a card to give to my brother to inquire from his parents, that they are all right. It is not true that I went to Krakauer's office after someone had given me a card; I went without any card. No one directed me to his office; I had terrible pains so I asked, I went around to see where is the nearest dentist. Nobody told me to go there; I went there myself; I used to go always to take the car there around Second Street and so I looked around and so I seen a dentist.

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Q Well, on the corner of the same block that Mr. Max Krakauer worked in his parlor, wasn't your dentist there too on that corner? A Well, I didn't notice; I don't know; I didn't want to go to the same dentist.

Q Now, On the corner of the block where Max Krakauer had his dental parlor or worked in a dental parlor, didn't your dentist, your personal dentist also have a dental parlor. Now, yes or no? A I do not know if I would know --- the man used to keep his office on the same block, but he moved. His name is Bradies; he moved before I went to Krakauer. I am sure of that, otherwise I would go to him. The first time I went to Krakauer was in August 1903. Monday I was working. The name of the Assistant District Attorney who examined me the other day was Mr. Vandiver, the gentleman who sits in front of you; I think that was on Friday.

He asked me a lot of questions. I don't know whether he was preparing this case for trial or not. I gave him my witnesses myself. Mr. Vandiver asked me the names of my witnesses. I gave to Mr. Vandiver the names of the witnesses. Among other names which I gave to the District Attorney I gave the name of one Mr. William Lubliner. I don't know whether Mr. Lubliner was here or not. Mr. William Lubliner was not examined while I was sitting

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there; I am sure. I was not here at the time before he was asked to sign and swear to a statement of facts as to his connection with you and with Krakauer, nor was a paper read by Mr. Vandiver in my presence, nor did he sign it or swear to it in my presence. I am sure of that. I don't know Mr. William Lubliner's handwriting. I did not see him sign a paper. I know that the District Attorney had him before him for examination. After Mr. Lubliner had left the District Attorney's office I was again examined by the Assistant District Attorney.

Q Since last Thursday or last Friday, did anyone in the District Attorney's office, whether it be the gentleman sitting here or anyone else, tell you what Lubliner said and swore to? A Yes, sir.

Q They told you that he swore to an affidavit? A Yes, sir.

Q That they examined him? A Yes, sir. It was I who told them to send for him; then he came down when he was served with a paper. I don't know anything about a paper being made out. I don't know what Mr. Lubliner told the District Attorney.

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Q That they examined him? A Yes, sir. It was I who told them to send for him; then he came down when he was served with a paper. I don't know anything about a paper being made out. I don't know what Mr. Lubliner told the District Attorney.

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I have not seen Mr. Lubliner. I don't know whether he made a statement or not. I did not go with some officer of the District Attorney's office and bring Mr. Lubliner's brother down to the District Attorney. I was present when Mr. Lubliner's brother came to the District Attorney's office; Mr. Lubliner's brother was not examined in my presence.

Last night I was home and I had a subpoena to give to a young lady by the name of Sussman. I didn't want to go in to her. I sent the subpoena into her last night. She lives about a block away from the 1st avenue elevated, on Stanton street. I did nothing else. I do not know Mrs. Richman. I don't know the lady that keeps the candy store at Madison and Market Streets. I did not go to Mrs. Richman's house last night and tell her that if her son testified against me I would shoot him. I don't remember when I was born; I don't know. I said that Mr. and Mrs. Freedman were simply friends who came from the same locality I do; they are in no way related to me.

I don't remember what I said at the examination before Magistrate Cornell on the 18th of November; I don't remember because you spoke very high English and I don't understand it-- so I don't know. I know what cousin means; I don't know what relation means.

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Q If you told the Magistrate that she was a second cousin, did you know what you were talking about?

A I don't remember. A cousin is a mother's sister's son I don't know what a relation is. I don't know the meaning of the word. I don't remember that I should say that Mrs. Freedman was a second cousin of mine; I don't remember.

I said that I never had sexual intercourse with any other man in this world except Max Krakauer. I am a Jewish young lady. I never kept company before I did with Max Krakauer, never; I never went with any gentleman, never. I don't know any engraver's name; I don't know any young man except Mr. Krakauer. Harold used to come around sometimes in front of my house but he never was in my house. I never went out with him; never with no young man except Max Krakauer. I never went to a theatre or ball with him.

I knew Mr. Krakauer first before I knew Mr. Lubliner. I was not introduced by Lubliner to Krakauer by a card.

Q Isn't it a fact that you received from Mr. Lubliner a card of Mr. Krakauer's with the words "O. K." on the back of it and you brought that up to Mr. Krakauer?

A I never knew Mr. Lubliner; I never knew him.

I have not been many times in my life in Mr. Lub-

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liner's place; I have been with Mr. Krakauer; he took me for the first time up there. I was there once with Mr. Krakauer, for the first time. I was there after when he stopped coming to my house. I went up there again; that is twice; that is not all, I went another time there, the time when he stopped coming up to my house; that was in October. I

Q Now, isn't it a fact that in the month of July 1903, in the photograph gallery of Mr. Lubliner, 314 East Houston Street, that you had sexual intercourse with him during that month at least four times? Isn't that a fact? A I never went there on that time, never. I never seen Mr. Lubliner in the summer; I never seen him.

It is not a fact that I had sexual intercourse with Mr. Lubliner in his photographic studio in the month of October; I am sure on that.

Mr. Krakauer came down and asked for me, asked for me. I went very often to his place; when I got engaged to him, why certainly. While there I met a man, his cousin, by the name of Silverman; I am sure his cousin; he introduced me to him as his cousin. I seen him yesterday here. There he is (pointing to a man standing up.) That is the

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man. I don't know whether or not Silverman slept there from July or August until New Year's.

There was not a bed in the room next to the large room; there was a lounge; I don't know what it was. It was not a folding bed. I don't know whether he pulled the couch out. I never examined it. Where do I come in to sleep on it? I never slept on it. In October I did not have intercourse on that bed with Mr. Silverman, nor in November, nor in December, nor in August. I don't know any gentleman except that man. I never had intercourse with Silverman at any time or any place.

I do not know Mr. Richman. It is not a fact that sometime in September or in the latter part of August, 1903, I had sexual intercourse in that room and on that bed with Mr. Richman; I don't know the gentleman at all.

BY THE COURT:

I never had sexual intercourse at any time or place with any man other than the defendant at the bar, never.

BY DEFENDANT'S COUNSEL:

I said in the month of August some time I was suffering with a toothache and I went to Mr. Krakauer's dental parlor for the first time. He said the proposal of marriage

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in my house. The first time he came up they asked him, Mr. and Mrs. Freedman asked him right away what for he is coming up to the house.

Q Yes; and did he ask you to marry him the first day that you called at his place? A The same week, every day he said, he proposed to me. He did not ask me the first day. I only introduced him to Mr. Freedman and Mrs. Freedman for the first time when he stopped off in front of the house.

Q In your examination on the 18th of November before Magistrate Cornell do you remember this question and this answer: "Q. You say that the first day that Mr. Max Krakauer met you he proposed to you? A He did." Which is correct, your testimony of to-day or your testimony of the 18th of November? (Objected to.)

He proposed to me in the home of Mrs. Freedman where I lived; he made this proposal the same week; they asked him right away what for he is coming up in my house. It was within a week after I first met him; the second evening when he came up they asked him.

BY THE COURT:

I first saw the defendant on a Monday in August; I don't remember the day of the month. In the evening he

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passed my house and he threw a newspaper; that was the same evening he passed by. He told me he first started business and so he is going to do-- so he told me I should call around often, every day, he is going to fix my teeth; he told me that the same day when I went up there, the first time that I called. The first time he called at the home of myself and Mrs. Freedman was a Tuesday night again; it was the night after I was there on Monday; it was the following day that he called at my house; he called the day after he first saw me.

I don't remember giving testimony in the Magistrates court. I went to a police court. I was questioned and examined in the police court. I don't remember whether I said in the police court that this defendant proposed to me the first time that I met him or not; I don't remember. He did not propose to me when I first met him; he proposed the second night; Mrs. Freedman and Mr. Freedman were asking him when he came in and so he said, "Good evening;" I called him in, well he goes in the front room, I called him in; Mrs. Freedman came in and Mr. Freedman and so he told them himself he came up to see me and they asked him and he said. I understand the meaning of sexual inter-

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course.

BY DEFENDANT'S COUNSEL

I think the defendant had sexual intercourse with me three times; the first I said was in the hallway that night; the second was in his office, the third time in a hotel. Those are the only times he ever had sexual intercourse with me.

Q Now, I draw your attention to your testimony on the 18th of November, before Magistrate Cornell, on page 14, and I ask you if these questions and answers, if the questions were asked you and if you gave these answers: "Q. During the fifteen months how many times did he have sexual intercourse with you?" and did you answer, "Always, every night, because he said he did not want to go with a strange woman; he didn't want to bring any sickness to me because we were going to get married. Q. So that for fifteen long months every night-- A. He was with me. Q. He stayed with you and had sexual intercourse with you? A. Yes, sir." Did you say that? A I did not say that. He was always in my house I said. I don't remember that I should say that which you have read in the police court.

I was engaged along about Thanksgiving.

BY THE COURT:

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I don't remember the date, your Honor, when I first had sexual intercourse with the defendant, I know it was around-- I don't know whether it was after Christmas exactly but I don't remember. It was in the hall of my residence. It was the same week as Christmas Day but I don't remember the date; I don't exactly remember the date.

BY DEFENDANT'S COUNSEL:

I know that Christmas falls in the latter part of December, in the last of the month of December. I know I was examined that day in Court. Mr. Krotel the Assistant District Attorney examined me; that is right.

Q Now, he asked you this question: Q. "Did you see him again that day?" and you said "Yes." Was that right

A The same day?

Q Yes, on the day that you say something happened to you in the hallway? A I seen him always every day. I did see him the day I said something happened to me in the hallway.

Q Now, Mr. Krotel asked you, "What time was that?" and you said "In the evening," that was right, wasn't it?

A I don't remember that. I don't remember what I said at that time; I don't remember anything.

Q Were you asked this question, "I am talking

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about the 15th of October?" and did you make this answer, "He took me out, and we were out late, until three o'clock in the hallway, and he told me about the American law, I should not be afraid of anything; he was telling me everything; I should not be afraid of anything; it took until about three o'clock in the morning and in the hall, I don't know what he done to me but I felt so tired and sleepy and after that he ruined me." Did you say that? A I don't remember it. I don't remember whether I said it or not.

I don't remember whether I was telling the truth in the other court; I was sick at the time. I don't remember what I said. The defendant took me upstairs the night that something happened to me in the hallway; he held me by my arm. I came from his office before I was in the hallway. I don't exactly know the time because he was speaking to me the whole time and crying to me and begging me.

We did not go to the ball that night. He asked me to go to a ball that night. I am sure I was going to a ball that night. I don't remember this question being asked me "Isn't it a fact that the first time you ever had sexual intercourse with him it was coming home from a

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ball and it was too late to go home and you both went to a hotel for the night?"

The defendant took me to a theatre. I don't remember testifying in the police court that he took me to a theatre.

On the way home from the office that night I didn't want to go any more with him to the ball at that time. So he was crying and begging me, "Why Lillie, we are going to get married soon, what is the use," he says "and if you would not leave me do that to you," he says, "why I will take my life, then you wouldn't have me," he says, "and so you know I am only going with you, I will marry you because I love you and only for love," he says, "then what is the use, what do you want of me, that I should take my life," he says, "you know you don't want me to do that." I says, "No;" so he says, "You might as well give in to me," and so I says, "All right." That is all. I said "all right." Then he laid me down on the floor; he put his coat under me, and he laid me down on the floor; he did have sexual intercourse with me. Then there was much blood, very much blood.

I spoke to somebody in the hall beside Mr. Kraukauer; I was crying and Mr. and Mrs. Freedman they woke up

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and so Mr. Freedman heard that-- Mrs. Freedman in the hall heard that talking and so Mrs. Freedman came into the hall, and so Mrs. Freedman hollered, "Lillie, is that you there, Dr. Krakauer, is that you there?" He says, "Yes, ma'am, that is me;" "well, what are you doing in the hall, such a noise, why, I just woke up, I looked around, I looked in the front room whether Lillie is in and it is so late she is not in, I heard a noise; so she lit a candle and she came out and she looked down and so she called "Lillie is that you, Dr. Krakauer, is that you there?" So he says, "Yes, ma'am, that is me;" and so she says, "What is the matter, what are you doing keeping the girl so long, it is so late, there in the hall;" so he says, "Nevermind, Mrs. Freedman, I will be in your house tomorrow morning and I will tell you all about it, don't worry, blame me for it, not Lillie, you know I am Lilli's protector and I am everything to Lillie, don't worry, don't care," that is what he said.

Well, I didn't say anything, but Mrs. Freedman asked me why I am crying; I did not tell her anything until morning. Mrs. Freedman saw the blood. As soon as she seen it she says, "Now," she says, "now I know why you were crying and why you were so long out." I didn't say to

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her anything but she knew it right away and she said, as soon as Dr. Krakauer came in in the morning, so she asked him.

BY THE COURT:

I just told you that I was crying in the hallway and Mrs. Freedman came out; Mrs. Freedman did not observe any blood when she came out in the hallway.

Q Did she say anything to you about what you were doing when she came into the hallway? A No, sir; I didn't say that. The conversation which followed her discovering that I had shed some blood was held in the morning, the morning following. The defendant was present.

BY DEFENDANT'S COUNSEL:

I stood next to Mrs. Freedman in the Magistrate's Court when she testified. Mrs. Freedman cannot speak English; she did not speak in Yiddish; you did not allow her to speak anyway at all. Mr. Krotel, the Assistant District Attorney, was there; the judge was there. I didn't notice the stenographer there; the interpreter was not there; she didn't understand; she didn't know what they spoke to her.

Q Now, you say that you don't know whether Max

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Krakauer is married or not, is that right? A Certainly not. I do not know. I don't remember the month that I met him on Grand Street; I know it was before Christmas, only a week, about ten days or something like that. I met him on Grand street after that. I was not arrested the next day, nor the day after, but on Friday. I don't know if the complainant against me then was this defendants wife. There was a lady in court, but I don't know what she is, you know what she is; it was the same girl I met on Grand street with him.

RE-DIRECT EXAMINATION:

When I first met this defendant and he asked me to become his wife he did not say whether or not he was married at that time; he certainly said he was unmarried; he didn't say whether he had ever been married; he didn't tell me that he had ever been married; he didn't tell me that. I understand your question.

He told me he never went with a young lady before, I am his first young lady, what he starts to go with; he says, "I only fall in love with you but never, I will never fall in love with anyone only with you." He says, "You are the only one."

I was in court and Mr. Marks was in court in the

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Magistrate's court, where I appeared as the complainant in this action; Mr. Krotel was there; I remember that.

Q How long after you had gotten off your sick bed was it that you went to court? A Well, that was the last of August.

Q The last of August that you went to the doctor?
A Where I was sick, yes, sir. I was sick about three weeks, then on the 18th of November, I went to court; that is right. I went to court on the 18th of November. I could not speak a word of English when I came to this country.

Q When did you learn to speak the excellent English which you use now, Miss Schlosser? A Only like that in the working place, from the people, they speak English. I learned it. I was learning all the time. I could not speak as good English in August 1903 as I can now. I spoke English to the defendant, but he spoke to me German. I tried to speak English to him. I speak more German, only German. I speak German and Jewish, Yiddish. I sometimes talked to the defendant in Yiddish. When I first came over to America I only used to speak to people in Jewish. I began to use English when I learned, I learned like that only in the shop.

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I know what true is. It is true that he took me out and I was out late until three o'clock in the hallway.

Q Is it true that he told you about the American law and you should not be afraid of anything?

A He said; I think he said that; I think he said that. He said I should not be afraid; I should be so sure with him.

I think I went with him to a ball the time we went to the hotel. I went to a ball with him. One of the times when I met him and he did this to me it was in a hotel. I had been to a ball with him before I was with him up there. I went only about once to a ball with him. It was another night that he took me to a hotel. I was not at a theatre the same evening he took me to a hotel. I know we walked down as far as, I believe it is, I don't know, in Madison Square Garden that he asked me to go to the ball; I think we were there. I think that was the night. I know the defendant's father; he is in court. That is the defendant's father at whom you are pointing. That is the man Lubliner the photographer to whom you have pointed; he is the person that I spoke about in answer to Mr. Marks. Krakauer brought him up for the first time

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in my house. Mr. Krakauer brought Mr. Lubliner to my house; I think that was before yet I became engaged to Krakauer.

I met Krakauer in his office and he came to my house I first saw this man Lubliner in my house; he came up with Krakauer. Mrs. Greedman and the childredn were there when Lubliner came with Krakauer to my house. After that Mr. Krakauer took me to Lubliner's place; he took me up there. I used to meet Lubliner quite often up in his office, in Krakauer's office. He came to my house once with Krakauer I went to his place of business once with Krakauer; when he stopped coming to my house I went there again. So I went there, I wanted to find out whether he knows why or where he is and why he stopped coming up to my house. I saw Lubliner three times. Krakauer introduced him for the first time when Mrs. Freedman was there, in Mrs. Freedman's house. Krakauer introduced him to Mrs. Freedman and me.

RE-CROSS-EXAMINATION:

On the 18th of November before the police magistrate I spoke in English. I had not been out of bed six weeks or eight weeks at that time. I was sick at that time too.

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I had been out of bed only a couple of weeks. The question were not asked me in English the same as they are to-day. I don't remember it; I don't remember if I answered in English or not; they were fighting; you remember that, the way they were fighting there, Mrs. Freedman and Mr. Krakauer, they made such a noise there, you know it yourself; that was in the police court

Q That was because Mrs. Freedman wanted to tell everything at once and the Judge told her to shut up and listen to the questions? A The woman didn't understand because she can't speak any English; she could not understand anything. A man did not interpret into Jewish; no one was there.

PHILIP FREEDMAN, a witness for the people, sworn, testified:

I live at 233 Stanton Street. I do not speak English. I am here twenty years but always among German people. I do not understand English; I am not able to speak it.

BY THE DISTRICT ATTORNEY:

I am 42 years old. I was born in Hungary in the Comat of Semlin. I have known Lillie Schlosser five years

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since she is with me.

Q Did you ever know her family in Hungary? A I did not know the girl, however, the family, it was only a short distance from my native place. I lived in a city and they in a village. I knew other members of the family, the whole family except her father and mother I knew in Hungary; because it was, it is in my neighborhood, not far distant from where he was.

I work in a sugar house, Havemeyer's. It will be the twentieth year that I worked there, at No. 7 at the refinery of sugar, in the new house. I have lived at 233 Stanton street since I am in this country, this will be the twenty-first year. I have worked in the same place and lived in the same house since I have been in the United States; however, so far as my working is concerned in the first year I worked in Weidling's factory.

I knew Edward Schlosser, the brother of the complaining witness, since he came over to this country as a green man and he worked a number of months in our place. I could not say when he brought Lillie to live at our place; it is five years, but I have not present before my mind the exact time.

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I have known Krakauer, the defendant, since the fall of 1903; it was over a year; it was a year last fall. I had come home from my work in the evening and he and the girl were sitting on the sidewalk, on a chair near the door and he had come up before the girl and had addressed her, and the following evening again when I passed my house to go inside again he was there talking with the girl and it was then that she presented him, introduced him to me as Dr. Krakauer; he also greeted me that way. I observed that it was not very proper that they should sit outside and if he liked it he might come in; but however, "Dr. Krakauer, what do you mean about the girl, do you intend just to speak of love to the girl merely?" and he said, "No, I intend to marry her," and since then he came up to my house off and on, he had supper with us and breakfast with us. Sometimes he would call a succession of days; sometimes every second day; sometimes he came even in the morning. He would stay in the evening to ten o'clock.

On Thanksgiving Day, 1903, he said "We will have a betrothal," and we had a turkey; I bought that turkey and the girl bought also one turkey. Then we ate and we drank

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there were several there, guests, and then he was dressed up and he kissed her and shook hands with me and he said he would marry her because she was-- that is the only sensible and respectable girl that he found. It was an entertainment and we had a drink at the entertainment.

He put the ring on-- I said already he put the ring on Lillie Schlosser; he drew the ring into the finger of the girl just by the table, before everybody, in the presence of everybody, we were all sitting around. I do not exactly remember with how many he shook hands but, however, he shook hands with me as the significant handshaking, saying that he never would abandon her. .

I could not exactly remember now the names of all of them; I am a workman and have not in my mind all the details. There were girls there but I did not know them. Edward Schlosser, her brother, was there on that evening.

Before this betrothal the defendant Krakauer wanted to take her out to the theatre, but in the beginning she didn't want to go out with him; he did not take her out before the betrothal on Thanksgiving Day. Afterwards he took her out. In that sametime when he shook hands with me he said, "Freedman, in six months we will have a marriage."

I remember when Christmas time was that year. I had some talk with the defendant Krakauer before Christmas; they talked about a ball, a big ball that should take place at a big place on 42nd street, but I heard so but I didn't pay attention to this special subject.

I noticed Lillie working on a dress about that time; it was about that time that she had made that suit that she has on now. I didn't see her working on it; she had it made. I remember the night that she put on that dress and went out; I do not exactly remember the time but I remember on that evening that she put on that suit and she had an appointment with Krakauer to see him at his office. She was to go to the ball on that evening; we, in the house, retired to sleep and it was something between one and two o'clock in the night when I said to my wife. The defendant did not say anything in answer to what I said to my wife; I talked with my wife in bed. . A little while after we heard talking around outside, and then my wife took a light and went into the hall and as I am a man they didn't take any care of notice of me, and the following day I noticed that she laid up sick the whole day, the girl was laying up sick. I saw Krakauer early at my house the next morning at eight o'clock; he was sitting by the bed, and he and the girl were talking

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together; I did not meddle; I went from the front room to the kitchen.

Q Did you hear your wife say anything in the defendant's presence? A I did not take much care about all that the first time.

Q Now, how long was it after that that you saw Dr. Kammister? A This happened later, some months later; I could not exactly tell how long later. Krakauer had been in our house and I had gone to work, but it was about four o'clock in the afternoon and Krakauer and Schlosser went away.

Then I came home in the morning from work and there I seen Mr. Krakauer laying down on the floor and the girl lying on her bed very sick; then he went to the office and about an hour or so later he again came into the house; and then he went home and didn't come back for a while again. In the evening I laid down to sleep when all at once my wife woke me up saying that she was terribly sick, near death, and that I had to run for the doctor; then I went to the Stanton street corner for the doctor and there I found a policeman.

At that moment I had in my hand the address of Dr. Kamnitzer and I requested the officer to go into the saloon and telephone to him, the doctor, and in a quarter of an

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hour he came up; he went to the bed and turned up his sleeves, and he then took into the kitchen a big vessel with blood, and when I saw that I was angry. I did not go into the bedroom to look at what the doctor did. Krakauer was not there then, not there that evening. I next saw Krakauer on the other evening. When I went for the doctor he was not there yet.

Q Now, go back to about Christmas time. Did you hear your wife have any conversation with Krakauer about Lillian? A Well, I told already I didn't meddle with such things; I am a man and don't want to interfere in such business.

The doctor took this vessel out and he found in the basin, with the blood, a piece of this size (indicating tip of finger.) I saw it. He wrapped it in a piece of cotton and I don't know what it was. I can only tell what I know; my wife was there. I am no doctor; he didn't show it; he immediately wrapped it in a piece of cotton.

On the first visit of the Doctor I didn't pay much attention, but the second time we all said, "Mr. Krakauer, you see the girl, she is sick, she is in different circumstances." We both said she was pregnant; he said that

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he would all the same marry her.

The defendant stopped coming to our house about fourteen days before election. A few days afterwards, a couple of days afterwards I went to the house, his father's house in Gouverneur street. I could not remember the number. I saw him at the house. The father was not there the first time I went there, only the mother. I said to the defendant, "Mr. Krakauer, I have an idea that you were sick," or something to that effect I said to him; he simply said that he had considered his business; he had made up his mind about this thing; then I went home. He said he had changed his mind; it is exactly that; he said to me that he had changed his mind; that is all. Lillie asked from me \$25. and Lillie gave him \$25. to him, another time \$10. I saw her give it to him.

CROSS-EXAMINATION:

I am a hard-working man. I save my money up. I am friendly with this defendant; I am not angry with him. I have a receipt in my pocket for \$50. signed by Mr. Krakauer.

I gave Max Krakauer \$50. He didn't pay it back to me; I have not the receipt in my pocket; the girl says

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that she would pay me back. I was at Max Krakauer's over ten times to try and get my money. I could not have sued him for the \$50. because he had nothing. I gave him the money in the name of the girl. I did not go to Max Krakauer and demand my money and say that if I didn't get it I would put him trouble and get square with him. I have been down in Water street to try and get my money ten times, and one time the mother wanted to chase me out, threw me out.

He has not paid one cent of it to me. I am yet friendly to him, sure, I am friendly to him. I am not angry on account of his mother's wanting to throw me out. I earn from \$11. to \$12. to \$13. but I average \$11.

I acted as a father to this Lillian Schlosser, just as if she had been my child.

Q Didn't you testify on your direct examination, that the first night or time you saw him was sitting in front of the door, and the second time that you saw him he was sitting in front of the door and then you said to him "Dr. Krakauer what do you mean by this girl?" and you say he answered "I want to take her out and marry her?" A I said he had already come a few times, a couple of times in the evening, but I asked him the quest-

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long, not in the street, but I went to his house to ask him.

I told you once before I didn't notice of what took place in the hall.

Q The time that the doctor came and you saw so much blood and saw some instruments or you used the words "a piece of something" some piece taken from the blood, did you know what it was? A I said I was no doctor, that is all. When I was home Krakauer came up to the house every other day. I occupy three rooms with my family; one is a kitchen, and one a bedroom; the other is a front room; there is no bed in the front room. I have five children; they are from four to eighteen years old; one of my sons is eighteen and the other is fifteen; we have a folding bed and three of the boys sleep in the folding bed in the front room. I slept in the bedroom. Nobody slept in the kitchen. Lillian Schlessor slept by the window; she has got an iron folding bed in the same room as my sons fifteen and eighteen years old.

Q When Max Krakauer came to your place to visit Lillian Schlessor he would have to walk through your bedroom, would he not, from the kitchen which led into

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the hall, in order to get to the front room? A No, sir. The kitchen is in the middle, in the centre, and on the bedroom is one door and the front room is the other door. I don't know what night of the week it was we heard this noise in the hall; I do not know anything about it; I am no lawyer and I cannot recollect.

RE-DIRECT EXAMINATION:

The defendant Krakauer when he told me he was going to marry Lillian said he was never married. . He says at that time he never was married in his life. You must first go in the kitchen before you can go into the front room. My daughter sleeps with Lillie Schlosser in the bed. My daughter sleeps with Lillie Schlosser in the iron bed in the front room. There is three of the children asleep in a folding bed in the front room; in that folding bed three of them sleep and the other child sleeps with Lillie. The small baby sleeps with my wife and myself. I don't know what this thing was that the doctor found in the basin

BY DEFENDANT'S COUNSEL:

Max Krakauer only slept in my house at the time Lillie Schlosser was there when Lillie was sick; that is

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the only time he slept there. He was there the night he was with Lillian to the doctor, then he came home with from Lillian to the doctor's house. I just went to work at the time Lillian and Max Krakauer left to go to the doctor's; I heard him say that they were going to the doctor's; Dr. Krakauer said that the belly pained her.

BY THE DISTRICT ATTORNEY:

Krakauer was there when I came home in the morning; I found him lying like a dog on the floor by her bedside.

Q Where she and your thirteen year old daughter were sleeping? A No, sir; then my thirteen year old daughter slept by her mother; I was not sleeping home that night. On this occasion it was found out that she was pregnant three months. I spoke to Krakauer that morning. I says to Krakauer, "What did you do, I see she is pregnant?" and he says, "I will marry her anyhow! That was after they went to the doctor's. That was the morning when I came home.

Krakauer did not say that she was pregnant for three months; he says, "Every blind man can see that she was in that condition because she was bandaged up in some way." I says to Krakauer that she is now pregnant and it looks like as if she was going to get confined and he says, "I will marry her anyhow." That was the next

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day I found Krakauer there and then he told me about it in the morning. ; he said he would marry her anyhow. It was that morning that I told Krakauer she was in the family way, that same morning. In the same day that I spoke to him we already got the doctor because we thought she might die.

I saw Krakauer and Lillian leave the house ostensibly for the doctor's; the next morning I found the defendant lying on the floor by the side of her bed; that is when I told him she was pregnant; that same night at eleven o'clock we already got the doctor; we thought she might die. I cannot recollect the month.

BY DEFENDANT'S COUNSEL:

Q When was it that you say you slept with your wife and she got up when she heard a noise in the hallway and went down and found Max and Lillian?

A I cannot recollect; I did not carry it in my book. I don't recollect what month.

BY THE DISTRICT ATTORNEY:

Q Do you remember the name of the ball; was it one of those big balls? A It was a big ball; I don't recollect only that they told me that they were going to a large ball and then she made a new dress.

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EDWARD SCHLOSSER, a witness for the people, sworn, testified:

I speak English. I was born in Hungary, in the country, a little village. I am a brother of Lillian Schlosser who has testified here.

I know Mr. freedman. I wasn't in Hungary, but I brought Lillian over here; I sent for her; I met her when she arrived here. When I brought her over here I got her right in there with Mr. Freedman. I certainly knew the Freedmans from the old country, you understand. I had known them in Hungary.

Q Now, have you ever known this defendant Krakauer?

A I never knew him before that until since he used to come up in the house, to Freedman's house. I first saw him the time when my sister was used to go up there to fix her teeth there and afterwards he used to come in the house; I seen him, it was a Friday night. I saw him at the Freedmans' on a Friday night. He certainly used to come up, first he wanted me that I should go up in his office to see him there but I refused to go up. I saw him at the Freedmans'. I was introduced to him by my sister that he is her intended and he would like to marry her and he wanted to go out with her. That was in Freedman's house. He said something about Lillian.

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He said he wanted to marry her; then he asked me to come up to his office. I went up, certainly, he asked me to go up and I went up a couple of weeks later, but not at the same time. I came up to his office; he sat there and we spoke about private things there and such things we spoke of and he introduced me there to some cousin by the name of Silverman, he introduced me in that way; he introduced me to a man named Silverman; we were talking about Lillian; he said he liked my sister and so forth, she is a respectable girl, and just the girl what he is looking for and he would like to marry her. He did not ask me questions about my family, not at the same time, and after, later on, he asked me about the family and I said so and so, "I have got no parents!" He asked me for money after that, certainly. Touching money, he asked me at that time if I had a shop and certainly I did not have such a good business. He asked me for money; he said he would like to get money, he is running short of money and he would like to get out a diploma. He asked me for money, \$150. of my sister, she loaned him of Mr. Freedman \$50. I didn't give him any money.

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I remember Thanksgiving Day, 1903. I was up at Freedmans; they made a party at that time; they had a party and he gave a ring. I saw him give her a ring; I heard him say he was going to marry her. After that I did not often go to his office; I didn't have a chance to go; I always had my own business. . I saw him after that with Lillian up in the house, in Freedman's, nearly every day. I used to go around there often.

I am in the clothing business, vest maker, a maker of vests.

Q Your place of business is where? A It used to be-- now I haven't got it any more; I am employed by another firm. My business was at 105 Columbia street; I had it with a partner. I am out now in Newark, New Jersey; he was out there also with my sister to visit me this summer. Krakauer was out there to visit me this summer with Lillian, and I even got a letter, I received a letter from his also. (Stricken out.)

I do not know what became of some letter he wrote me; he wrote me a letter. I have not got the letter in my pocket; I left it in another coat.

It was the past summer that Krakauer brought Lillian

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over to Newark, I don't exactly remember the month, but it was in the summer, this summer. I certainly had a conversation with him about Lillian. I asked him what he intended to do, if he wants to marry my sister, he is going out for so long a time, and he says certainly he wants to marry her. When I found out that Lillian and he had been misbehaving the last time-- I didn't find it out-- he was before I found it out, he was out in Newark by me a couple of weeks, about three weeks before I found it out; he was out there himself. He says that he has a patient out in Jersey somewhere on the hills and he came in to see me; he stopped there to see me; he came up to see me; he didn't have Lillian with him at that time. The last time we spoke so I asked him how they are getting along and such things we spoke and afterwards he went away and we had supper together and afterwards he went away; but after when he went away I came around and they were looking and I came around to New York after that and they told me what is going on.

I heard it from the Freedmans. I am coming up and I says, "What is the matter, my sister is sick?" I saw Krakauer again; that was after a couple of days later, right up in the house by Freedman's. I was by Freedman's

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again and I met him and I didn't say anything, we spoke there and I asked him--. The last time was we were speaking there what is going on there, something.

I asked him and spoke to him about his relations with Lillian. I understand that. He said always; he said he would like to work himself up and to get married; he would like to get money to get married. I saw Krakauer after I found out what had been going on. I came up at that time when they sent for me; I came down and they told me that they can't see him any more; I said, "I will find him out;" I went down in the house and I found him in the house; I came in the house and I asked him, "Well, what is the matter, Mr. Krakauer, you don't show around any more?" He says, "Now, I will tell you Mr. Schlosser I changed my mind, I don't want to marry to your sister any more, I don't want to go up;" that was the answer he says to me, "Do you think I am planting potatoes? My feet don't grow on no grass, I know what I am doing, I ain't so slow as that;" that is the answer he gave me. Still at that time I didn't know what was going on; I didn't know he was doing such and such things, but after when I came back though-- Since that time I have never seen him.

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CROSS-EXAMINATION:

I don't know what I mean by planting potatoes; I don't know what it means. That is what he says to me, the answer. I know that is what he gave me in answer to it. I don't know what it meant; he ought to know what it means; I don't know what he meant. I didn't ask him, certainly not.

It was in October sometime that I first heard that Max Krakauer and my sister had sexual intercourse, sometime in the end of October, something like that, a year and a half ago. I heard it up in the house for the first time; that was about fifteen months ago.

BY THE COURT:

I don't know the meaning of sexual intercourse; I don't understand it. I understand that the defendant here has been in bed with my sister.

Q Q When did you first learn that your sister had sexual intercourse with the defendant? A About the end of October, I believe about three months ago that was.

BY DEFENDANT'S COUNSEL:

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That was right after she had him arrested, a day or two or three days after-- before she had him arrested. I didn't have a store. I didn't have no business; I was working, when she was sick. I called on her when she was sick. I spoke to Mr. and Mrs. Freedman about her sickness. I asked them what was the matter with Lillie. They were looking for me. I came down and I asked them, "What is the matter, what is going on?" I am here in the city every Sunday and I came up, certainly, always to the place, came into the house, that was the first stop when I came in and I always found out what was going on and they told me she is very sick, my sister is very sick, but they did not tell me what is going on; she is sick. Well, I didn't make out of it anything but like any person is sick.

BY THE COURT:

I asked them what was the matter; but they did not tell me what was the matter; they told me that she is sick.

BY DEFENDANT'S COUNSEL:

From what they didn't tell me. I did not ask them; they told me sick, plainly. I did not ask my sister what was the matter.

WILLIAM J. KINSLEY, a witness for the peo-

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ple, sworn, testified:

My full name is William J. Kinsley. I am manager of the Kinsley studio devoted to pen work in general and examiner of questioned handwriting, ink and paper. I have made a specialty of examining handwriting and its various characteristics for twenty years I have been a professional penman, and for seventeen or eighteen years of that time, I have given particular attention and devoted considerable study to questions of handwriting, ink and paper. For the past ten years I have been testifying in courts of law in regard to these points. I have testified in fourteen capital cases. Most recently the Tucker murder case in Boston, Molineaux, Patrick, Kennedy, Totterman and several other murder cases in this county; two in Bridgeport, Connecticut, Dr. Nancy Guilford and the Kelly case, and several large forgery cases, will cases, civil suits, this is my five hundred and eighty-fifth case which I have been consulted on.

I have examined the signature of Milton Krakauer which appears on the reverse side of the marriage certificate exhibit 5. I have examined that signature.

Q Now I show you a signature appearing upon the

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back of the paper which I hand you and which will be marked People's exhibit 6 for identification-- but first I will show you people's exhibit 1, a note in pencil, and I ask you whether you can state whether or not in your opinion, the hand that wrote the signature Krakauer on the marriage certificate, wrote the note which you hold in your hand? A In my opinion the same hand wrote both.

Q Point out the characteristics which are obvious to you, being as brief as possible? A The same final style of r-- take for example in the word "dear" in the salutation and "doctor" in the second line, and, the same method of finishing the r in "Krakauer" at the end of the name, not only in the same style, but the same manner of throwing off the final stroke. The small a where it occurs in the middle of the word is made in much the same manner; the same florid style as shown in the capital K, with the extra twist, making the double loop. The same habit is shown for example in writing the word "y-e-u-r" and also "b-e-y" at the bottom, the extra strokes and the florid dashy style, the same movement is sued, and the same method of finishing the n is shown in several of the letters -- n and the d and

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e with a short downward stroke instead of a turn and carrying it up, and same general habits of spacing, and so far as you can compare lead pencil writing there is the same general trend of pressure throughout both exhibits.

I have examined the signature appearing upon the back of people's exhibit 6 for identification, at your request. I have compared the signature on People's Exhibit 6 for identification with the standard in evidence on the back of People's Exhibit 5.

Q Are you able to say whether or not in your opinion, the hand that wrote the signature Milton Krakauer on People's Exhibit 5, the standard in evidence, is the same hand which wrote the words m h or m something Krakauer, upon the back of People's exhibit 6 for identification? A I am. In my opinion the same hand wrote both, and this is especially evident in the word "Krakauer, because here we have the same identical letters and the spelling which gives a good opportunity for close comparison, that we sometimes do not get where the names are different. The same type of capital W is in exhibit 6 for identification, except that it lacks that florid double flourish at the bottom-- the

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same thing, in proportion, except for that; the same type of small r and it is connected with the k with a long stroke; in one case a flourish, with a short stroke without the flourish in the other. Outside of that and the final flourish at the end which is a little more pronounced in exhibit 6, they are as near alike as it is possible for a person to write his name in the natural way twice. There is the same relative proportion between the r and the a, small r and a; the same type of small k, and the second part of the k is made with two separate movements of the pen, and then a peculiar thing, the pen is again lifted and does not connect with the a, and that is true in both cases right straight along, and then the second a is some larger than the u and the u is too widely spaced, and then the er is run together.

In exhibit 5, the standard, the final r is made with a flourish and an upward tendency, while in exhibit 6 for identification, after going upwards it comes down with a heavy pressure, and an extra flourish. The only difference in the entire signature, the Krakauer part of it, being the flourish on the k and the flourish in the r, and as shown in one of the other exhibits, we

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find the same flourish--

The gist of my testimony is that these two signatures on these two pieces of paper are as near alike as a human being can write his own signature. Probably I better explain here, the capital K's are of the same type, but made in a little different manner. Exhibit 6 has an extra flourish at the start that is missing in the one in exhibit 5, but the Krakauer part and the general proportioning of the M is the same; the Krakauer part is just as near alike as I would write my own name twice. There is the same habit of making the same letters, wherever you find them, the R and the A. We do not find the small k anywhere in this exhibit, so we cannot compare it.

I spoke of a flourish I found, but the same florid style that is shown in "Max" and "your" and "boy" and also shown in the final stroke of the e, in the word "see," is also shown in the final r of Krakauer. It is the same general free easy forearm movement, rapid-dashy style that is shown in both writings, not only in the construction of the letters but the pressure, the alignment and the spacing proportioning, and all the pen habits that make up a characteristic handwriting, are pre-

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sent in both.

MAX SCHWARTZ, a witness for the people, sworn, testified:

My business is that of a shoe salesman. Now I live in Jersey City, 272 Second street, and I am employed in 171 Work avenue-- I am employed at present.

I moved to Jersey City May 1st, last, of last year, 1904.

I am acquainted with Miss Lillian Schlosser, the complainant in this case. I am acquainted with Mr. and Mrs. Freedman. I know the defendant. I am a relative of Miss Schlosser's. I know her since she is in this country. I did not know her from the old country, because they were apart from us. I have known her since she has lived here. I know her brother Edward.

I called upon Mr. and Mrs. Freedman during the fall or autumn of 1903. On that occasion I met the defendant at Mrs. Freedman's house. I called before ever I knew the defendant, but once Lillian Schlosser told me that I shall come up to see her young man, she has got a nice young man, she would like-- Lillian Schlosser said this. (Stricken out/)

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The evening when I met my cousin and the defendant at Mrs. Freedman's house was in October, 1903, if I am not mistaken-- September or October, one of those two months. I am not quite sure. Mr. Krakauer and Mr. and Mrs. Freedman were present at that time. Lillie Schlosser introduced me to the defendant; she introduced Mr. Krakauer as her young man that she is going out with.

He was very glad to see me and we were talking along, and then he invited me to come up to his office and see him once in a while when I have a chance. I went to his engagement party that I was invited to Thanksgiving night. Mr. Krakauer invited me when I was in his office; he had spoke about the affairs of Lillian Schlosser, before the engagement, and I gave him to understand he is marrying a poor girl and I must take her part. I stated that to him.

I told him that if-- that was before the engagement when I told him that in his own office-- that he should not think that he is getting a rich girl and if the girl told him perhaps anything that she has got money, but he shall not believe, because she is a poor girl and all she has got is what she has got on, but she is a nice

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girl, and an honest girl, and of course I told him "you are a doctor and you can get plenty of other girls which suit you better than Lillian Schlosser and before you get engaged you should make up your mind; if you don't have the right feeling with that girl to marry her, better let her alone," I said, "because there is somebody else which suits her and only too glad to marry her as she is;" and he jumped off the chair and he said, "Mr. Schwartz, you forget yourself, to whom you are talking, you must know that you are talking to Mr. Krakauer as a doctor and he is not going to do any such things as you think, that he tries to fool a girl. I love Lillie Schlosser with my heart and soul and I will fight for her to my death, if I cannot get it in a different way, I want to marry her."

I said, "we are only too glad to receive you as a member of the family, but you must consider yourself, because I have seen cases before where doctor's used to go to nice girls and used to fool them, and I would not like to see this case happen again, on my part of the family." He said, "Mr. Schwartz, if you have any opinion like that I wouldn't talk to you."

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I said, "Well, I just tell you my opinion about the case, and of course you know better than I, whatever you have in your feeling, and if you do what is right we will be only too glad to come up to your engagement." He said, "I expect you to come up Wednesday night--"that was a week before the engagement-- "I expect you to come up and we shall see each other on the engagement," and with that I left Mr. Krakauer's office. By that time nobody was in there.

I went in accordance with this invitation, to Freedmans the next Wednesday night; it was Thanksgiving. I was supposed to be there at seven, but I couldn't get before there until ten or eleven which was the time I got there. He was not there when I got there. I was late. The defendant was not there. I was too late. He left by that time.

When I got there there was Mr. Schlosser, Mr. and Mrs. Freedman; there was Lena Schwartz, and I was introduced to different girls and of course I can't remember the names. There was something to eat and drink. I had something myself.

I invited Lillian Schlosser to come up to my house

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where I lived at that time, in New York, for supper, and they came up the next Sunday to our house for supper and they had supper with us. I mean Miss Schlosser and Mr. Krakauer-- that was two Sundays after.

I am married; I then lived at 17 Chrystie Street, this city. I have a family. My wife and I received the newly engaged couple and we congratulated them.

Krakauer introduced me, that is his girl, that is Lillian Schlosser. Now he said I can say she is mine. I said I am very glad to hear it, and he showed me the-- "did you see the engagement ring that I gave to Miss Schlosser;" and I said I did not see it, I did not take so much notice to it. He said, "Come here, Lillie, show to Max your engagement ring." Of course she had the engagement ring on her finger and I just looked at it like that and I said how much was that, it is a nice ring.

He said, "That is a Tiffany; I bought that in Tiffany's." I said, "It looks so, because it looks very nice." He said it was sixty-five dollars; "that is all I paid for it," and I said, "It is a bargain, sixty-five dollars, is worth to anybody;" and that is all the conversation there was about the engagement, and then we had supper together and of course we had a little talk.

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He showed me the ring on her finger. I looked at her finger just the same as like---. He told me she got it that Thanksgiving night as a present., that night as an engagement present. He was up after that in my house visiting with her.

CROSS-EXAMINATION:

I said I was at the engagement. Mr. Eddie Schlosser, Mr. and Mrs. Freedman and Miss Lena Schwartz and personally the rest of them I don't know were there. I seen there some girls, but I really couldn't say what their names is and I have been up there between ten and eleven. I was there fifteen minutes and then I left. I did not see his father and mother and sisters and brothers there. I don't know them at all. I did see them when I was down, after I found out Mr. Krakauer left Lillian Schlosser, I went down to the office to find out what was the reason. I only saw his father then. I did not see his father or mother at the time of the engagement; I was too late. I could not say that they were there. I did not say that I was told that they had left before I got there.

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I was not at the engagement. I did not see the parents there between ten and eleven.

It was on Thanksgiving day that the engagement was pointed out, that is when it happened; Thanksgiving is in November, I suppose; it is in November; it is the 27th or the 26th I cannot exactly tell. I am quite sure it was on a Thursday. I did not receive an invitation or writing, or any printing to come. I was told by Mr. Krakauer when I spoke to him, and he told me that he expected to see me on that night on account of the engagement.

I did see him once or twice before I went into his dental parlor, in Lillian Schlosser's house. At that time in the dental parlor he told me that he loved her with all his heart, and that he would protect her until death.

Q What occasioned that remark on his part? A Because I told him if he thinks he don't love Lillie Schlosser right, he shall not fool her, because she is a poor girl, she aint got nobody to take her part, and to tell you the truth I did not believe he likes that girl, but she was a pretty girl. I did not say to Mr. Krakauer, "now if she told you she has money, don't believe

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her, she has not any." I said, "In case she told you she has any money, so I came up to tell you she has not got any." I did not say that she said.

BY THE DISTRICT ATTORNEY:

Q Was it Wednesday or Thursday that you said you-- that he told you to come to the house, to the engagement?

A That was a week before the engagement, that was on Wednesday afternoon.

Q Oh, it was on Wednesday afternoon in his office?

A I was off that time and went up there.

Q And he told you to come later to the engagement which was on Thanksgiving? A Yes, sir.

M A R Y G R O S S M A N, a witness for the people, sworn, testified:

I am Miss Grossman. My full name is Mary Grossman. I live in 105th street, 171.

I know Lillian Schlosser. I know her five years, ever since she came to this country. I know the defendant Krakauer. It will be two years that I have known him. I don't remember when I first saw him in Lillian's house; that was the house of Mr. and Mrs. Freedman at 233 Stanton street. I don't remember what

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time of the year it was, 1903 or 4, I don't remember.

I saw the defendant Krakauer and Lillian Schlosser at my house many times, together. I don't remember the first time I saw them at my house; it was in 1904, I think; I don't remember.

When the defendant and Lillian came to my house I had a talk about Lillian with them; he told me he met Lillian and how he met her.

BY THE COURT:

He said he made a small engagement and he means to make a big engagement, a big party. He said the engagement was on Thanksgiving, Thanksgiving a year ago.

Q What did you mean by Thanksgiving a year, the year before he came up to your house with her? A Yes, before.

Q How did he say he had met Lillian? A Lillian went up to his office and got her tooth filled; that was how he met her.

I first saw him in her house. I was invited to this engagement party, but I did not feel well; Lillian invited me. I didn't feel well; I was really sick so I did not go down. I did not ever see Krakauer before I was invited to that party; I had not seen him; after Thanksgiving, after the party, I saw him at her house.

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On that occasion he told me that he means to marry her soon. I saw a ring; Krakauer took Lillian's hand and showed me the ring; then after that they came up to my house.

I did work in the same place with her. I did not work at that time when she went with Dr. Krakauer. Before I worked with Lillian. Last summer I went to her house when she was sick. I don't remember what time in the summer; the defendant was there; the doctor was there. I couldn't tell you the doctor's name; he was not introduced to me; he was not introduced. I don't remember if he was a man with a beard. I couldn't remember his name; she couldn't tell me anything because they sent me out from the room-- the doctor sent me out of the room. When I came back Dr. Krakauer was there, the defendant was there, and Lillian was sick in bed; we had some talk. Well, Dr. Krakauer was crying and he felt very sorry because she was sick; the defendant was crying because she was sick; that was all he said.

Lillian wanted to send for her brother and he did not leave her and he said "don't you send for him, because I am your brother and sister and everything to

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you and you don't need to send for your brother." That was what Krakauer said to Lillian. I did see this ring that Lillian had. I did have a talk with the defendant after that when there were other people present as to whether he did really care for Lillian; that was in the summer. I couldn't remember, after she was sick. He said that his parents are against his marrying Lillian but he wouldn't care, he would not mind that, because he likes Lillian and he is going to marry her.

He said something about money. He said his parents has a girl for him with money, that he should marry that girl with money and not Lillian, but he would not care, he is going to marry Lillian, he don't care for money. He did not tell me who the girl was that his parents wanted him to marry; he did not mention the name of Sadie Levy at anytime.

CROSS-EXAMINATION:

I was a stranger to Mr. Krakauer until the first day I met him. I never met him before. Although he had never met me before, the first thing he did when he met me, after being introduced to me, was to take Lillian's hand and show me an engagement ring and say that he

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loves her with all his heart, and he is going to marry her. He said that all within five minutes after meeting me for the first time in his life.

BY THE DISTRICT ATTORNEY:

I was an old friend of his finace's. I went there for the purpose of meeting her betrothed.

LENA SCHWARTZ, a witness for the people, sworn, testified:

I live at 424 East 10th street. I am no relation to the gentleman by the name of Schwartz who has just testified, not a connection. I am not married. I live there now on Tenth street with my parents, and mother. I work for a living on Broadway near 14th street for Mr. Taper. I don't know how to spell it. His business is ladies' underwear. I just work there; working on the clothes, an operator. I know Lillian Schlosser for about five years, eve since she is in this country; ever since she came to this country. I am an old fridn of hers. I know the Freedmans. I know the defendant Krakauer after. I cannot tell the date I met him. I met him in Mrs. Freedman's; I was to Mrs. Freedman's house 233 Stanton street. I came to go

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there because I used to stay with her myself; I used to live with her, and I kept on going to see her.

I don't know the day I met Krakauer; it was in 1903 I met him, in cold weather. The first time I met him I don't know anything-- I don't remember. I don't remember about the first. I went there on Thanksgiving day. Lena Schwartz, Lillie Schlosser and Max Krakauer asked me to come. I gave my own name by mistake; Lillian Schlosser and Max Krakauer asked me to come; both asked me to come. I was down to the office when they asked me to come, Mr. Krakauer's office; she was there, and they asked me to come to their engagement party. I couldn't tell you just how long it was before the engagement party, but not very long after that I was at the engagement, not very long after that I went. I went there around eight o'clock, or something like that. I don't know exactly the time. Mr. and Mrs. Freedman was there and Lillie Schlosser and Max Krakauer and Eddie Schlosser and myself, that was all; other girls were invited there, but they didn't come. I think they were sick or something.

They were eating and drinking and Max Krakauer gave her a ring. I saw him give her the ring. He asked her

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to be his wife. I did not do anything but talk. I wished Lillian good luck. I mean that I said it. I said "mazoletoff; everybody in the house said it; they said it to Lillie Schlosser and also to Max Krakauer.

CROSS-EXAMINATION:

Max Krakauer put this ring on Lillian Schlosser's hand while everybody was there and in front of everybody; we were sitting down having supper, eating turkey, I believe it was; I am sure. We had turkey, I believe it was. I am sure of that.

I was not at Freedman's house last night, nor the night before. I didn't speak about this case outside in the hall to Mr. and Mrs. Freedman; I spoke about something else. I didn't tell anybody what I was going to say in here. I haven't seen the District Attorney at all. I never called upon the District Attorney's office in my life before to-day. I was here yesterday. I have not seen the District Attorney yesterday either. I did sign a paper in the District Attorneys office.

I have never been in this place before but yesterday and to-day and I have not seen or have not spoke to anyone in this place besides-- I was standing and talking to the girls but nothing about the case. I did not

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say one word to anyone at all. I have been standing here from yesterday morning at half-past ten until four o'clock, and to-day from half-past ten until one and after that I left to get something to eat with them, and I came back until I was called in this room. In all these two days I never said one word to them about what I was going to say on the stand.

RE-DIRECT EXAMINATION:

I used to live with the Freedmans. I have never been in this court before. I never knew where the building was. I don't know what that paper is I said I signed. I remember the paper which is shown me. I signed it in one of the rooms. I remember somebody who asked me questions. I now recognize Mr. Vanderveer.

BY DEFENDANT'S COUNSEL:

Q What did you mean by saying that you never went in this building in your life? A I did not know this was the building. I never was in New York city in any building at all.

I live on East Tenth street. I am an intimate and good friend of Lillie Schlosser. I am an intimate and good friend of the Freedmans.

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