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COURT OF GENERAL SESSIONS OF THE PEACE,

CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

-against-

JOHN LANGIN.

Indictment filed by 1, 1915

Indicted for Bookmaking

APPEARANCES.

For the People. Assistant District Attorney Olcott.

For the Defendant: James M. Donohue, Esq.

Tried before Honorable Charles C. Nott Jr., J,

and a Jury on the seventh day of the January, 1916.

JAMES T. BRADY, called as a witness on behalf of the People, being duly sworn and examined, testified as follows.

DIRECT EXAMINATION BY MR. OLCOTT.

Q Are you a member of the Municipal Police Force?

A I am.

Q How long have you been a member?

A Going on six years.

Q On the fourth day of June, 1915, with what inspection district were you connected?

A The third.

Q You have been connected with that inspection district for some

time?

A Yes.

Q Had you ever, prior to the 4th day of June, 1915, seen this defendant?

A No sir.

Q Before the 4th day of June, had you been given certain instructions about a place at 546 Eleventh Avenue?

Objected to. Objection overruled.

THE COURT: Yes or no.

THE WITNESS: A Yes.

BY MR. OLCOTT:

Q As a result of those instructions did you go there on the 4th day of June, 1915?

A Yes.

Q That place is in the City and County of New York?

A Yes.

Q Did you see the defendant there?

A I did.

Q Tell us what you saw the defendant do and what you said to the defendant, and what you heard him say and what he said to you on that occasion, and where he was?

A At three p.m., on the 4th day of June, in company with Patrolman Morris, we entered the premises, licensed liquor saloon at 546 Eleventh Avenue. We went in --

THE COURT:

Q What day was that?

THE WITNESS: A The fourth day of June. Three p.m. We stood at the bar and we had a couple of rounds of drinks and I observed the defendant sitting in the barroom at a table with five other men and he was receiving money and

recording same.

THE COURT: Q What is the number of those premises?

A 546.

THE COURT: Proceed.

A He was receiving --

MR. DONOHUE: I move to strike that answer out, "that he was receiving money".

THE COURT: No, he can say what he saw him do.

THE WITNESS: The defendant was sitting at the table with five other men. I saw the defendant receive money and record same on a memorandum and put the money in his pocket. During the time we stood at the bar the proprietor of the licensed liquor saloon came over to Officer Morris and I --

Objected to.

THE COURT: Q You may tell what you saw the defendant do, that is all you are asked. You say he recorded on a memorandum -- what kind of memorandum, a book or a piece of paper?

A A cardboard, about as wide as my book here is long - just about as long.

BY THE COURT:Q How many men did he receive money from?

A There were twenty men in all at different tables in the bar room.

BY MR. OLCOTT:

Q How many men did this defendant have dealings with, such as you have described, the receiving of money and marking on a piece of paper at the time of the receipt of the money?

A About five or seven.

Q They were the men sitting at his table or were there any others besides those that he had the dealings with?

A There were others come to him and handed him money and he would record on the memorandum. About three-thirty p.m., the defendant got up from the table and went to the telephone. He was about to telephone what was on the card --

Objected to. Objection sustained.

BY THE COURT: Q You don't know what he was about to telephone?

A He took the receiver off the hook of the telephone and I asked him would he take a bet on Water Lily to win in the third race running.

BY MR. OLCOTT:

Q Where were you and he at the time you first spoke to him?

A I, Officer Morris and the defendant were both at that time at the telephone.

Q The telephone is where in relation to the table at which tills defendant was sitting when you first came into the saloon?

A The telephone is in a sort of a hall just off the bar room.

Q Front or rear?

A Rear of the barroom. I asked him would he take a bet on Water Lily to win in the third race. He asked me how much I wanted to place on him and I told him a dollar to win. He said all right, what is your initials. I said R E M. The defendant took my money and put it in his pocket, and was about to leave the plane when I placed him under arrest.

BY. MR OLCOTT:

Q Prior to this time when you gave the money to the defendant had you placed any mark on it?

A Officer Morris had taken the numbers of the bill.

Q The numbers of the bill?

A Yes, that is the dollar bill (indicating).

Q Where has this bill been?

A In the Property Clerk's Office of the Police Department.

Q Have you a memorandum of the number of the bill?

A Officer Morris took the number.

(The bill is marked for identification People's Exhibit #1)

Q You placed him under arrest?

A I did.

Q When you handed him the bill did you see him do anything else?

A No, he just put the dollar bill in his pocket.

Q Did he write on anything at all?

A No he did not write what I gave him.

BY THE COURT: Q What?

A He did not write.

BY THE COURT: Q He wrote before you handed the bill?

A Yes.

BY MR. OLCOTT:

Q At the time you placed him under arrest did you say anything to the defendant or did the defendant say anything to you?

A No, he did not. I don't remember of his saying anything.

Q Did you say anything to him?

A No, we walked -- went right to the Thirty seventh Street Station House.

Q Did you tell him he was under arrest?

A Yes.

Q He said nothing?

A No.

Q Were you present in the Magistrate's Court?

A I was.

Q Did the defendant make any statement at that time in your presence and hearing?

A No, not that I can remember.

CROSS EXAMINATION BY MR. DONOHUE.

Q You say Langin made no statement in the Magistrate's Court at all in your presence?

A I don't remember.

Q Were you not present when he said he was not guilty -- you remember that?

A He pleaded not guilty, I remember that.

Q Then he did say something?

A He said so to the judge.

Q You heard him?

A Yes, I remember that.

Q Now, you are on the staff of an Inspector of Police of the City of New York?

A Yes.

Q How long have you been on that staff?

A A year last December.

Q And your occupation is principally to go around the streets and keep track of alleged pool rooms?

A Not that alone.

Q A big percentage of your work is that kind?

A Yes, it is.

Q You had quite a few cases in court on that subject?

A I have.

Q You are on detailed to the Inspector's staff?

A Yes.

Q Any moment at all the Inspector can put you in uniform, can he not?

A He can.

Q And going in uniform, of course, you have to do regular patrol duty, go out in uniform in the snow and ice and sunshine and all kinds of weather?

A Yes.

Q You prefer to be on the Inspector's staff?

A It is



immaterial to me whether I am or not. I am paid for doing this kind as well as doing patrol -- patrol satisfies me just the same.

Q You would just as soon do patrol duty as detective work?

A Yes, that is right.

Q You say you stood at the bar and the defendant was at a table in the rear of the bar?

A Yes.

Q You say you saw money passed?

A I did.

Q Do you know the denominations of it?

A I do not.

Q Do you know what the defendant wrote down when he received the money?

A I do not.

Q He did not write down anything when you gave him money?

A No, he did not.

Q You heard no conversation between the men who handed him the money and himself, did you?

A No.

Q You saw no memorandum made by either the defendant or the people who handed him the money?

A The only one I saw marking was the defendant.

Q You saw him make some sort of memorandum?

A Yes.

Q What it was you cannot say?

A No.

THE COURT: Q Did you not search him after you arrested him?

A Yes.

Q Did you get any memorandum off him?

A There was a memorandum of this shape. I went to the Police Department this morning and they handed me this over there and forgot to hand

me the exhibits. Officer Morris went over for them.

BY THE COURT:Q You can tell what memorandum you got from him, just describe them, the size and shape and material?

A Two memorandums about that size with different names on them and then I believe there were two racings sheets.

Objected to. Objection sustained.

THE WITNESS: Two sheets of paper about that square and that long (indicating).

Q You say the other officer has gone to get those?

A Yes.

BY MR. DONOHUE:

Q The place where this transaction took place is a licensed liquor saloon?

A Yes.

Q Do you know who owns that store?

A Owned by a man named Reebe.

Q The defendant had no connection with that store at all?

A Not that I know of.

Q Are you sure that you saw Mr. Langin sit there for a whole half hour?

A I did.

Q What made you so sure of that?

A He was the man that was doing the writing there.

Q What makes you so sure it was half an hour?

A There was no other -- I entered the premises at three p.m.

Q Did you look at your watch when you went in?

A Yes.

Q Did you look at your watch when you came out?

A Yes sir, it was three thirty when I placed him under arrest.

Q Did you make any memorandum of it at that time?

A In my book I did.

Q Let us see it? (the witness hands book to Mr. Donohue)

THE WITNESS: Go down further on the page and you will find 3 p.m., to three thirty.

BY MR. DONOHUE:

Q When did you make this memorandum?

A Right after I placed the defendant under arrest.

Q On the way to the station house?

A No, that evening in the Inspector's office.

Q You are sure it was three o'clock when you went in?

A Positive.

Q And three-thirty when you came out?

A Yes.

Q What time did you arrest Mr. Langin?

A About three-thirty p.m.

RE-DIRECT EXAMINATION BY MR. OLCOTT.

Q You say you never saw Langin before this day, is that right?

A No, I have not.

Q Never have any trouble with him of any kind?

A No.

Q Let me ask you, whether this book which Mr. Donohue has just had -- is that your regular book in which you make all notations in regard to arrests?

A Yes.

Q Or any other of your duties?

A Yes.

Q Was this entry made in its proper place as to time?

A Yes.

Q That is the arrests that you made before this particular arrest are entered prior to the arrest here, and those arrests

made after, you made after in the regular course?

A Yes sir.

BY THE COURT:

Q You said a minute ago I understood you that the defendant asked for a name and you told him R E M?

A Yes.

Q Then he wrote something?

A He did not write anything. I did not say he wrote. He said "all right".

Q He wrote nothing at all?

A No, nothing that I gave him.

Q Either before or after getting your name or the amount of the bet with your money?

A No.

Q He did not write anything?

A No, not at that time.

BY MR. OLCOTT:

Q How long a time elapsed between the giving of you to the defendant of the money and the arrest?

A Probably about a minute --- a minute or so.

A And during that minute we are now speaking of, what, if anything, did the defendant do?

A After I gave him the money he started to walk right out of the store and I placed him under arrest.

MR. OLCOTT: That is all. If I may have the privilege of recalling this officer when these charts arrive.

THE COURT: Yes.

ROBERT E. MORRIS, called as a witness on behalf of the People, being duly sworn and examined, tested as follows (3rd Inspection District).

DIRECT EXAMINATION BY MR. OLCOTT.

Q You are an officer of the Municipal Police Force?

A Yes.

Q How long have you been an officer?

A little over three years and a half.

Q On the fourth day of June, 1915, were you in company with Officer Brady?

A Yes.

Q Where did you go with Officer Brady on that day?

A Licensed liquor store at premises I think it is 354 Eleventh Avenue, right near Forty-second Street.

Q If you don't know will anything refresh your recollection in regard to exact number of that store?

MR. DONOHUE: I have no objection to your stating.

BY MR. OLCOTT:

Q 546?

A 546, right near Forty-second Street on the east side of the street.

Q About what time did you go in there?

A About three o'clock in the afternoon. We entered.

Q When you entered did you see the defendant there?

A I did.

Q Where was he sitting?

A The defendant was sitting at a table with about four or five other men.

Q Did you see what he was doing at that time. Did you observe him?

A Yes.

Q Tell what you saw him do?

A I observed this defendant about 25 minutes and there was about 20 men in all in this room. There was about five men sitting at the table with

this defendant. He had racing charts.

Objected to.

Q What kind?

A He had pieces of paper before him with the names of horses entered to run at the Belmont Park Racetrack.

Objected to.

BY THE COURT:

Q Have you the papers here?

A They could not find them at Headquarters and I brought down the clerk at Headquarters. They were left there but they were mislaid.

Q Subsequently did you see those papers?

A I did.

Q Where did you find those papers which you are now describing?

A After we had --

Q After the arrest?

A On the defendant.

Q Will you describe to this jury what you saw on those pieces of paper that you found on the defendant?

MR. DONOHUE: I object to it as incompetent, irrelevant and immaterial, because the mere fact that the papers were found---

THE COURT: I overrule the objection upon that ground. I will sustain it on another ground. That is the foundation has not been laid for failure to produce to the papers.

MR. OLCOTT: May I at this time withdraw this witness for a minute and put on the clerk.

THE COURT: It will be a strange thing in a case of this sort if these exhibits have disappeared from Police Head-

quarters. It certainly will reflect upon the management of the Property Clerk's Office.

BY THE COURT: Q Who took them there?

A Officer Brady. The clerk is here now and he can tell more about it.

THE COURT: Step down.

WILLIAM H. ROY, called as a witness on behalf of the People, duly sworn and examined, testified as follows.  
(Property Clerk's Office, Police Department).

BY MR. OLCOTT:

Q I hand you a piece of paper and I ask you what that piece of paper is?

A The record of property left at the Property Clerk's Office on June 7th, 1915, by Officer Brady.

Q That is certified to by whom, if any one?

A Theodore A. Sundeman, Acting Property Clerk.

Q Was that certified in your presence today?

A Yes.

(Paper marked for identification People's Exhibit two).

Q Can you tell me whether a search has been made by you for these papers?

A Yes sir, I have searched myself.

Q Were you unable to find them?

A Unable to find them. We have moved out quarters and we are all upset down there and it has been mislaid.

Q Is there any envelope in which anything connected with this case was found today?

A Yes sir, the envelope with the money was in the safe.

Q That is the envelope just referred to as the one found

in the safe connected with this case?

A Yes sir, I made out the envelope on the 7th of June myself.

Q Where did you look today for those papers?

A We looked where what they call gambling material is kept.

Q Is there any register number which is anywhere present in regard to this property -- a voucher or anything of that sort?

A There is two books that we record in, one is the register and the other is what they call the gambling book.

Q Did you search in that book to find out if there was any further disposition of this property left on the 7th day of June?

A Yes.

Q What did you find as a result of that search?

A I find that the case was still pending.

Q Did you find, that any of the papers had been removed by any officer or anything of that sort?

A No.

Q No record of any removal?

A No. It has not been removed. The property should be there.

CROSS EXAMINATION BY MR. DONOHUE:

Q You are a police officer?

A Yes.

THE COURT: Just go back to the Property Clerk's Office and see if you cannot find those papers by two o'clock. In the meantime we will take an adjournment.

The Court admonished the Jury in accordance with Section 415 of the Code of Criminal Procedure and takes an adjournment until two o'clock.



After Recess. Trial Resumed.

THEODORE A. SUNDERMAN, called as a witness on behalf of the People, being duly sworn and examined, testified as follows.(Deputy Clerk, Police Department).

BY MR. OLCOTT:

Q You are clerk in charge of the Property Clerk's Office in the Police Department?

A I have been in charge, when that property was received.

Q Do you now know of the disposition made of this property?

A Yes.

Q Do you know without refreshing your recollection just what this property was?

A It was two racing sheets, and I believe racing charts and a dollar.

Q They were given by whom and at what time?

A I don't know the exact date.

Q Is there anything that will refresh your recollection as to that?

A Only the number in the register there, 14,539.

Q I show you a book and I ask you what this book is?

A Register of property giving the name of the prisoner and the date the property was received June 7th. The officers name and record of property received.

Q Look at that record. Will it refresh your recollection as to the name of the case, and the names of the officers and the property received?

A Yes.

Q Please look at it. Can you now tell what the name of the

case was and the name of the officer.

THE COURT: If you can describe the property physically but do not characterize the nature of the papers.

BY MR. OLCOTT:

Q Just state the number of papers given to you?

A Two racing entries --

Objected to.

THE COURT: You cannot characterize. You can say how many papers there were.

THE WITNESS: Five papers.

BY MR. OLCOTT:

Q They were given you by what officer?

A That I could not tell you because the officer himself ---

Objected to.

Q You don't know what officer gave it to you?

A No.

Q Was it some officer?

A Some officer from the Twenty-second.

Q That was on June 7th?

A Yes.

Q Do you know what happened to these papers?

A Yes sir. They were destroyed.

MR. DONOHUE: I object. The proper foundation has not been laid. They have not shown what papers.

THE COURT: Is there any evidence that the entries he is now referring to is the entry concerning the property in question?

MR. OLCOTT: The name of the ease which he has

testified to, that is in this case.

THIS COURT: I will allow it.

Exception.

MR. DONOHUE: There is no testimony before the Court showing what officer handed any papers or what the papers were.

THIS COURT: Take the register and see on that day, was there more than one lot of property delivered under the name of that case, the People against John Langin; the officer testified on June 7th he delivered papers in that case.

THE WITNESS: No sir.

THE COURT: Q That is the only John Langin?

A Yes.

THE COURT: Now, I will receive it.

BY THE COURT:

Q What became of those papers?

A They were destroyed in the week of December 22nd, 23rd, 24th and 25th.

BY MR. OLCOTT:

Q Do you know how they came to be destroyed?

A On the error of one of the men in the office who put it with the property to be destroyed.

BY MR. OLCOTT:

Q I refer you to the paper and especially to the item marked 14,539 and ask you what this paper is?

A List of the destruction of property destroyed in that week -- 14,539.

Q How many pieces of paper are indicated as having been destroyed?

A Five pieces.

BY THE COURT:

Q What is the number referred to?

A That is the register number under which I read that entry.

Q Is that the same number the property is entered under in the register?

A Yes sir.

MR. OLCOTT: I offer this paper in evidence.

THE COURT: I do not think it is necessary to be put in evidence.

CROSS EXAMINATION.

Q You are a policeman attached to the Police Department?

A No sir.

Q You are a clerk?

A Clerk.

Q You say these papers were destroyed in the week beginning December 22nd, 1915?

A The exact date is on that -- about five days --

Q How do you know these particular papers we are looking for were destroyed?

A Because they are double checked -- they are checked when they go out of the rack and when they are destroyed they are checked.

Q You never saw the papers?

A Yes.

Q What were they?

A Right offhand I would not say I could give a description because there were too many of them.

Q What do you mean?

A Too many entries there destroyed.

Q You say, because of the number of papers you receive in your capacity as clerk in the office, you are not able to say what papers they were?

A I did not quite catch the meaning

of your question.

Q In your daily conduct of your office you receive quite a few papers, don't you?

A Yes.

Q Are you able to say to the court and jury at this time what particular papers you receive at particular times?

A No sir, not without refreshing my recollection.

Q By looking at this register we have here can you say what particular papers were received at a particular time and who gave them to you?

A I can say what time those particular papers were destroyed.

THE COURT: The record shows it.

Q Can you say what particular papers were destroyed?

A Yes.

Q In this case what particular papers were destroyed -- without looking at this paper -- do you know?

A No.

Q Is that your own memorandum?

A Yes.

Q Made by you?

A Yes.

Q Did you type it yourself?

A No. I checked it.

Q That paper was not typewritten by you?

A No.

Q Made up by you?

A No, but it was checked off when it was destroyed by me.

BY THE COURT:

Q What do you mean by checked off?

A Whenever property is destroyed the Commissioner sends a man down to witness the destruction.

BY THE COURT:

Q You mean you compared the numbers on this memorandum with

the numbers in the register?

A Yes sir.

Q And was the numbers on the different lots destroyed?

A Yes sir.

BY MR. OLCOTT:

Q The checks beside this particular number is your check?

A Yes.

Q Made by you personally?

A Yes.

BY MR. DONOHUE:

Q Look at that paper, can you tell us what papers were destroyed?

A Yes.

Q Tell us?

A Two racing entries --

Objected to.

Q I do not want you to read that but refresh your recollection by looking at it?

A Yes sir.

Q Read it to yourself?

A Yes.

Q Now you have read it?

A Yes.

Q What was the size of those papers?

A That I do not know.

Q What color paper?

A That I do not know.

Q Typewritten or written in ink?

A That I cannot tell you.

BY MR. OLCOTT:

Q I renew the question, what papers were they?

THE COURT: He cannot characterize them.

BY MR. OLCOTT:

Q Can you describe in any way what was on them?

A No, there is too many of them.

Q You are sure these are the papers handed you by on officer

in this case?

A Yes sir.

BY MR. DONOHUE:

Q You recall having these papers handed to you by the particular officer in this case?

A No, but they came.

BY MR. OLCOTT:

Q You say so, after refreshing your recollection by this?

A Yes sir.

JAMES P. BRADY, recalled.

BY MR. OLCOTT:

Q Referring to the papers which you have already described as being taken from the person of the defendant and given to the property clerk on the seventh of June, will you describe what was in those papers?

Objected to.

THE COURT:

Q Do you remember whom you handed those papers to in the Property Clerk's office?

A On the seventh ---

BY MR. DONOHUE: Just answer the question.

THE WITNESS: No. On the seventh I don't remember fetching them down. They have to come through official channels and a uniformed policeman brings them down.

BY MR. OLCOTT:

Q What did you do with certain papers found on the defendant at the time of his arrest?

A I brought them to the 22nd Precinct.

Q Who did you leave them with?

A The lieutenant at the

desk. The defendant was arraigned the following morning in the Police Magistrate's Court.

Q Did you see the papers at that time?

A Yes, I had them in court.

Q That was on what day?

A He was arrested -- that would be the 5th.

Q What did you do with the papers when you had them on the 5th?

A After the defendant was arraigned in court I brought them back to the 22nd Precinct.

Q Do you know of your own knowledge what happened to them then?

A They were sent to the Property Clerk's Office.

MR. DONOHUE: I object and move to strike that out.

BY MR.OLCOTT:

Q Did you see them go?

A No.

THE COURT: Then strike it out.

BY THE COURT:

Q Do you know who took them there?

A No.

BY MR. OLCOTT:

Q Will you describe these papers?

MR. DONOHUE: I object on the ground that no proper foundations has been laid.

THE COURT: I sustain the objection. If this witness had handed them to the property clerk himself I should have overruled the objection, as the foundation was laid when the destruction was shown by which secondary evidence could be given of their contents, but there is no testimony now



that the papers handed to the property clerk were the same papers. The officer who took them down may have mixed them with other papers or substituted other papers.

BY MR. OLCOTT:

Q After the fifth of June when did you again see any of them papers which you saw on the fourth of June and took from the defendant?

Objected to. Objection overruled. Exception.

A I cannot recall the date.

Q Approximately what date, what was the occasion upon which you saw these papers again?

A The defendant was called in this building for trial in General Sessions.

Q At that time did you see these papers?

A I had the papers out and delivered them back in --

Q You saw the papers at that time?

A Yes.

Q You had them in your possession?

A Yes.

Q Did you examine them?

A Yes.

Q Do you know of your own knowledge whether they were the same papers?

A They were.

Q To whom did you return them?

A I took them back to the Property Clerk and they have a book there, I just passed them in and they checked me off in the book. I just tell the officer or man behind the desk.

Q Do you know whether they had a number, a file number, which would correspond to the file number up in the property clerk's office in the Police Department?

A Only that number

they have got, 14, 539.

Q I show you a Property Clerk's voucher in which was contained the dollar and I ask you if that bears any number?

A Yes sir, the same as in the book here.

Q Do you know whether the papers which you had and which you took from the defendant on the fourth of June bore a similar number?

A Yes sir.

Objected to as leading. Overruled. Exception.

THE WITNESS: 14,539, I put it in my book, the same.

Q And it was returned to the Property Clerk's Office?

A Yes.

Q And it was checked up?

A Yes sir, marked returned.

Q You saw someone marking?

A They stamped it just returned.

Q I ask you what were on these papers, describe them?

Objected to upon the ground no proper foundation has been laid.

THE COURT: I think now it is proved that the papers were in the Property Clerk's office under that file number and which have been proved to be destroyed, were the same papers he took from this defendant.

MR. DONOHUE: May I examine on that?

THE COURT: Yes.

BY MR. DONOHUE:

Q You had these papers you say, the latter part of December?

A No, not in December.

Q When was it?

A It was some time before that.

Q When, about what date?

A I think it was a couple of months after the arraignment of the defendant in the Magistrate's Court.

Q The defendant was arraigned in the Magistrate's Court on June or about June 5th, 1915?

A Yes.

Q Did you have these papers in July, August or September?

A To the best of my remembrance I should say it was a couple of months after his arraignment.

Q We will say July -- and then, at that time, you took them back to the Property Clerk's Office?

A Yes.

Q Do you know who you gave them to?

A No, I don't know.

Q You don't know who you gave them to at that time?

A No I just can't remember.

Q You turned them in yourself personally?

A Yes.

Q And that was in July or August?

A A couple of months after his arraignment in the Magistrate's Court.

MR. DONOHUE: I renew my motion they have not laid the proper foundation.

Objection overruled. Exception.

BY MR. OLCOTT:

Q Now, will you describe what was on those papers which you found on the defendant on the fourth of June?

Objected to. Objection Overruled. Exception.

THE WITNESS: Two memorandums that the defendant had in his possession, the cardboard.

BY THE COURT: Describe the papers. Do not call them

anything.

A Two cardboards about that size, the size of my book open and there were two racing sheets, two pieces of paper --

MR. DONOHUE: I object to the characterizing.

THE COURT: Strike it out.

THE WITNESS: Two square pieces of paper and I believe, I recollect now, there was clippings of a newspaper.

MR. DONOHUE: I move to strike that out.

Motion denied. Exception.

THE WITNESS: Two other pieces or three other pieces of paper besides.

BY MR. OLCOTT:

Q What were on those pieces of paper?

A On the clippings of the paper it gave the racing information.

MR. DONOHUE: I object to that.

Objection sustained.

Q You have to tell what it said, what the words were as near as you can remember?

A There was, one of the papers will show the horse I made a bet on.

BY MR. OLCOTT:

Q What was the name of that horse?

A Water Lily, to win -- Water Lily in the third race.

BY THE COURT:

Q Cannot you tell us what was on the papers?

A It read on the paper, Water Lily on the third race.

BY MR. OLCOTT:

Q Can you tell us what the other printing matter was on this paper?

A Other printing matter but I did not go over it I cannot just say.

Q What sort of printing matter?

A Bearing the names of horses.

MR. DONOHUE: I move to strike that out.

Motion denied. Exception.

Q Anything else besides the names of the horses -- give the name of the paper?

A The Morning Telegraph.

Q Anything else you can remember?

A No.

Q Anything after the names of the horses?

A Yes sir, it gave the names of the jockeys that rode them.

Motion made to strike out.

BY THE COURT:

Q What purported to be the names of the jockeys. Was there any heading, was it in column?

A Yes sir in column.

Q What was at the head of the column, what word?

A The weight of the horse and the names of the jockeys that rode them.

Q The name of the jockey was not at the head of the column?

A No.

Q What was at the head?

A The name of the paper.

Q No, what was there to show what these different columns represented -- was there any name over the column?

A No sir, only just the weight -- it says Weight.

Weight?

A Weight -- that is all I can remember that was on it.

BY MR. OLCOTT:

Q Now on the cardboard slips which you have described to be about the size of your book when open --

MR. OLCOTT: I assume Mr. Donohue will say that is six inches.

MR. DONOHUE: Yes.

BY MR. OLCOTT: And three inches wide.

MR. DONOHUE: Two and a half.

BY MR. OLCOTT:

Q What were on those pieces of cardboard?

A Four different names. One name in particular was Water Lily. Somebody else had played that same horse. That was the only one I remember.

MR. DONOHUE: I move to strike that out.

THE COURT: I will allow him to say Water Lily was there, but the other is a conclusion.

BY THE COURT:

Q Can you describe -- you saw various names?

A Yes.

Q What kind of names, do you remember, except Water Lily?

A Different names, I just can't remember now.

Q Any names of people?

A No, only the initials.

Q Were they in columns?

A Just came down like this and the name of course.

Q Followed by the initials?

A Followed by initials.

Q Any figures?

A Figures. 1P or 2P, or 2W or 1W.

Q Was there any amount of money?

A That is what I meant by the mount -- 1 --

Q 1 W?

A 1P -- that would stand for place.

MR. DONOHUE: I object to the witness characterizing.

THE COURT: I will allow him if he is qualified as an expert, to explain them to the jury.

BY MR. OLCOTT:

Q How long have you been connected with the Inspection Bureau or District?

A One year.

Q How long have you been connected with work similar to that which you have been doing here in connection with racing or gambling or bookmaking?

A About six months, I think.

Q Before the fourth of June -- Are you familiar or were you familiar at that time and are you now familiar with the various methods of placing bets in New York City?

A I am with some of the ways.

Q How long had you been connected with this work before the fourth of June?

A I should say about seven months. I was two months at Coney Island doing the same work.

Q How many pieces of paper have you seen purporting to be bookmaker's charts or memorandums.

MR. DONOHUE: I object to the characterization by the District Attorney.

Objection Overruled. Exception.

A I have seen several of them -- had several in my possession

Q Tell us how many, I don't know how many several is?

A About seventy-five or more.

Q That has all been in connection with your work as a police officer?

A Yes sir.

Q You have appeared in Court and testified usually when having these charts present?

A Yes.

Q Are you familiar with the method of men purporting to be bookmakers who are keeping their entries and bets on memorandums of any sort?

A I am to a certain extent.

Q Just what do you mean by a certain extent?

A The way the bet is made -- when a man comes to lay the bet.

Q Will you please stick to the question. When you say to a certain extent, do you mean the way most people do it or what do you mean by that?

A From my experience the way I have seen them do it.

Q Do they all do it approximately the same in your experience?

A Yes sir. Others do it different.

Q Are there different methods of doing it?

A If you want me to explain, I have been on telephones and heard conversations between them.

Q I speak of the men you have seen, the various people whom you know to be bookmakers, is the memorandums they keep -- is the method all approximately the same?

A Pretty much all.

Q In those seventy-five cases you have seen have they all been nearly the same?

A Yes sir.

Q Will you describe the methods you have observed in



connection with your work used by men betting on races?

A A man would come into a pool room to lay a bet and they would name the horse they would want to play. The bookmaker's way of writing it is whatever horse he wanted to play he would put down five to win or five dollars to win -- not put down "to win" but put 5 W.

Q W standing to win?

A Yes sir.

Q Did he enter the name of the horse first?

A Yes sir.

BY THE COURT:

Q Putting the amount and whether it was to win or for place?

A Yes sir.

Q What did P stand for?

A Place.

Q What does that mean, what does place mean, describe to the jury, they are not supposed to know these terms, when you bet on a horse for place what does that mean?

A If he runs second -- my understanding of it, if a horse comes in second they count it place. If he wins "Win" means the horse wins.

Q In a horse race, if a certain number of horses enter a race, only a certain number of them are placed?

A Yes sir.

Q If one bet on the horse for place he would be among those sufficiently high up to be placed?

A Yes.

Q The rest of them not placed are taken in the order in which they come in?

A Yes sir.

BY MR. OLCOTT:

Q Will you tell us what was on this cardboard?

Objected to. Overruled. Exception.

Q What was on the particular cardboard which you found in the possession of the defendant on the fourth day of June?

A I looked over the cardboard and the only thing I can remember at this time was that I had seen some -- the name Water Lily that had somebody else had played it besides me.

Q What was after the word Water Lily?

A A figure and then two initials.

Q Did you see any other names there on that piece of cardboard?

A There were several names.

Q About how many do you mean by several?

A On the two cards I guess there was about fifty or seventy or more.

Q At least fifty?

A At least fifty.

Q After each one of those names, what appeared if anything?

A A figure and then the initials.

Q And the letters W or P were there?

A W and P and P and W.

Q Besides the newspaper clipping and card were there any other papers which you found on the defendant?

A Those two pieces of paper, square paper.

Q What were they?

A They were ---

Q What was on them, do not characterize them, describe what was on the papers?

A Different names of horses.

Q And how were they arranged, was it printed or written?

A Printed.

Q Printing process you mean?

A Apparently, yes.

Q How many names appeared on that card or those cards?

A \*\*\*

Q Did you recognize any of the names there?

A Yes.

Q What were they?

A No, the only name I recognized was the one I played.

Q That was the one you were interested in?

A I cannot remember the rest of them. There were different names of horses.

Q What appeared after the names of those horses, if anything?

A That was all -- at the top of the paper it said 1, 2, 3, along in rotation, one, two, three race --- second, third, fourth, fifth, sixth race, put on like that, came down in columns bearing the different names of the horses.

Q Was there anything in those columns at the time you saw the piece of cardboard or two pieces, was there anything in those columns?

A There were the names of horses.

Q You said there was opposite the names of horses other columns. Anything in those columns?

A No, I don't remember anything but that being there.

BY THIS COURT:

Q Just the names of what purported to be horses were opposite the places purporting to show different races or different particular races?

A Yes sir.

Q Horses grouped as against these different races?

A Yes sir. It is a square paper like that, and they came down in columns

the same as my book, on the top it would say first race.

Q And opposite that would be certain names purporting to

horses?

A Right underneath that.

Q There would be a second race and more names?

A Yes sir.

Q And third race and more names?

A Yes sir.

CROSS EXAMINATION BY MR. DONOHUE:

Q You recall testifying in this case in the Magistrate's Court?

A I do.

Q You recall your testimony you have just given?

A Yes sir,-- to the best of my memory.

Q You are not trying to tell us that you recall just what was on those papers, are you?

A I can't state --

Q You are not sure what was on those papers?

A I am testifying to the best of my memory.

Q Would you say that what you have testified to was absolutely the truth. Do you recall these papers in particular, yes or not.

A I do recall those papers.

Q You say there were how many?

A About five in all.

Q If I told you there were only four would that be wrong?

Objected to. objection sustained.

Q Was there more than four?

A The record there says --

Q I ask you about your recollection?

A I am testifying to the best of my recollection.

Q You say there were five?

A Yes.

Q In the Magistrate's Court you said only four?

A I do not recall -

Objected to.

Q Did you testify in the Magistrates Court that you only

received four papers from the defendant?

A I don't remember testifying --- whatever I turned in goes right own in a book and it shows five in the book there.

Q Your recollection at the time you testified in the Magistrate's Court was clearer than it is now on the subject?

A Yes.

Q You say you are very familiar with the system of recording bets, is that correct?

A To my experience, yes.

Q Do you recall testifying in the Magistrate's Court to the following effect, "Q Are you familiar with the system of taking bets and recording they? A I am a little not very much" Did you testify to that effect?

A Yes.

Q Now was that true at that time?

A Yes.

Q Is it true now?

A I got more experience since then.

Q Since when?

A Since I made this arrest.

Q You have made more arrests?

A Yes.

Q When you were arrested Langin, he was at the telephone?

A He was.

Q You handed him a dollar to bet on Water Lily?

A Yes.

Q When you were examining these charts did you find any memorandum of that bet?

A No sir, he did not record the bet I gave him.

Q He did not record the bet you gave him?

A No.

Q Do you know why he did not?

A No sir. I do not know why.

Q You gave him time enough if he wanted to record it?

A Yes.

Q And he did not record it?

A No.

Q But still you say that on the card that you are testifying to now, besides the name of Water Lily there was a bet of a dollar?

A I say there was other people betting on Water Lily.

Q On those card you testified to now, did you find the memorandum of a bet of one dollar on Water Lily?

A I did not testify to that. He did not record my one dollar bet.

Q I asked you if you found any memorandum of the bet on Water Lily on the list you testify to now?

A I say I saw the name of Water Lily.

Q Didn't you testify before that on one of the lists you saw the name of Water Lily and that you saw a dollar marked with W after it?

A If I recall I said a figure.

Q Didn't you say you saw W after it?

A Yes.

Q After Water Lily?

A Yes.

Q That is the only memorandum you can recall that was on those cards?

A That is all, now, at this time.

ROBERT E. MORRIS, recalled, by the People.

BY MR. OLCOTT:

Q We got as far as the statement that you accompanied Officer Brady, when you were on the stand before, to certain premises on Eleventh Avenue?

What happened when you went in this place?

A We observed this defendant sitting at a table in the rear of the room with five other men around this table. The defendant received money from those men and marked on a piece of paper which he had before him.

Q What kind of a piece of paper was that?

A A piece of paper with the names of horses.

Q I want what you saw of the paper and the time you saw him marking as you have just described, what it appeared to you to be, from where you stood at the bar?

A The paper he was marking?

Q Soft or hard paper?

A There was two. One soft and one hard.

Q You saw him mark on it?

A Yes.

Q You did not see at that time what he wrote?

A No.

Q Did you see how much money was being passed to him?

A No I cannot testify to the denomination of the money.

Q Was it bills or change?

A Bills.

Q About how many people did you see engaged in passing him money?

A There was at least seven.

Q And after you stood there and observed these people do as you have described, what did you do?

A There was a man whom I afterwards knew as Reebe --

Objected to.

BY THE COURT:

Q What did you do?

A We did not do anything until this man came over and made it all right with us.

Objected to.

THE COURT: Strike it out. Tell us what you did?

A We stood there twenty-five minutes, from three until twenty-five minutes past three. We then went to the rear

of this room where this defendant was telephoning and this defendant then hung up the receiver and Officer Brady asked him if he would take a bet on a horse by the name of Water Lily in the third race at Belmont Park and he asked him -- the defendant asked Officer Brady how much he wanted to place upon him and Officer Brady told him a dollar to win and Officer Brady then handed this defendant one dollar. The defendant asked Officer Brady his initials and he told him R E M. The defendant then walked towards the door and when he got within three or four or five feet of the door Officer Brady placed him under arrest.

BY MR. OLCOTT:

Q After he was placed under arrest what did you do or what did you see Officer Brady do?

A After we placed him under arrest we took him to the station house and when he brought him to the station house, I had the number of the dollar bill.

Q Before you went in this place did you have a dollar bill, did you place a number on it?

A Yes.

Q Did you make any memorandum of it?

A Yes.

Q Where did you make that memorandum?

A I cannot now testify for sure where -- I think it was in the Inspector's Office.

Q Did you place that down on a piece of paper or in your book?

A On a piece of paper.

Q Do you remember the number?

A The same number that is on that envelope.



Q Do you remember the number you placed on a piece of paper?

A No.

Q Have you any memorandum now with you as to that number?

A No sir, I have not.

Q Is it in your memorandum book which you now have in your pocket?

A No, I have not a memorandum of that.

Q You say you found some money on the defendant?

A We did.

Q And among that money there was a bill whose number you compared?

A Yes sir.

Objected to.

BY THE COURT:

Q What did you do with the money found upon him?

A When we got to the station house the defendant took the money from his pockets and it was in Officer Brady's presence and the Captains and I had this slip of paper with the number that corresponded with the bill and I called off the number in the presence of Officer Brady and the Captain and he said here it is, it is on top of his bank roll and we took that bill off and it corresponded with the number I had on the slip of paper.

Q Do you remember who took the bill?

A The bill was left in the 22nd Precinct Station House with the Lieutenant.

Q And identified in the usual course there?

A Yes sir, it was entered on the blotter -- that serial number was entered in the blotter.

BY THE COURT:

Q What was the amount of money taken from the defendant?

A We gave the rest of the money back again?

Q Did you count it?

A No, he had several bills but did not count it, gave it back to him.

THE THIRD JUROR:

Q In the indictment there, there was some statement about initials, R E M, being on the bill, is that so?

BY MR. OLCOTT:

Q There were no initials placed on the bill?

A No, we never mark a dollar bill.

THE COURT: My recollection is that R E M were the initials given the time the bet was placed.

THE WITNESS: Yes.

BY MR. OLCOTT:

Q Were you present when Officer Brady took any papers from the defendant?

A Yes.

Q Did you examine those papers?

A I did.

Q Describe those papers to the jury?

A There were two pieces of paper that were the clippings of the Morning Telegraph and there was one cardboard ten inches long and about two or two and a half inches wide, with the names of horses that corresponded with those in the Morning Telegraph.

Objected to.

BY THE COURT:

Q Did you compare them?

A At that time I did.

THE COURT: I will allow it to stand. It is immaterial whether they were the names of horses or purported

to be the names of horses.

MR. DONOHUE: He said they corresponded.

THE COURT:

Q The same names appeared in the cardboard that you saw in the clippings from the Morning Telegraph?

A Yes.

BY MR. OLCOTT:

Q Was there anything else on this piece of cardboard?

A there was also number and letters.

BY THE COURT:

Q What numbers and what letters?

A They was Water Lilly which I distinctly remember, the name of this horse that Officer Brady bet on, -- Water Lily, and there was --- I cannot testify to what number was behind it but there was W there, a number and then a W, and that name Water Lily I saw several times on this cardboard, several times.

Q What would be on the same line with it where it appeared?

A Why, a number and figures and letters behind it.

Q What letters?

A I cannot testify to what letters. Either a W a T or a E. Those were the only letters on that cardboard.

BY MR. OLCOTT:

Q Did you see any other paper taken from the defendant?

A Two memorandums, but I don't remember what was on them.

Q Did you ever know the defendant before?

A No, that was the first time I ever seen him.

CROSS EXAMINATION BY MR. DONOHUE:

Q Was there not a partition between the barroom and the table at which you say these men sat?

A No sir, not that day there wasn't any.

Q Could you see from the barroom right into the room where these people sat?

A Yes sir.

Q There was no partition up there at all?

A No, none at all.

Q You are on the Inspector of Police's staff?

A Yes.

Q How long have you been on it?

A A little over a year.

Q How many poolrooms would you say you have raided and arrested, and went into?

A Poolrooms, or hand book cases?

Q How many hand book cases would you say you had charge of?

A I presume one hundred or more.

Q Are you able to recall the papers that you receive in each one of those cases?

A Not recall it, no.

Q What makes your mind so clear about the papers in this case?

A Because in this case I made an arrest and in a lot of cases I do not make arrests.

Q In how many cases would you say you have made arrests, hand book cases?

A Probably seventy-five.

Q Are you able to tell this jury the different kinds of papers you took from the defendant at those times?

A No.

Q WHY do you recall this particular case so well?

A Why, this case has come up -- this is the third time, each time it comes up I refresh my recollection.

Q You have not heard from this case since last June, have

you?

A Yes, I have.

Q Until the latter part of December?

A Yes I have.

Q When did you hear from it in the meantime?

A I was subpoenaed twice before this to come down, three times altogether and I testified before the Grand Jury.

Q That was in June?

A I don't know whether it was in June or not and then I was subpoenaed twice for General Sessions.

Q When, last week?

A No, later than last week.

Q Can you tell the jury about any other papers you received in other cases?

A Yes sir, I can.

Q You are positive about that?

A Yes.

Q And your mind is very clear about all the papers you received in those different cases?

A No, not about all. Several cases I cannot testify to.

Q In this case you can?

A Yes.

Q Despite the fact that the papers have been lost you can describe them in detail, can't you?

A No, not in detail --- two memorandums I say I cannot describe in detail. I only remembered there was two memorandums.

Q The most thing you remember about these papers is the name of Water Lily is that correct?

A Yes.

MR. OLCOTT: I offer this bill in evidence.

Objected to. Objection overruled. Exception.

(The bill is received in evidence and marked People's Exhibit 1)

MR. OLCOTT: I also offer in evidence the minutes in the Magistrate's Court.

MR. DONOHUE: I am very glad I would like to have you read them to the jury.

(The minutes are marked in evidence People's Exhibit 3)

The People Rest.

MR. DONOHUE: I move to direct a verdict of acquittal of the defendant on the ground that no crime has been made out against the defendant in accordance with the indictment, and no crime is connected with the defendant.

Motion denied. Exception.

MR. DONOHUE: I ask your Honor, to strike out the first count, of the indictment.

MR. OLCOTT: No objection to that.

THE COURT: I shall submit this case to the jury on the sixth count.

MR. DONOHUE: The rest of the counts the jury may disregard?

THE COURT: Yes.

JOHN E. LANGIN, the defendant, called as a witness in his own behalf, being duly sworn and examined testified as follows, (Residence 554 West 42nd Street).

DIRECT EXAMINATION BY MR. DONOHUE:

Q How old are you?

A I am in my sixtieth year.

Q Are you married?

A Yes.

Q Any children?

A Yes.

Q How old are your children?

A Eleven years old.

Q And where do you live?

A 554 West 42nd Street.

Q How long have you lived there?

A Eighteen years.

Q You live there with your family?

A Yes.

Q From the time you left school what was your occupation, whom did you work for?

A I first learned the ship carpenter's trade.

Q You were in some business for a long time?

A Yes.

Q What was that?

A I went in the ice business when I was eighteen years old.

Q How long were you in that business?

A I remained in it until I was incapacitated.

Q You were in that business until how many years ago?

A About two years.

Q During that time whom did you work for?

A I worked for various companies.

Q Most of the time whom did you work for?

A I was with one concern all through its wholesale career until he died.

Q How many years was that?

A About twelve years.

Q What was the name of that company?

A F. G. Dean.

Q After that what company were you with?

A With the Ridgewood Ice Company.

Q How long were you with them?

A I was with them until 1900.

Q After that whom did you work for?

A With the American.

Q How long were you with them?





about two years I guess.

Q After that whom did you go to work for?

A With the Foster Scott Ice Company.

Q How long were you with them?

A I was with them about two or three years.

Q When did you leave them?

A I left them -- do you want the year?

Q About the year; yes -- about how long ago was it?

A About five or six years -- yes it is longer -- it is nine years.

Q What was the occasion of your leaving them?

A I was injured while in their employ.

Q How were you injured?

A I ran an ice hook into my bowels.

Q And from that time until the present time you wore a trust?

A Yes sir.

Q You have not worked in the ice business, in your usual occupation in the ice business since that time?

A Yes sir, I worked at it but light part.

Q Different line?

A Yes, I did canvassing, a little light canvassing while I could stand it.

Q After you left the Foster Scott Company, who did you go to work for?

A The Merchants Union.

Q How long did you work for them?

A About -

Q Up until when?

A Up until about two years ago.

Q At that time what happened, why did you leave them?

A I

left them because I could not work at the business any more, I was incapacitated.

Q Why couldn't you?

A My duties were such that I could not machinery would give out and I could not get around to attend it.

Q Was it because of your physical condition caused by this accident you had with the Foster Scott Company some years prior?

A Yes.

Q The last two years what has been your occupation?

A I worked one year as Special Officer in the Automat and was taken sick there and was in Roosevelt Hospital.

Q How long were you in Roosevelt Hospital?

A I was in the hospital about eight weeks.

Q Since you came out of the hospital what have you been doing?

A Nothing.

Q Did your wife have to go to work?

A She did.

Q What was the cause of that.

Objected to. Objection sustained.

Q Who supported you in the last year?

Objected to. Overruled.

Q Were you supported?

A I am supported by what little means I have and also by the assistance of my wife, she is janitor of the building where I live.

Q That is the house you have lived in for eighteen years?

A Yes sir.

Q You are not able to work?

A No, not now.

Q Why?

A Through injuries I received.

Q Now, to get down to the facts in this case. On June 4th 1915, were you at the premises 546 Eleventh Avenue?

A Yes.

Q At that time did you see Officer Morris or Officer Brady?

A Yes.

Q Tell the Court and Jury everything that happened while you were there and while Brady and Morris was there?

A Yes, I will tell you the exact truth. I was sitting in the barber shop in company with others and I went out of the barber shop and walked directly through the saloon, which Mr. Brady --- which perhaps I might excuse him for his ---

Q Just tell us what happened?

A I walked through the saloon and went to the telephone and called up a friend of

mine and had a conversation with him. During the conversation Officer Brady stepped up to me, I still had the receiver in my hand.

Q What did he say?

A He heard me mention the name of a horse, Water Lily and he put something in my hand and says give me Water Lily. I looked at him and I said who are you. The moment I hung up the receiver he placed me under arrest.

Q What happened after that, were you taken out right after you were placed under arrest?

A He held me there and stood around there. I don't know what he did. I was horrified somewhat. I did not know what the object of his arrest was until he brought me to the station house and made the charge.

Q You were taken to the station house by Officers Brady



MISSING PAGES

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Four. They had clippings and different names or races.

Q Did you ask anybody for permission to take it?

A No.

Q Just picked it up?

A It laid there promiscuously.

Q Did you also pick up the other papers you had in your pockets?

A I had cut a slip out of the paper.

Q That is the newspaper?

A Yes.

Q Did you have another paper with the names of horses and initials and amounts of money and the letters P or W or S on it?

A No, not to my knowledge.

Q You had no such paper as that?

A No.

BY MR. OLCOTT:

Q How many papers did the officers take from you in the station house?

A I couldn't tell you.

Q Didn't you take any interest in that either?

A No. They were not mine, I had no interest in them.

Q They were the papers you had picked up?

A Yes.

Q You never had any difficulty with these officers before the fourth of June?

A No sir.

Q Did you notice in going through this saloon as 546 Eleventh Avenue any people you knew in there?

A I did not pay any attention to them, no sir.

Q Are there frequenters of that saloon whom you know?

A My mission in that saloon was simply to go to the telephone and I was not interested. I never usually, passing a saloon look at those at the bar or make myself familiar with those sitting about in there.



A I asked him if he would place a bet for me.

Q On what?

A On Water Lily and this gentlemen that heard me make the remark Water Lily he pushed this into my hand. I did not know -- he said give me Water Lily and he put me under arrest.

BY MR. OLCOTT:

Q You never were Mr. Driscoll's partner?

A No sir.

Q What was your connection with Mr. Driscoll, how did you come to know him?

A By being about there in that neighborhood.

Q You are generally around the neighborhood of Eleventh Avenue and Forty-second Street.?

A Yes.

Q In the West Shore Hotel and in the barber shop?

A Yes.

Q But not in this particular saloon?

A In there occasionally, certainly.

Q You do not want to give this jury the impression that you do not drink at all?

A No.

RE-DIRECT EXAMINATION.

Q Has the barber shop any door that connects with the saloon?

A No sir.

Q Can you go from the barber shop into the saloon without going on the street?

A I think you can from the yard.

BY THE COURT:

The officer has testified that he took this paper off you which I have described?

A Yes.

Q With the initials and so forth, do you know where he got it?

A I don't know anything about those papers, the nature of





Those were laying there and I picked them up.

Q What did you pick them up for?

A For no purpose whatever.

Q Just saw them laying there and picked them up for no reason whatever?

A No.

Q How much money did you have on you when you were arrested?

A Probably forty or fifty dollars.

Q Where did you get it?

A I usually carry that money.

Q Where did you get this money?

A I have a revenue.

Q Where did you get it?

A It was my money.

Q Did you get it from the bank, or a savings bank or trust company, or from a man who owed you money, or where did you get it?

A Whenever, I usually carry ----

Q I ask you where you got this particular forty or fifty dollars?

A Money from the house that I saved, that belonged to me, that I carried on my person.

Q You brought it from your house?

BY THE SEVENTH JUROR:

Q You testified that the officer pushed the dollar bill in your hand before you were through telephoning?

A Yes.

Q What did you do with that dollar bill?

A I was too excited to know. I must have put it in my pocket, if he said he got it and it was his -- I would not know the difference or know anything about it.

Q Which pocket did you put it in?

A I have no knowledge.

Q Didn't you fold it in with the rest of your money and wasn't it on the outside of this roll?

A I do not know. I

don't think so.

BY MR. DONOHUE:

Q You were arrested right after this bet was made?

A Yes.

Q Almost immediately?

A Yes sir. I still had the phone in my hand when this man approached me and heard me say Water

Lily and he said give me Water Lily and I looked at him and he put this in my hand. I did not know what it was. I had the receiver this way and in turning I said I don't know you and he said you are under arrest.

BY THE COURT:

Q This money was not taken off you until you got to the station house?

A No.

Q It was taken off you in the station house?

A Yes.

Q was not this dollar bill then wrapped around your roll?

A The officers took the money from me.

Q Don't you know?

A I don't know how the money was taken out of my pocket.

BY MR. DONOHUE:

Q Was the dollar bill wrapped around your other money?

A I don't know that. I did not take the money out. The officers did that. I did not touch my money. I did not have my hand on it until it was returned to me.

BY THE SEVENTH JUROR:

Q Did you notice that the police officer retained that dollar when he returned to you the other money?

A I did not know.

BY MR. DONOHUE.

Q This forty or fifty dollars you had in your pocket, where did you get that, cannot you tell us?

A Money that I had saved.

Q Do you usually carry that much money with you?

A Yes.

BY THE COURT:

Q You say you had this revenue, is it derived from investments?

A Yes sir, from moneys left me recently.

BY MR. DONOHUE:

Q Have you any other means of income?

A At present?

Q Yes, do you receive any money from stocks, bonds or any other investment?

A I receive a little interest money, yes.

MICHAEL J. SHEEHY, called as a witness on behalf of the Defense, being duly sworn and examined, testified as follows: (Residence 409 West 145th Street.)

DIRECT EXAMINATION BY MR. DONOHUE:

Q What is your occupation?

A Wholesale ice dealer, wholesale and retail.

Q For what particular ice company?

A M. J. Sheehy Ice Company.

Q How long have you been in that business?

A Possibly twelve years.

Q Do you know the defendant?

A I have know him.

Q How long have you known him?

A Sixteen years I think it is.

Q Do you know other people who know him?

A Yes.

Q Have you talked with them about the defendant at various times?

A I cannot say that I talked with them about him at various times.

Q Do you know other people who know him?

A Yes.

Q Do you know what his reputation is for truth and honesty and veracity?

A Very good.

Q Did he ever work for you?

A No.

Q Did you know him in the ice business?

A Yes sir, I knew him in the trade.

Q Do you know what his reputation is?

A He has held various positions of trust for various concerns, competitors of mine.

Q Could you give us an idea what his occupation was?

A I believe he was manager for various branches. I think he was manager for Foster Scott. He was with the American Ice Company. He was over a number of men and I know he canvassed my trade pretty frequently.

Q Did you ever know him to be a gambler?

A No.

Q Do you know what his reputation is as to industry?

A Been very good as far as I know.

Q You know he has been practically an invalid the last couple of years?

A I knew there was something the matter with him, I did not know what it was.

Q As far as you know his reputation is good?

A Excellent.

CROSS EXAMINATION BY MR. OLCOTT:

Q You knew him just through the trade?

A I knew him in the trade and in the positions he held.

Q You don't know what he has been doing the last few years?

A Not for the last couple of years, I cannot say --- two or three years ago -- when he was in the ice business.

Q Two or three years ago?

A I say that may have been.

Q You spoke of him holding positions of trust, what did you mean by that?

A What I mean, a man that is over other men as a boss or superintendent, or manager.

Q When was he that, employed by whom?

A I think he was that with the Foster Scott Company. Mr. Foster is here and he will probably tell you more about it than I.

Q You did not go around with him?

A No sir.

Q You are not familiar with that neighborhood where he lives?

A Very well.

Q Isn't that where you met him?

A No.

Q Didn't you see him there once in a while?

A I probably did. He lives right there.

Q You saw him there?

A Surely. Most every day.

Q Are you familiar with the barber shop you heard him testify about?

A No.

Q Or the saloon?

A Never have been in the saloon. I have been in the West Shore Hotel.

Q You have been around with him there?

A Not around with him.

Q Seen him there and lunched with him?

A Yes.

Q And talked with him at length?

A Yes, talked with several men there, hundreds of them.



Q Do you know other people who know him?

A Yes.

Q Do you know what his reputation is for truth and veracity and honesty?

A Very good.

Q Do you know what his reputations is for industry?

A He was considered a very capable man.

Q Do you know why he left your firm?

A Yes.

Q Why?

A The work was too hard and he had received an injury that incapacitated from doing work he was doing.

Q Do you know what the injury was?

A Yes.

Q What was it?

A We use an ice hook on the platform, where he was employed a very sharp of steel and accidentally he ran it into his side.

Q It went right through his intestines?

A Yes sir, he had a very serious injury.

Q He was laid up how long?

A He went to the hospital and he was there some time.

Q He was laid up about a year in the hospital?

A I could not say exactly.

Q Some long time?

A Yes.

Q Did you ever know Mr. Langin to be a gambler or a bookmaker?

Objected to. Sustained.

Q Did you ever know Mr. Langin to have any other occupation than that of being in the ice business.

Objected to.

THE WITNESS: I have known him to speak in campaigns,