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COURT OF GENERAL SESSIONS OF THE PEACE

City and County of New York, Part III.

THE PEOPLE OF THE STATE OF NEW YORK

-against-

FRANK PEZZULICH AND FRANK SGELIRRACH.

Before

HON. JOSEPH F. MULQUEEN, Judge

And a Jury.

New York, June 12, 1919.

The defendants are indicted for robbery in the first degree, grand larceny in the first degree and assault in the first degree and receiving in the first degree.

Indictment filed March 31, 1919.

Appearances:

For the People: ASSISTANT DISTRICT ATTORNEY BOHAN.

For Defendants: K. HENRY ROSENBERG, ESQ.

A jury is duly impaneled and sworn.

Mr. Bohan opens to the jury.

Pierre M. Ucas, of 45 Vesey Street, is sworn to act as interpreter in the Croatian language.

FRANK Z I C, of 36 Beach Street, called as a witness on behalf of the People, having been duly sworn, testified as follows, through the interpreter Pierre M. Ucas.

DIRECT EXAMINATION BY MR. BOHAN:

Q. Your name is Frank Zic?

A. Yes.

Q. Where do you live, Mr. Zic?

A. 36 Beach Street.

Q. How long have you lived there?

A. About four years.

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Q. Did you live there on the 22nd of March this year, 1919?

A. Yes sir.

Q. That is in the city and county of New York, is it?

A. Yes sir.

Q. What floor did you live on?

A. The first floor.

Q. Did you live there alone?

A. There were many people living there.

Q. How many men lived with you on the first floor of 36 Beach Street on the 22nd of March this year?

A. None men.

Q. Give me their names?

A. One is me, Frank Zic, John Bonafacto, John Zic, Vincent Zic, Nic Mraqucich; he at that time was not living in that house.

Q. Did Andrew Androvich live there too?

A. Yes.

Q. Who paid the rent?

A. Vincent Zic.

Q. And you all paid him for the room?

A. We were paying all to him. The house was in his name.

Q. How many slept in your room?

A. Two men.

Q. Who paid for the food?

A. All together.

Q. Who took care of the meals?

A. We were preparing our food, every one.

Q. Each would prepare his own meals?

A. No, we were cooking together for all of us and paying our part.

Q. What do you work at?

A. I am working now in the Day Line boat and before I was working on the New York Central.

Q. On the 22nd of March, 1919, what kind of work were you

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doing?

A. I was working on a boat.

Q. Now, on the 22nd of March, 1919, that was Saturday night, was it?

A. Yes.

Q. How many men were in the kitchen?

A. Seven.

Q. At about eight o'clock that night did anything happen?

A. Yes. Some men came in our house.

Q. What time did the men come in?

A. After eight o'clock.

Q. How many men came in?

A. I did not count them but I think it was seven or eight men.

Q. How were they dressed?

A. They had ordinary suits on them.

Q. What kind of hats?

A. Some of them had hats; some of them caps.

Q. Was there anything on their faces?

A. Yes, they had handkerchiefs on their faces.

Q. When they came into the room what did they say?

A. They told us to hold up our hands.

Q. Did they have anything in their hands?

A. They had guns in their hands.

Q. What did you and your friends do?

A. Some of us held our hands up and some of us did not.

Q. Did these men speak?

A. They said on, "Hold up your hands".

Q. What language did they speak in?

A. In English. They said, "Hands up".

Q. Did they search you?

A. Yes sir.

Q. Did you have your hands up?

A. Yes sir.

Q. Did they search you before or after shots were fired?

A. After the shots were fired.

Q. How many shots were fired?

A. Three shots.

Q. Who were the shots fired at?

A. Towards Mike and Vincent Zic.

Q. Did you have any money on your person?

A. Yes sir.

Q. How much money did you have?

A. \$1,728.

Q. Where did you have that money?

A. Some of the money I had in my pocket and some in my stocking.

Q. I show you an article and ask you what that is?

A. Those are my trousers.

MR. BOHAN: I ask to have those marked for identification.

(Trousers marked People's Exhibit 1 for Identification.)

Q. Did you have those trousers on; did you wear them on the night of March 22nd, when these men came into your apartment?

A. Yes sir.

Q. Tell us what any of these men did to you?

A. I don't know what they did to me. I saw them in the kitchen.

Q. Was any money taken from you?

A. Yes sir.

Q. How much?

A. \$1,728.

Q. How was the money taken from you?

A. One of them came near me and tore my pants.

Q. Was he behind or in front of you?

A. Behind me.

Q. Was that while you had your hands raised?

A. Yes.

Q. What did they do to your trousers?

A. They tore them open with a knife.

Q. And these are the trousers you wore?

A. Yes.

Q. Did they take the money from your leg?

A. Yes.

Q. Where was it, in your stocking?

A. Right in my stocking.

MR. BOHAN: I offer the trousers in evidence.

MR. ROSENBERG: No objection.

(Trousers marked in evidence People's Exhibit 1.)

Q. Tell us what you saw these men do to your friends or countrymen?

A. They searched my friends.

Q. How long were they in this room?

A. I cannot tell exactly but I think a little more than five minutes.

Q. Did you hear them talk amongst themselves while they were in that room?

A. No.

Q. Did you hear them talk to each other or say anything?

A. I did not hear. Only when they were going away they said, "Let us go".

Q. When they said that did they say that in English?

A. No, they said that in Italian.

Q. Do you understand Italian?

A. I understood what they said. They said, "Andianno".

Q. Do you understand Italian?

A. I understand a very little.

Q. Which way did the men go out?

A. Through the same door they came in.

Q. Did any of your friends follow them?

A. Yes.

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Q. Who followed them?

A. Mike Zic.

Q. Which door did he go out of?

A. The middle door.

Q. Where did you go?

A. I went to the window.

Q. The window of what room?

A. In the room near the street.

Q. That was not the room where you were held up?

A. No, that is the room where we are sleeping.

Q. The room you were held up was the kitchen and that was in the rear of the house?

A. Yes.

Q. Did they take any money from your pocket?

A. \$28 which I had as my pay that week.

Q. How much did they take from your leg?

A. \$1,700.

Q. And \$28 from your pocket?

A. Yes.

Q. When you got to the window what did you do?

A. I was yelling for police.

Q. Did you open the window?

A. Yes.

Q. How did you open it?

A. The window was open.

Q. Did you break the window while you were trying to open it?

A. No.

Q. Can you identify, or are you able to identify, any of the men that entered the kitchen on March 22nd with revolvers in their hands and held you up and your friends?

A. I recognize one.

Q. Where is that one?

A. He is sitting there.

Q. Will you point him out; come down and put your hand on him?

(Witness steps down from the witness chair and puts

his hand on the defendant Sgelirrach and resumes his seat.)

Q. When you got to the window what did you say?

A. I was calling the police.

Q. How soon after did the police come?

A. I could not tell you exactly.

Q. Ten minutes, will you say?

A. I don't know.

MR. BOHAN: That is all; you may examine.

CROSS-EXAMINATION BY MR. ROSENBERG:

Q. You remained in the house until the police came, didn't you?

A. Yes.

Q. That is, after the robbers left the house you stayed in the front room, is that correct?

A. No, I remained in that room a little while and then I came back in the kitchen.

Q. Then the policeman came into the room, didn't he?

A. Yes.

Q. How long after the robbers left the kitchen was it before the policeman first came into the room?

A. Some minutes; I could not tell exactly.

Q. Can't you tell the jury approximately; was it as long as you have been on the stand here this morning before he came?

A. No so long a time.

Q. Was it ten or fifteen minutes or twenty minutes, or how long?

A. I cannot tell you exactly. I was not looking at any watch.

Q. About how long was it?

A. I think between five and ten minutes.

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Q. Who as the policeman who came into the kitchen after the robbers left?

A. I don't know.

Q. You saw that policeman in the kitchen room that night, didn't you?

A. That man came in the house and told me to go to the police station.

Q. Are you able to recognize which policeman it was who came into your house that night?

A. I am not sure about that.

Q. The police officer who you say came into that kitchen that night, you have seen him a dozen times since that night, isn't that correct?

MR. BOHAN: I object to that.

MR. ROSENBERG: Question withdrawn.

(At this point officers Murphy, Heitzman and Wilson enter the courtroom and face the witness.)

Q. Will you please tell the Court and jury which of these three men came into your kitchen the first time after the robbers left?

A. I am not sure about that.

BY THE COURT:

Q. Did you see any of those men in your room after the robbery?

A. I am not sure about that. I saw them in the police station.

Q. You remember that you saw these officers before, do you?

A. Yes, I saw them.

Q. But you are not certain whether you saw them first in your own home or in the station house, is that no?

A. I am not sure.

I saw the man who is standing in the center many times. (Indicating Officer Wilson.)

Q. You were asked if you saw them in your room after the robbery?

A. I am not sure. We were standing in our kitchen and somebody told us to come to the police station and I went and took my cap to go out.

BY MR. ROSENBERG:

Q. Then you walked with the policeman from your house at 36 Beach Street to the police station, is that correct?

A. No, I went a little after.

Q. Can you identify here -- and say that the man you have previously seen was Officer Wilson, the man in the middle here?

A. Yes.

(The officers leave the courtroom.)

Q. Where have you seen him before?

A. I saw him in that police station many times.

Q. In the stationhouse?

A. Around the police station.

Q. Walking around your street?

A. I saw him near the door of the police station.

Q. Didn't you go up to 24th Street that night with a policeman?

A. Yes.

Q. Did you go up to 24th Street with anyone of the policemen who were in court here just a minute ago?

A. Yes, with the stout man.

Q. Which stout man?

A. The man in the suit.

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Q. The man in citizen's clothes, you mean?

A. The man that has a suit as I have.

Q. That is Officer Murphy, isn't it?

A. I think so.

Q. You have been with Murphy at least twenty-five times since this robbery, haven't you?

Objected to. Question withdrawn.

Q. How often have you seen Officer Murphy since this robbery?

A. Many times when I came to the courthouse I saw him.

Q. Was it at least twenty-five times?

A. I cannot tell you that. I did not count how many times.

Q. When you went to the window in that apartment did you open the window yourself to call for the police?

A. I told you before the window was open.

Q. Did any one of your friends who lived in the apartment go into the front part of the house or in the front room before you did?

A. Yes, Frank Zic.

Q. He got there before you did?

A. Yes sir.

Q. Didn't you run into the front room immediately after the robbers left the kitchen?

A. After they left the kitchen I went into the front room to the window.

Q. Weren't you the first one to run into the front room?

A. Frank Zic ran before me.

Q. How long before did Frank Zic, before you, to the front room window?

A. A very little time before me in the front room.

Q. How many other of your friends that were in the kitchen

ran into the front room?

A. There were two windows in that front room.

Q. Were you excited when the robbers came in and asked you to hold your hands up?

A. I was a little excited.

Q. Weren't you a great deal excited?

A. I was excited.

Q. The man who took your money took it from behind where you were standing?

A. He was behind me.

Q. And you did not see his face?

A. I am not sure about that.

BY THE COURT:

Q. Did you ever see that man before your money was taken?

A. No.

Q. Did you see him at the time he was taking your money?

A. I saw the man behind me but I am not sure who it was.

Q. Did you ever see that man since?

A. No.

BY MR. ROSENBERG:

Q. Now, as a matter of fact, you have testified that all of the men, the robbers who came into that kitchen on that night had handkerchiefs over their faces, is that correct?

A. Not all of them. Most of them, but not all.

BY THE COURT:

Q. How many were there altogether?

A. I cannot tell you for sure.

Q. About how many were there?

A. Oh, I think seven or eight.

Q. Seven or eight robbers came in?

A. Yes.

Q. And how many had handkerchiefs over their faces?

A. I cannot tell you that for sure, but I am sure about one man; he did not have any handkerchief.

BY MR. ROSENBERG:

Q. You say one man did not have any handkerchief on his face, is that correct; you are sure of that -- one, you say?

A. That is the man whom I recognized.

Q. That is to say, Frank Sgelirrach is the man who you say did not have any handkerchief on his face at all that night, is that correct?

A. I could not tell, if he had any handkerchief before, but when I saw him he did not have any.

Q. And when do you say you saw him without a handkerchief on his face?

A. When he was in the kitchen.

Q. Was he the man who took your money?

A. No.

THE COURT: We will adjourn now for recess.

Gentlemen of the jury, the Court will excuse you until two o'clock. In the meanwhile remember that the law forbids you to talk about this case with any stranger and also forbids you from discussing it among yourselves. You must wait until you hear all the evidence on both sides before you form or express any opinion. You must wait until all the evidence is in and until the Court submits it to you for your consideration and then at that time you retire and discuss it in order to decide it, but not before then. Please come back at two o'clock.

Afternoon Session.

Trial continued at 2 P.M.

FRANK ZIC resumed the stand:

CROSS-EXAMINATION CONTINUED BY MR. ROSENBERG:

Q. How long did you have that \$1700 in your stocking?

A. I got it at different times for long periods and short periods.

Q. Was it there for over a year?

A. Sometimes I had it for a year; sometimes a shorter time.

Q. You saw Frank Sgelirrach, the man you picked out here to-day in court, on March 23rd, isn't that correct?

A. Yes, I saw him.

Q. You also saw him in this courtroom when Frank Strolich's case was on trial?

A. Yes, I saw him.

Q. Were you taken to the stationhouse of March 22nd by the police officer?

A. They told us we were to go to the police station, but nobody brought me there. I went alone.

Q. When you got to the police station you saw the same policeman who was in your kitchen just before that?

A. I told you before I was not sure he was in the kitchen.

Q. Did you ever see that policeman again whom you saw in the kitchen?

A. No.

Q. Didn't you go up to 24th Street with Officer Murphy and another policeman?

A. Yes.

Q. Now, who was the other policeman?

A. I don't know his name.

Q. Was he the same policeman who was at 36 Beach Street right after the robbery?

A. I told you that I did not know which policeman was in our house.

Q. Now, when the man took the money from your leg or from the stocking, you had your back to the robbers, didn't you?

A. The man that took my money was behind me.

Q. Didn't you have your back to all of the other robbers when your money was being taken?

A. No sir; the man were standing around the table.

BY THE COURT:

Q. Were they in front of you?

A. In front of me was the table and the others were around the table.

Q. Could you see them?

A. Yes, I could see them.

BY MR. ROSENBERG:

Q. Did all of the other robbers have handkerchiefs over their faces?

A. Most of them had them, but the man I recognize did not have any.

Q. The man whom you say you recognize, he did not have a handkerchief over his face; was he the only one who did not have a handkerchief on his face?

MR. BOHAN: Objected to as already answered.

THE COURT: I will let him answer it again.

A. I saw only him without a handkerchief on his face.

Q. But you saw all the other robbers, did you?

A. I am not sure about those that were behind me.

Q. Well, were there any robbers behind you?

A. I don't know who were behind me. I only know that the man whom I recognize was standing near me.

Q. How many robbers were in front of you?

A. There was nobody in front of me, because I was behind the table and the robbers were standing around the table.

Q. Weren't you behind the door hiding?

A. I was not hiding behind the door; near the table.

Q. Weren't you behind the door?

A. When the robbers came in and they opened the door and came near me; afterwards the door was pushed.

Q. When the door was opened, didn't you go behind the door?

A. I stood where I was sitting, only that I stood up.

Q. When you stood up, all of the robbers with the exception of one, were behind you?

THE COURT: You have been allover that. He said he did not know how many were behind him.

Q. This was a kitchen room, wasn't it?

A. Yes sir.

Q. And that is in the rear of the flat?

A. yes, that is in the rear.

Q. That is on the first floor, isn't it?

A. Yes.

Q. Your flat was on the first floor of that house?

A. Yes.

Q. And in order to get to your flat you had to walk up how many stairs from the street?

A. I did not count them. There are not many, but I did not count them.

BY THE COURT:

Q. Is there a flight of stairs inside, or just a stoop outside?

A. Only in front of the house.

Q. You went up a stoop and then you were on the level of your apartment, is that it?

A. Yes.

BY MR. ROSENBERG:

Q. Can you tell the Court how many steps, about; about how high was the first floor from the sidewalk, in feet, if you know?

A. I did not measure that, but if you tell me to, I would find out.

Q. Was it as high as you are standing?

A. A little more.

Q. Will you please stand up. Do you know how tall you are?

A. I do not know.

MR. ROSENBERG: I think we can all agree he is about 5 feet 10 inches.

A. (Continued) I do not say that the level of our house is as high as I am. I mean from the floor here. A little more than the floor here.

Q. How high is the level of the first floor from the sidewalk?

A. I think there are six, seven or eight steps from the sidewalk, but I am not sure.

Q. Now, there is a yard back of your kitchen, is that correct?

A. Yes.

Q. Is the yard below the level of the street or is it the same level as the street?

A. I think it is on the same level but I could not tell. I never looked exactly.

Q. How far back from the kitchen in the yard is the water closet?

A. I could not tell you exactly.

Q. You know a man named Summers, don't you?

A. Yes sir.

Q. And Summers is the son of the janitor of that building at 36 Beach Street?

A. Yes.

Q. Have you talked to Summers about this case?

A. Perhaps we were talking sometime about it.

Q. Did you talk about the details of what happened on that night of March 22nd?

A. He knew that himself.

Q. Did you talk with him?

A. We were talking that we have to go to the court.

Q. Didn't you talk about the details of what you were going to say and what the other witnesses were going to say?

A. No, I did not.

MR. ROSENBERG: That is all.

REDIRECT EXAMINATION BY MR. BOHAN:

Q. Were the police officers that came into the kitchen after the men left, all in uniform?

A. As I told you before, when the police came someone told us to go to the police station, so I am not sure he was in uniform or he was not in uniform.

Q. Were there any of them in uniform?

A. I am not sure, because I went in the room and took my suit.

Q. How long are you in America?

A. About seven years.

Q. What part of Europe did you come from?

A. From Istria.

Q. Is that on the Adriatic?

A. Yes sir.

Q. All of your friends that lived with you in 36 Beach Street, were they your fellow countrymen and did they come from the same part of Europe as you did?

A. Yes.

Q. Did they come from the same town?

A. Yes.

Q. Now, there are several men who have the same name as you have; are you related to any of the other men. Vincent Zic, Frank Zic and Mike Zic?

A. Mike Zic and I, we are related in a distant way. His grandfather and my grandmother were cousins.

Q. How about the others?

A. They are not related.

Q. They are not related to you?

A. No sir.

Q. How long did it take you to save the \$1728?

Objected to. Objection overruled.

A. About all the time that I was in America.

BY MR. ROSENBERG:

Q. That is about seven years?

A. Yes.

Q. Whom did you go to The stationhouse with; was Mr. Summers with you when you went to 24th Street?

A. yes.

Q. Whom did you see there?

A. There were many people in the house.

Q. Did you see either one of the defendants in 24th Street?

A. Yes.

Q. At that time did you identify, --

Objected to. Objection sustained.

Q. What kind of table and how large a table was this in the

kitchen. Was it as large as this table at which the defendants are sitting?

A. No, not so large; a little smaller.

Q. Half as large as this table?

A. A little more than half.

Q. When the robbers came into the room were you and your friends seated around the table?

A. Yes.

Q. And when they gave the command to put your hands up did they all stand up in the same place where they had been sitting?

A. I think all of us stood up in the same place we were sitting before.

Q. Who was on your side of the table?

A. Androvich.

Q. Who was on the opposite side?

A. John Bonafacto was a little further from me.

Q. Was it a round table or a square table?

A. A square table.

MR. BOHAN: That is all.

BY MR. ROSENBERG:

Q. About this money; did you ever tell anyone that you had money in your stocking?

A. No.

Q. Why didn't you put the money in a bank?

Objected to. Objection overruled.

A. Because I don't speak English and every time if I have to go to the bank I would have to have somebody with me to help me out.

MR. ROSENBERG: That is all.

MIKE ZIC, of 36 Beach Street, called on behalf of the People, having been duly sworn, testified as follows, through

the Interpreter, Mr. Ucas:

DIRECT EXAMINATION BY MR. BOHAN:

Q. What do you work at?

A. In the Pennsylvania.

Q. What kind of work do you do?

A. I am working on the cars.

Q. With what railroad?

A. On the Pennsylvania Railroad, 27th, 28th and 29th Street.

Q. How long are you in this country and from what part of Europe did you come?

A. I am in America about six years and I come from Istria.

Q. On the 22nd of March, 1919, were you living at 36 Beach Street with some of your fellow townsmen?

A. Yes.

Q. How many of your fellow countrymen were living with you?

A. We are living there, nine people.

Q. In how many rooms?

A. In four rooms.

Q. Were you in the kitchen on March 22nd, 1919, about eight o'clock?

A. Yes sir.

Q. Did any men come into the kitchen and do anything and if so, please tell us what they did?

A. Some men came in your house and said, "Hands up", and then they started to search us. Everyone of them had a gun and we held our hands up.

Q. Did you have any money on your person?

A. \$13 and I gave them to a man, to one of the defendants.

Q. Do you recognize in the courtroom any of the men that came into that kitchen on March 22nd?

A. I recognize both of the defendants.

Q. What kind of clothes did these men wear that night, do you remember?

A. One of them had a dark shirt on him.

Q. Which one?

A. The stout man.

Q. This man (indicating defendant Sgelirrach)?

A. Yes.

Q. What kind of a shirt?

A. The same shirt he has on now.

Q. Do you remember how the other defendant was dressed?

A. I don't know.

Q. Did any of these men that came in, including the defendants, have anything on their faces?

A. The other defendant had a handkerchief on his face, but his handkerchief fell off.

Q. Which defendant had a handkerchief on his face which fell off?

A. The man outside.

Q. The defendant (indicating Sgelirrach)?

A. Yes, his handkerchief fell off.

Q. How about the other defendant?

A. To the other man I gave my money.

Q. You mean the defendant Pezzulich?

A. Yes, that one.

Q. How did he take your money from you?

A. He was telling us, "Hands up". I gave him my pocketbook.

Q. Is that the pocketbook you have there?

A. No, not that one.

Q. How much money did you have in it?

A. \$13.

Q. Did he put his hands in your pockets?

A. No.

Q. Did you hear any shots fired?

A. Three shots.

Q. Tell us what these other men did; what the other robbers did to your friends?

A. They were searching the men and taking the

money, and they beat Vincent Zic.

Q. They beat him how?

A. I don't know how, or with what, but I know they beat him.

Q. Were the shots fired after they beat Vincent Zic, or before?

A. Right away when they came in they fired one shot and then they shot twice more.

Q. Were you all seated at the table when they came in?

A. Yes.

Q. Did you stand up in about the same place that you were all sitting?

A. I stood up in the same place and I held my hands up.

Q. Did you hear any of these robbers say anything?

A. When they were going out they said something in the Italian language, but I don't know what.

Q. Do you understand Italian?

A. Just a little.

Q. Do they speak in Italian in the part of Istria where you come from?

A. No.

Q. Who spoke in Italian; do you remember which one of these defendants?

A. I never saw them before; I do not know if they speak Italian.

Q. Did you have a gaslight in the room?

A. Yes.

Q. Where was the gaslight?

A. In the middle of the room.

Q. Over the table?

A. No, a little on the side.

Q. Where was the table, on the side of the room or in the center?

A. A little on the side.

Q. How long were these men in the room?

A. I could not tell

you exactly. I think about six or seven minutes.

Q. When they left the room who was the first of your friends that followed them out?

A. I was the first man to go out.

Q. How far behind these men were you?

A. I could not tell you exactly because I did not measure it. I do not know how far.

Q. You got into the hallway and when you opened the door did you see any of them in the hallway running out?

A. I saw them running through the hall and I was running after them.

Q. Did you keep your eye on any of them?

A. Yes.

Q. When you got on the stoop did you see anyone in the hallway lying down?

A. No, I did not see.

Q. Did you see Mr. Summers after?

A. No, sir.

Q. When you got to the stoop which way did the men run?

A. Four or five were running towards Hudson Street and I was following three of them and I caught one of them between Beach Street and North Moore Street.

Q. Just tell us how the men who ran towards Hudson Street ran?

A. I saw all of them in the middle of the street and then they parted.

Q. Did you see any of them run toward the north side of Beach Street, toward the freight station?

A. I saw them on the street.

Q. Did you see the freight cars on Hudson Street and Beach Street?

A. No, I could not tell that.

Q. Did you see them run towards the northeast corner of Beach

Street and Hudson Street?

A. I saw them on the street but I can't tell you where they run. I run after three of them and caught one.

Q. Were the four men that you referred to running in the middle of Beach Street towards Hudson Street?

A. I saw them in the middle of the street and then they parted.

Q. Running or walking?

A. Running.

Q. In which direction did you run?

A. I ran towards three of them and caught one.

Q. Where did you catch one?

A. I caught one between Beach Street and North Moore Street.

Q. When these three men got to the corner of Varick and Beach Street did they separate?

A. I caught one man when the policemen came and I do not know in what direction the others went.

Q. Running from your house on the south side of Beach Street did you run by the station house?

A. I was running toward the police station.

Q. And did you turn the corner around Beach Street and Varick?

A. Around the corner.

Q. And you caught this man how near the subway exit?

A. I cannot tell you that. I think a block and a half. But I am not sure.

Q. North Moore Street is the street below Beach Street, one Block, is it?

A. The first is Beach Street and then North Moore.

Q. North Moore is south of Beach Street, -- that is, it is downtown?

A. Yes, one is this side and the other is on the other side.

Q. How soon after you caught this man did the policeman appear?

A. Right away. He caught us together.

Q. Was that officer Wilson?

A. That was one of the policemen that is outside now.

Q. What did you do with that man?

A. I was cursing him.

Q. Was the man that you caught the man Frank Strolich, that was tried in this courtroom last month?

A. Yes.

Q. When did you next see the defendants, the two men on trial here, after they held you and your friends up in the room?

A. I saw them in our house on the 22nd of March.

Q. After that when did you see them again?

A. Until I saw them in the police station and then they stood them in a line.

Q. Never mind about that. How long after they held you up did you see these two men the next time?

A. I could not tell you exactly.

Q. Was it the same night?

A. Yes, sure.

Q. How many shots were fired in that room?

A. Three.

Q. Did you find any revolvers in 36 Beach Street?

A. No.

MR. BOHAN: Your witness; you may examine.

CROSS-EXAMINATION BY MR. ROSENBERG:

Q. After you left your house at 36 Beach Street, running after Frank Strolich, as you testified to, how long did it take

you to cover the distance before you caught him?

A. I told that before, but I am not sure how long a time elapsed.

Q. Can you give the jury some idea how long it took to travel that distance?

A. I can't tell, because I don't know even what time it was.

Q. Can't you tell the jury how long it took you to run from 36 Beach Street to the corner of Varik and Beach and then one block south to North Moore, where you say you caught him; how many minutes or seconds did it take you to run or travel that distance?

A. I should say two minutes, but I am not sure.

Q. You were running all the time?

A. Yes.

Q. Now, when the robbers came into that kitchen they called out, "Hands up", is that right?

A. Yes.

Q. And every man in the room put his hands up?

A. I can tell for myself that I held my hands up, I can't tell about the other man, but I think all of them did.

Q. Don't you know what the man next to you did, your friend?

A. The robbers mixed among us.

Q. And that is why you cannot state what the other men did, that is, your friends?

A. I can tell only what I know.

Q. Were you frightened when the robbers called out, "Hands up"?

A. Yes.

Q. And were you very much excited?

A. Every men would be frightened.

Q. But you were frightened, weren't you?

A. Yes.

Q. And isn't that the reason why you cannot tell us what the other men, your friends, were doing at the time?

A. I cannot tell you that because I was sad and frightened. I only can tell about myself.

Q. How long after the robbers left the kitchen did you start to run after, them?

A. Right away after they left the kitchen I run after them.

Q. How many minutes or seconds after the last robber left the room did you start in pursuit?

A. I am not sure about that.

Q. Can't you tell the jury in minutes or seconds?

THE COURT: He said he ran after them right away.

Q. When you got in the hallway were the robbers still in the hallway or were they out in the street?

A. I saw them while they were still in the hall because our hall is big.

Q. How long is the hallway?

A. I did not measure it.

Q. Can you give the jury an idea; is it as long as this room?

A. A little less. A little shorter than this room.

Q. It is not as wide as this room, is it?

A. No.

Q. Now, when the robbers were in the room they had revolvers in their hands, didn't they?

A. Every one of them had a gun.

Q. And you were afraid of being shot, weren't you?

A. Yes, because they were firing.

Q. When you looked into the hallway you saw the robbers; do you want to tell the jury that you still followed them in the hallway while they were there?

A. I can't tell about that. I can

tell only about the man that I caught and the defendants I saw in the house.

Q. That is all you can remember?

A. I don't know anything else.

Q. Now, when you got outside of the house, all of the robbers, or the men who you thought were the robbers, were in the middle of the street, weren't they?

A. They were running and in the middle they parted.

Q. When the men parted, three or four of the men went in one direction and three ran in another direction, isn't that correct?

A. No. Four or five were running toward Hudson Street and I followed three, one of whom I caught.

Q. Are you sure that you recollect the one man who did not have the handkerchief on his face in the kitchen on that night?

A. All of them had handkerchiefs and this defendant's handkerchief fell off his face.

Q. Which defendant's handkerchief fell off?

A. The man outside (indicating defendant Sgelirrach).

Q. Which man; this man (pointing to Sgelirrach). Stand up, Sgelirrach.

(Defendant Sgelirrach stands up.)

A. Yes.

Q. Is that the man?

A. Yes.

Q. His handkerchief fell off?

A. Yes sir.

Q. Was this question asked and did you make this answer upon

the last trial (reading): "Q. Did they have anything on their faces? A. They had their handkerchiefs on their faces, but one among them did not have any. Q. Which one was that? A. I don't know". Do you remember saying that?
A. I am not sure.

MR. ROSENBERG: Is it conceded that he testified that way?

THE COURT: He said he was not sure.

BY THE COURT:

Q. Did you testify once before in this court against one of the robbers?

A. Yes.

Q. When that other robber was on trial did you say you did not know which one was without the handkerchief?

A. Yes.

BY MR. ROSENBERG:

Q. Why did you say at the last trial that you did not know the robber that did not have the handkerchief and now you point out the two men that did not have the handkerchief?

A. From the other defendant the handkerchief fall off his face.

Q. You mean Frank Strolich, the other man who was on trial, his handkerchief fell off?

A. No. That man, this defendant I am point to (indicating Sgelirrach).

Q. Why did you say at the last trial that you did not know which one it was from whose face the handkerchief fell?

THE COURT: He said one man did not have a handkerchief.

Q. Why did you say at the last trial that one man did not have a handkerchief?

MR. BOHAN: I object to the form of the question because it is based upon an answer not given by the witness. He was asked, "Did they have anything on their faces?"

A. They had their handkerchiefs on their faces, but one among them did not have any". He is referring to one that had a handkerchief on and that fell off. That is an entirely different situation.

BY THE COURT:

Q. Did they all have handkerchiefs or not?

A. I saw that all of them had handkerchiefs on their faces but the handkerchief of the other defendant fell off.

MR. ROSENBERG: That is all.

REDIRECT EXAMINATION BY MR. BOHAN:

Q. Will you say all of them had handkerchiefs, or most of them?

Objected to. Objection sustained.

THE COURT: The jury will pass upon that. They will say whether there is any contradiction or not, and if so how much weight they will give it. You may ask him to explain his testimony if he can.

BY THE COURT:

Q. What is your statement now about the handkerchiefs?

A. The handkerchief fell off from the defendant's face.

Q. But he did have a handkerchief on?

A. I saw when the handkerchief fell off his face.

Q. You did see him with the handkerchief on and you saw him afterwards without a handkerchief, is that it?

A. I can't tell when the handkerchief fell off his face, and I saw the defendant without the handkerchief.

Q. And that is what you meant when you said they all had handkerchiefs but one; is that it?

A. The defendant did not have a handkerchief. The handkerchief fell off his face.

Q. Did everyone else have a handkerchief all the time, the men who did the robbing?

A. Yes, all of them, and only on him the handkerchief fell off.

Q. What was the color of the handkerchiefs?

A. White.

Q. How do you know they were handkerchiefs they had?

A. They were just as I have.

Q. They looked like handkerchiefs to you?

A. I am sure they were handkerchiefs.

Q. Is that a white handkerchief you have in your hand?

A. Yes, that is the way they had them (witness indicating by putting handkerchief over his mouth).

BY MR. ROSENBERG:

Q. Do you know who took the money from Fran Zic?

A. No, I don't know who took his money.

Q. How far were you from Frank Zic when the money was being taken from him?

A. He was on one side of the room and I was on the other.

Q. Then the robbers had their backs to you?

A. No, I saw

them tearing off his pants. The robbers tearing up the pants of Frank Zic.

Q. Can you identify the robbers who tore his pants?

A. No.

Q. Did those men have handkerchiefs over their faces?

A. Yes, only the defendant did not have one.

BY MR. BOHAN:

Q. Will you take my handkerchief and show his Honor and the jury what portion of the face of each of the defendants was covered with the handkerchiefs?

A. Like that (indicating by covering mouth and lower part of the nose).

BY THE COURT:

Q. They did not cover their eyes?

A. No sir.

Q. Just the mouth, or the lower part of the face?

A. Yes.

BY MR. BOHAN:

Q. Was the nose covered?

A. No, only the way I am showing you, about half of the nose was covered.

MR. BOHAN: That is all.

VINCENT ZIC, of 36 Beach Street, called as a witness on behalf of the People, having been duly sworn, testified as follows, through the Interpreter, Mr. Ucas:

DIRECT EXAMINATION BY MR. BOHAN:

Q. Zic, what do you work at?

A. On Pier 22, North River.

Q. The New York Central Railroad Company?

A. No, the B. & o., Baltimore and Ohio.

Q. Are you related to Frank Zic, or Mike Zic?

A. No sir, they

are not related to me.

Q. Do you all come from the same town in Istria?

A. Yes.

Q. How long are you in this country?

A. On the 25th of November will be six years.

Q. Are you married?

A. Yes sir.

Q. Where is your wife?

A. In the old country.

Q. Were you living in 36 Beach Street on the 22nd day of March, 1919?

A. Yes.

Q. How long were you living at 36 Beach Street?

A. Around five years.

Q. Were you in the kitchen of 36 Beach Street about eight o'clock on march 22nd, 1919, Saturday?

A. Yes.

Q. What were you doing at that time?

A. We were sitting around a table talking, after our supper.

Q. Did any men enter that room, and if so, what time, and how many?

A. Seven or eight men came in the kitchen.

Q. What time was it?

A. I think around eight o'clock, or a little past eight o'clock.

Q. What did these men do; describe what each one of them did and tell us what kind of clothes they had on and if they had anything on their faces?

A. When they came in each one of them had a gun.

Q. How many were there?

A. Seven or eight of them. Some of them had their handkerchiefs at their faces and some did not. Then they told us "Hands up". When not all of us put our hands

up they fired a shot and after a while they fired another shot. I did not want to hold my hands up and then they fired a shot toward me. And then they heat me on the head.

Q. What did they hit you with?

A. I think with the butt of the gun.

Q. Did any blood flow, or did you have any mark?

A. Yes.

Q. What else did they do?

A. And then they heat me again on the face.

Q. Have you any marks there now?

A. Yes, I have marks on my face and on my head. They called in the ambulance in the courthouse.

Q. Did you see what they did to your fellow countrymen?

A. I saw them going around the house near my countrymen.

Q. Did you see what they did to Frank Zic?

A. I saw some of them standing near him.

Q. Did you see them cut his trousers?

A. Yes sir.

Q. Did you see them take any money from Frank Zic?

A. No.

Q. Did you see them take any money from any of your friends?

A. No. I cannot tell that.

Q. Did they take any money from you?

A. No. They took some papers out of my pocket.

Q. How much money did you have on your person?

A. \$1400 or \$1500.

Q. Where did you have it?

A. I had the pocketbook around my waist.

BY THE COURT:

Q. You mean a money belt?

A. Yes sir.

BY MR. BOHAN:

Q. You saved that money by resisting, did you?

A. I think they would have taken my money if I had held my hands up.

Q. You were the only one that refused to hold your hands up?

A. All the men that I saw in front of me had their hands up.

Q. All your friends that you saw had their hands up, is that it?

A. Yes.

Q. Did you hear any of these robbers speak?

A. When they were going out I heard them telling, "Andianno".

Q. When they said, "Hands up", did they say that in English or Italian or in what language?

A. I think in English they said, "Hands up".

Q. When they went out what language did they speak?

A. I think what they spoke was in Italian.

BY THE COURT:

Q. What is your language?

A. Croatian.

Q. Do you understand Italian?

A. I understand a little Italian.

Q. You are not an Italian, are you?

A. No, I am Croatian.

Q. Are you an Italian by descent?

A. No; I know something about Italian.

BY MR. BOHAN:

Q. Did you follow the men out?

A. No sir.

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Q. How long were they in the room there?

A. Between five, seven or eight minutes.

Q. Who followed them out?

A. All the robbers went out. I was covered with blood.

Q. Did you see Mike Zic go out after that?

A. I did not; I could not see because blood was running down my face.

Q. Didn't you say all the others went out except you?

A. No, some of the men went to the front.

Q. Some of your friends went to the front of the house?

A. Yes.

Q. And some went out after the robbers?

A. Yes.

Q. How long did you remain in the kitchen after the robbers went out?

A. Some minutes.

Q. You took care of your wounds?

A. Yes, I was putting my handkerchief on me.

Q. Did they take you to the hospital?

A. The ambulance came to the police station.

Q. Did you go over to the police station?

A. Yes sir.

Q. How long after the robbers were in the kitchen did you go to the police station?

A. Five or six minutes.

Q. Can you identify any of the men that came into the kitchen on the night of March 22nd with guns in their hands and held you and your friends up?

A. Yes.

Q. Do you see any of those men in this courtroom that you saw in the kitchen of 36 Beach Street on the night of March 22nd,

if so, please point them out?

A. The men that are sitting there.

Q. Come down and point them out?

(Witness steps down and puts his hand on the defendants and resumes his seat in the witness chair.)

Q. After the robbers left the kitchen when was the next time you saw any of them after that?

A. In the police station.

Q. How long after?

A. I think it was around nine o'clock.

MR. BOHAN: Your witness; you may examine.

CROSS-EXAMINATION BY MR. ROSENBERG:

Q. As soon as the robbers came into the kitchen they had guns in their hands and cried, "Hands up"; is that correct?

A. All of them had guns in their hands and then they yelled, "Hands up".

Q. And then how soon did they come over to you and beat you, as you have described?

A. They came right to me.

Q. They came right over to you?

A. Yes sir.

Q. And then you were struck on the head and on the face?

A. Not right away. One or two minutes passed before they struck me.

Q. You were fighting with the robbers who were around you?

A. They were standing near me as I was having my hands down and pushing them away.

Q. How many robbers were surrounding you trying to get your money?

A. First one and then two.

Q. You were the only one who resisted?

A. I did not want to give up my money.

Q. And as soon as you were struck with the butt of a gun you became dazed, is that correct?

A. No, I was not dazed.

Q. Do you remember this question being put to you and your making this answer at the last trial (reading): "Q. Which one of these two men struck you over the head with a revolver? A. I can't tell you that because I was dazed". "By Mr. Rosenberg: 'Because I was dazed; you said? A. Yes". Now, isn't it a fact that as soon as you were struck you became dazed?

A. I did not lose my senses. Blood was running down my face but I was not completely dazed.

Q. Did you say at the last trial that you were dazed after you were struck?

A. I did not say I was completely dazed. I said blood was running down my face and I didn't remember quite well.

Q. The same interpreter who is interpreting for you now interpreted for you at the last trial, isn't that correct?

A. Yes.

Q. But after you were struck you did lose your senses a little, didn't you?

A. No, I did not lose my senses. Blood was running down my face.

Q. How many of the robbers had handkerchiefs over their faces when they entered the room?

A. I think the most part of them had handkerchiefs on their faces. I can tell that one of them did not have any.

Q. In other words you want the jury to understand that all

of the men had handkerchiefs on their faces and one did not have his handkerchief on his face?

A. When they came in all of them but one had handkerchiefs on their faces.

Q. And the one that did not have his handkerchief is which of the defendants here, if any?

A. Those defendants had handkerchiefs on their faces, but the handkerchief fell down.

Q. Do you mean that there was one man who did not have a handkerchief on his face and these two men, the defendants, had handkerchiefs on their faces which fell off, is that what you want to tell the jury?

A. Yes.

Q. Did the handkerchiefs fall off while you were being struck, or after you were struck?

A. Before I was struck.

Q. Now, who struck you?

A. I can't tell that.

Q. Why can't you tell, because the man had a handkerchief on his face?

A. The men that were near me had handkerchiefs on their faces.

Q. Did you know who took the money from Frank Zic's stocking?

A. No.

Q. Is the reason you can't tell who took the money from the stocking because that man or men had handkerchiefs on his or their faces?

A. They had handkerchiefs on their faces.

Q. Is that the reason you cannot tell who took the money from Frank Zic?

A. I am not sure who took the money from Frank Zic.

Q. Is that the reason, because the handkerchief was over the

face?

A. Yes; I did not recognize them.

Q. Was there a lot of noise and excitement immediately after the robbers entered the room?

A. There was some excitement.

Q. And were you frightened and excited?

A. No.

Q. You kept busy watching and holding onto your money?

A. Yes.

Q. And how long were you fighting with the robbers to keep your money?

A. Right when they came in they were near me and they stood there.

Q. And they stood there until they left?

A. Yes.

Q. Do you remember a policeman coming into the kitchen a short time after the robbers left?

A. I remember.

Q. Which policeman was it?

A. I don't know which policeman.

Q. It was one of the policemen who were in court here at the last trial and who were in court here at this trial is that right?

A. I don't know because the blood was running down my face and I was wiping it.

Q. Is that why you could not see the policeman, because the blood was running down your face?

A. I saw the policeman but I could not recognize him.

Q. Didn't you go to the stationhouse after the robbery?

A. Yes sir.

Q. And didn't you meet these policemen, the same policeman who was in the kitchen?

THE COURT: He said he did not know what policeman was

in the kitchen.

MR. ROSENBERG: I ask that the policemen he brought into the courtroom.

THE COURT: Well, he said he could not identify them.

Q. You saw the three policemen here to-day, Officer Murphy, Officer Wilson and Officer Heitzman, did you?

A. Yes, I saw them.

Q. And you saw them at the last trial, didn't you?

A. Yes.

Q. Did you go up to 24th Street with a policeman?

A. No.

Q. But you were in court the next morning with a policeman, weren't you?

A. Yes.

Q. Now, what policeman was it that you were in court with the next morning?

A. Murphy.

Q. Is that the only policeman who was there?

A. I don't know who was in our house.

Q. Did you see any other policeman whom you recognized in court the following morning?

A. I don't know.

Q. After the robbers left didn't a lot of people come from the street into your house?

A. While I was in the house nobody came in, - if not somebody that is living in the same house.

Q. I am talking about people in the house. Didn't they come right down to the kitchen as soon as the robbers left?

A. I did not see anyone in the kitchen. Perhaps somebody was in the hall.

Q. Was there anyone in the hall after the robbers left?

Q. After the robbers came out the policeman took me to the police station and I did not see anything else.

BY THE COURT:

Q. You were taken in an ambulance to the police station, were you?

A. Yes.

Q. How long did you remain in the police station?

A. Three-quarters of an hour.

Q. What were you doing while you were there?

A. The policeman washed my face.

Q. Didn't a doctor come to sew up your head?

A. Yes, they called the ambulance.

Q. I thought you were carried in the ambulance to the police station?

A. No, I walked there to the stationhouse.

Q. Did the ambulance take you away from the stationhouse?

A. No.

Q. You went home again after a doctor fixed you up?

A. Yes.

Q. Then the next morning you went to the court and made a complaint, is that it?

A. Yes.

MR. ROSENBERG: That is all.

REDIRECT EXAMINATION BY MR. BOHAN:

Q. What part of the face of the robbers was covered by the handkerchief?

A. Some of them up to the nose; some of them only the mouth.

Q. Was there one man that came in without a handkerchief?

A. One was without a handkerchief.

Q. And while in the room did the handkerchief drop from the face of any of those men?

A. Yes.

Q. Which one?

A. The man that is on the side. The handkerchief fell completely from his face (pointing to defendant Sgelirrach), and the other fellow only half way.

Q. Was the man that struck you over the head with the revolver arrested?

A. I could not tell who struck me.

MR. BOHAN: That is all.

ROBERT M. WILSON, an officer of Bridge A Squad, Shield No. 6677, called as a witness on behalf of the People, having been duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. BOHAN:

Q. On the 22nd of March, 1919, were you attached to the Fourth Precinct?

A. Yes sir.

Q. Where were you on the evening of March 22nd about eight o'clock, P.M.?

A. At Varick Street and North Moore.

Q. Where were you coming from?

A. I was going to work at the Eighth Precinct.

Q. Did you come from the subway?

A. Yes.

Q. Is there an exit on the northwest corner of Varick, - on the west side of Varick Street?

A. Yes.

Q. Did you come from that entrance?

A. I came from that exit.

Q. How far is that entrance from the Fourth Precinct police station?

A. About 125 feet.

Q. What is the distance between Beach and North Moore Street,

what is the length of that block on Varick Street?

A. About 200 feet.

Q. And the police station takes in half of that block?

A. Yes.

Q. It faces on what?

A. It faces on Beach Street.

Q. When you came from the exit of the subway did you see anything; was your attention attracted to anything and if so, what?

A. My attention was attracted by two men struggling together on the sidewalk outside of the exit.

Q. Who were those two men?

A. One was Frank Strolich and the other was Zic.

Q. What was the first name?

A. Mike Zic.

Q. Is that the witness that was in here and that is outside now?

A. Yes.

Q. Tell us what you saw the defendant Strolich doing?

A. Standing outside of the exit struggling with Mike Zic.

Q. What did you do?

A. I went up and separated them and inquired what was the trouble.

Q. What did the defendant Strolich say?

Objected to. Objection sustained.

Q. Did you take either or both of these men any place?

A. Yes; I took them to the Fourth Precinct.

Q. That is in Beach Street?

A. Yes sir.

Q. How long did it take you to get from the spot at North Moore Street and Beach Street, to the station?

A. About a minute.

Q. When you got to the stationhouse did you see anyone else there?

A. Yes sir.

Q. When did you see there?

A. I seen Frank Zic and a man by the name of Bonafacto and Officer Murphy.

Q. Were they in the stationhouse before you got there, or after?

A. Officer Murphy got there about the same time as me.

Q. Did you see Officer Murphy before you went to the stationhouse, or after?

A. I seen him right there on the sidewalk.

Q. In front of the stationhouse?

A. Outside of the exit.

Q. Outside of the exit of the subway?

A. Yes, he was on the same train, but he got out on the other side.

Q. You and Murphy got out of the train together?

A. We were on the train, but I did not know he was there. He was on another car.

Q. Did you and he reach the defendant Strolch and this man Mike Zic about the same time?

A. Yes sir.

Q. Did the four of you go to the stationhouse?

A. Yes.

Q. Was it after that that the other men were brought in the stationhouse?

A. Yes.

Q. How soon after?

A. I should judge an hour.

Q. You were not present at the time these two defendants were arrested, were you?

A. No sir.

Q. Did you go to 24th Street?

A. No sir.

Q. Did you make a search of the premises 36 Beach Street?

A. No sir.

Q. Did you place the defendant Strolich under arrest?

A. I was in the stationhouse all the time.

MR. BOHAN: That is all; you may examine.

CROSS-EXAMINATION BY MR. ROSENBERG:

Q. Officer, when you came up the exit, didn't you see the man who you afterwards learned was Frank Strolich and Mike Zic, running in your direction?

A. There were not running; they were standing there.

Q. Hadn't they been running at all?

A. I didn't see them running. I got up there and they were struggling together outside of the exit.

BY THE COURT:

Q. And you naturally went over to see what was the matter?

A. Yes.

BY MR. ROSENBERG:

Q. You brought them to the stationhouse, did you?

A. Yes sir.

Q. You and Murphy?

A. Yes.

Q. Murphy got there about the same time as you?

A. Yes. Murphy was just coming across the street.

Q. What time did you go to the stationhouse?

A. About twelve minutes after eight.

Q. The entry was made in the blotter at that time?

A. The same time. I got in there that moment.

Q. That was 8.12?

A. About 8.12.

Q. Did you see Officer Heitzman there?

A. Yes sir.

Q. As you got into the stationhouse?

A. Heitzman had run out.

Q. Was Heitzman in the stationhouse when you got there with Frank Strolich?

A. No.

Q. When did you next see Heitzman?

A. I seen him in about ten minutes afterwards at the desk in the precinct.

Q. Did he come there with Mike Zic?

A. Frank Zic.

Q. You took Mike Zic and Strolich to the stationhouse?

A. Yes.

Q. That officer came there with Frank Zic?

A. Yes.

Q. Whom else did he bring over with him?

A. I don't remember.

Q. But you are sure he brought over Frank?

A. Yes sir.

Q. Did you see him bring over Vincent Zic with him?

A. Yes.

Q. Are you sure of that?

A. That is right.

Q. Did he bring anyone else?

A. I don't know who he brought there outside of them two.

BY THE COURT:

Q. You do not know anything more about the case than you have told us?

A. That is all.

BY MR. ROSENBERG:

Q. By the way, 36 Beach Street is in the middle of the block, isn't it?

A. It is not the middle; it is nearer Hudson Street.

Q. The block, Beach Street between Varick and Hudson, is about how long?

A. 300 feet.

Q. And that would be about 200 feet then from the corner, 36 Beach Street?

A. About that distance.

BY MR. BOHAN:

Q. Did you hear any outcries when you turned the corner at Varick and Beach Street, before you went to the stationhouse?

A. No sir.

Q. Did you see any other men running before your attention was attracted to Mike Zic and the defendant Frank Strolich?

A. No.

Q. How many electric lights are there on either side of Beach Street between Varick and Hudson?

A. Three.

Q. Is there one in front of the stationhouse?

A. Yes sir, on the corner.

Q. Not electric lights, I mean. Are there lights in front of the stationhouse?

A. Two green lights.

Q. Is there any ice plant adjoining the stationhouse?

A. Yes.

Q. Are there any electric lights in front of that place?

A. The electric lights are all suspended under a shed.

Q. Were they lit on this night?

A. Yes sir.

Q. How many electric lights between Varick and Hudson Street on the south side of Beach Street?

A. There is two.

Q. Where is the one nearest Hudson Street?

A. Directly opposite. It is on the New York Central freight station.

Q. It is on the north side of the street?

A. Yes.

Q. How many electric lights are there on the north side?

A. There is three between Beach and Hudson.

Q. Is there an electric light near 36 Beach Street?

A. Yes.

Q. How far, and on which side of the street?

A. On the north side of the street, about 30 feet north.

BY THE COURT:

Q. It is pretty hard to tell the points of the compass; they run rather irregularly there?

A. Yes.

BY MR. BOHAN:

Q. Beach Street runs east and west, doesn't it?

A. Yes.

BY MR. ROSENBERG:

Q. You were on patrol in that immediate neighborhood at Beach Street for a number of years?

A. Yes.

Q. And in that way you became acquainted with Mike and Vincent and Frank Zic?

A. I never seen them in my life until that night.

BY MR. BOHAN:

Q. Although they may have seen you?

A. Yes sir.

BY MR. ROSENBERG:

Q. Didn't you know Mike Zic or Frank Zic?

A. No sir. They may have seen me going in and out of the precinct, but I did not know them.

THE COURT: We will adjourn until half past ten tomorrow morning.

Meanwhile, gentlemen of the jury, remember the admonition the Court gave you, you must not talk about this case with anyone, whether he is a member of the jury or not, and you must refrain from forming or expressing any opinion until you hear all the evidence on both sides. The time for you to decide it is after the Court submits it to you, then you retire and discuss it and not before then. Please be back here at 10.30 tomorrow morning.

(Adjourned to 10.30 A.M., June 13, 1919.)

THE PEOPLE vs. PEZZULICH and SGELIRRACH.

Trial continued, June 13, 1919.

MIKE ZIC, recalled for further cross examination, testified as follows:

CROSS EXAMINATION BY MR. ROSENBERG: (CONTINUED):

Q. Mr. Zic, after you caught Frank Strolich on the night of March 22nd how long was it before the policemen Murphy and Wilson got to the scene?

A. They caught us right away.

BY MR. BOHAN:

Q. In the trial of Frank Strolich, the two defendants Pezzulich and Sgelirrach, on the 7th and 8th of last May were brought into this court room, were they not?

A. No, sir. I did not see them.

Q. Do you remember the trial last month of Frank Strolich in this court room?

A. Frank Strolich was tried.

Q. And did you see the two defendants who are now sitting here in this court room while you were a witness in the chair?

A. I saw them.

MR. BOHAN: That is all.

GEORGE W. HEITZMAN, an officer of the Fourth Precinct, shield No. 1519, called as a witness on behalf of the people, having been duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. BOHAN:

Q. Officer, on the 22nd of March, 1919, were you attached

to the Fourth Precinct?

A. Yes sir.

Q. Were you in the Station House about 8 P. M. on the night of March 22nd?

A. I was.

Q. As result of instructions received by your Captain, Capt. Costigan, was it?

A. Capt. Costigan.

Q. Did you make an examination of premises 36 Beach Street?

A. Yes, sir.

Q. What time did you make the examination?

A. About 8:20; between 8:20 and 8:30.

Q. Did you make an examination of the hallway?

A. Yes, sir.

Q. Did you find anything in the hallway?

A. Yes, sir.

Q. What did you find?

MR. ROSENBERG: I object to that. It has not been shown to be connected in any way with these defendants-- that the condition of the hallway at the time of the finding of whatever the witness did find was in the same condition as it was, if the defendants were in that hallway xxxx at all at 8:20 and 8:30. The alleged robbery was about 8:02.

MR. BOHAN: 8:02 to 8:15 the robbers went through the hall.

Objection overruled and exception taken.

Q. Did you find anything in the hallway?

A. Yes, sir.

Q. Please produce what you found.

(Witness produces revolver).

Q. What part of the hall did you find the article?

A. Behind the door.

THE COURT: It does not make any difference whether they had pistols or not. If there was a robbery and more than one robber was present it would be robbery in the first degree. It does not make any difference whether they had pistols or not. How does this testimony hurt your client, unless this pistol is connected with the robbery? There has been testimony that there were several guns used, and that there were three shots fired. I will allow this evidence. This testimony will not hurt you, Mr. Rosenberg unless it is connected with the defendant.

MR. BOHAN: I offer it in evidence.

(Revolver marked People's Exhibit 2 in evidence).

Q. And did you find any other article at 36 Beach Street?

Objected to. Objection sustained.

Q. Did you find anything else in the hallway?

A. No, sir.

Q. Did you find anything else inside of 26 Beach Street?

Objected to and objection sustained.

Q. Did you find any articles on the corner of Hudson and Beach Street?

Objected to. Objection sustained.

THE COURT: It is excluded unless you can identify it by some one who was in that room. If you have any

articles which any of your witnesses will testify were taken from the defendants I will let you put them in evidence, no matter where they were found.

MR. BOHAN: That is all.

CROSS EXAMINATION BY MR. ROSENBERG:

Q. What time did you go to that premises 36 Beach Street?

A. I went there immediately after the crime was committed, about 8:05.

Q. Wasn't it 8:02?

A. I said about 8:05. Between 8 and 8:05.

Q. Didn't you testify at the last trial that at 8:02 you were at those premises?

A. I said about 8:02.

Q. Didn't you say at the last trial, --

MR. ROSENBERG: Your Honor, I want to show that this man at 8 or 8:02 was around these premises and he said he went there by reason of police instinct. Then I want to ask him did he see Vincent Zic and did he talk to Zic, or Mike Zic.

THE COURT: If he can show that any of these witnesses made contradictory statements, you can prove that.

Q. Isn't it a fact you left the Station House at 8 o'clock?

A. Around 8 o'clock.

BY THE COURT:

Q. Have you any memorandum showing when you left?

A. No.

Q. You are giving your best recollection?

A. Yes, sir.

BY MR. ROSENBERG:

Q. You reached 36 Beach Street at about what hour?

A. Between 8:02 and 8:05.

Q. And you went into the premises?

A. Yes, sir.

Q. And didn't you interview any person in the kitchen of those premises?

A. No, sir.

Q. Are you sure of that?

A. Yes, sir.

Q. How often have you seen Frank Zic since march 22nd?

A. Probably half a dozen or a dozen times.

Q. How often has he seen you, -- about the same number of times?

A. Yes.

Q. How often have you seen Vincent Zic?

A. About the same number of times.

Q. How often have you seen Mike Zic since March 22nd, about the same number of times?

A. Yes.

Q. You were a witness in the last trial?

A. Yes, sir.

Q. And you were in court every day?

A. Yes, sir.

Q. And you saw him every day?

A. Yes, sir.

Q. Each of those witnesses?

A. Every time I came here I saw them.

MR. ROSENBERG: That is all.

MR. BOHAN: Your Honor, Mr. Murphy is my last witness and he is now in the Grand Jury. With that exception I rest.

MR. ROSENBERG: I will consent that Mr. Bohan may call Officer Murphy later on, and I will proceed with my

case in the meantime.

MR. ROSENBERG: (Opens to the Jury).

(Officer Murphy appears in the court room.)

It is consented by the defendants that the People's case be reopened to hear the testimony of Officer Murphy.

JAMES P. MURPHY, an officer of the Fourth Precinct, shield No. 656, called as a witness on behalf of the People, having been duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. BOHAN:

Q. On the 22nd of March, 1919, this year, were you attached to the Fourth Detective Branch?

A. I was.

Q. That is the headquarters of the Fourth Precinct?

A. At beach and Varick Streets, Fourth Precinct.

Q. On the evening of March 22nd about 8 P. M. were you?

A. I was coming north on Varick Street between Stanton and North Moore.

Q. Before or after 8 o'clock?

A. It was just about ten after eight.

Q. Where did you come from?

A. I was patrolling in the precinct.

Q. Had you come from the subway before that?

A. No.

Q. Did you see Officer Wilson?

A. I did.

Q. Did you see anyone else with him?

A. Yes.

Q. Who?

A. The man that was convicted here before.

MR. ROSENBERG: I do not think that is fair.

THE COURT: Strike it out. I will tell the jury to

disregard that statement. It is alleged that six, seven or eight men were in there and committed the robbery. You must prove that there was a robbery and that these particular defendants were concerned in it. The guilt or innocence does not depend on the guilt of anyone else.

Q. Do you know the name of the men that you saw with Officer Wilson?

A. Strolich or Stroliger.

Q. What is the first name?

A. Frank.

Q. You did not see either one of these defendants?

A. No.

Q. Did you go to the Station House with Officer Wilson and Frank Strolich?

A. I did.

Q. As a result of information received in the Station House where did you go?

A. I went to 408 West 24th Street.

Q. With whom did you go there?

A. With Frank Zic, John Summers and Detective Collins.

Q. What time did you get to 408 West 24th Street?

A. About half past 9 or a quarter to 10.

Q. What floor did you go to?

A. The second floor. It is a high stoop and then the floor above that.

Q. Did you see these two defendants?

A. I did.

Q. What did Frank Zic do --

Objected to and objection sustained.

BY THE COURT:

Q. You arrested the defendants?

A. Yes, sir.

Q. Did they say anything to you about this case?

A. I spoke to them.

Q. Did you speak English to them?

A. Yes.

Q. Did they make any admission of guilt?

A. No, sir.

Q. No man can convict you of crime by asking you questions. That is an elementary principle of law.

CROSS EXAMINATION BY MR. ROSENBERG:

Q. Didn't you get the address of Frank Strolich from Frank Strolich when you arrested him?

A. Yes.

Q. And that is the information you had that led you to the 24th Street house?

A. Yes.

Q. And when you got there, how many men were in the room?

A. About seven or eight.

Q. And was the wife of the proprietor there?

A. Mrs. Nazimovich.

Q. And the husband was there?

A. The husband was in another room lying on the bed.

Q. Was he awake?

A. I don't know.

MR. ROSENBERG: That is all.

MR. BOHAN: The People rest.

DEFENDANTS' CASE.

MARY NAZIMOVICH of 408 West 24th Street, called as a witness on behalf of the Defendants testified as follows, (through the Interpreter).

DIRECT EXAMINATION BY MR. ROSENBERG:

Q. Have you been subpoenaed upon this trial as a witness for the People?

Objected to. Objection overruled.

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A. Yes.

Q. Did you make your statement to Mr. Bohan?

Objected to and objection sustained.

Q. Do you remember the night when these two men the defendants were arrested?

A. Yes, sir.

Q. And that was the Saturday night March 22nd of this year, is that correct?

A. Yes, sir.

Q. Were you home that night in your house?

A. Yes, sir.

Q. Were you home at 5 o'clock and to the time of the arrest?

A. Yes. I was all afternoon at home until I retired.

Q. Did you prepare supper for your boarders hat night?

A. Yes, I prepared their supper.

Q. Did a man named Frank Strolich board at your house?

A. Yes.

Q. And did each of these defendants live at your house?

A. Yes.

Q. Now, on the night of Saturday March 22nd at about 8 o'clock were these defendants at your house?

Objected to as leading and the question withdrawn.

BY THE COURT:

Q. Did you see these defendants there; do you know these men?

A. Yes.

Q. Were they there that night?

A. Yes.

Q. What time did they come there and when did they go away?

A. They came in my house after 6 o'clock and they stayed

there all the time until the detectives came and the detectives stopped them and called them down, to go down the steps.

Q. What do you mean by saying stopped them?

A. The defendants wanted to go out of the house to take some suits that they had bought in a store, and the detectives stopped them going out.

BY MR. ROSENBERG:

Q. What time after 6 o'clock did the defendants come home?

A. After 6 o'clock.

Q. Well, was it 12 o'clock at night they came?

A. No 5 or 10 minutes after 6.

Q. And during the time from 5 or 10 after 6 until they were arrested did the defendants or either of them leave the house or leave your presence?

A. No, sir.

MR. ROSENBERG: That is all.

CROSS EXAMINATION BY MR. BOHAN:

Q. You come from the same part of Istria that Pezzulich and Sgelirrach come from?

A. I came from another village.

Q. Does your husband come from the same part of that country?

A. No, sir.

Q. Did you know them in the old country?

A. No.

Q. How long have you known them?

A. I know Pezzulich for nine months.

Q. And the other defendant?

A. After I got to New York, five or six years.

Q. How long have you run a boarding house?

A. I am not

keeping a boarding house.

Q. Well, a rooming house?

A. They tore down the house where I was living in Bank Street and I had to move and I could not find anything better and I took that small house in 24th Street.

Q. Well, how long did you remain in 24th Street?

A. Since the 4th of March.

Q. How many floors, -- how many rooms have you in 24th Street?

A. I have two floors. The first floor I live with my family and on the second floor I have five rooms.

Q. How many boarders or roomers did you have on the 22nd of March?

A. About eight or nine men were sleeping in my house. They were striking.

Q. Did you ever prepare meals for your roomers?

A. Regularly I did not prepare food for my roomers, but as they were striking that time they asked me to prepare their food as they did not like to go to restaurants.

Q. Were Pezzulich and Sgelirrach on strike?

A. Yes, sir. All the boat crews were striking.

Q. What do you mean by that?

A. My husband was on strike too.

Q. What kind of a strike?

A. A union strike.

Q. A strike on the boats in the river?

A. Yes, sir.

Q. How long had the strike been on?

A. I don't know.

Q. How long had your husband not been working on the 22nd of March?

A. My husband was working on the Lackawanna. And when those two young men came to he took them because he had to stay

at home to find a lawyer for those young men, and I was sick.

Q. How long were these men out of work on the day they were arrested?

A. Pezzulich came to my house when I moved. He was working before in Germantown.

Q. How long had they been on strike?

A. They were since they came in my house, until they were arrested, out of work.

Q. They never worked while they were in your house is that so?

A. No, they were on strike.

Q. What room did Pezzulich and Sgelirrach have?

A. A small room.

Q. What floor?

A. On the second floor.

Q. Who else occupied that room?

A. With Pete Surjan.

Q. What room did Frank Strolich have?

A. He was on my floor in a small room in the corner together with a man named Anton.

Q. How long had Strlich had the room with you?

A. Since I moved there.

Q. Four months?

A. Until he was arrested.

Q. How long were you in 24th Street?

A. From march 4th.

Q. Did Pezzulich or Sgelirrach live with you while in Bank Street?

A. Yes, Sgelirrach and Pezzulich know.

Q. Did Strolich live with you in Bank Street?

A. Yes, he slept in one room.

Q. You testified on the last trial for Strolich as a character witness did you not?

A. Yes. He was always good.

Q. What time did Strolich leave 24th Street on March 22nd, if you know?

A. I know.

Q. What time?

A. After half past 5 he went out of the house.

Q. Who went out with him?

A. Nobody. He went out alone. His brother asked him where he was going as he went out.

Q. How do you know that; you were not in the room with him, were you?

A. I was there. I have there a small kitchen and a big room that is connected, a dining room.

Q. Is that where these men were congregated, in the dining room?

A. Yes, sir.

Q. Where were these men arrested, in the dining room?

A. Yes, sir.

Q. They were in that dining room with other men when the police came there, is that it?

A. The policeman stopped them on the steps as they were going out.

Q. On that steps?

A. That leading to the street, inside of the house.

Q. How many men were in the room when the police entered?

A. Nine or ten men.

Q. Give us their names?

A. Frank Sgelirrach and Frank Pezzulich.

Q. Those are the two defendants?

A. Yes, and Mike Strolich.

Q. That is Frank Strolich's brother?

A. Yes, sir, and Pete Surgan and Anton Jurman and Joe Jurman and Joe Jelovich and Martin Honovich and John Machimovich.

Q. Were all those men you mentioned in the kitchen and dining room from 5 o'clock until the time the police came in?

A. All of them were in the dining room, only Martin Honovich came after 7 o'clock because he is not living with me.

Q. Pezzulich and Sgelirrach had their room on the same floor as the dining room?

A. Pezzulich was sitting and Sgelirrach was lying on a couch.

Q. What room and what floor did Pezzulich occupy?

A. A room on the second floor.

Q. That was not the same floor that the dining room was on, was it?

A. No.

Q. What floor did Sgelirrach occupy?

A. On the same floor, above.

Q. Is it not a fact that none of your roomers occupied any of the rooms on the first floor but that you used that floor for your family?

A. On the first floor there are three rooms, one after the other. Outside near the steps there is a small room.

Q. How did it take for the evening meal, supper?

A. About half an hour.

Q. What time did it commence and what time did the men finish?

A. I served supper at 6:15 and they ate their supper and afterwards they were sitting around. So I took the plates away and I could not remember what time they got through.

Q. How many children have you?

A. Three.

Q. What did you do after the supper was finished?

A. I washed the dishes.

Q. What room did you wash the dishes?

A. It is all connected.

Q. Is the dining room and the kitchen the same room?

A. It is a dining room and kitchen like that (witness indicating).

Q. Two rooms or one room?

A. There are three rooms.

Q. Is the kitchen were you wash dishes in the dining room?

A. There is one step between the kitchen and the dining room.

Q. Is there a doorway there?

A. No, sir.

Q. How big is the kitchen?

A. From here to the window (witness indicating about 10 feet).

Q. What did your husband do after supper was finished?

A. I was washing dishes and he was holding the baby.

Q. What time did your husband go to bed?

A. The same time when I retired.

Q. What time was that?

A. Around 11 o'clock.

Q. Where is your bed room?

A. Together where we are dining, eating.

Q. Isn't it a fact that your husband went to bed immediately after supper?

A. He was lying down, he was not feeling well.

Q. He was in the bed room?

A. He was lying down, all dressed up.

Q. Can you tell us what these men were talking about during or after supper?

A. After their supper they were talking about boats and about the strike and about other things that I don't remember.

Q. Do you remember what Mike Strolich was doing or saying?

A. He was sitting there. Frank Strolich was out.

Q. Do you remember what Mike Strolich was doing?

A. He was sitting and talking with the other men.

Q. Do you remember what he was talking about?

A. I don't know. As I remember they were talking about the war and boats and the strike.

Q. Do you remember what Joe Jelovich was talking about?

A. I don't know. They were talking among each other.

Q. Did you leave the room, the dining room any time between 5 o'clock and 9:30 when the police officer arrived?

A. I never went out of the house. I was just going between the kitchen and the dining room that was near each other.

Q. Did you go up on the next floor any time during that night to fix the beds?

A. I make the beds in the morning.

Q. Did you go up that night?

A. No, sir.

Q. Did you go up that night to see whether any of these men were in their rooms?

A. Each of them has a key and I don't bother with that they are doing.

Q. Did you ever go up on the second floor that night between 5 and half past 9?

A. No, sir, I did not move from the first floor.

Q. Did any man or any woman come in to visit you or any of these men that night?

A. No, sir, nobody came.

Q. Were there only two men arrested there that night?

A. Two men were taken out of my house and Strolich was taken from the street.

Q. And nine men were in the room?

A. I think about nine.

Q. They did not take your husband?

A. No, sir.

Q. You are a friend of Pezzulich and Sgelirrach, are you?

A. I cannot help them. I only can say what is right.

Q. You would like to see them get out of their trouble, would you?

A. They are not anything to me. They are not my relatives, and as they were taken out of my house I look after them.

Q. Are either one of the defendants related to your husband?

A. No.

Q. Do you know Leon De Piere?

A. Yes.

Q. Has he ever boarded at your house?

A. Never.

Q. Do you know Ivan De Franzo?

A. Yes.

Q. When was he a boarder at your house?

A. Never.

Q. When was the last time you saw Leon De Piere?

Objected to. Objection overruled.

Q. That Sunday, the 23rd of March he came to my house. He came in my house and I told him that the detectives have been there and he went right out. He had his head all shaved.

Q. How many days did he live in your house?

A. He never lived in my house.

Q. Did he have his moustache shaved off also?

A. He always is shaving his moustache.

Q. Do you know Tony Tonak?

A. I don't remember.

Q. Do you know Peter Bozgak?

A. No.

Q. Did you see Ivan De Franzo on Sunday morning, March 23rd?

A. No, only Piere.

Q. Did you see him before that, on the night of March 22nd?

A. No. I saw De Franzo a week before. He was with Frank Strolich.

Q. Did Piere or De Franzo ever have a room in your house prior to the 22nd of March?

A. He never lived in my house.

Q. The two defendants and Strolich were friends, were they not?

A. They know each other but they are not good friends. Frank Strolich used to go always around all alone.

Q. Did you ever see Strolich and these two defendants talking together?

A. Possibly they were talking sometimes when they were eating together but I never saw them after that.

Q. Did you see them talking together when you were preparing their meals during this strike?

A. The men were staying together. I never saw them that way. Did Frank Strolich eat at your house during the strike?

A. Sometimes he was eating in my house. Sometimes he was out.

Q. Isn't it a fact he ate his meals at the same time that Pezzulich and Sgelirrach did?

A. Yes sir, but not that evening.

Q. Isn't it a fact they came from the same part of Istria, the same village.

Objected to. Question withdrawn.

Q. Do you remember anything that Sgelirrach, this man here, said on March 22nd at supper time?

A. I don't remember anything specially what Sgelirrach. The only thing I know, during supper he said he was very hungry and that he was eating too much and therefore he was feeling tired and wanted to lay down.

Q. Do you remember anything that Pezzulich said at supper time?

A. I don't know anything specially. They were talking about the strike. I don't remember anything.

Q. What time did they most come in that night?

A. Pezzulich came at half past five. Strolich was still at home. Sgelirrach came after six, around six o'clock.

Q. How long had Sgelirrach been out that day?

A. They were out buying some suits with Pete Surjan and Anton Jurman, and they were told to come back at nine o'clock as something had to be fixed on the suit.

Q. Had they been out all day?

A. After dinner they went out to buy suits and they were going around.

Q. What time was dinner?

A. 12 o'clock.

Q. Did you give them three meals, breakfast, dinner and supper, for all these men during all the time they were on strike?

A. I was giving them only the morning coffee, then dinner and evening supper.

Q. How many days a week had you been doing that for all these men?

A. Since they were on strike.

Q. How long was that?

A. Since I came to that house, and

sometimes they were eating out and sometimes in my house.

Q. Did you come to that house on March 4th?

A. Yes.

Q. And this was March 22nd?

A. Yes, sir.

Q. And you were making three meals, taking care of them, and taking care of your children and taking care of how many rooms?

A. I did not prepare the food every day. When my husband was working in the Lehigh Valley and comes home he is helping me at home with the children. The men begged me to prepare their food, as they did not like to go around the restaurant.

Q. How old are the children?

A. 18 month baby, six and 10 years.

Q. While these men were on strike did they spend most of their time in your dining room or in the rooms they hired?

A. They were going around. They were playing in poolrooms and going around as they pleased.

Q. And this Saturday did most of them stay in the dining room or in the other rooms?

A. They were staying in the dining room, waiting to go out in the store, to take the suits from the store and they were talking among each other.

Q. To take what suit from the store?

A. They had bought some suits around 12 o'clock.

Q. You were not with them then, were you?

A. I was not with them.

THE COURT: Strike out about the suit. The jury will disregard that. We want to know what she had personal

knowledge of.

BY THE COURT:

Q. Did you see the officers put these men under arrest?

A. Yes.

Q. Did you see these officers put these men actually under arrest?

A. Yes, I saw it.

Q. Where were they when the policemen arrested them?

A. They were in the dining room.

Q. Did you not tell me they were on the stairs when they were arrested?

A. They were outside on the stoop.

Q. Then they were not in the dining room when they were arrested?

A. He turned them back.

Q. I asked you at the minute they were arrested when the policemen got them where they were; they were not in the dining room, you say?

A. They turned about and took them out of the house.

Q. Did you see the policemen put them under arrest, the instant the police got them, did you see that act?

A. No, I did not see that.

Q. Why did you tell us you did?

A. I saw them going out.

Q. Did you see the policemen bring them back to the dining room?

A. Yes.

Q. And that is the first time you saw the policemen, when they came into the dining room with these two men?

A. Yes.

Q. You do not know where the policemen got them. They told you they got them outside, is that it?

A. Yes.

Q. The first time you saw the policemen was then they came into your dining room with the defendants, is that so?

A. Yes.

Q. When was the last time you saw the defendants before that minute?

A. Two minutes before that.

Q. When were the defendants when you saw them the last time before they were arrested?

A. In the front.

Q. What do you mean by the front?

A. In the dining room I saw them.

Q. Were they in their own room?

A. No, they were in the room where we are eating.

Q. And they left the room, and after they left the room the police got them and brought them back to the room, is that so?

A. Yes.

Q. You said that there was only a period of two minutes elapsed?

A. They were hardly outside of the door.

Q. Which door, the street door or the dining room door?

A. The door on the first steps.

Q. Leading down to the street?

A. The first door that leads from my house to the house door.

Q. Do you mean from the dining room door or from the street door?

A. They went out of the dining room to go outside of the house.

Q. And you do not know where they were when the policemen got them?

A. No.

BY MR. BOHAN:

Q. How many men were brought back by the police officers

when these defendants were brought back?

A. Three men.

Q. These two defendants and one other man?

A. Only Sgelirrach and two other men.

Q. Do you remember how Sgelirrach was dressed that night?

A. He had the suit on he was now on.

Q. Did he have a gray shirt on?

A. He has two or three shirts like that. I don't remember what shirt he had on.

Q. A brown colored khaki shirt?

A. I could not tell you that.

Q. What kind of a hat did he have?

A. He had a cap.

Q. Did he have an overcoat?

A. No sir.

Q. How was Pezzulich dressed?

A. As he is now.

Q. What kind of a hat did he have?

A. He had a hat.

Q. What kind of a coat?

A. I don't know.

Q. Did he have a collar and tie on the night he was arrested?

A. I could not tell you exactly.

Q. Do you know whether De Piere was a friend of Strolich and Sgelirrach?

A. He knows them, but I don't know if they are friends.

Q. Mike Strolich, what room did he have?

A. He had a room together with Yelovich.

Q. Now his brother Frank, did he occupy that room with him?

A. No, his brother was with Anton Kruvich.

Q. Do you remember what Pezzulich and Sgelirrach did on Friday the day before?

A. I don't know.

Q. Can you tell us anything they did on Thursday, two days

before this Saturday?

A. I could not tell you that.

Q. Can you tell us anything either one of these defendants did on any other day except March 22nd?

A. I don't know. They are going around.

MR. BOHAN: That is all.

REDIRECT EXAMINATION BY MR. ROSENBERG:

Q. How long were the defendants out of your sight from five o'clock on March 22nd until the time they were arrested?

Objected to. Overruled.

Q. One or two minutes when they went out.

BY MR. BOHAN:

Q. Do you want us to understand you had your eye on Pezzulich and Sgelirrach every minute and every second from five o'clock until the time the officers arrested them, except those two minutes?

A. I cannot say that, they were all the time in that room, until they went out. I was with the baby around there.

Q. Where is the toilet or bathroom?

A. Around the kitchen. You have to go around the kitchen.

Q. Did any one of them leave the dining room that night to go to the bathroom?

A. I did not see that.

BY THE COURT:

Q. Do you know what a bathroom is?

A. Yes, behind the kitchen.

Q. What do you use the bathroom for?

A. It is all open.

Q. What is it used for?

A. To sleep.

PETER SURJAN, (408 West 24th street), called and sworn as a witness on behalf of the defendants, testified as follows:

DIRECT EXAMINATION BY MR. ROSENBERG:

Q. What is your business?

A. Fireman.

Q. For what company?

A. On a boat.

Q. What boat?

A. Lehigh Valley.

Q. How long have you been a fireman on the Lehigh Valley boat?

A. Six months.

Q. How long have you lived at 408 West 24th street?

A. Around two months.

Q. Do you remember March 22nd of this year?

A. I don't know.

Q. Were you home at the time the policeman came?

Objected to as leading. Overruled.

A. Yes.

Q. What part of the house were you in when the policemen came?

A. I was going out of the house.

Q. What part of the house were you in when the policemen came, when you first saw the policemen. Were you on the roof or the cellar or where?

A. I was out in the kitchen. I was in the front of the house.

Q. What floor is the kitchen on?

A. The first floor.

Q. You were in the kitchen; are you sure of that?

A. I was in the middle of the house.

Q. What room is the middle of the house?

A. In the middle room.

Q. What other rooms are there on that floor?

A. Kitchen, and the front room.

Q. How can the kitchen be a middle room if there are only two

rooms?

A. There is the kitchen, front room and the room where our landlord is sleeping.

Q. Then the kitchen is between those two rooms?

A. Yes.

Q. Now which room were you in?

A. The middle room.

Q. In the kitchen, is that what you mean?

A. No, the kitchen is on the side.

Q. Were you in the house at all?

A. Yes sir.

Q. Were you ever in the house?

A. Yes sir.

Q. How many rooms are there on the first floor of that house?

A. Three.

Q. What are they?

A. There is three rooms. The kitchen, front room and the room where our landlord is sleeping.

Q. Which one of those three rooms were you in when you first saw the policemen, if any of them?

A. In the middle room.

Q. What is the middle room?

A. The front, where you come in the house.

Q. Were you standing up or sitting down or lying down?

A. I was sitting.

BY MR. ROSENBERG:

Q. Who else was in the room when the policemen came?

A. All our men.

Q. Tell us who they were?

A. Pete Surjan.

Q. Well, that is yourself, isn't it?

A. Yes, and Frank Strolich and Martin Honovich, George Jelovich, Joe Jurman, Frank Pezzulich, John Nachimovich and our landlady.

Q. You say these two men were there?

A. Yes.

Q. What were they doing, standing up or sitting down?

A. They were sitting.

Q. When the policemen came in they were sitting, were they?

A. Then we stood up.

Q. Were these two defendants sitting in that room when the policemen came into it?

A. Yes, they were sitting.

Q. The other witness said that they were going out of the front door, now which is true?

A. I told you before we were going out and the policemen stopped us.

Q. You said you were sitting down. How could you be sitting down and going out?

A. But other men were sitting.

Q. Did you go out or were you attempting to go out of the house with the defendants when the policemen stopped you?

THE COURT: That is excluded. He said these men were sitting down when the three policemen came in. Ask him if he wants to change that.

Q. Do you want to change it?

A. No sir.

Q. Were you sitting down or standing up when you first saw the policemen?

A. I know what I had to tell.

Q. Now, were you on the first floor of those premises on the night of March 22nd, the night of the arrest?

A. I can't remember.

Q. What time did you get home that night?

A. Around six o'clock Supper was right after six o'clock.

Q. Were you on strike then?

A. Yes sir.

Q. Did you eat supper that night?

A. Yes sir.

Q. When?

A. In that house.

Q. Who else was up eating supper in that house?

A. The other men.

Q. Can you tell us what the names of the other men were who ate supper at the same table that you did on that night?

A. I told you before their names.

Q. Well, tell them again.

A. Pete Surjan, the two defendants Frank Pezzulich and Frank Sgelirrach, Joe Jelovich, Joe Jurman, and Nachimovich.

Q. How long did it take you to eat supper?

A. I could not tell you exactly.

Q. About how long?

A. About half an hour.

Q. And after you got through eating supper did you go out or did you stay in the room?

A. We were staying in the house.

Q. Up to what time did you stay in the house?

A. 10 or 15 minutes to nine o'clock.

Q. What happened at 10 or 15 minutes before nine o'clock as you say?

A. I and Frank Sgelirrach and Tony Jurman, we went out, we tried to go out.

Q. Where did you go?

A. We were going out of the house.

Q. Were you out of the house?

A. No, we were near the door of the house.

Q. What happened when you got near the door of the house?

A. We wanted to go out and the policemen opened the door and stopped us and asked us where we were living.

Q. What did you say?

A. We told them we were living upstairs.

Q. What happened?

A. They asked for Frank Strolich.

Q. What did you say?

Objected to. Question withdrawn.

Q. What happened?

Objected to. Question allowed.

A. They asked us if we were living in that house.

Q. Well, what happened?

A. We told them, yes, he has a room in that house.

Q. What happened?

A. Then the detectives said they were going to look for Frank Strolich.

Q. What did they do with these two defendants?

A. Frank Sgelirrach asked them if they want to see Frank Strolich and they said yes.

BY THE COURT:

Q. Tell us anything else that Frank Sgelirrach said.

A. I don't know.

Q. Who was with the police officers at the time?

A. I know only the tall man.

Q. What is his name?

A. I know only the tall detective.

Q. Wasn't there some one with the detectives, Frank Zic or Mike Zic?

A. There was some men with them.

Q. They did not arrest you, did they?

A. No.

Q. But they put the other two men under arrest?

A. No.

Q. What did the detectives do?

A. They were asking only about Frank Strolich and that they were going to look for him downtown.

Q. Did not they arrest any one there?

A. No.

BY MR. ROSENBERG:

Q. Did they take anybody away from the house?

A. The detectives told us that we are going to see Frank Strolich, and Pezzulich and Sgelirrach went with the detectives.

Q. Did the defendants or either of them leave the house from the time that you began to eat your supper until the detectives took them away?

A. No. We did not go out after supper.

MR. ROSENBERG: That is all.

CROSS EXAMINATION BY MR. BOHAN:

Q. How were the men dressed, the two defendants when the officers arrested them?

A. They had the same suits on that they have now.

Q. Did they have the same coats?

A. I don't know.

Q. Did Sgelirrach have the same kind of a shirt that he has on now?

A. Something like that.

Q. Did Pezzulich have a collar and tie on?

A. Yes.

Q. You got home at 10 minutes after six?

A. Yes, something like that.

Q. Did you see Frank Strolich?

A. No sir.

Q. Did you see him that night?

A. I did not see him that night.

Q. Did you see him that day?

A. No sir.

Q. Did you see his brother Mike?

A. Yes sir.

Q. Was his brother Mike in the room when the policemen came there?

A. Yes sir.

Q. You were on strike, you say?

A. Yes sir.

Q. What company was on strike?

A. The Lehigh Valley.

Q. Did Pezzulich and Sgelirrach work with you?

A. No.

Q. Do you understand my questions in English?

A. Very little.

Q. Do you come from the same village in Istria that Sgelirrach and Pezzulich come from?

A. We are not from the same village.

Q. How long do you know Pezzulich?

A. More than six years.

Q. How long are you in this country?

A. Six years.

Q. Are you a citizen?

A. No sir.

Q. What part of Istria do you come from?

A. Fiume.

Q. Are you related to Sgelirrach or Pezzulich?

A. No.

Q. How long have you and either one of the defendants lived with Mrs. Mary Nachimovich?

A. I was living there a long time.

Q. Who lives in your room with you?

A. Frank Sgelirrach. We have the same room.

Q. You mean the defendant Frank Sgelirrach?

A. Yes sir.

Q. Who else occupies that room?

A. Nobody. It is a small room.

Q. Had you and Sgelirrach been together there that afternoon?

A. Yes sir.

Q. For how long?

A. We were all day together.

Q. Did you both come in together?

A. Yes sir, to take our supper.

Q. Where were you and Sgellirach during the day?

A. We were around the city.

Q. Did you see Sgelirrach at any time during the day with

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Frank Strolich?

A. I did not.

Q. Were you at any time that day in the house of Emily Strolich at 826 Greenwich street?

A. No.

Q. Were you ever in that house?

A. Yes sir.

Q. How long before March 22nd were you in it?

A. Did you ask me if I was in the house of Emily Strolich?

Q. Yes.

A. I was many times there.

Q. Were you there during the week of March 22nd?

A. I can't remember.

Q. Do you know Leon De Piere?

A. Yes.

Q. And Ivan De Franzo?

A. Yes.

Q. And do you know Tony Tonak?

A. Yes.

Q. And do you know Peter Bozgak?

A. No.

Q. Did you see any of those men in 408 West 24th street Friday, March 22nd?

A. No.

Q. Were any of those men living or did they have a room in 408 West 24th street during that week?

A. From what I know they did not.

Q. Did you see Leon De Piere on Sunday morning?

A. Yes.

Q. Did you see Tony Tonak Sunday morning?

A. No.

Q. Did you see Ivan De Franzo?

A. No sir.

Q. Have you ever seen Leon De Piere since that Sunday morning?

A. Yes.

Q. Where?

A. He came to the house where we were living.

Q. When?

A. Before our dinner. We were just getting our dinner.

Q. That was Sunday, March 23rd, was it?

A. It was Sunday.

Q. That was the last time you ever seen him, was it not?

A. Yes.

Q. Do you speak Italian?

A. Very little.

Q. Do you understand Italian?

A. Yes, I understand a little.

Q. In that boarding house did they speak Croatian and Italian?

A. Mostly Croatian.

Q. But some of them speak Italian, or spoke Italian, did they?

A. We speak always Croatian but sometimes some for foolishness just speak Italian.

Q. Can you speak Italian?

A. I can speak a little.

Q. Can you understand Italian if it is spoken to you?

A. If somebody speaks to me in the Italian language in the dialect they use in that part of Istria there I could understand it.

Q. In Fiume?

A. Yes.

Q. How long have you lived in Fiume?

A. I did not live in Fiume. I was living in Istria.

Q. How far from Fiume?

A. With the boat it takes two or three hours.

Q. Did you know Pezzulich and Sgelirrach in the old country?

A. Yes sir.

Q. Both of them?

A. Yes sir.

Q. Did you ever hear Pezzulich and Sgelirrach talk Italian?

A. I do not know.

Q. Did you ever hear any one talk to Pezzulich or Sgelirrach in Italian?

A. I think I heard some one.

Q. Are you related to Pezzulich or Sgelirrach?

A. No.

Q. Did you leave the dining room on March 22nd at any time between 10 minutes after six when you entered and a quarter to nine when you started to go out?

A. No.

Q. Did you see any of the other men leave the room?

A. Nobody went out.

Q. Did any of them go upstairs on the next floor to their own room?

A. No.

Q. Did they go to your room?

A. No sir, we were sitting around the table.

Q. Was your room on the same floor or was your room on the next floor?

A. The second floor.

Q. Where was Mr. Nachimovich?

A. In the house.

Q. Was he in bed sleeping?

A. No, he was not sleeping.

Q. Where was he when the officers came in?

A. He was in the house.

Q. What was he doing?

A. Nothing.

Q. Do you remember anything that was said by Pezzulich or Sgelirrach during the supper time; what were you talking about?

A. I don't know, I can't remember.

Q. Do you remember anything that was said by any of those ten men during that whole night?

A. We were talking about the strike.

(At this point Frank Zic and Mr. Summers appear in the court room, and Officer Murphy.)

Q. Is this the officer that came there that night (referring

to Officer Murphy), or these two men (referring to Frank Zic and Summers)?

A. I don't know.

Q. Don't you remember Officer Murphy coming in with two men?

A. He came with two men that looks something like these men but I can't tell exactly, because that was the first time I saw them.

Q. Do either of these men speak Croatian?

A. Yes. They did not speak anything.

Q. Did you hear what either one of these two defendants said when either one of those men that was with Officer Murphy spoke?

A. Pezzulich was talking to the detective.

Q. Were all the men in the dining room when the conversation was carried on?

A. Yes.

Q. Did you hear Pezzulich or Sgelirrach talking Croatian?

A. No.

Q. Did you hear them say anything?

A. They were talking English.

Q. What did they say?

A. As the detective asked about Frank Strolich, Pezzulich answered him in English.

Q. How long was the officer in the dining room when he left with Sgelirrach and Pezzulich?

A. A very short time.

Q. Did any of the men that came with the officer speak any Croatian to any of the men in the room?

A. I did not hear.

Q. Before the officer left, Pezzulich and Sgelirrach, did Pezzulich and Sgelirrach tell you where they were going?

A. Nobody told me.

Q. Did they say what the officer intended to do with them?

Objected to. Question withdrawn.

Q. How long were you on strike?

A. There were two strikes. Each time about 15 days.

Q. And were Pezzulich and Sgelirrach on strike?

A. I think, yes.

Q. Did you go near your place of business every day?

A. Yes sir.

Q. Did Pezzulich and Sgelirrach work at the same place with you?

A. No.

Q. During the strike, you would see them during the day time?

A. Yes.

Q. Where would you see them?

A. In the house where I was living.

Q. That is the only place where you would see them during the strike?

A. We often go outside.

Q. How many meals did you eat each day during the strike?

A. I could not tell exactly how many times.

Q. Did you eat three meals a day?

A. No sir.

Q. Every night while you were at your room in this 408 West 24th street, where did you spend most of your time after supper?

A. I went outside. Sometimes I retired.

Q. Did you spend any time in your room?

A. Yes sir.

Q. When the officer came in, what was Jelovich doing?

MR. ROSENBERG: Objected to as not within the issues.

THE COURT: I think it is proper cross examination, allowed.

A. Nothing.

Q. Can you tell us what any of the other men in that room were doing outside of Pezzulich and Sgelirrach that night?

A. We did not do anything. We were sitting there talking about the strike, what pay and what hours we are going to get.

Q. Did any of the men go to the bathroom or toilet that night?

A. I don't know.

Q. Where was Mrs. Nachimovich between six and nine o'clock?

A. In the house.

Q. Did she leave the dining room and go upstairs to fix the beds in the rooms?

A. She fixes the beds in the morning.

Q. Did you see her go upstairs on the second floor and go into any of the rooms?

A. No.

Q. Did you see her put the children to bed?

A. No.

Q. Did you see her wash the dishes?

A. Yes sir.

Q. Who helped her?

A. Nobody.

Q. Did any of the men go out and come back during that Saturday evening?

A. Mike Strolch went out.

Q. Who was the first one that the officers spoke to when they came in?

A. They asked for Frank.

Q. Who was the first man they spoke to. Did they talk to you?

A. No.

Q. Did they talk to Frank Pezzulich the defendant?

A. They were talking with our landlord.

Q. Do you mean to Mr. Nachimovich?

A. Yes sir.

Q. Who else did they talk to?

A. With Frank Pezzulich.

Q. And Frank Sgelirrach?

A. No.

Q. They didn't talk to Joe Jelovich, did they?

A. I don't know.

Q. The only men they spoke to then was the landlord and Frank Pezzulich, is that right?

A. Yes sir.

Q. And after that talk they left the room with Pezzulich and Sgelirrach?

A. Yes sir.

Q. And those two men that stood here before looked like the two men that were in the room at the time the police officer spoke to the landlord and to Pezzulich?

A. Yes.

Q. How long were they in that room?

A. A short time.

Q. You are a friend of Pezzulich and Sgelirrach?

A. Yes.

Q. You would like to help them?

A. What I could rightly do I would help.

Q. You would like to see them get out of their trouble?

A. Yes sir.

Q. Do you remember what they did the night before, on Friday?

A. I don't know.

Q. Do you remember where they were Friday afternoon, the day before they were arrested?

A. I don't know. Every man is going around about his own business.

Q. Can you tell us any place there were, any day that week except Saturday?

A. They were many times out but I do not know where they went.

Q. Where is Mike Strollich?

A. Here.

Q. Is he outside here?

A. Yes sir.

Q. How many times have you spoken to any one about this case

since March 22nd?

A. I don't know.

Q. Were you down in the court room or outside of the court room every time the case was on during the trial of Frank Strolich?

A. I was once here.

Q. Did they tell you what the witnesses said about Strolich and Pezzulich and Sgelirrach in that trial?

A. No sir.

Q. Do you know what Pezzulich and Sgelirrach are charged with?

A. They are charged with robbery, because somebody told that against them.

Q. Who told you that?

A. Our men.

Q. When was the first time you heard that Pezzulich and Sgelirrach were charged with robbery?

A. The second time, Sunday.

Q. And that is when De Piere and Tony Tonak came to your house before dinner?

A. Leon came after dinner.

Q. Did you go to court at 9th street and 6th avenue the next day, Monday?

A. No.

Q. How many times have you talked about this case with Mrs. Nachimovich and Mr. Nachimovich and Pete Surjan and Mike Strolich and the other men who were with you on March 22nd or who you say were with you?

A. I cannot tell you that.

Q. Are all the men except Pezzulich and Strolich and Sgelirrach still rooming with Mrs. Nachimovich?

A. Frank Sgelirrach has his room with me.

Q. Are the same men now there at 408 West 24th street who were there on March 22nd except Pezzulich and Sgelirrach?

A. They are working.

Q. But have they all still got the same rooms?

A. Yes.

Q. Does Mrs. Nachimovich prepare the meals for you?

A. No.

Q. Do you still go into that dining room every night?

A. Yes.

Q. Do you talk about this case?

A. Some times.

Q. Did you talk with the lawyer Mr. Rosenberg?

A. I spoke this morning with Mr. Rosenberg.

Q. How many times have you spoken to Mike Strolich about this case?

A. We were working together. I am not working now.

Q. Where does Mike Strolich work?

A. Lehigh Valley boats.

Q. Where was he last month, on the 7th and 8th of last month?

A. He was working.

Q. What kind of weather was it on March 22nd?

A. I don't know.

Q. Was it cold or snowing or raining?

A. It was not raining.

Q. Can you tell us anything else that happened on March 22nd that you remember?

A. No.

Q. Did you buy a suit of clothes on March 22nd?

A. That Saturday.

Q. Did you buy a suit?

A. Yes sir.

Q. Did you get paid that day?

A. Yes sir.

Q. What did you get paid for; you had been on strike three weeks?

A. What I had saved before.

Q. When did you get paid?

A. The 15th and the last of the month.

Q. The last of February?

A. The time I was working.

Q. How long before the 22nd of March were you paid?

A. I don't

know. They pay us every 15th and the last of the month.

Q. After the strike started were you paid off?

A. Yes sir.

Q. How long before March 22nd were you paid?

A. I don't know.

Q. How much did you pay for your room, to Mrs. Nachimovich?

A. \$8.

Q. Did that include board?

A. No sir.

Q. \$8 for the room?

A. Yes sir.

Q. Each man paid \$8. Is that \$8 a week or \$8 a month?

A. A month.

Q. How many men were in your room?

A. Sgelirrach and I.

MR. BOHAN: That is all.

REDIRECT EXAMINATION BY MR. ROSENBERG:

Q. Was Mike Sgellirach there at the time of the arrest?

A. Yes sir.

Q. And was the husband of Mary Nachimovich there at the time of the arrest?

A. Yes, he was in the house.

Q. Where were you on Saturday afternoon with Sgelirrach?

A. Outside.

Q. Did you go to any tailor place?

Objected to as leading. Sustained.

Q. Can you tell the Court and jury any particular place that you were with Sgelirrach that Saturday afternoon, March 22nd?

A. Yes.

Q. Where were you?

A. On the street.

Q. What street?

A. On 8th avenue and 38th street.

Q. And what kind of a store, if any?

A. In a store where they are selling suits.

Q. Did you buy a suit of clothes?

A. Yes sir.

Q. At nine o'clock, as you say, that you were about to go out of the house, where were you going to?

Objected to. Sustained.

MR. ROSENBERG: May I not show he was going to the tailor?

THE COURT: It is immaterial where he was going. We are dealing with the whereabouts of the defendant.

Q. Where did you intend going with Frank Sgelirrach on the night that he was arrested as you indicated at about nine o'clock or a quarter of nine that evening?

MR. BOHAN: Objected to as incompetent and immaterial.

Objection sustained and exception taken.

MR. ROSENBERG: That is all.

THE COURT: Gentlemen of the jury, we will take a recess until to o'clock. In the meanwhile remember that the law forbids you to discuss this case with any one whatever, and you must not form or express any opinion as to the guilt or the innocence of the defendants until you hear all the evidence on both sides. Please be back at two o'clock.

Thereupon the Court adjourned until two o'clock P. M.

TRIAL CONTINUED

Two o'clock P.M.

PETER SURJIAN, recalled to the stand, was further examined and testified as follows:

BY MR. BOHAN:

Q. You say the ten men all had supper together that night?

A. Yes.

Q. How were they seated at the table?

A. Around the table.

Q. Who sat next to you?

A. I don't remember.

Q. Where did Pezzulich sit?

A. Near the corner of the table.

Q. Where did Sgelirrach sit?

A. I am not sure, some where near there.

Q. How many sat around the table?

A. The men that were eating.

Q. How many were there?

A. I don't know, eight or nine men.

Q. What did you eat for supper that night?

A. Pot roast.

Q. What else did you eat?

A. Bread, coffee and beer.

Q. What did you eat for lunch that day?

A. I had lunch in the restaurant.

Q. What did you eat for lunch that day?

A. I don't know. Sometimes I get my lunch in a restaurant, sometimes in saloons.

BY THE COURT:

Q. What did you have that particular day on the 22nd of March?

A. I don't know.

Q. Do you know what you had for supper then?

A. I know what we were eating then.

Q. Do you have a pot roast every night in the week?

A. No.

BY MR. BOHAN:

Q. What did you have Friday night, the night before, for supper?

A. I could not remember.

Q. But you do remember that you had pot roast on Friday night?

A. Yes.

Q. Do you remember what you talked about at the supper table?

A. We were talking about the strike.

Q. What did you have the next day for Sunday dinner?

A. Soup and meat.

Q. Do you have your principal meal at midday or at night?

A. It is all the same.

MR. BOHAN: That is all.

MIKE STROLEGO, of 408 West 24th Street, called as a witness on behalf of the defendants, having been duly sworn, testified as follows: (Through the Interpreter Mr. Ucas).

DIRECT EXAMINATION BY MR. ROSENBERG:

Q. How long have you lived at 408 West 24th Street?

A. I think since the first of March.

Q. What is your business?

A. Fireman.

Q. For what company?

A. Lehigh Valley Railroad.

Q. Are you on the railroad or are you on the boats?

A. On the boats.

Q. How long have you been a fireman on the boats for the Lehigh Valley Railroad?

A. Seven months on this boat.

Q. Do you remember the night the detective took these defendants from the house at 408 West 24th Street?

A. Yes, I remember very well.

Q. That was on the Saturday night, was it?

A. Yes sir.

Q. What time did you get home that night?

A. After half past five.

Q. How long after half past five?

A. It was about 15 minutes to 6.

Q. From 15 minutes to 6 on that night where were you until the policemen took the defendants away from the house?

A. I was all the time in the house.

Q. Where did you eat your supper that night?

A. In that house.

Q. On what floor did you eat your supper?

A. On the same floor where we are living.

Q. What room do they call it?

A. That is the room in the middle of the house.

Q. Who served the supper?

A. Our landlady.

Q. Can you tell us the name of some of the people who were at the supper table eating supper that night?

A. Yes. I am the first one, those two men the defendants, Jelovich, Pete Surjin, Tony Jurman, and Joe Jurman. There must have been more men, but I can't remember now.

Q. Was the boss there, the husband of Mary Nachimovich?

A. Yes.

Q. Did he have supper there too?

A. Sure.

Q. Did the defendants or either of them leave the house at any time from a quarter to six when you got there until they left with the policemen?

A. They did not leave the house from 15 minutes to 6 up to the time when they left to go with another man to take the suit and then the policemen stopped them and brought them back.

MR. ROSENBERG: That is all.

CROSS EXAMINATION BY MR. BOHAN:

Q. You are the brother of Frank Strolch who was arrested and tried in this court room last month?

A. Yes.

Q. You did not appear as a witness?

A. No, but --

Q. Please answer the question.

MR. ROSENBERG: Let us have the answer.

THE COURT: I do not see how it is material. He may not have known anything about his brother. The less reference there is to the last trial, the better. The only purpose for which you can properly refer to it is for the purpose of showing that someone who testified in that case gave different testimony in this case.

Q. Are you related to either one of these defendants?

A. No.

Q. What room did you have?

A. I didn't have a room, a steady room as I am living on the boat. When I come on shore then I go to my countrymen.

Q. How many nights did you sleep in 408 West 24th Street during the week ending March 22nd?

A. Seven days.

Q. Did you stay there every night for seven days preceding March 22nd?

A. Yes.

Q. What room did you sleep in?

A. Upstairs.

Q. Who slept in that room with you?

A. Another man that was on there because of the strike.

Q. What was his name?

A. Marcus Skarlis.

Q. Were Pezzulich and Sgelirrach's room on the same floor with you?

A. Yes.

Q. Did you take your meals in this house also?

A. If we ask our landlady to prepare food for us, I took it there.

Q. Were you on strike?

A. Sure.

Q. How long were you on strike?

A. There were three times a strike.

Q. How long was the strike in operation before March 22nd?

A. I think the strike lasted 22 days.

Q. So that you had not been working for 22 days before March 22nd?

A. I could not have worked because there was a strike along in the harbor.

Q. Were either of these two defendants working with the same company you were working with?

A. No.

Q. Do you come from the same village in Istria that the two defendants come from?

A. No.

Q. Did you know them in the old country?

A. Yes sir.

Q. How long do you know Pezzulich?

A. 18 years.

Q. How long do you know Sgelirrach?

A. 11 Years.

Q. Do you understand Italian?

A. No, sir.

Q. Do you speak any Italian?

A. No, very little, a few words.

Q. What part of Istria do you come from?

A. Fiume.

Q. Do they speak Italian in Fiume?

A. Yes. There are five or six language spoken there.

Q. Where were you on the afternoon of March 22nd?

A. I was going from the house in a saloon.

Q. Were you with either of the defendants on the afternoon of March 22nd?

A. Yes, I was with Frank Pezzulich.

Q. Where were you with Frank Pezzulich in the afternoon?

A. We were some time in the saloon and then we went to 828 Greenwich Street to visit a cousin.

Q. Is your cousin Emily Strolich?

A. Yes.

Q. You went there with the defendant Pezzulich?

A. Yes, sir.

Q. What time did you go there and what time did you leave 828 Greenwich Street?

A. We went there around 4 o'clock and we left after 5 o'clock. I could not tell exactly what time.

Q. Isn't it a fact you left there with your brother Frank Strolich?

A. No. When the detectives went out with those men I went after them.

Q. But in the afternoon did you see your brother while you were with Frank Pezzulich at your cousin's house in 828 Greenwich Street?

A. I found him in the house when we came there.

Q. Did you leave your brother there or did you leave your brother and Frank Pezzulich there?

A. My brother went out alone.

Q. When you went to 408 West 24th Street you got there at a quarter to 6, -- did you go to your room?

A. When I went to the house I went right straight in but I don't have a room there.

Q. Did you go in that room that you slept in during that week before you had your supper?

A. No. I sat down at the table right away and we got supper.

Q. Who was at the table?

A. Seven or more of our men.

Q. How long did it take to eat your supper?

A. Around three-quarters of an hour, and then we sat around talking.

Q. What did you eat for supper?

A. Rabbit.

Q. What kind of rabbit?

A. Tame rabbit.

Q. Are you sure it was rabbit?

A. Yes, rabbit.

Q. Did you have rabbit any other night that week?

A. What we order the landlady to serve for us.

Q. Who ordered the rabbit?

A. All our young men.

Q. Who bought the rabbit?

A. Our landlord.

Q. Did you have rabbit any night before that?

A. Yes, many times.

Q. Every night?

A. No, sometimes.

Q. What did you have the night before for supper?

A. I don't remember.

Q. What did you have for dinner the next day, Sunday?

A. Soup and chicken.

Q. What did you talk about at the dinner table?

A. We were talking where we could get better work.

Q. Did anybody go to bed after supper?

A. No.

Q. Did Mike Nachimovich the husband of your landlady go to bed?

A. No.

Q. Did he remain at the table?

A. Sure.

Q. What time did the police officer come in?

A. Between 8 and 9 o'clock.

Q. Before he came in did anybody remain seated at the table?

A. We were sitting around the table and then some young men started to go out to take some suit.

Q. Which ones started to go out?

A. Frank Sgelirrach and Surgin and Tony Jurman.

Q. Did you all remain seated at the table from the time supper was finished up until the time the policemen came in?

A. We were sitting around the table. Only the men that had to go out to take the suit, they prepared to go out.

Q. Did anyone of the men who had supper with you leave the room up until the time the policemen came in?

A. No, sir.

Q. What was Mrs. Nachimovich doing?

A. Washing dishes.

Q. Was she in the same room washing dishes? Or in the next room?

A. She was in the next room. There is a door open that is connecting the two rooms.

Q. Where was Mrs. Nachimovich's children?

A. The father was playing with them.

Q. Did anyone leave the room and go to the toilet?

A. No, sir.

Q. Did anyone leave the room and go upstairs?

A. No.

Q. How was Frank Pezzulich dressed that night?

A. Just as he is now.

Q. Did he have a collar and tie on that night?

A. Yes.

Q. How was Sgelirrach dressed?

A. The same shirt and the same things he has on now.

Q. The same tie and the same shirt?

A. Yes.

Q. Did he have a cap?

A. Yes sir.

Q. Did you have your pictures taken with Frank Pezzulich?

A. No, sir.

Q. Did you ever have your picture taken in a cowboy's uniform

with Frank Pezzulich?

A. Yes, Sgelirrach.

Q. Did you ever own a gun, revolver?

A. Yes, I had a cowboy revolver.

Q. Did you own it while you lived in 408 West 24th Street?

A. I don't know.

Q. When did you own that revolver?

A. Never.

Q. Where did you get the revolver that you had your picture taken with?

A. You get that revolver, that funny (phony?) revolver when you get your picture taken.

Q. How many people came in with the officer?

A. Four men came, of whom I recognized the tall detective.

Q. Are all the men that came in that night outside in the hallway now?

A. I don't recognize anybody only the four detectives.

Q. Look at that man (indicating Frank Zic): did you ever see that man before today?

A. The first time I saw him was in the small court.

(At this point Mr. Summers enters the court room).

Q. Look at this man (indicating Summers) did you see that man in the dining room in 24th Street?

A. I could not remember that. When I saw the man the first time, I could not remember.

BY THE COURT:

Q. You will not swear that they did not go there with the officer will you?

A. I cannot swear that. I don't know if they were those men.

BY MR. BOHAN:

Q. How many men came in with the officer?

A. Four men came

in. I don't know who else.

Q. That is four men including the officer?

A. There was two detectives and two other men. I know four men came. I don't know if there were more or less.

Q. How long after Frank Sgelirrach and Anton Jurman and Pete Jurman left the dining room did the officer come in with the four men?

A. Less than a minute.

Q. Where was Frank Pezzulich when the officer came in and what was he doing?

A. He was sitting, and when he saw the policeman he stood up.

Q. What did he say?

A. Nothing.

Q. Did the officer or any of the men talk to him?

A. Yes, sir.

Q. Did he say anything to them or to anyone after they spoke to him?

A. No.

Q. Did any of the men that were with the police officer speak Croatian?

A. No.

Q. Did you hear anything that Sgelirrach said to the policeman in the dining room?

A. No.

Q. But these four men were in the dining room with the policeman?

A. Yes.

Q. How long were they in there before they left?

A. I think they stood there about ten minutes.

Q. Who left with them?

A. Frank Pazzulich and Frank Sgelirrach.

Q. Do you speak Croatian?

A. The same language I speak now

Q. Do you understand any other language?

A. No, sir.

Q. You are a friend of Pezzulich and Sgelirrach, are you?

A. I am a friend.

Q. You would like to help them?

A. If I could help them I would because they are good, honest men.

Q. When did you first learn that Sgelirrach and Pezzulich were arrested?

A. The same night.

Q. Who told you?

A. Tony Kreulich.

Q. Are you still living at 408 West 24th Street?

A. I am not living there. When I come to visit them I go there.

Q. How many nights a week on an average do you eat and sleep in 408 West 24th Street?

A. Sometimes in three months I never come there.

Q. How many times have you slept and eaten in 408 West 24th Street since March 22nd?

A. About seven times.

Q. Have you talked about this case at 408 West 24th Street when you had your meals, or at any other time?

A. We were talking that those men that are tried are both honest, and that the real culprits are out.

Q. You know Leon DePiere?

A. Yes.

Q. Do you know who the real culprits are?

A. I don't know.

Q. Do you know De Franzo?

A. Yes sir.

Q. Do you know Tony Conak?

A. Yes sir.

Q. Do you know Peter Bozgak?

A. I don't know.

Q. Did you see De Piere, De Franzo or Tonak on Saturday,

March 22nd?

A. No.

Q. Did you see De Piere next day at dinner on Sunday?

A. Yes, Leon De Piere.

Q. Where does Leon De Piere live if you know?

A. He is living in Philadelphia.

Q. Did he sleep and eat at 408 West 24th Street any time before March 22nd?

A. Never.

Q. Did he sleep and eat with your cousin Emily Strolich at 826 Greenwich Street?

A. I don't know that.

Q. Did you see any of those men, De Piere, De Franzo and Conak on Saturday afternoon at 5 o'clock when you were at your cousin's house 826 Greenwich Street?

A. No, sir.

Q. Have you see DePiere or De Franzo since Sunday March 23?

A. I saw De Piere.

Q. When?

A. 1 o'clock, after midday.

Q. On Sunday, March 23rd?

A. That was Sunday.

Q. Have you ever seen him since?

A. No, sir.

Q. Have you visited Pezzulich or Sgelirrach in the prison?

A. No, sir.

Q. Did you visit your brother there?

A. Yes, sir.

Q. Did you talk to him?

A. Yes, sir.

Q. How many times did you visit the prison?

A. Five or six times.

Q. How many times did you see Pezzulich and Sgelirrach there?

A. I did not see them.

Q. How many times have you spoken to Mary Nachimovich about

what you were going to testify here today?

A. I did not speak to her about that.

Q. Did you speak to her husband Nachimovich?

A. No.

Q. Did you ever speak with Pete Jurman the man who was here this morning.

A. Yes, I told him those are honest men.

Q. How often did you go to your cousin's house at 828 Greenwich Street?

A. I was there about four times, as I am working.

Q. How many men slept on the same floor that the dining room is on?

A. Only Nachimovich with his family

Q. After you came home every night during the strike for supper did you go upstairs to your room and wash up?

A. Yes. When I get up in the morning I wash myself.

Q. Did you go there after or before supper, to your room?

A. No.

Q. How many rooms are there on the top floor?

A. Five.

Q. Do you always spend most of your time in the landlady's dining room or do you spend most of the time in your own room?

A. Every one goes in his room upstairs.

Q. Why was it everybody was in the dining room after you had your supper, until 9 o'clock?

Objected to as calling for a conclusion and question withdrawn.

Q. Why did you remain in the dining room after supper was finished?

A. I stayed there because we were talking what we were going to do, not to go outside on the street where we were

liable to be beaten by bums.

Q. What bums did you fear would beat you?

A. Men were not working and they were able to kill a person for a quarter.

Q. Were you out trying to prevent workmen from taking your places at the strike?

A. No, sir. I always can get a place to work when I want it.

Q. Did anyone take your place when the strike started?

A. No, sir. The boat was tied.

Q. Where did your boat put up?

A. In the Marine Shop of the Lehigh Valley.

Q. What street?

A. Lehigh Valley side. There is no street. We call it the Marine shop.

Q. Where did you report for duty every day?

A. Unionport.

Q. Where was that?

A. 85 West Street, New York.

Q. Did you have to go there every morning when you went to work?

A. No, only if I want to.

Q. Where would you get the boat every morning when you went to work?

A. My boat was tied up by the strike.

Q. At what pier?

A. That is not a pier, it is the Marine Shop.

Q. Was that in Jersey or in New York?

A. Lehigh Valley side.

Q. During the strike what did you do?

A. Nothing, I went to the moving pictures.

Q. Did you work any other place?

A. No, because they were striking.

Q. Pezzulich on a strike?

A. Sure.

Q. Was Sgelirrach on a strike?

A. There was no work.

Q. Was anyone who ate supper with you on March 22nd not on a strike?

A. No.

Q. Did anyone come to visit you while you were eating supper that night March 22nd?

A. No.

Q. Was anybody paid their weekly wage or their salary that day?

A. I think Pete Surgin.

Q. When were you paid?

A. I am paid every 15 days.

Q. When were you paid before March 22nd, the last time?

A. The first of March.

Q. Did you give any money to your brother that night?

A. Yes, four dollars.

Q. He had not been working in how long before that?

A. 22 days.

Q. Did you give any money to Frank Pezzulich?

A. No, sir.

Q. Did you give any money to Sgelirrach?

A. No, sir.

Q. What did you pay your room rent?

A. I didn't have a room there. I am not paying for a room.

Q. How much would you pay Mrs. Nachimovich?

A. Nothing. What I ordered to eat I paid for it.

Q. How much would you pay for your meals?

A. 25 or 30 cents.

Q. How much did you pay for your room?

A. I did not have a room there.

Q. You slept there for several nights that week you said?

A. Yes, but my countrymen let me sleep there without paying.

Q. Where did you sleep before you slept in 408 West 24th Street?

A. In Bank Street.

Q. 108 Bank Street?

A. Yes, sir.

Q. What that with the same women, Mrs. Nachimovich?

A. Yes.

Q. Did Puzzulich and Sgelirrach live at 118 Bank Street too?

A. Yes.

Q. And your brother?

A. Yes, sir.

Q. And De Piere did he live there some times?

A. No, never.

Q. And De Franzo?

A. No, sir.

Q. And Tonak?

A. No, sir.

Q. You never saw them there?

A. No, they did not live there.

Q. Where did you see them?

A. When they came to New York I saw them.

Q. Where did they come from?

A. From Philadelphia.

Q. Do they all live in Philadelphia?

A. Yes, sir.

Q. Did they ever live in 828 Greenwich Street?

A. I don't know that.

MR. BOHAN: That is all.

RE-DIRECT EXAMINATION BY MR. ROSENBERG:

Q. Do you know other people that know these defendants?

A. Yes, sir.

Q. Are they other working men who know them?

A. Sure.

Q. Do you know what the reputation of each of these defendants

is?

A. Everybody says that it is bad that honest men are in jail.

Q. Do you know what the reputation of these defendants is?

A. Very good.

MR. ROSENBERG: That is all.

BY MR. BOHAN:

Q. Did you ever talk with anybody about the reputation of Pezzulich or Schelirrach?

A. Yes.

Q. When and where?

A. Everywhere. In New York and Jersey.

Q. With whom have you spoken?

A. With every man who knows me.

Q. Did you ever talk with any person about Pezzulich's reputation?

A. Yes. Nobody tells anything bad about them.

Q. When and where and with whom?

A. Every man that I know.

Q. Every time that you met any of your friends you spoke about the defendants' reputation, did you?

A. yes, because everybody was inquiring about them.

Q. Do they inquire about all your friends reputations?

A. Anybody with whom I spoke anywhere about them said it is bad that honest men are in and that the real culprits are out.

Q. Did Pezzulich and Sgelirrach also go out with your brother?

A. No, sir.

Q. Did you ever go out with them?

A. No, sir.

Q. Is your brother a friend of Pezzulich and Sgelirrach?

Objected to, and question withdrawn.

MR. BOHAN: That is all.

BY JUROR NO. 8:

Q. Did you have rabbit dinner alone that night or did every body have it that night?

BY THE COURT:

Q. Did you all have rabbit for dinner that night?

A. Yes, we had all the same food.

ANTON JURMAN, of 408 West 24th Street a witness called on behalf of the defendants, having been duly sworn, testified as follows (through the Interpreter Mr. Ucas):

DIRECT EXAMINATION BY MR. ROSENBERG:

Q. How long have you lived at 408 West 24th Street?

A. Three months.

Q. Did you live in Bank Street before you moved to 24th Street?

A. Yes.

Q. From Bank Street you moved with the landlady to 24th Street, is that right?

A. Yes.

Q. What is your business?

A. (In English) Fireman.

Q. For what company?

A. (In English) Lehigh Valley.

THE COURT: Speak either in English or through the Interpreter. You better speak through the Interpreter.

Q. What company do you work for?

A. Lehigh Valley Company.

Q. Doing what?

A. Fireman.

Q. Fireman on a boat?

A. On a boat.

Q. Do you remember the night that these defendants were arrested?

A. Yes.

Q. Where were you when they were arrested?

A. In the house.

Q. What house?

A. West 24th Street.

Q. What room were you in?

A. In the middle room.

Q. Did you have supper there that night?

A. Yes, sir.

Q. What time did you get home that night?

A. 6 o'clock.

Q. Did you leave the house from the time that you got home until the policemen came and took the defendants away with them?

A. No, sir.

Q. Did the defendants have their supper there that night?

A. Yes, sir.

Q. Did you see the defendants leave the house before the policemen took them away?

A. No.

Q. Do you know other people who know these defendants?

A. No.

Q. Don't you know other working men who know them?

A. I know the men that work together that are in the same house.

MR. ROSENBERG: That is all.

CROSS EXAMINATION BY MR. COHAN:

Q. Are you a friend of Pezzulich and Sgelirrach?

A. Not very much.

Q. How long do you know Pezzulich?

A. I don't know.

Q. Well, is it five years?

A. All my life.

Q. Do you come from the same part of Istria?

A. I come from Fiume.

Q. Did you know them in the old country?

A. Yes, sir.

Q. Did you know Sgelirrach in the old country?

A. Yes.

Q. Have you lived together most of the time since you have been in this country?

A. Yes.

Q. How long are you in this country?

A. Five years.

Q. Are you related to Pezzulich or Sgelirrach?

A. No.

Q. Are you related to Strolich?

A. No, sir.

Q. Are you related to Mary Nachimovich the landlady?

A. No.

Q. Does she and her husband come from the same part of Istria that you do?

A. Yes.

Q. Were you on strike around March 22nd of this year?

A. Yes.

Q. How long were you on strike?

A. I was on the strike and then I fell sick and so I am not working.

Q. How many days before March 22nd were you not working because of the strike?

A. From the 3rd of March.

Q. Did you work at anything during that time up to the 22nd of March?

A. No.

Q. On March 22nd where were you in the afternoon and with whom were you?

A. I was together with Frank Sgelirrach to buy a suit.

Q. What time did you come home?

A. 6 o'clock.

Q. What did you eat for supper that night?

A. 'Polenda', some kind of oatmeal.

Q. What kind of meat?

A. Rabbit.

Q. Did anybody eat rabbit?

A. Yes sir.

Q. How was the rabbit cooked?

A. As pot roast.

Q. What time was supper finished?

A. After six o'clock.

Q. What did you talk about at supper?

A. About our work and the strike.

Q. How many men ate supper that night?

A. Six or seven.

Q. After you finished your supper did any one leave the dining room?

A. No.

Q. What room did you sleep in?

A. In a room on the second floor.

Q. Who slept with you?

A. Frank Pezzulich the defendant.

Q. How long were you and he sleeping together?

A. About two weeks.

Q. When you came home that night did you find Frank Pezzulich in the dining room or up in your sleeping room?

A. In the dining room.

Q. Did you leave the dining room and go up to your sleeping room at any time that night?

A. No.

Q. Did any of the men who ate supper leave the dining room up until the time when the policemen came, and go to their sleeping room?

A. We were all together.

Q. Did any one leave and go to the toilet?

A. I cannot tell you. I can't remember.

Q. Did you all get up from the table after supper was finished?

A. Some of us stood up and some remained seated.

Q. Did any of those go to their room or go out or go any place after they left the supper table?

A. We were all together.

Q. Who sat next to you at the table?

A. Frank Pezzulich and Mike Strolich.

Q. What time did the policemen come in?

A. Around nine o'clock.

Q. How many men came in with them?

A. Altogether four men.

Q. Three men who are outside in the corridor?

A. I don't know them.

Q. Would you remember the men that came in with the police officer?

A. No.

Q. Look at these men (indicating Frank Zic), did that man come in with the police officer?

A. Perhaps.

Q. Did any of the men that came with the police officer speak your language, Croatia?

A. I did not hear them.

Q. Do you speak Italian?

A. No sir.

Q. Do you understand Italian?

A. Very few words.

Q. Look at this man Summers, was he there that night with the officer?

A. I can't tell you. The only man I recognize is the tall detective.

Q. Officer Murphy?

A. Yes sir, that man (officer Murphy standing up).

Q. Did you hear any of the men that came with the police officer speak?

A. No.

Q. Did you hear what any of them said?

A. No.

Q. Were you all sitting down at the table when the officer

came with the four men?

A. Yes.

Q. Who had left the room before the officer came in?

A. We were all in the house.

Q. Did any men leave the room before the officer came in?

A. No, all were in the house.

Q. Did Frank Sgelirrach leave the room before the officer came in?

A. No, we were going out to take the suit and we were stopped at the bottom of the steps.

Q. When you left the dining room did you walk through a hallway?

A. We went through the door, out.

Q. Who left the room?

A. Nobody.

Q. You left the kitchen, did you not?

A. Yes sir.

Q. Who was with you?

A. Pete Surjian and Frank Sgelirrach.

Q. Did you have to walk down the stairway?

A. We were going down the steps.

Q. Where did you meet the policeman and the men who were with him?

A. At the bottom of the steps near the door of the house.

Q. Did they say anything to you?

A. Yes sir.

Q. Did they speak English or Croatian or Italian?

A. English.

Q. Did you hear Sgelirrach say anything?

A. No sir.

Q. Did the officer take you all back to the dining room?

A. Yes.

Q. Did the officer or the men who were with him say anything?

A. No, nothing.

Q. Did you hear Sgelirrach say anything?

A. No sir.

Q. Did you hear Pezzulich say anything?

A. He was talking with the detective, but I don't know what about.

Q. Was he talking in English?

A. Yes sir.

Q. Did you hear what Pezzulich said?

A. I heard him talking but I didn't understand what he was talking about.

Q. Were all the other men in the room that you left there who had supper with you?

A. Yes.

Q. How many men were in the room when the detective was there?

A. Six or seven.

Q. And who left with the detectives?

A. The detectives asked for two men that could tell anything about Frank Strolich.

Q. And who did they take away?

A. Frank Sgelirrach and Frank Pezzulich.

Q. When did you first learn that Pezzulich and Sgelirrach were charged with?

A. I did not hear about that.

Q. Are you still living at 24th street?

A. Yes sir.

Q. Do you still have supper there every night with your friends?

A. Some times, not always.

Q. Do you talk about this case every night?

A. Sometimes we are talking about that they are honest men.

Q. Did you talk with anybody at the supper table or at any other place since these men were arrested as to what you were going to testify to?

A. No.

Q. Have you ever spoken with any other men who were in that dining room on March 22nd about your testimony here today?

A. No.

Q. Have you visited Pezzulich and Sgelirrach in the City Prison?

A. Yes.

Q. How many times?

A. Once. I spoke with Pezzulich twice and Sgelirrach.

Q. Did you tell them what you were going to testify to here today?

A. No.

Q. Did you visit Strolich in the City Prison?

A. No.

Q. When you visited either of the defendants did you talk about the case?

A. No, we were only complaining about that they are in.

Q. Do you know Leon De Piere?

A. Yes, I know him very little.

Q. Did you ever see Frank Strolich go out with either of the defendants Pezzulich and Sgelirrach, or did you ever see him in company with either of these defendants?

A. Sometimes.

Q. Did they go out together?

A. No sir.

Q. Did you ever visit 826 Greenwich street?

A. No sir.

Q. Do you know Emily Strolich?

A. Yes sir.

Q. Did Leon De Piere, Ivan De Franzo or Tony Tonak ever live at 24th street?

A. No, never that I know.

Q. Did they ever stop there at any time?

A. No sir.

Q. Did you live at 118 Bank street with Mrs. Nachimovich?

A. Yes.

Q. Did you ever see De Piere, De Franzo or Tonak there on any night?

A. No.

Q. Do you know the three men I have just mentioned?

A. I know them very little.

Q. Are they countrymen of yours?

A. No sir.

Q. Were you ever in Philaelpia?

A. Never.

REDIRECT EXAMINATION BY MR. ROSENBERG:

Q. Did you talk to me about the case?

A. No sir.

Q. Do you remember Miss Emily Strolich, the young woman who lives in Greenwich acting as the interpreter between you and me?

A. I never spoke with you till today.

Q. Did I ask you some questions through the interpreter Emily Strolich?

A. No.

Q. What did I ask you about?

Objected to. Overruled.

A. You asked me who was in the house between six and nine o'clock.

Q. And you did not tell me, did you?

THE COURT: I exclude that.

JOHN NACHIMOVICH, (408 West 24th street), called and sworn as a witness on behalf of the defendant, testified as follows through the Interpreter, Mr. Ucas:

DIRECT EXAMINATION BY MR. ROSENBERG:

Q. Are you the husband of Mary Nachimovich?

A. Yes sir.

Q. Do you know these defendants at the bar?

A. Yes sir.

Q. Were you home on the night that policeman Murphy came and took them away?

A. Yes.

Q. What time did you get home that day or night?

A. I was the whole afternoon at home.

Q. What time did the defendants come home that evening?

A. Frank Pezzulich came first.

Q. What time?

A. Around six o'clock.

Q. What time did the other defendant come in?

A. Ten minutes after that, 10 or 15 minutes.

Q. Did you have supper at your home that night?

A. Yes.

Q. Did the defendants eat supper at your home that night?

A. Yes.

Q. Did you see the defendants all that night up to the time they were arrested?

A. Yes sir.

Q. Were you in the room all the time?

A. Yes, I was between the room and the kitchen. I was all the time there. They are connected.

Q. Did you go to sleep before the policemen got there?

Objected to as leading. Overruled.

A. No.

Q. Were you in the bedroom?

A. Yes, I was in the same place, through all the rooms.

Q. Were you lying on the bed?

A. No sir.

Q. Do you know other people who know these defendants?

A. Yes sir

Q. Do you know what their reputation was?

A. Good.

MR. ROSENBERG: That is all.

CROSS EXAMINATION BY MR. BOHAN:

Q. Do you come from the same part of Istria as the defendants?

A. They are from another village.

Q. Did you know them in the old country?

A. Yes.

Q. Are you related to either one of them?

A. No sir.

Q. What were you working at on the 22nd of March?

A. I was

on strike.

Q. Where was the strike?

A. In the harbor.

Q. How long was the strike on?

A. There were two strikes.

Q. Well, the last strike?

A. A long time.

Q. How many men did you have as roomers there on March 22nd?

A. Around 10 men.

Q. Were they all country men of yours?

A. Yes, my friends.

Q. Who came in with Pezzulich around six o'clock on March 22nd?

A. Mike Strolich.

Q. Did Sgelirrach come in alone before supper?

A. No, he came in with De Surjian and Anton Jurman.

Q. How long did it take you to have supper?

A. Around half an hour.

Q. What did you heat for supper that night?

A. Rabbit.

Q. Did any one leave that room after supper was over?

A. No.

Q. Did any one get up from the chairs when supper was finished?

A. Nobody went out of the house.

Q. Did you go to bed?

A. No sir.

Q. Did you lie down in your bed?

A. No sir.

Q. Were you lying down when the policemen came in?

A. No sir.

Q. Where were your children?

A. In the dining room and I was holding the baby.

Q. How big is this dining room?

A. It is a very big room.

Q. How many feet long and how many feet wide?

A. Four square yards.

Q. There were 10 men, your three children and your wife, that

is 14 people, is that right?

A. Some were in the kitchen and some were in the dining room. Those two rooms are altogether.

Q. Were there 10 men besides your wife and children in that room at supper that night?

A. I think nine or ten men.

Q. And those ten men all had sleeping apartments upstairs?

A. Yes, not all of them, because two of them went out.

Q. Did all the men that had supper have sleeping accommodations upstairs?

A. Yes.

Q. Did any of the men after supper leave the dining room and go up to their room?

A. No.

Q. Did you go upstairs and help your wife to do anything in the rooms?

A. She fixed the rooms that morning.

Q. You did not work that day, did you?

A. No.

Q. Your wife prepared the evening meal, did she?

A. Yes.

Q. And you did not help her?

A. I was looking after the children.

Q. And she washed all the dishes?

A. Yes sir.

Q. And you did not help her, did you?

A. No.

Q. Did any of the men leave their seats after supper was finished up until the time the policemen came in?

A. No, the men were sitting around the table.

Q. Do you remember anything that was talked about at the supper table?

A. About work and the strike.

Q. After the supper was over how long before the policemen came did any of the men leave the room?

A. Nobody went out of the house.

Q. Where did the policemen find Pezzulich and Sgelirrach?

A. Pezzulich did not move from the table and Sgelirrach with two other men went out to take some suits and the policemen stopped them at the bottom of the steps.

Q. How long were they out of the room when they were brought back?

A. About one minute.

Q. How many men were with the policemen?

A. I think three men.

Q. Was Frank Zic, that man, there (indicating Frank Zic)?

A. Yes.

Q. And policeman Murphy (Officer Murphy standing up)?

A. Yes sir.

(Mr. Summers enters the court room.)

Q. Was that man there with the officer too (indicating Summers)?

A. Yes sir.

Q. Did you hear any of those men say anything, yes or no?

A. No.

Q. Well, who spoke?

A. The big detective.

Q. Do you understand what he said, yes or no?

A. Yes sir.

Q. Who did the detective speak to?

A. Mostly with Frank Pezzulich.

Q. And who else?

A. I was speaking with the detective too.

Q. And all the other men remained in the room while he was talking to Pezzulich?

A. Yes.

Q. Now what did Pezzulich say?

A. As the detective said that Frank Strolich was caught, Pezzulich stood up and wanted to go

with the detective to see Strolich.

Q. What did Sgelirrach say?

A. I don't remember. He went out and saw him, as he is his friend.

Q. Did Sgelirrach speak English or Croatian?

A. Sgelirrach was talking Croatian.

Q. Did he talk to you?

A. Talking to the men around.

Q. Did any of the men who were with the policemen speak Croatian?

A. No.

Q. How long was the detective and these three men in your dining room?

A. About three or four or five minutes.

Q. Do you speak or understand Italian?

A. Yes, I understand it.

Q. Do you ever speak Italian to Pezzulich or Sgelirrach?

A. No.

Q. You are a friend of both of the defendants, are you not?

A. I know them since they are in America.

Q. You would like to help them out of their trouble, would you?

A. I took the lawyer and I would like to help them because I know that they are not guilty.

Q. How often have you visited Sgelirrach and Pezzulich in the City Prison?

A. Once every week.

Q. Did you talk about this case to both of them?

A. They were asking me when is the trial coming up and I told them I don't know.

Q. Did you talk about what you were going to say in the court today?

A. I testified to what I know is the truth.

Q. How many times did you speak to the defendants since they were arrested about what you were going to testify to in their case?

A. I was speaking once with Pezzulich and Sgelirrach but I did not tell them what I would say as a witness, but I would say what is the truth.

Q. Did you talk to your wife about this case since they have been arrested?

A. Yes.

Q. How many times did you speak to your wife about this case?

A. As we are living together we speak often about it.

Q. Did you talk about it every night at the supper table?

A. That is no reason for talking every night.

Q. Have you had the same men at supper table most every night since these men were arrested?

A. No.

Q. Well, you have Pete Surjian and you have Mike Strolich?

A. Mike Strolich is working. He is not there.

Q. Have you ever spoken about this case at the supper table since the men were arrested?

A. We are talking about them as honest men.

Q. You were down here every day at the last trial, were you?

A. Yes sir.

MR. BOHAN: That is all.

REDIRECT EXAMINATION BY MR. ROSENBERG:

Q. You were not a witness at the last trial, were you?

A. No.

Q. And you were down here every day in this trial?

A. Yes.

Q. Now what do you do on the boat?

A. Oiler and assistant

engineer.

Q. Of what company?

A. Ferryboat Binghamton, Lackawanna Railroad.

Q. How long have you been so employed?

A. About that seven years.

MR. ROSENBERG: That is all.

RE-CROSS EXAMINATION BY MR. BOHAN:

Q. What were you doing down here at the last trial? You were not a witness for the people, and you were not a witness for the defendant?

A. I took their case to the lawyer.

Q. Whose case?

A. For those two defendants.

Q. And for Strolich, the man who was tried last month?

A. No.

Q. Did you hire the lawyer?

A. Yes sir.

Q. And you got the same lawyer for Strolich who was tried last month.

MR. ROSENBERG: He did not say anything of the kind.

THE COURT: And if he did it would not make any difference. It is very dangerous to refer to the last trial, because I am very apt to take the case away from the jury and discharge these men. Any reference to the last trial is unfair. Their guilt is to be determined by the evidence produced here. It does not make any difference whether any other man was guilty or innocent. The question here is whether these defendants are guilty or not.

BY MR. ROSENBERG:

Q. Did you hire the lawyer for Strolich?

A. No sir.

Q. Was your wife subpoenaed by the District Attorney at the last trial?

THE COURT: That is hearsay. He had a right to come down. You cannot make criminal acts out of such things. The court room is open to spectators.

MARTIN HONOVICH, (691 Greenwich street), called and sworn as a witness on behalf of the defendants, testified as follows through Mr. Ucas, the Interpreter:

DIRECT EXAMINATION BY MR. ROSENBERG:

Q. Do you know the defendants?

A. Yes sir.

Q. What is your business?

A. Fireman.

Q. With what company?

A. I am sick now. I am not working. Before I was working with the Lehigh Valley.

Q. Were you present at 408 West 24th street when these defendants were arrested by the policemen?

A. Yes.

Q. What time did you get to the house that night?

A. 40 minutes after seven.

Q. Did you go out at any time until the policemen came?

A. No.

Q. Did the defendants leave at any time until they were arrested?

A. No.

MR. ROSENBERG: That is all.

CROSS EXAMINATION BY MR. BOHAN:

Q. Are you a friend of the defendants?

A. I know them.

Q. Did you know them in the old country?

A. No, I know them in this country.

Q. How long do you know Pezzulich?

A. Two or three months.

Q. How long do you know Sgelirrach?

A. Three or four years.

Q. Did you work with either of them?

A. No.

Q. Where did you live on the 22nd of March?

A. 691 Greenwich street.

Q. Did you ever live in 408 West 24th street?

A. No.

Q. What time did you get to 408 West 24th street, Saturday?

A. About 7:40.

Q. Did you go there with any one?

A. Alone.

Q. What time did you leave there?

A. Nine o'clock.

Q. Who did you see there?

A. There were many men in the house.

Q. Did you know them all?

A. Yes.

Q. What were they doing?

A. They were talking about the strike.

Q. Were you on strike?

A. No, I was working.

Q. Where were you working?

A. At that time, Erie Railroad.

Q. Do you speak Italian?

A. No sir.

Q. Are you a friend of Pezzulich's?

A. No sir.

BY THE COURT:

Q. Why were you in the house that night if you were not a friend of these men?

A. I have a cousin in that house.

Q. Who is the cousin?

A. The wife of Nachimovich.

BY MR. BOHAN:

Q. How often have you visited 408 West 24th street?

A. Every second night, perhaps.

Q. When did you first learn that these men were arrested?

A. That night.

Q. Who told you?

A. (Krulich) Kuzovich.

Q. Did you get there before or after supper was finished?

A. After.

Q. How many men came in with the police officer?

A. Three.

Q. Did any of the men who came with the police officer speak Croatian?

A. No.

Q. Did you hear what Pezzulich said to the policeman?

A. Yes sir.

Q. What did he say?

A. The policeman asked who speaks English and Pezzulich said he speaks English.

Q. Did you hear anything else said?

A. No sir.

BY THE COURT:

Q. You speak English pretty well, do you not?

A. A little bit.

Q. You can understand it. You understand me?

A. Yes sir.

BY MR. BOHAN:

Q. Did you hear what Sgelirrach said?

A. Yes, Sgelirrach stood up and said he was going with them too.

Q. Were Sgelirrach and Pezzulich in the room when the police officer came in?

A. No.

Q. How long before that had they left?

A. Two minutes.

Q. Who did you first speak to about this case since they have been arrested?

A. Where I was working on the boat.

Q. Do you know Leon De Piere?

A. Yes sir.

Q. And do you know Tony Tonak?

A. Yes sir.

Q. And do you know Ivan De Franzo?

A. Yes sir.

Q. And do you know Peter Bozgak?

A. No sir.

Q. Did you ever live in the same house with them?

A. No sir.

Q. Have you seen either of these men that I have just mentioned since the time these defendants were arrested?

A. I saw afterwards one.

Q. Who was that?

A. Leon De Piere.

Q. Was that in 24th street, the day after the policemen took Pezzulich away?

A. No, I saw him under the elevated at Greenwich street.

Q. When?

A. On the Sunday after.

Q. Did you visit Pezzulich and Sgelirrach in the City Prison?

A. No.

Q. Have you talked with any one else about this case?

A. Yes, I was speaking with some one.

Q. You would like to help these defendants?

A. They are nothing to me.

MR. BOHAN: That is all.

THE COURT: Gentlemen of the jury, the Court will excuse you now until Monday morning at half past 10, and meanwhile remember that the law forbide you to discuss this case with any one whatever, and you must not form or express any opinion on it until you have heard all the evidence on both sides at the end of the case; that is the time for you to decide it and not before that. Please come back Monday morning at half past 10.

THE PEOPLE v. PEZZULICH and SGELIRRACH

New York, June 16, 1919.

Trial continued.

ANTON ZUPCICH, of 74 3rd Street, Long Island City, called as a witness on behalf of the defendants, testified as follows, through the interpreter Mr. Ucas, after having been duly sworn.

DIRECT EXAMINATION BY MR. ROSENBERG:

Q. What is your business?

A. Oiler on the tugboats of the Reading Railroad.

Q. What company do you work for?

A. Reading Railroad Company.

Q. Do you know these defendants, and each of them?

A. Yes sir.

Q. Did they work for the same company?

A. The same company.

Q. How long have you known Sgelirrach?

A. Five years.

Q. How long have you known the other man, Pezzulich?

A. Ten years.

Q. Do you know other people who know these defendants and each of them?

A. Yes, I know many.

Q. What is the reputation of Sgelirrach for truthfulness and honesty?

A. Everybody says that he is honest, an honest man.

Q. Is his reputation good or bad?

A. Good.

Q. And as to Pezzulich; what is his reputation?

A. Good.

MR. ROSENBERG: That is all.

MR. BOHAN: No questions.

MR. ROSENBERG: I have three other witnesses as to character. Mr. Bohan has agreed that the other witnesses will testify to the same effect as this last witness, without calling them.

MR. BOHAN: I will consent to that.

MR. ROSENBERG: I understand Mr. Bohan will concede that the defendants were employed by the Reading Railroad Company on their tugboats prior to the strike.

MR. BOHAN: Yes, I will concede that.

FRANK PEZZULICH, of 408 West 24th Street, one of the defendants, called as a witness on his own behalf, having been duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. ROSENBERG:

Q. How old are you?

A. Thirty-three years old.

Q. What is your business?

A. Foreman.

Q. For what company do you work?

A. The Reading Railroad Company.

Q. Were you on their trains or on their boats?

A. On the boats. The "Germantown" the last time.

Q. And that boat plied between New York and what other port?

A. Boston, Portland, Rockland, Lynhaven, towing barges.

Q. Were you in the house of 36 Beach Street on March 22nd of this year?

A. No sir.

Q. Were you in that house on that day from eight to half-past eight?

A. No.

Q. Did you go into that house alone or with this defendant and other people and rob the complainant?

A. What house?

Q. 36 Beach Street?

A. No.

Q. And steal the sum of \$1728 or any other money from a man whose name is Frank Zic?

A. No sir.

Q. Did you go into that house on that day or night and steal any money?

A. No sir.

BY THE COURT:

Q. You said you never were in that house. Is that so?

A. No.

Q. You never were in that house?

A. Never.

Q. Do you know where it is?

A. No sir.

Q. Do you know where Beach Street is?

A. No sir.

Q. You do not know where Beach Street is?

A. I know where it is now; when the detective took us to the police station. I never knew it before, because I never go there.

BY MR. ROSENBERG:

Q. You were taken there by the detectives, were you, to Beach Street, on the night of March 22nd?

A. Yes sir.

Q. Where were you on Saturday, March 22nd, between half past six and nine o'clock?

A. I was home, fifteen minutes of six, as far as nine o'clock.

Q. There were you?

A. In the house, in the dining room.

Q. In what house?

A. 408 West 24th Street.

Q. Were you arrested in that house, or as you were coming down the steps; where did the policeman arrest you?

A. I went down

myself.

Q. Were you arrested in the house on 24th Street?

A. Yes. he took me from the house.

Q. From what part of the house were you arrested?

A. The dining room and in the middle, in the center.

Q. Were you ever convicted of any crime?

A. No sir.

Q. Are you sure of that?

A. Sure.

MR. ROSENBERG: You may examine.

CROSS-EXAMINATION BY MR. BOHAN:

Q. How long have you been in this country?

A. Twelve years.

Q. Are you a citizen?

A. No sir.

Q. How long did you live at 408 West 24th Street?

A. About seventeen days.

Q. But before that, where did you live?

A. I had been working on the boat.

Q. Where did you live; did you live on the boat?

A. Yes, on the boat I lived.

Q. Did you ever live in New York at any place?

A. I lived last summer about a week with the same people in Bank Street.

Q. At 118 Bank Street?

A. Yes sir, about a week.

BY THE COURT:

Q. How far is that from Beach Street; is it right around the corner?

A. I don't know; Bank Street is near 14th Street.

MR. ROSENBERG: I think we can all agree upon the distance, or the officer can testify to it.

BY MR. BOHAN:

Q. How long did you live at 118 Bank Street?

A. About a week.

Q. And that was with Mrs. Nachimovich?

A. Yes.

Q. And before that where did you live?

A. I was in Philadelphia.

Q. You never lived in New York?

A. Well, ten years ago.

Q. Where did you live in Philadelphia?

A. 2564 Salmon St.

Q. Is that in a house of Leon De Pierre?

A. No, in the same house.

Q. And Ivan De Franso?

A. I know them.

Q. Did they live there with you?

A. They did not live with me.

Q. Did you see them on the 22nd of March of this year?

A. No.

Q. Do you know that they were in New York?

A. Yes sir.

Q. How long do you know Frank Strolich?

A. I know him about eighteen months.

Q. You and he were friends?

A. Not friends; but bad friends.

Q. You lived in the same house with him?

A. Seventeen days.

Q. He worked for the Railroad Company with you?

A. Worked for the same company, the boat.

Q. The same place he worked on the boat?

A. Yes.

Q. Did he work on the same boat with you?

A. No sir.

Q. How long do you know Sgelirrach?

A. I know him from the old country.

Q. Are you related to him?

A. No.

Q. He worked on the same boat with you?

A. He did.

Q. All these men that lived at 24th Street, did they work with you on the same boat?

A. No, no one except Sgelirrach.

Q. How long were you on strike?

A. The company I worked for is the Reading Railroad Company and they called outside towboats. It was not a strike because they carry union men.

Q. Were you a union man?

A. I am now.

Q. How long were you out of work?

A. Seventeen days.

Q. On the first strike, how many days were you out?

A. I was not on the first strike. This company was not on the strike. My boat was laid up.

Q. How much pay did you receive?

A. \$90 a month they pay.

Q. How many trips had you made before this?

A. About four trips a month; about twelve trips.

Q. How much money did you have left from your wages on the 22nd of March?

A. About \$11 with me.

Q. Were you paid before or after the strike commenced, for the previous month?

A. I got paid when I got off the boat.

Q. When the strike was declared?

A. When I got off the boat, March 4th.

Q. you mean when you stopped working?

A. Yes sir.

Q. All you had left was \$11 on the day you got arrested?

A. Yes.

Q. You had no other money?

A. Not on me, but I had more.

Q. How long do you know Mr. and Mrs. Nachimovich?

A. About

nineteen months.

Q. Did they come from the same part of Istria that you come from?

A. Yes.

Q. Did you know them in Istria?

A. No.

Q. Did you know this other man?

A. I know the husband from the old country.

Q. Pete Jurman, how long do you know him?

A. Pete Surian, about six years.

Q. Did you know him from the other side, in the old country?

A. No.

Q. Mike Strolich, how long have you known him?

A. I know from the old country.

Q. And Nathan Jurman?

A. I know him, too.

Q. And John Nachimovich?

A. Yes, I know him from the old country.

Q. And Martin Honovich?

A. I did not know him from the old country; I know him only about three months.

Q. What did you do every day between the 4th of March and the 22nd of March?

A. Going around talking; sometimes I go out in the afternoon until suppertime.

Q. You lived there from the 4th to the 22nd of March, when you lived at Bank Street with Mrs. Nachimovich; did you have your room, or did you get your meals also?

A. Then I had only a room, and once in a while I have meals.

Q. Isn't it a fact that Mrs. Nachimovich only rented out the

rooms and never prepared the meals?

A. She prepared meals sometimes.

Q. But as a general rule all she did was to rent out the rooms?

A. She rented out the rooms, and supper.

Q. How many days did you eat your dinner from the 4th of March to the 22nd of March in 408 West 24th Street?

A. I eat steady then, twelve days.

Q. Did you ever eat your meals in the restaurants from the 4th to the 22nd of March?

A. No, not in them twelve days.

Q. You say you had three meals every day?

A. Two meals and coffee in the morning.

Q. Every day?

A. Nearly every day; when I happened to be home at noontime; if not I ate in the restaurant.

Q. Did you work any place?

A. Not since March 4th.

Q. What did you do every day?

A. I had to go to find a job.

Q. Did you stay in your room or did you go to the pictures?

A. Sometimes I go to the poolroom with friends; sometime I take a glass of beer. Sometimes I take a walk to 691; sometimes I went to 828 Greenwich Street.

Q. All the men that lived in this house, they were on strike were they?

A. Yes.

Q. And also Frank Strolich?

A. He was on strike too.

Q. Were you ever at the New York Central Freight Station over on the west side, that runs from Laight Street to Beach Street at Hudson and to Varick?

A. Yes, I know where it is.

Q. Were you ever there?

A. I was in the station, yes.

Q. How many times?

A. About ten days, about ten days before I got arrested.

Q. Who was there with you?

A. I cannot say.

Q. Were you alone?

A. Yes, I think so.

Q. Day or night, were you there?

A. Day.

Q. What were you doing there?

A. I was going some place.

Q. Going where?

A. On the other side, on the Jersey side. To go on the Jersey side.

BY THE COURT:

Q. You were going to go to Jersey City by that freight station, were you?

A. Yes, but not the freight station.

Q. How long were you in the freight station the day you were there?

A. Not the freight station.

Q. He asked you what you were doing in the freight station; you were in the freight station you said about ten days before you were arrested?

A. I was in the station, the train station.

Q. He asked you about the freight station at Beach and Laight Street?

A. I thought it was the train station. I made a mistake.

BY MR. BOHAN:

Q. Were you ever on Hudson Street?

A. No sir.

Q. Were you ever on Varick Street?

A. No sir. I never traveled that way.

Q. Do you know where the freight station is?

A. Yes sir.

Q. Where is it?

A. It is near, -- what street is that?

Q. Is it near Canal Street?

A. Is it near Cortlandt Street?

Q. What freight station are you referring to, at Cortlandt Street?

A. It is not a freight station; a ferry station.

Q. Do you know what a freight station is?

A. No, I don't remember. I did not take no notice.

Q. Do you know what the word "freight" means?

A. Yes.

BY THE COURT:

Q. You have been working for twelve years for the Reading Company?

A. Yes.

Q. Were you on the passenger boats or freight boats?

A. Shall tugs, towing barges.

Q. Towing freight barges?

A. Coal barges.

Q. Coal is freight, isn't it?

A. Yes, material.

Q. He asked you is there a freight station at Cortlandt Street?

A. I can't remember.

BY MR. BOHAN:

Q. You want to change your statement now that you were never in the freight station at Laight and Beach Street ten days before you were arrested?

A. In Beach Street I never go.

Q. Do you want to change your statement?

A. No sir; I don't remember. I thought you were asking me before if I was in the ferry station by Cortlandt Street.

Q. Did you hear me ask you whether you were in the freight station and I told you where it was in my question, at Beach,

Laight, Hudson and Varick Street. There is no ferry station on Hudson Street, is there?

A. I don't know the street.

Q. There is no ferry on Hudson Street. You know that is not near the river. And you know Varick Street is not near the river?

A. I don't know the streets. I can't even read.

Q. What street is the Reading Railroad ferry at?

A. I believe Cortlandt.

Q. What street is the Reading Railroad ferry at?

A. Cortlandt Street.

Q. It is not near Hudson nor Varick nor Beach, is it?

A. I don't know; I know the ferry.

Q. What language do you speak?

A. Croatian. It is like Slavish.

Q. You come from where?

A. Fiume, Istria.

Q. What part of Istria?

A. Near Fiume town.

Q. You understand Italian?

A. Very little.

Q. Do you speak Italian?

A. Very little.

Q. But you do speak some Italian?

A. Very little I understand.

Q. In Fiume where you come from there is a large Italian population?

A. Yes, in the town.

Q. And everybody speaks a little Slavish, Croatian, Italian and sometimes other languages?

A. Yes, but we do not live there. We only take the boat there.

BY THE COURT:

Q. But where did you live?

A. In the other town, in Istria.

Q. You are a Croat, are you?

A. Yes sir, Croat-Slavish; it is between.

Q. You are not an Austrian any more?

A. No, not now.

Q. You are from Istria?

A. Yes sir.

Q. Fiume is the biggest city near where you were?

A. Yes.

Q. You sailed for this country from Fiume?

A. Yes.

BY MR. BOHAN:

Q. Where you come from everybody speaks a little Italian and Croatian?

A. No sir, not there.

Q. They understand it?

A. A little bit.

Q. When you came on here did you work with Italians on the boats?

A. No.

Q. What did you go on the 22nd of March in the morning?

A. I was home about noon, to dinner.

Q. What time did you get up?

A. About between seven and eight o'clock.

Q. What did you do in the morning?

A. Talking around with the fellows.

Q. Did you go out?

A. I stayed home to noon.

Q. In the afternoon did you go out?

A. I was out in the afternoon.

Q. Whom did you go out with?

A. With Mike Strolich.

Q. What time did you come back?

A. About fifteen minutes of six.

Q. Whom did you come back with, Mike Strolich?

A. Yes.

Q. Where did you spend the afternoon?

A. I was for a while in 691 and then we went to the saloon and had a glass of beer and then we went to 828 Greenwich about around four o'clock.

Q. Whom did you see there. Did you see the brother Frank Strolich there?

A. He was not there.

Q. Did you see him that afternoon?

A. No, I did not see him before I got home.

Q. You were at Emily Strolich's house from four to five with Mike Strolich?

A. Yes.

Q. Didn't you hear Mike Strolich say that he saw his brother Frank Strolich there?

Objected to; objection overruled. Exception.

A. In our house.

Q. Didn't you hear Mike Strolich say that he saw his brother in Emily Strolich's house at 828 Greenwich while you were with him?

A. I did not hear him say that; we find him home in our house.

Q. Did you see Frank Strolich Saturday afternoon?

A. I did not see him since about one o'clock, since we went out. We find him home fifteen minutes of six, home.

Q. You found him at 408 West 24th Street?

A. Yes.

Q. Will you now say you did not see him in the house of Emily Strolich?

A. No sir, I did not see him there, not on that day.

Q. When you got home at 24th Street, he was there at home?

A. Yes.

Q. Was he there ahead of you?

A. He was ahead of me. He was home when we got home.

Q. You came in with Mike Strolich?

A. Yes sir.

Q. Did you see Leon De Pierre and Ivan De Franso that afternoon at 828 Greenwich Street?

A. No sir, not that day.

Q. Or the day before?

A. No. About four or five days before I saw De Franzo.

Q. Where is 828 Greenwich Street?

A. Near 14th Street.

Q. Where is 691 Greenwich Street?

A. Near Christopher St.

Q. Have you a cousin down on Greenwich Street near Cortlandt?

A. I have cousins. A fellow married my cousin in the old Country, that is in Cortlandt Street.

Q. Near Greenwich Street?

A. Away down near Cortlandt.

Q. You know that neighborhood pretty well along the west side?

A. I only know where people are.

Q. Were you ever in any house between Cortlandt Street and 14th Street?

A. Cortlandt Street I was in one house of Emily Strolich.

Q. Where does she live?

A. Near Cortlandt Street and Greenwich.

Q. Any other house on the west side?

A. No sir. I never was in any house.

Q. What did you do after you got home?

A. I stayed home.

Q. Did you go to your room?

A. No sir.

Q. Did you wash up?

A. No sir.

Q. Did you go to your room at any time that night?

A. No sir, I was in the dining room.

Q. How many people were in the dining room when you got home?

A. Eight and the Missus made nine.

Q. Were they all there when you got in?

A. Yes. When I got in fifteen minutes of six Sgelirrach came home around six o'clock and Pete Zurian and Tony Jurman came home about six o'clock.

Q. How many were there before supper commenced?

A. Before they came in?

A. Yes.

A. Oh, they came in with five.

Q. What time did supper commence?

A. About fifteen or twenty minutes after six.

Q. Were these men working that day, any of these men?

A. No, they did not work.

Q. How long did it take for supper?

A. About twenty minutes or half an hour. Sometimes more, sometimes less.

Q. Did any of the men leave the dining room after they came in that night?

A. No, they did not leave the dining room.

Q. All of the men that had rooms on the top floor stayed in the dining room?

A. On the top floor; one's room is outside the dining room.

Q. All the men that had their room upstairs remained in the dining room and did not go in their rooms, is that right?

A. No

sir, did not go near their room.

Q. Did you leave that room at any time from the time you went at 5.45 until the time the policeman came?

A. No, we were always there.

Q. All of you?

A. I was there.

Q. Did anyone else leave the room?

A. Sgelirrach and Tony Jurman and Pete Zurian went out. They were on the steps.

Q. What time did they leave?

A. About five minutes to nine. They came back about two minutes after with the officer.

Q. Before they left did any of the men who were in the room leave the dining room between five to six and nine o'clock?

A. No sir.

Q. They all remained in this dining room?

A. Yes, talking.

Q. What did you eat that night?

A. Rabbits.

Q. You are sure it was rabbit?

A. Yes sir.

Q. How often did you eat rabbits before that?

A. Five or six days.

Q. With Mrs. Nachimovich?

A. Yes.

Q. She cooked the rabbit suppers while you were there?

A. Sometimes twice; sometimes three times.

Q. How many times in these seventeen days did she cook rabbit?

A. About two or three times.

Q. She had ten men upstairs, is that right?

A. Yes.

Q. Did she clean those rooms and fix the beds?

A. No.

Q. You did not take care of your bed?

A. No.

Q. And she cooked three meals every day for all of you mean?

A. Two meals, and coffee in the morning.

Q. And she took care of her children?

A. Yes.

Q. On this night while you were sitting in the dining room what was she doing?

A. After we ate supper she washed the dishes.

Q. Where was the child?

A. The husband had them.

Q. Were they in the same room?

A. In the dining room, taking care of them.

Q. Give me the names of the men sitting at the table in that room?

A. Tony Jurman, Joe Jurman, Joe Yellovich, Mike Strolch, John Nachimovich, Frank Sgelirrach and me and Martin Honovich came about fifteen minutes after seven in the house.

Q. That is eight men?

A. Yes, and Mrs. Nachimovich is nine.

Q. And three children?

A. Yes sir. But Martin came in fifteen minutes after.

Q. That would be ten men and Mrs. Nachimovich is eleven?

A. No; I counted Martin. He came in the house fifteen minutes after seven.

Q. That would be thirteen or fourteen people in this one room in the dining room?

A. With the children.

Q. And no one left between six and nine o'clock?

A. No sir, except the three men on the steps when they wanted to go out and they met the officer, Murphy.

Q. What did you talk about?

A. About work and the strike.

where we were going to work, to which one we go.

Q. Did Mrs. Nachimovich join in the talk?

A. She washed the dishes, cleaned the kitchen and attended the children.

Q. The kitchen was a separate room?

A. Yes.

Q. Sometimes she could go into the kitchen and you would not see her in the dining room?

A. You can see.

Q. Sometimes she would go into the part of the kitchen where you could not see her?

A. You can see always because there in doors on the side.

Q. What part of the table were you sitting at?

A. On the corner.

Q. Who was on the right side and who was on the left side of you?

A. On the right side behind me was Mike Strolich and on the left side was Tony Jurman.

Q. Where was Frank Sgelirrach?

A. He was next, and Pete Zurian was next to me, I believe.

Q. After supper was over did you get up from your chair or move away from the table?

A. I sat down talking.

Q. Did you all get up?

A. No.

Q. What time did supper commence?

A. About fifteen or twenty after six.

Q. What time did you finish?

A. About a quarter to seven or twenty to seven.

Q. Did you sit in the chair at the table from twenty after six until the time the officer came in?

A. Yes.

Q. You never left it?

A. No. I got up and sat down there and talked.

Q. You sat down in the same chair every time you got up?

A. I sit down there.

Q. Where was Frank Sgelirrach?

A. He was lying, on what they call a sofa, in the dining room.

Q. How near the table?

A. Behind the table (indicating).

Q. Where was Mr. Nachimovich?

A. He was taking care of the children.

Q. In the dining room?

A. Yes.

Q. Did you see him lying down on the bed?

A. He was not lying on the bed. He got up when Sgelirrach wanted to go out to get his suit.

Q. Did he ever lie down on the bed?

A. Not in the day.

Q. Sure?

A. Yes. He laid down in the dining room.

Q. If Mrs. Nachimovich said he laid down on the bed, what do you say?

MR. ROSENBERG: Objected to.

(Question withdrawn.)

Q. Did you hear Mrs. Nachimovich say that her husband laid down on the bed?

A. I did not hear her say that, that he laid down in the bed. He was lying on the sofa. He did not sleep. Before that a couple of minutes Sgelirrach got up from the sofa and he went out and met the officer on the steps. He was just sideways lying on the sofa in the dining room.

Q. Did you hear me ask Mrs. Nachimovich this question: "He was in the bedroom? A. He was lying down all dressed up". Was he lying down or sitting at the table?

A. He was lying down in the dining room on the sofa.

Q. Not in the middle room?

A. No, only a couple of minutes.

Q. What room did Mr. and Mrs. Nachimovich use to sleep in?

A. In the front room she slept.

Q. In the middle room?

A. No, that is the dining room.

Q. Was there a bed in the middle room?

A. No sir. No bed, but a sofa.

Q. Was there a sofa in the middle room?

A. In the dining room, yes; in the middle.

Q. Is the middle the dining room?

A. There is a kitchen and middle room.

Q. You call the kitchen the middle room, do you?

A. No.

Q. How many rooms are there on that floor?

A. The kitchen and what they call the dining room and the front room, three; and another room outside.

Q. Where was Mr. and Mrs. Nachimovich's bed?

A. In the front room.

Q. Was he lying down on the sofa in the dining room or on the bed in the front room?

A. When the officer came in the house he was lying down a couple of minutes on the sofa.

Q. I thought you told me a few minutes ago Sgelirrach was lying down on the sofa?

A. I was telling you Sgelirrach got up

about two or three or four minutes before the officer came in the house and he wanted to get his suit.

Q. Was he lying on the sofa?

A. Sgelirrach was lying there before that.

Q. Is that the same sofa that Nachimovich was lying on?

A. Yes.

Q. How long did Sgelirrach lie there?

A. I cannot say how long; fifteen or twenty minutes.

Q. When the officer came there who spoke to him first?

A. I spoke the first to Sgelirrach because I told him, "What you come back again for?" He said, "The officer stopped me on the steps", so that is what he was telling me.

Q. Is that all he told you?

A. Yes sir.

Q. What did you say to the officer then?

A. The officer was the first one spoke to the Missus. Then the boss he got up and spoke also, because they asked for Frank Strolich, if he was living there. After they spoke for a while I asked the officer, "What is the matter with Frank Strolich". He said he got out, so I thought he was out with a knife, a cut. He asked was he working. Somebody was telling he was working with the Lehigh Valley. Then I answered the last time he was working on the Reading Company. The last time I seen him he was working in the Reading Company.

Q. What else?

A. Then I did not say nothing.

Q. As I understand you, Officer Murphy came and said something to you in English?

A. Yes.

Q. First, Sgelirrach said something to you in Croatian?

A. Yes.

Q. He told you that the officer brought him back from downstairs and he wanted to know if Frank Strolich lived there?

A. Yes.

Q. He did not say anything else to you in Croatian, did he?

A. Sgelirrach, no.

Q. Then you spoke to the officer, who told you that Frank Strolich was out?

A. Yes, he got out.

Q. You thought by that that he was out with a knife?

A. Yes.

Q. And that is all that was said between you and Officer Murphy?

A. Yes. I say nothing more.

Q. What else?

A. The officer asked if he was working. I told him the last time he was working in the Reading Company.

Q. Did you say anything else to him?

A. No. Yes, I think I was I was asking what was the matter with him, what did he do; was he fighting. He said, yes, something like that.

Q. What did the officer say to you?

A. He say nothing to me there.

Q. Did he say anything to you?

A. No.

BY THE COURT:

Q. Did he give you an invitation to come along with him?

A. Yes, he gave me an invitation; he said, anybody want to go down to see him, so we said yes.

Q. Is that Officer Murphy?

A. There was another officer, too.

Q. Officer Summers?

A. A little fellow; two officers were there. They said "yes, walk down".

BY MR. BOHAN:

Q. Did they take the four of you?

A. No.

Q. How many did they take?

A. Two of us.

Q. Sgelirrach and you?

A. Yes.

Q. And no one else?

A. No sir.

BY THE COURT:

Q. And how many were there?

A. We were there, the same as before.

Q. There were eight or ten of you there?

A. Ten.

Q. And they picked out two?

A. They did not pick them out at all.

Q. Who did the picking?

A. Officer Summers.

Q. Didn't the complaining witness do the picking?

A. No sir.

BY MR. BOHAN:

Q. Did you see that man there (indicating Frank Sgelirrach)?

A. I seen that man there, yes.

Q. Was he at 24th Street with Officer Murphy?

A. Yes.

Q. And this man here (indicating Officer Summers)?

A. Yes.

Q. And that man there entering the courtroom?

A. Yes, he was there, too.

Q. Did you see him do anything before they picked you out?

A. No.

Q. Before they asked you to come with them?

A. No.

Q. Did Frank Sgelirrach speak?

A. No.

Q. Did he say anything in Croatian?

A. No.

Q. Did you hear him say anything in English?

A. Not a word.

Q. How did the officer tell you to come away with him?

A. He said anybody wants to go down to see him, we said yes.

Q. Did he take you by the sleeve?

A. No. We went by ourselves. We said yes. He said, "You better come on; you can speak better English". At the steps he said, "That is enough, two of you".

Q. How long were they in the house?

A. Between five and ten minutes.

Q. Where did they take you to?

A. To the 9th Avenue stationhouse.

Q. What street?

A. Beach Street.

Q. How did you come down?

A. In the car.

Q. What, street surface car?

A. Yes, the electric car.

Q. You did not go down on the subway?

A. No.

Q. You went to the stationhouse at beach and Varick Street?

A. Yes, to Christopher Street first.

Q. You first went to Christopher Street, 826?

A. Yes, to get Tony Kursovich.

Q. How long did you stay there?

A. We were not there long.

Q. How long did you stay there?

A. We were not there long.

Q. How many men did you see in 826 Greenwich Street?

A. In 691, Sgelirrach and Officer Summers went down. I did not go inside the house.

Q. With whom?

A. Officer Murphy and two other fellows.

Q. Then you went directly to the police station?

A. Yes. We took the car to the police station.

Q. On the way down did you talk to Officer Murphy in the English language about where you were that night?

A. I talked in English where I was that Saturday night, yes. I told him I was home.

Q. When you got to Beach Street did you see Frank and Mike Zic and all these men who were on the stand the last two days. Did you see those men there?

A. The men that were in the house.

Q. In the stationhouse?

A. Yes, they came down with us. That is the first time I seen them near our house.

Q. This man Frank Zic and Summers were the only men that came from 24th Street to the stationhouse, two men and two officers?

A. Yes.

Q. And when you got to the stationhouse you saw the other men that were on the witness stand last week, is that right?

A. I saw four men in the stationhouse; four or five men.

Q. Did they put you in a line?

A. In the station, we went straight there, and there was a line of people in the stationhouse; I don't know who. We went straight across to a different room and I cannot say was it four or five men standing in that room, standing up, and then we got in there, they say. "Line up; line up". I did not know what that meant.

Q. How many men were there in that line?

A. About eight or nine.

Q. And you and Sgelirrach were the only men you knew in that line?

A. Yes.

Q. He was the only man you knew in that line. Sgelirrach?

A. Yes. He was in that line with me.

Q. He was the only man you knew?

A. No, I knew somebody else. Tony Kursovich, and I did not know who was the rest.

Q. How many men did you know in that line?

A. In that line with me I knew Tony Kursovich and Sgelirrach.

Q. You knew two men out of the eight or nine men?

A. Yes. They took us out in a different line again.

Q. Did you see Mike Zic (indicating) in the stationhouse?

A. Yes.

Q. Did you see him go up to that line and do anything?

A. Not in that line.

Q. Did you see him go up and point his hand or say anything that you heard while you were standing at that line?

MR. ROSENBERG: Objected to as incompetent, irrelevant and immaterial, in reference to the actions of a third person over whom we have no control.

Objection overruled. Exception.

Q. Not in that line because we had two line-ups.

Q. The first line-up was in the stationhouse?

A. In a different room.

Q. Who came up and picked you out there?

Objected to; objection sustained.

Q. Did you see any of these men, Mike Zic, Frank Zic, Vincent Zic, come up and point their finger at you or Frank Sgelirrach while you were in that line?

Objected to; objection sustained.

MR. ROSENBERG: I ask that the District Attorney be instructed not to repeat that.

MR. BOHAN: All right.

BY THE COURT:

Q. Mike Zic was there, was he not?

A. Yes.

Q. Did you know him before that day?

A. No sir.

Q. He saw that line that you were in?

A. He seen the line.

Q. How many other men were brought before you when you were in that line-up; how many men line Mike Zic were brought there while you and your co-defendant were in the line up?

A. Four or five.

Q. They also saw you and saw this defendant in this line-up?

A. He saw us there.

BY MR. BOHAN:

Q. And after that you were locked up?

A. We were in a different line; I had two lines.

Q. They gave you another line-up?

A. Yes sir.

Q. And again these men saw you there; you had two line-ups and each time Mike Zic and the other Zic saw you there, is that so?

A. They saw us there, yes.

Q. And then you were arrested and locked up?

A. Yes.

Q. After the second line-up you were arrested?

A. Yes.

Q. How many men were in the second line-up?

A. I cannot say.

Q. Eight or ten, the same as the first?

A. About that.

Q. Sgelirrach was the only man you knew in the second line-up?

A. Sgelirrach and Tony Kursovich, two men.

Q. Did you hear any of these men while you were in the line-up speak in your language, the Croatian language?

A. Yes, after I was in the line.

Q. Did they speak about you and Sgelirrach?

Objected to; objection sustained.

Q. Were you ever in 36 Beach Street?

A. Not what I know.

Q. Would you know, or would you say so if you knew?

A. I don't know. I don't know because I was not there.

Q. Were you ever at Beach Street?

A. I could not swear. If I go down in Battery Place I used to take the ferry in Port Richmond.

Q. Were you ever in a house there?

A. No sir.

Q. Isn't it a fact you were in 36 Beach Street on the 18th of March?

A. No sir.

Q. (Officer Summers in recalled to the court room) Do you see that men entering the court room?

A. Yes.

Q. Isn't it a fact that that man, Mr. Summers, put you out of the hallway on the evening of March 18th, while you were in company with Frank Strolich?

A. No sir, I swear my life off.

Q. You heard these men pick you out in this court room?

A. Yes, in the court room.

Q. They identified you as among one of the six or seven men that robbed them on the 22nd of March, yes or no?

MR. ROSENBERG: Objected to on the ground that it is incompetent, irrelevant and immaterial and hearsay, calling for the actions of persons over whom the defendant has no control.

Objection overruled. Exception

BY THE COURT:

Q. You can hear well; you have good ears?

A. I can hear, yes.

Q. You heard them say that you robbed the, did you?

A. They said that, yes.

Q. Right here in this court room you heard them say that?

A. Yes, I heard them.

BY MR. BOHAN:

Q. Do you know any reason why Frank Zic would charge you with robbing him of \$1728 at the point of a revolver?

Objected to as incompetent, irrelevant and immaterial.

Objection sustained.

THE COURT: You can ask him if he ever had any difficulties with them. I understand he does not know them.

BY THE COURT:

Q. You do not know these men at all?

A. No, I never saw

them in my life.

Q. You never had any trouble with them?

A. No, and never saw them before.

BY MR. BOHAN:

Q. How was your friend Sgelirrach dressed on this night that he was arrested?

A. He was dressed the same.

Q. He had that brown shirt on?

A. Brown shirt. He got two brown shirts and he had a brown shirt on.

Q. When the police came into the room on that night you were the only one that spoke to them and they spoke to you about Frank Strolich, is that right?

A. The boys also.

Q. Did Officer Murphy talk to anyone else in that room but you and Frank Sgelirrach?

A. Not in our house.

Q. In the dining room?

A. Not anybody else.

Q. You and Sgelirrach were the only ones he spoke to; I am referring to Officer Murphy now?

A. He spoke to me.

MR. BOHAN: That is all.

REDIRECT EXAMINATION BY MR. ROSENBERG:

Q. What time did Frank Strolich leave the house?

A. About ten minutes after six.

Q. Did he come back that night?

A. No sir.

BY THE COURT:

Q. How do you know it was ten minutes after six?

A. Because I had a watch.

Q. Every time he left the house you looked at your watch to

see what time it was?

A. I just looked at the watch.

Q. It was very important when he left the house, was it; he was a man of such importance that you had to keep time on him, is that so?

A. I did not know the men's business when they go out.

Q. What was it your business to look at the watch when he left?

A. Because I got ready for supper.

Q. The woman said he left at half past five?

A. No, he left about ten after six.

Q. No matter what she says, you looked at your watch and you know?

A. Yes.

Q. He never came back, did he?

A. No.

Q. He has not come back yet?

A. I guess not.

BY MR. BOHAN:

Q. Did you live at 691 or 828 Greenwich Street with Frank Strolich?

A. 691.

Q. Did you live at 691 on that afternoon and go home to 24th Street with him?

A. Not with Frank Strolich.

BY THE COURT:

Q. What time did you have your supper that night?

A. Fifteen or twenty after six.

Q. Did you look at your watch to see what time you sat down?

A. There was a clock in the dining room.

BY MR. BOHAN:

Q. Did you ever have your picture taken in a cowboy's suit

with a couple of guns on you?

A. No.

Q. Never?

A. No.

Q. You never had your picture taken with Mike Strolich?

A. No sir, not with Mike Strolich.

Q. Look at this picture (handing photograph to witness)?

A. That is not me.

Q. Who is that?

A. That is him there, Sgelirrach.

Q. Who is the other man on the picture?

A. Mike Strolich.

MR. BOHAN: That is all.

FRANK SGERRLICH, of 408 West 24th Street, one of the defendants, called as a witness on his own behalf, having been duly sworn, testified as follows, through the interpreter, Mr. Ucas:

DIRECT EXAMINATION BY MR. ROSENBERG:

Q. How old are you?

A. Twenty-seven.

Q. What is your business?

A. Fireman.

Q. For what company?

A. Reading Railroad Company.

Q. What work do you do. Are you on the railroad or on the boat?

A. On the boat.

Q. Did you ever live at 408 West 24th Street?

A. Yes.

Q. How long did you live at 408 West 24th Street?

A. Since the 1st of March, and the 22nd of March is when I was arrested.

Q. On the 22nd of March, 1918, did you in company with the co-defendant, or with anyone else, enter the premises on 36 Beach Street?

A. No sir.

Q. Did you on that day between eight and nine o'clock or at any other time in company with the defendant or alone or in company with anyone else enter those premises and steal or rob money or property from Frank Zic and anyone else?

A. No sir.

Q. Did you on that day have a revolver in your hand in company with the co-defendant or anyone else and command the people in those premises to hold their hands up and then rob them of their money?

A. No sir.

Q. Or were you with anyone else who robbed the people in that house on that day?

A. No sir.

Q. Were you ever convicted of a crime?

A. No sir.

MR. ROSENBERG: That is all.

CROSS-EXAMINATION BY MR. BOHAN:

Q. How long are you in this country?

A. Seven years.

Q. Are you a citizen?

A. Out of seven years I was away three months.

Q. Are you a citizen?

A. No.

Q. What do you mean you were away three months?

A. I was on a trip to Europe.

Q. When was that?

A. Five years ago.

Q. Before or after the war?

A. Before.

Q. You are not a citizen, are you?

A. No.

Q. How old are you?

A. (In English) Twenty-seven.

Q. How long do you know Frank Strolich?

A. In (In English) Five years.

Q. Do you know my questions in English?

A. I understand very little.

Q. Did you know Frank Strolich in the old country?

A. No.

Q. Did you know Frank Pessulich in the old country?

A. Yes.

Q. Did you know Mr. and Mrs. Nachimovich in the old country?

A. No.

Q. Did you know Pete or Antony Jurman in the old country?

A. No, not in the old country.

Q. Did you know Martin Honovich in the old country?

A. No.

Q. What kind of work have you been doing in this country?

A. Fireman and riveter's helper in shipyards.

Q. How long were you on this strike?

A. I was not on strike.

Q. Were you working on the 22nd of March?

A. No sir.

Q. How long had you been out of work?

A. Two months.

Q. Who paid your room and board?

A. I was paying with my brother, too. If I did not have any money my brother helped me out.

Q. What was your brother's name?

A. Mike Squerrlich.

Q. Did he live at 24th Street also?

A. Yes.

Q. What room did you occupy -- with your brother or with Mike Strolich?

A. With Pete Zurian.

Q. What room did Pezzulich have?

A. With Tony Zurman.

Q. What room did Frank Strolich have?

A. Tony Kursovich.

Q. How many money did you have on the 22nd of March when the officer arrested you?

A. I had \$42 and my brother gave me \$20 that

day, to buy a suit of clothes.

Q. That is all the money you had, is it?

A. I had 20 or 30 cents in my pocket in my trousers.

Q. You had no money in the bank?

A. No.

Q. Do you mean you had that much money on your person when you were arrested and searched?

A. Was I arrested?

BY THE COURT:

Q. Were you arrested; you have been in prison since that night, haven't you?

A. Yes sir.

Q. You were arrested that night, weren't you?

A. Yes.

Q. And you have been in prison ever since?

A. Yes sir.

Q. When you were arrested how much money did you have on your person?

A. \$42 and some change in my trousers pocket.

BY MR. BOHAN:

Q. Did the officer return that money to you?

A. Yes.

Q. Were you ever at or near 36 Beach Street?

A. No sir. When they took me out of the house I asked Detective Murphy where was 36 Beach Street.

BY THE COURT:

Q. He mentioned 36 Beach Street to you?

A. In the police station he mentioned it.

Q. You said when they took you out of the house you asked them where was 36 Beach Street?

A. I asked them. They did not want to say to me.

Q. Who told you about 36 Beach Street?

A. I did not hear from anyone.

Q. Why did you ask them about it if you did not hear about it?

A. I asked the detective where was Frank Strolich and he did not want to tell me exactly and then we went with them.

Q. You said you asked him where was 36 Beach Street when they took you out of your own house. Now, why did you mention 36 Beach Street?

A. I did not ask him where that was.

Q. You told us that you did ask him; which is true?

A. No, I did not.

Q. Why did you tell us you did ask him?

A. I asked him where the trouble was.

Q. What did he say?

A. He did not want to answer me.

Q. Who mentioned 36 Beach Street?

A. I heard that in the police station.

BY MR. BOHAN:

Q. Did you hear Frank Zic or Mr. Summers say anything about 36 Beach Street in your house?

A. Show them to me.

Q. (Frank Zic stands up) Did you hear what he said in 24th Street?

A. No.

BY THE COURT:

Q. There were four men came to 24th Street, weren't there?

A. Yes.

Q. Two police officers, weren't there, and two other men named Zic; you say them, did you nor?

A. No.

Q. They looked over the whole parlor of the house?

A. Yes.

Q. There was a parlor floor full of men there, Croatians?

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A. Yes.

Q. And you and this defendant were the only two men that they took out of the house with them?

A. We went.

Q. The police took out; did they take anyone else?

A. No.

Q. Didn't they tell you why they were taking you?

A. No.

BY MR. BOHAN:

Q. When was the first time you learned why they took you away from 24th Street?

A. I did not know before I was arrested.

BY THE COURT:

Q. That is when you were arrested; that is what the Assistant means, when you are placed in custody for investigation for an alleged crime?

A. I did not do anything and therefore I was not arrested.

Q. You have never been free, ever since they went to your house, have you; have you ever been free since these two officers escorted you from 408 West 24th Street on the evening of March 22nd?

A. No, not after that.

Q. Did that convince you that you were under arrest?

A. I could escape because they were not holding me.

Q. You know if you attempted to escape from custody they had a right to shoot you, to apprehend you?

A. I would not fly because I was not guilty of anything.

BY MR. BOHAN:

Q. You said they wanted to find out something about Frank

Strolich?

A. I wanted to know why they were asking for Frank Strolich.

Q. Why didn't they ask his brother, Mike Strolich, to go down to the stationhouse?

Objected to; objection sustained.

Q. They did not take Frank's brother with them to see Frank, did they?

A. No.

Q. And when you got down to the stationhouse you found Frank Strolich?

A. I did not see him. He was arrested inside.

Q. Did you ever see Frank since that night?

A. Yes, I was in prison with him.

Q. Did you see him in the line-up on the night you were taken to the Beach Street stationhouse?

A. No, he was not in line.

Q. Before you entered the stationhouse they took you to 691 Greenwich Street, did they not?

A. Yes.

Q. Did they tell you anything about Beach Street?

A. No.

Q. How many men were in the line-up in Beach Street station?

A. There were two lines.

Q. In the first line how many men were there?

A. I am not sure; eight or nine.

Q. How many men did you know in that line?

A. Frank Pezzulich and Anthony Kursovich.

BY THE COURT:

Q. You saw this defendant in this line-up also?

A. Yes.

I said that.

Q. How many men did you know in that line?

A. Three men and the detectives.

Q. You were with three men in that line?

A. The three men that were with me in that house.

Q. Can you count up to ten?

A. Yes.

Q. Please tell us how many men were in that first line-up that you knew?

A. One man I am sure, the co-defendant, and I am not sure if Kursovich was in the line.

Q. While you were standing in the first line did you see anyone there that you knew; did anyone walk up and down in front of you?

A. They were looking at the line.

Q. Who was looking at the line?

A. I know the man that was in this room.

BY MR. BOHAN:

Q. (Frank Zic stands up) Did you see that man (indicating Frank Zic)?

A. Yes.

Q. Did you see that man (indicating Mike Zic)?

A. Yes.

Q. Did you see that man (indicating John benefacto)?

A. He had his head tied.

Q. And this man (indicating Vincent Zic)?

A. I am not sure.

Q. Isn't that the man that had his head tied, Vincent Zic?

A. I can't tell exactly.

Q. When you went to the stationhouse you saw a man that had his head tied?

A. Yes, I saw.

Q. And that man walked up and down in front of the line in which you were standing, that man with the battered head?

A. No; he was not in front of the first line.

Q. Was he there at the second line?

A. Yes, and he was the last to come.

Q. How many men were standing in that second line?

A. I know there were ten men; I am not sure.

Q. How many men were in that line that you knew before that night?

A. Myself, the co-defendant and Tony Kursovich.

Q. After those two line-ups you were placed in a cell, were you?

A. Yes.

Q. How many revolvers did you see in the stationhouse?

MR. ROSENBERG: Objected to as not binding on this defendant.

THE COURT: You may ask him if he had a revolver.

Q. Did you have a revolver?

A. Never.

THE COURT: We will adjourn now. Gentlemen of the jury the Court will excuse you until two o'clock. In the meanwhile remember that the law forbids any discussion on your part about this case with anyone whatever. The time to discuss it is after you hear all the evidence on both sides and when the Court submits it to you, then you retire and discuss it and decide it, but not before then. Please be here at two o'clock.

Trial continued at 2 P. M.

FRANK SQUERRLICH resumed the stand:

CROSS-EXAMINATION CONTINUED BY MR. BOHAN:

Q. Did you buy a suit of clothes on the afternoon of March 22nd?

A. Yes, but I did not pay for it.

Q. What time?

A. Half past four.

Q. Are you now wearing the suit of clothes you bought on that day?

A. No.

Q. What time did you see Frank Strolich that afternoon?

A. I did not see him until I came home, ten minutes after six.

Q. Is that the first time you saw him, when he came home?

A. I am not sure if I saw him in the morning.

Q. Did you see him in the dining room of 408 West 24th Street, when you came home after six o'clock?

A. When I came home he went right out.

Q. Did he say where he was going?

A. No sir.

Q. Do you speak the English language?

A. I understand a little.

Q. Do you come from the same part of Istria as Frank Strolich, where most of you understand Italian?

A. Frank Strolich lives three hours away from me.

Q. Did you ever have your picture taken as a cowboy with guns on you?

A. Yes.

Q. When did you have that picture taken?

A. I can't exactly tell when. It was in 14th Street.

Q. Is that the picture? (Handing picture to witness)

A. Yes. This is Mike Strolich with me.

Q. Weren't you known as a bad man among your country men and wasn't that the reason you had your picture taken?

A. No, everybody was thinking good things about me.

Q. Did you ever handle a gun?

A. No sir.

Q. Did you ever use a gun?

A. No sir.

Q. How many of these pictures did you have taken?

A. Four. Two I took and two Mike Strolich.

Q. You showed those pictures to your friends, didn't you?

A. When we came home they saw the pictures?

Q. Those clothes that the picture was taken in, did they belong to you?

A. No. They belong in the place where the picture was taken.

Q. The shirt is the same kind of a shirt you have on?

A. Yes, the underwear was the same.

Q. You had that shirt on the night you were arrested, or the same kind of a shirt?

A. Yes. The same shirt as I have on now.

Q. Do you know Ivan De Franzo?

A. Yes sir.

Q. Do you know Leon De Pierre?

A. Yes sir.

Q. And do you know Tony Banco?

A. Yes sir.

Q. Did you see any of those men of the 22nd of March?

A. No sir, nobody.

Q. Now, before the 22nd of March, how long before the 22nd of March, did you see any of those men I have just mentioned?

A. I saw Leon de Pierre at 691 a month before.

Q. Isn't it a fact that you and Pezzulich and Strolich and Leon de Pierre and Ivan de Franzo and Tony Branco and Peter Bozzak were the seven men that entered the premises, 36 Beach Street, on the night of March 22nd, and held these men up?

A. No sir.

Q. Were you ever in Philadelphia?

A. Yes sir, last year.

Q. Were you ever in the house of Leon de Pierre in Philadelphia?

A. Yes sir.

Q. Did you ever meet Pezzulich when he lived there in Philadelphia?

A. I saw him in a poolroom.

Q. How long did you live in Philadelphia?

A. I was a year in Philadelphia.

Q. Where were you working?

A. Cramp's Shipyard.

Q. During the war, was it?

A. Yes sir.

Q. You knew these four men I have just mentioned, De Pierre, De Franzo, Banco and Bozzak?

A. Yes sir.

Q. Have you ever seen any of those men since the 22nd of March?

A. No.

Q. What did you eat for dinner on the 22nd of March?

A. Soup and meat.

Q. What kind of meat?

A. Meat; I think it was boiled meat.

Q. Were you in the same cell with Frank Pezzulich since the time you have been arrested over in the Tombs?

A. Yes, in the same cell.

Q. Was Frank Strolich on the same floor with you, on the same tier?

A. Yes.

Q. Did you talk about this case every day?

A. Sometimes, because that is my bad luck that I am here.

Q. Did Pete Zurian visit you in the City Prison?

A. No.

Q. Did Anton Jurman visit you in the City Prison?

A. Yes.

Q. Did you talk to him about the case there?

A. No.

Q. Did Mike Strolich visit you in the City Prison?

A. No.

Q. Did you ever talk with him since the night you were arrested?

A. Where they allow visitors to come in, perhaps I was talking to him.

Q. When he visited his brother did you talk to him?

A. No, because he was talking only with his brother.

Q. Did John Nachimovich visit you in the City Prison?

A. Yes, many times.

Q. How many times?

A. I could not tell exactly, but I think it was ten or twelve times.

Q. Did you talk to him about the case?

A. Sometimes, because this is my bad luck.

Q. Were you ever at or near 36 Beach Street?

A. No.

Q. Do you know where Beach Street is?

A. No sir.

Q. Do you know where the New York Central Railroad Freight station is?

A. I was not there.

Q. Do you know where Canal Street is?

A. No, I don't know.

Q. Were you ever on Hudson Street?

A. Yes.

Q. What part of Hudson Street were you?

A. When we were going to the police station and passed with the car, I think that is Hudson Street.

Q. Is that the only time you were ever on Hudson Street?

A. I was there, but down where I am living.

Q. Did you ever live in Banks Street with Mary Nakimowich?

A. I didn't live there but I slept a few nights there.

Q. Where is Banks Street?

A. Seven blocks from 14th Street.

Q. Did you ever live at 691 Greenwich Street?

A. No. I did not live there. Except I slept there one or two nights.

Q. Did you ever live or sleep at 132 Greenwich Street; that is the cousin of Mike Strolich, Anton Strolich?

A. I slept there one or two nights.

Q. Where else did you sleep in New York besides the places you have just mentioned?

A. No other place except one where I am living now.

Q. Did you understand Mike Zic and Frank Zic and Vincent Zic when they were on the stand testifying in their Croatian language?

A. Yes.

Q. You heard what they said about what you did and six or seven other men, on the 22nd of March, at 36 Beach Street?

A. Yes, I heard that. I heard what they said as witnesses.

Q. Do you know any reason why these men should charge you with robbery on the 22nd of March?

MR. ROSENBERG: That is objected to.

THE COURT: He is not obliged to give any reason. You may ask him whether he ever had any quarrel or trouble with him, but the other question you should not ask him. I have excluded that before. Objection sustained.

Q. Did you ever see Mike Zic before you saw him in the stationhouse in Beach Street on the 22nd of March this year?

A. I want him to stand up.

Q. (Mike Zic stands up) That man there. Did you ever see that man before the 22nd of March?

A. No sir, never.

Q. Did you ever see Frank Zic?

A. The first time I saw him was when he came to my house, to my bad luck.

Q. Did you ever see Vincent Zic?

A. The first time I saw him in the police station.

Q. At what part of the table were you sitting at in the dining room?

A. The table is in the center of the dining room and I was sitting against the kitchen, in the middle. Tony Jurman and Pete Zurian, they were on both sides of me.

Q. When you came in did you go to your room?

A. No sir.

Q. Did you leave the room at any time between 6.15 and the time that the policeman came in?

A. No.

Q. What time did you leave the room?

A. I went out to take the suit that I had bought when the detective stopped me on the stairs in the house.

Q. What time was that?

A. A quarter or ten minutes to nine.

Q. Was there a gaslight in the hallway when he stopped you?

A. No sir.

Q. Who spoke to you first downstairs in the hallway?

A. The smaller man, not the big man, Murphy.

Q. Which one, Frank Zic or Summers?

A. The smaller detective.

Q. What did he say?

A. He was talking with me downstairs and the detective said to me if Frank Strolich was living upstairs.

Q. Is that the man who spoke to you (indicating Summers)?

A. No sir, that is not the detective.

Q. When you got upstairs did you hear anyone speak in Croatian?

A. When they came up the men that were in the dining room with me asked who were the men that came in.

Q. Who did they speak to?

A. They asked if Frank Strolich was living there.

Q. Who answered them, Frank Strolich?

A. I am not sure who answered.

Q. How many times have you lived with Mrs. Nachimovich, how many places?

A. I was living in her house in Banks Street and in 24th Street.

Q. When you lived at Banks Street did you have a room and get your meals, or did you just have your room there?

A. I slept there only two or three nights.

Q. You never got your meals there?

A. I am not sure if I had a meal or two.

Q. What did the officer tell about Frank Strolich when he spoke to Frank Pezzulich?

A. Just asked if Frank Strolich was

living there.

Q. Did they tell you where Frank Strolich was?

A. No.

Q. Did you see Frank Strolich that night?

A. When he went out of the house.

Q. Did you see him after that?

A. At the police station.

Q. Did you talk with him there?

A. No sir, Frank Pezzulich was talking with him.

Q. Did you find out why he was there?

A. No, I did not know anything.

BY THE COURT:

Q. What time did you go to the stationhouse?

A. I am not sure about that, but I know it was a quarter to eleven when we were looked up.

BY MR. BOHAN:

Q. How long were you in the stationhouse before you were put in a cell?

A. I am not sure; perhaps 35 or 40 minutes.

Q. Would you say it was before or after nine o'clock when they took you from 24th Street?

A. I am not sure, but I think it was between five and ten minutes before nine.

Q. Did any one of the men who were in the dining room leave the room between 6.15 and the time the policeman came?

A. Nobody went out of the house only we went out to take the suit, when we were stopped.

Q. What were you talking about?

A. About our work and the strike.

BY THE COURT:

Q. You said you were not on strike?

A. But I was talking with the men about the strike.

BY MR. BOHAN:

Q. You had not worked for two months, you said?

A. I was not working for two months, but I was talking about the strike.

Q. Were you interested in the strike?

A. I was not participating in the strike, but I was taking an interest in it.

Q. Did your brother support you and give you any money while you were out of employment?

A. If my brother has anything he would give me anything.

Q. Did he give you any money during the two months you were out of employment?

A. Yes, he gave me and I gave to him.

Q. How long was Frank Strolich out of work?

A. About three weeks.

Q. How often and how long were you in Frank Strolich's company during the three weeks preceding March 22nd?

A. I was not many times. I saw him in the house and in the poolroom.

Q. You were a friend of his, were you?

A. I am not his friend.

Q. How long did you know him?

A. Five years.

Q. Did you work in the same railroad with him?

A. We were working for the same company.

Q. Did you live in Banks Street with him?

A. No, I was not living there; when I slept there I saw him.

Q. Did you ever see him in Philadelphia when you lived there?

A. Yes.

Q. What was John Nachimovich doing after you finished your supper, that night?

A. He was by the table and talking with the men, as our landlord.

Q. Did you see him lying down in bed?

A. No sir.

Q. Did you see anyone lying on the couch?

A. Before I went out to take the suit I had bought I was lying on the couch. When I left he laid down on the couch.

Q. How did you secure employment on the Reading Railroad?

A. My friend took me on that job; he gave me that job.

Q. Where did you go to get the job?

A. Richmond Street, in the office.

Q. Were you ever employed on the New York Central Railroad?

A. I think the Reading and Jersey Central.

Q. Were you ever employed on the New York Central?

A. No sir.

Q. All these men that testified against you speak the same language that you do?

A. Perhaps they speak another dialect, but we could not understand each other.

MR. BOHAN: That is all.

MR. ROSENBERG: I offer in evidence the testimony of Vincent Zic given upon the last trial, which is as follows (reading):

"Q. Which one of those two men struck you over the head with a revolver? A. I can't tell that because I was dazed.

"BY MR. ROSENBERG:

Q. 'Because I was dazed', you said? A. Yes". That is on page 56. Also on page 58 of the same witness (reading):

"Q. Can you identify any of the men who were near Frank Zic and took his \$1728?

A. No, I can't identify him.

Q. You can't identify any of the men?

A. No.

Q. Do you understand that last question. Can you identify any of the men who took Frank Zic's money?

A. No, I can't."

MR. BOHAN: I object to that as incompetent, irrelevant and immaterial, because the same questions were asked. There is no contradiction or any inconsistency.

THE COURT: Did he identify anyone on that trial?

MR. BOHAN: Yes sir, he identified both.

THE COURT: That they were present, but he could not say that they were the men that actually took the money?

MR. BOHAN: No sir.

THE COURT: He did say both these defendants were present at that time?

MR. BOHAN: Yes sir.

THE COURT: Is that so, Mr. Rosenberg?

MR. ROSENBERG: I challenge the accuracy of Mr. Bohan's statement.

THE COURT: The only purpose for which any reference could be made to the testimony given in a former trial or the

trial of another defendant is to show that the witness in this trial made a contradictory statement.

MR. ROSENBERG: That is why I am offering this testimony.

THE COURT: That has been received in evidence but Mr. Bohan may recall his witnesses and examine them further. Do you claim that the witness on this trial said that he could identify those people, the men that took the \$1728?

MR. ROSENBERG: No, but we claim that there is a contradiction because on the last trial he said he was dazed, and I want to argue to the jury on that point.

THE COURT: If one of these witnesses said that a black man robbed him at the last trial and on this trial he says he is a white man, you have a right to call the attention of the jury to that. As I understand you here, the witness at the last trial said he was dazed and could not recognize the men that actually took the money. Did he on this trial say that he could recognize the men that actually took the money?

MR. ROSENBERG: No. that is all.

JAMES T. MURPHY, recalled on behalf of the defense, testified as follows:

BY MR. ROSENBERG:

Q. You are acquainted with the section of Beach and Bank Streets and 691 Greenwich, the general location?

A. Yes.

Q. And also on the 24th Street place?

A. Yes sir.

Q. How far is it from Beach Street to 118 Banks Street?

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A. About 20 blocks.

Q. That is, Banks Street is to the north of Beach Street?

A. Yes.

Q. And Banks Street is about opposite Little 12th Street?

A. Banks Street is the street north of West 11th Street.

Q. How far is West 24th Street north of banks Street?

A. About sixteen or seventeen blocks.

BY THE COURT:

Q. The blocks over there are very irregular?

A. There are several streets into Greenwich Village.

Q. It is not laid out like the rest of the city?

A. They run parallel, but the streets run in different directions.

Q. About 14th Street it is all regular?

A. Yes sir, above 13th Street.

Q. Below 13th Street on the West Side the streets are very irregular and out of alignment; that is, they run in different directions?

A. There are more small streets in between.

Q. But they do not run regular, like in the upper part of the city?

A. No.

BY MR. ROSENBERG:

Q. 691 Greenwich Street, where is that?

A. One door south of West 10th Street.

Q. When you entered the premises 408 West 24th Street with one of the defendants did you see in those premises Mike Strolich?

A. Yes sir.

Q. Did you see Peter Zurian?

A. I don't know whether I could see him.

Q. Did you see Jurman?

A. Yes.

Q. Did you see Martin Honovich?

A. Not that I can recall by name.

Q. You saw him on the witness stand?

A. I saw different men that I saw there, but I could not recognize them by name.

Q. The witnesses I put on the stand for the defendant, did you see each one of them on the stand when you entered with the prisoner?

A. All except the man with the black mustache that was here this morning.

Q. And that man was a witness as to the character here this morning?

A. Yes.

Q. The other witnesses you saw there that night?

A. Yes.

BY MR. BOHAN:

Q. What time was it when you got to 408 West 24th Street?

A. About 9.30.

Q. Whom did you find in the hallway?

A. Frank Sgelirrach and two othes.

Q. Did you say to Frank Pezzulich upstairs in the dining room that Frank Strolich had been out?

A. I did not.

BY MR. ROSENBERG:

Q. What did you say on that subject?

A. I had Detective Collins with me, and Detective Collins asked Mary Nachimovich and questioned her in regard to the room occupied by Strolich,

and Collins and Mary Nachimovich went to that room occupied by Strolich. There were seven or eight other men there besides the defendant. I said nothing outside of taking them with me.

Q. You just took them along?

A. Yes sir.

Q. Didn't you say something to Frank Strolich?

A. Not to the two defendants.

Q. Didn't you ask them whether they knew Frank Strolich?

A. No.

Q. Or whether they could talk English?

A. No.

Q. Didn't you say anything?

A. In the house I told the men to come with me.

Q. How many complainants did you have with you?

A. Frank Zic. I had two men with me but only one was the complainant.

Q. Can you talk Croatian?

A. No sir.

BY MR. BOHAN:

Q. After Frank Zic and Summers said something you arrested both of these defendants?

A. Yes sir.

MR. BOHAN: That is all.

BY THE COURT:

Q. And they are the only two defendants you took of that room full of men?

A. Yes sir.

VINCENT ZIC, recalled in rebuttal;

THE COURT: You can offer in evidence the part of that record where he identified these men.

MR. BOHAN: I offer in evidence pages 55 and 56 of the

record of the trial of Frank Pezzulich on May 7th and 8th, 1919.

MR. ROSENBERG: No objection.

THE COURT: The jury have a right to have all the testimony bearing on that point so that they may determine whether there is a contradiction or not, because you, gentlemen of the jury, are the judges of the credibility of the witnesses. It is always proper on cross-examination to show that the witness made a contradictory statement. You must determine whether they made contradictory statements or not, or whether the statements are consistent, or whether any apparent contradiction is entitled to any consideration. This testimony is read not for the purpose of showing that that testimony is true, but for rebutting the charge or claim that he made contradictory statements.

MR. BOHAN (Reading): "Q. Do you recognize any men now in the courtroom as among those who came into the kitchen on the 27th of March?"

A. Those two men that are standing now.

Q. Will you indicate?

A. That man with the stiff collar and the other man with the soft collar and blue tie.

(Mr. Bohan indicating Pezzulich and Sgelirrach.)

THE COURT: That is, these defendants.

MR. BOHAN: Yes.

Q. Do you recognize any other person in the court room?

A. No sir.

Q. These two men that you have just indicated, did they have guns in their hands?

A. Yes sir."

MR. BOHAN: That is all.

JOHN SUMMERS, called as a witness on behalf of the People, having been duly sworn, testified as follows, in rebuttal:

(Witness gives his address as 36 Beach Street.)

DIRECT EXAMINATION BY MR. BOHAN:

Q. What are you working at now?

A. At the present time I am working with a sponging concern, United Sponging concern, 107 West 25th Street.

BY THE COURT:

Q. You mean a cloth sponging concern?

A. Yes sir.

Q. You are not a detective?

A. No sir.

BY MR. BOHAN:

Q. Were you ever employed by the New York Central as a special policeman?

A. Yes sir.

Q. When?

A. I was laid off about a week and a half ago. I was employed there just a month.

Q. On the 22nd of March, 1919, did you live in 36 Beach Street?

A. Yes sir.

Q. How long did you live there?

A. I am living there ten years.

Q. Have you been away from 36 Beach Street for some time?

A. Ten months I was in the army.

Q. When were you discharged?

A. The 15th of March of this

year. I arrived home on the 17th, at 36 Beach Street.

Q. What floor do you live on?

A. The third floor.

Q. Do you live there with your father?

A. Yes sir.

Q. Your father is caretaker of this house, is he?

A. Yes.

Q. You were not working on the 22nd of March?

A. No sir.

Q. You had not secured employment up to that time?

A. No.

Q. Where were you about 8 P.M. on the evening of March 22nd?

A. I was in the toilet attending to my wants.

Q. Where was the toilet?

A. In the rear of this house, about 25 feet in the rear of the house.

BY THE COURT:

Q. In the yard, do you mean?

A. Yes sir, in the yard.

Q. These are old fashioned tenements?

A. Yes; Erickson lived there.

Q. There are no water closets in the house?

A. No, just in the yard.

Q. There is a front house and a rear house?

A. No, just the front house and in the yard is a toilet, a little shack.

BY MR. BOHAN:

Q. Do you know Frank Zic and Mike Zic and Vincent Zic and John Benefactor?

A. Yes sir.

Q. The man who were witnesses in this trial?

A. Yes.

Q. Did they live on the ground floor of that house?

A. Yes.

Q. How long have they lived there?

A. Six years.

Q. How do you get from the main part of the house to the

toilet in the yard?

A. You have to walk in through the hallway to the back and then there is a step right down.

Q. The stairway from the first floor?

A. Yes sir.

Q. How many windows face the yard?

A. There is two doors on one end and two on the other. It is all windows in the back.

Q. Was your attention attracted by any noise while you were in the yard?

A. Yes sir.

Q. What did you hear?

A. I heard three shots and I had the door open.

Q. Did you adjust your clothes?

A. Yes, I buttoned my pants. I had no vest or jacket on.

Q. When you came out of the toilet did you look into the windows of the first floor?

A. Yes.

Q. Did you see anything?

A. I seen the hands above their heads that way (witness indicating by holding his hands above his head).

Q. By some of the men you knew?

A. Yes sir.

Q. Did you see any other men there that you did not know?

A. Well no, I could not exactly see the men. I could not see their faces then.

Q. What did you do?

A. I put my suspenders on and I came running through the hallway. I came running with such terrific speed, - my father was out in the front of the hall lying down, - that I tripped over him at the stoop.

Q. Where did you find your father?

A. He was lying down in

the front door going out to the street.

Q. Did you stop then?

A. Yes sir. I picked him up and I asked him was he hurt.

Q. Did you see any men running on the street?

A. Yes; before falling I seen two men running up Beach Street towards Varick, but I could not identify them.

Q. Did you take care of your father after that?

A. Yes sir. I took him upstairs.

Q. Did you afterwards go to the stationhouse?

A. I did.

Q. Did you afterwards go to any other place with Detective Murphy?

A. Yes sir, up to 24th Street with Detective Murphy.

Q. Whom did you see there?

A. I seen these men here (Pointing to the two defendants). They were up at the house.

Q. The two defendants here at the bar?

A. Yes sir.

Q. Did you ever see either one of the defendants at any time in the premises 36 Beach Street and if so, when?

MR. ROSENBERG: I object to that as incompetent and not rebuttal; besides it affirmatively appears that Mr. Bohan drew from one of the witnesses a statement that he was never in those premises and he is bound by that answer. He cannot now contradict the answer made by this witness, it being a purely collateral matter drawn out by Mr. Bohan.

THE COURT: Objection overruled.

MR. ROSENBERG: Exception, if your Honor please.

A. On Tuesday night, March 18th, about 9 P.M. as I was coming

in from the yard there had been three men at the door. As I opened the door running east and west I kind of hit one of them on the shoulder. I walked in and they kind of spoke broken English and asked me, "Twilight", by which I believed they meant "toilet", and there were three of them had handkerchiefs over their faces. I had my uniform on at the time and I said, "Get out of here". They walked out slowly. When they got near Hudson Street they run up towards Hudson Street. This is one of the men that was there that night I am positive.

Q. Which one?

A. This man with the collar and tie (indicating the defendant Pezzulich).

Q. The defendant Pezzulich?

A. Yes sir.

Q. Who else?

A. The other man that was sentenced by Judge Nott.

MR. ROSENBERG: I object to that.

THE COURT: Strike it out.

Q. What other man; do you remember his name?

A. On the 18th?

Q. Yes. The man that was with Pezzulich, did you afterwards find out his name?

A. No sir. I never did find out his name.

Q. Was it Frank Strolich?

A. Yes sir, Frank Strolich.

Q. And you saw this defendant Pezzulich and Strolich in the hallway at 36 Beach Street on the evening of March 18th?
Same objection. Objection overruled. Exception.

A. Yes sir.

Q. About what time?

A. About 9 P.M.

MR. BOHAN: That is all.

MR. ROSENBERG: No questions.

Both sides rest.

Both sides sum up to the jury.

THE COURT: I will instruct the jury to disregard the testimony of the last witness Summers. It is doubtful whether it is admissible in evidence, and if counsel will ask to have that instruction given I will ask the jury to disregard it.

MR. ROSENBERG: I claim it is illegal to have it go in at all, and should be stricken out, and I so move.

THE COURT: Well, it is very close; I am very sorry I admitted it in the case because it is extremely doubtful whether it is admissible or not. Ordinarily it would not be admissible, but I will instruct the jury at this time to disregard the testimony of Summers entirely. Is that satisfactory, Mr. Rosenberg?

MR. ROSENBERG: Yes, your Honor.

THE COURT: Gentlemen, it is time to adjourn now. I will excuse you until half past ten tomorrow morning. Meanwhile remember the admonition which the law requires me to give you, namely, that you must not talk about this case with anyone whatever in the interval, and you must not form or express any opinion at this time as to the guilt or innocence of the defendants. You must wait until the Court submits the case to you and then it is your duty to retire to discuss it and decide it but not before then.

PEOPLE vs. PEZZULICH and SGERRLICH.

THE COURT'S CHARGE TO THE JURY.

THE COURT: Gentlemen of the Jury: These defendants with one other person named Frank Strolich are charged with the crime of robbery in the first degree. It is alleged in the indictment that in the night time of the 22nd of March, 1919, in the County of New York, they made an assault feloniously upon one Frank Zic, and that they took from the said Frank Zic the sum of \$1,728 in money, lawful money of the United States of America and of the value of \$1,728, and that this money was the goods, chattels and personal property of the said Frank Zic; that they took it from the person of the said Frank Zic against his will and by means of force and violence; and it is therefore charged that they did feloniously and violently rob, steal, take and carry away the said sum of money; it is further alleged that the defendants at the time of the robbery were armed with a dangerous weapon, to wit, with pistols and that they were aided and abetted by accomplices actually present, - that is, each of the three by the other and by other persons to the Grand Jury aforesaid unknown.

That is a very simple charge. The indictment also says that that is a violation of the statute, and you will see that the law is equally clear.

Section 2120 of the Penal Code defines robbery, as follows:-

"Robbery is the unlawful taking of personal property, from the person or in the presence of another, against his will, by means of force, or violence, or fear of injury, immediate or future, to his person or property, or the person or property of a relative or member of his family, or of anyone in his company at the time of the robbery."

You see there are two elements in the crime of robbery. There is a taking of personal property. Honey is personal property; it is cash. The first element that it is necessary to prove is that the personal property or money was taken unlawfully from the person of Frank Zic; and then, secondly the method of the taking, - by force or violence, or by instilling fear in the mind of the person robbed that he would be injured, and thus preventing or overcoming resistance to the taking.

Section 2121 of the Penal Code provides:-

"To constitute robbery, the force or fear must be employed either to obtain or retain possession of the property or to prevent or overcome resistance to the taking. If employed merely as a means of escape it does not constitute robbery."

Section 2122 provides:-

"When force is employed in either of the ways specified in the last Section, the degree of force employed is immaterial."

Robbery in the first degree is defined in Section 2124 of the Penal Code, as follows:-

"An unlawful taking or compulsion, if accomplished by force or fear, in a case specified in the foregoing sections of this article, is robbery in the first degree, when committed by a person.

1. Being armed with a dangerous weapon, or
2. Being aided by an accomplice actually present." There is another sub-decision which, however, does not apply to this case.

The indictment charges that the robbers were armed with a dangerous weapon, - a loaded pistol. It also is charge in the indictment that there was more than one

robber, more than one person actually present helping in the robbery. Those elements make it robbery in the first degree. If the robber was not armed with a dangerous weapon, or there was but a single robber, it would be robbery in the second degree or robbery in the third degree.

Robbery in the second degree is defined in Section 2126 of the Penal Code, as follows:-

"Such unlawful taking or compulsion, when accomplished by force or fear, in the case specified in the foregoing sections of this article, but not under circumstances amounting to robbery in the first degree, is robbery in the second degree, when accomplished;

1. By the use of violence, or

2. By putting the person robbed in fear of immediate injury to his person or that of someone in his company."

You see, in the definition of robbery in the second degree there is no mention made of any accomplice or of any dangerous weapon.

Section 2128 provides:-

"A person who robs another under circumstances not amounting to robbery in the first or second degree, is guilty of robbery in the third degree."

Under our law, when there are different degree of the crime, the jury must fix the degree of the crime from the evidence. If you are convinced beyond a reasonable doubt that a robbery was committed here, but you have a reasonable doubt concerning the degree, you can only find the defendants guilty of the lowest degree of that crime, namely robbery in the third degree. But you should not so find if you are convinced by the evidence beyond a reasonable doubt that they were guilty of robbery in the first degree. That is, you must be guided by the evidence in fixing the degree of the crime, just the same as in determining whether or not you find the defendants guilty. You see the law is very plain, and the charge is a very simple one.

The indictment must not be regarded by you as any evidence of guilt. The indictment merely serves to bring the defendants here for trial, and serves to let you know what the charge is, so that the indictment now has performed all its functions.

In the trial of a criminal action there is a division between the duty of the Court and that of the jury. The Court is simply the judge of the law; the jurors are the judges of the facts and the credibility of witnesses.

The defendants are presumed to be innocent, and if the evidence fails to overcome that presumption by satisfying you of their guilt beyond a reasonable doubt, you must acquit them.

A reasonable doubt has been defined to be a doubt which is based on reason. It is not a doubt that is based on sympathy or prejudice, or a desire to avoid doing your duty if it should be disagreeable. It is the state of an honest man's mind, when, after a careful consideration of all the evidence on both sides, he finds himself unable to say that he is convinced to a moral certainty that the charge has been proved. If that is your state of mind after viewing all this evidence you must acquit the defendants. On the other hand, if you are convinced to a moral certainty that the charge has been proved, you must convict them.

You understand that you are the sole judges of the facts and the credibility of the witnesses. That word "credibility" means worthiness of belief. What witnesses here were credible in your opinion? What stories were worthy of belief? That is your sole and exclusive province to decide. No one else has any right to decide that.

There is only one way of proving facts in a criminal action and that is by the production of witnesses before you

in open court so that you may observe them when they testify, so that they may be cross-examined, and so that we may ascertain all they know concerning the case. And if there be a conflict in the testimony, as there usually is, then it is for the jury to decide which of the witnesses you believe, and your power is very great in that respect. There is no fixed rule which can guide you. You have to use the good sense, the good judgment and the honesty of purpose that you employ in your own important personal business affairs. In business life you know you do not believe everything you hear: if you did you would soon need the services of the bankruptcy court. You have to exercise common sense, reason and judgment, based on your own experience and your own knowledge of the world. And so when you sit as jurors you must use those same qualities. You must be absolutely fair: you must calmly, coolly and neutrally review the evidence. You must remember you are not lawyers. You are not retained on one side or the other. You are not partisans of either side. You are simply to act as judges of the facts, just as the Court acts as the judge of the law. All that the Court has to do is to see that the defendants are tried according to law. That is what we mean by a fair trial, in America. Every man, no

matter where he is born, when he comes to America is entitled to the equal protection of the law. But he has no right to violate the law, and when he is charged with violating it he is entitled to an American trial, a trial in which all his legal rights are respected.

The defendants have been represented by able counsel who has faithfully discharged his duty to his clients. The people on the other side of the controversy have been represented by Mr. Bohan, who has diligently, patiently and ably presented his case. The Court has ruled on the legal questions that have been presented. There is no dispute about the law: the law is plain. The only dispute is as to the facts, and that is for you to decide. You are the sole judges of the facts, and when determining facts you must pass on the credibility of the witnesses. The law says that you may believe every statement that a witness made, or you may reject every statement that he made: you may believe part of his testimony and reject part, just as you think it is worthy of belief or not.

It is sometimes said that the manner of a witness may be of great aid to a jury in determining whether you will believe such witness or not. You have to determine whether the witnesses when they took the stand intended

to tell the truth or whether they intended to deceive you. If you find that they intended to tell the truth you must find whether they succeeded or not, or whether they were honestly mistaken. If you find that a witness intended to deceive you and did try to deceive you by testifying falsely on the material facts in the case, why then you may reject all the testimony of such witness, although you are not obliged to do so. You may believe some of the statements made by the witness. Did the manner of the witness or witnesses impress you as being convincing, or did they impress you as honest men anxious to tell the truth, or as men who were seeking to conceal the truth and evade telling the truth? Were they frank and honest with you? That is for you to say. You may also consider the interest that the witnesses had in the controversy, the relationship of the witnesses to the defendants or to the complainant. And finally, it is said that the motive of a witness may be helpful in determining his credibility. What motive, if any, has any witness had here to testify falsely? You know the same rules apply to all the witnesses on both sides. There is not one set of tests for the People's witnesses and another for the defendants'. You have to determine whether Frank Zic and the other witnesses here had any motive which would lead them to

testify falsely, and if so you may take that into account in determining their credibility. They may have told the truth notwithstanding the existence of some apparent motive to testify falsely. It is sometimes said that defendants have a powerful motive to testify falsely. Their liberty is at stake. They are on trial for their liberty, and liberty is dear to us all. It is said that they have a strong motive to deceive you and to testify falsely so that they may go free, yet they may have told the truth notwithstanding the existence of that motive. So you see it would be unfair to reject the testimony of any witness absolutely even if you believe he had a motive to testify falsely. For that reason alone it would not be fair, you understand, to reject the testimony solely on that account. You must take all the facts and circumstances into consideration. The facts here, although they took some time to bring out on account of the language which the defendants and other witnesses spoke and the difficulty of getting all the facts from them, are confined to a very simple issue.

You heard Frank Zic and the others testify that while they were in their own home, - "in their own castle" in the City of New York, a band of robbers came into the room and held them up: that they said "Hands Up", pointed

pistols at them and discharged pistols, assaulted one man who refused to hold up his hands and robbed them, taking \$1700. from the stocking of Zic and \$28., his week's wages, which he had in his trousers pocket. If that be true, that was a desperate crime, a terrible crime. Mr. Rosenberg the defendants' counsel says he has no doubt that these men were robbed: he made no issue of that. But he does dispute the question of identify. The question is, who did the robbing? You have heard the People's witnesses. They say this robbery took place at or about 8 o'clock in the evening, or a little after 8 o'clock, and that after the robbers had completed their crime and left the room, one man ran after them and caught one man whom he charged was a robber, right on the corner of the block where the robbery took place, within a short distance from the house; that he was struggling with him, and a policeman came along and arrested that robber: that they found out from him where he lived: that then three detectives, with Zic, went to that place, 408 West 24th Street, and there they found a room in which there were 9 or 10 Croatians, countrymen of the victims of the robbery, the alleged robbers, the accused and the accusers, that there the police arrested these two defendants on the charge

by Zic that they were two of the men who robbed him. The People claim he picked out only two of the ten men, showing that he intended to be honest at least, that he would not charge any man with the crime unless he was sure of the identity. The defendants and the other victims of the robbers were brought to the station house, and you have heard them all say on the witness-stand that they recognized these two men, the defendants, as two of the robbers; and they come here now and tell you under oath that these are the robbers; that they saw them first when they broke into the room and held them up; that they saw them within an hour after in the station house, and they have seen them from time to time since, during this trial and during another trial. You know that when more than one person is to be tried in a felony action, the defendants may have the action severed, as it is called; they may be tried separately. The third man was tried separately and these two men have elected to be tried together; that is why these two defendants are being tried now. That is the People's case. On the other hand the defendants have produced before you a number of their countrymen and one countrywoman, Mrs. Nachimovich, and they testify that these defendants were in that room in

408 West 24th street from a little before six o'clock until the police appeared there at about nine o'clock, or ten minutes to nine I think one of the officers said. If that be true, if they were in that room at 408 West 24th street from six o'clock until nine, they could not have been guilty of this crime. The testimony is that the place where the robbery occurred was about thirty-five or forty blocks away from 408 West 24th street. You will have to determine whether the witnesses for the defense are honestly mistaken as to the date, or whether or not they have deliberately formed a plan to defeat justice and protect their countrymen, or whether they have told the truth.

You have heard their stories: You have noticed their manner, and above all you have noticed the manner of the defendants on the stand. That is an important matter for you to consider. You can observe the personality of the defendants. Look at them and see what is the possibility of recognizing them an hour from now after seeing them. Do they bear any physical marks or physical characteristics which distinguish them from the others who have appeared on the stand. Look at their dress, which has been testified to by all the witnesses of the prosecution. They say they are dressed now as they were then. The defendants admit they are attired in the same clothing now that they wore on the

22nd of March. Weigh all these facts coolly and calmly, and be honest men. Be fearless in the discharge of your duty. Do not hesitate to pronounce an honest verdict. And after you weigh all the evidence in that way, calmly and coolly and neutrally, if your minds are firmly convinced to a moral certainty that there was a robbery and that these defendants were among the robbers, find them guilty of robbery in the first degree, if you find that they acted in concert. Remember that it is not necessary to prove that either of these defendants actually took Frank Zic's money. If two men are acting together in the commission of a crime and one of them is advising, aiding or helping the other in the commission of that crime, why he is equally guilty whether he be present or absent when the crime is committed. For example, if two men conspire to rob a man and one of the men lures him to a room where other man robs him, the man that lures him there may remain outside of the building and not go in at all and not be present at the time the money is taken, but he is a robber just the same. If a man hires four gunmen to kill a man, as in the Becker case, he may be miles away when the crime is committed, but if it can be shown that he hired the men he may be guilty of murder

just the same as if he actually pulled the trigger with his own hand.

No matter which of these men took the money from Frank Zic, - if you find that any one did take his money -- whether these men took it or not, if they were there actually aiding and abetting the man who did take it, they are just as guilty of robbery as if they took it themselves. Do not misunderstand that. Do not say it has not been proved that these men actually took the money personally from Frank Zic. Zic testified that the man who took his money slit his trousers from behind and took the money out of his stocking, and that he could not see him. You must determine whether that shows you he is an honest man or not. But he did say that he saw one of these men, the man with the blue necktie and colored shirt, that he had a handkerchief over his mouth which dropped off. You have heard the other testimony of the other witnesses. If Zic is not mistaken, if that man was in that room helping those robbers to take his money, or anyone to take his money, he is guilty of robbery in the first degree, the same as if he took it himself. So get the law clearly fixed in your minds.

The question for you to determine is whether there was any robbery whatever, and if there was a robbery

whether these men were there aiding and abetting the men who took the money, helping along the robbery. If they were then they are guilty of robbery in the first degree. If there was only one robber there and he was not armed with a pistol it would be robbery in the second degree or robbery in the third degree.

If counsel for the defense would be agreeable, I would submit this case to you as robbery in the first degree, or nothing.

MR. ROSENBERG: I think it should be robbery in the first degree, or nothing.

THE COURT: There is no doubt about that in my mind, but still the Court thought it just as well to submit the three degrees of the crime, as I like to follow the law.

Now gentlemen, as I said before, the attorney for the defense has done his full duty, and so has the District Attorney. The Court has endeavored to make the law as plain as day to you and to make your duty clear to you. Do not be in a hurry to arrive at a decision: weigh all the evidence calmly, patiently and neutrally, and render an honest verdict. Every honest verdict is a vindication of the law. It would be a great crime for you to pronounce

these defendants guilty if you were not satisfied beyond a reasonable doubt that they were guilty. It would be an equally great crime for any man on the jury to pronounce them not guilty if he honestly were convinced of their guilt beyond a reasonable doubt. So do your duty and then you will be entitled to the thanks of the community. Render a verdict of guilty of robbery in the first degree if you are convinced of their guilt beyond a reasonable doubt. If you have a reasonable doubt of their guilt, acquit them by a verdict of not guilty.

THE COURT: Mr. Rosenberg, have you any requests?

MR. ROSENBERG: Will your Honor instruct the jury that all evidence which your Honor struck out must be absolutely disregarded by this jury?

THE COURT: I so charge.

MR. ROSENBERG: Will your Honor charge the jury that evidence of good reputation may of itself create a reasonable doubt where otherwise no doubt would exist.

THE COURT: I so charge.

MR. ROSENBERG: I respectfully ask your Honor to charge the jury that if, after reviewing the evidence

their minds are undecided as to whether these defendants are guilty, or whether the People have proved a case, it is their duty to resolve that doubt in favor of the defendants, and to acquit them.

THE COURT: I so charge.

MR. ROSENBERG: That is all; thank you.

MR. BOHAN: I have no requests, your Honor.

THE COURT: You may retire, gentlemen.

The jury retire at 11:18 A.M. and return at 1 P.M.

THE COURT: Gentlemen of the jury, have you agreed upon a verdict?

THE FOREMAN OF THE JURY: We have.

THE COURT: How say you; do you find the defendants at the bar guilty or not guilty?

THE FOREMAN: Guilty of robbery in the first degree.

THE CLERK: You say you find the defendants guilty of robbery in the first degree as charged in the indictment?

THE FOREMAN: Yes, sir.

THE CLERK: Harken to your verdict as it stands recorded; you say through your foreman you find the defendants at the bar guilty of robbery in the first degree, as charged in the indictment, so say you all.

THE FOREMAN: Yes sir.

THE COURT: You may have the jury polled, if you like.

MR. ROSENBERG: No sir, your Honor, - Well, yes, I think I would like to have the jury polled.

THE CLERK: Gentlemen of the jury; you say through your foreman that you find the defendants at the bar severally guilty of robbery in the first degree as charged in the indictment? (The Clerk asks each and every juror if that is his verdict, and each of the 12 jurors answer in turn that the verdict rendered is his verdict.)

(Defendants pedigrees are there upon taken)

THE COURT: If the defendants are ready for sentence now I will sentence them. Judge Nott gave the other man, Strolich, from 8 to 16 years. I will give them the sentence that Judge Nott gave the other man.

MR. ROSENBERG: Investigation will indicate that they were not a part of that band of robbers.

THE COURT: Well, I will postpone the imposition of sentence for one week.

MR. ROSENBERG: Will your Honor make it Friday, the 20th?

THE COURT: Yes, I will sentence them on Friday of this week. You can then make any legal motions that you wish to make.

(Defendants remanded to June 20th, 1919)