

GUNMEN LAUGH AT IDENTIFIER IN COURT

Heard Becker Tell Rose That Gambler Must Be "Croaked"

(Continued from First Page.)

take judicial cognizance of the fact that this man already has given the name of Harry Horowitz, alias "Gyp the Hood."

There was a wrangle, but Justice Goff permitted Mr. Moss' statement to remain in the record.

"Who was the next man?" demanded Mr. Moss, and Luban pointed to Louis Rosenberg, who laughed in his face.

"What is your name?" asked Mr. Moss.

"Louis Rosenberg, sir," he answered. "Sometimes known as 'Lefty Louie'."

"Yes, since my arrest."

Q. Do you know this man? demanded Mr. Moss, pointing to "Whitey Lewis."

A. I cannot identify him positively. I am not sure about him.

Q. Do you know this man? (pointing to Shapiro, the chauffeur). A. Yes, he was the man who was driving the car the men rode away in.

The prisoners were sent back and Luban resumed the witness stand.

Q. Did you ever know a man named Jack Rose? A. Yes, I used to see him around the Lafayette Baths.

Q. Did you ever see the defendant, Becker? A. Yes.

Q. Did you ever see Rose and Becker together? A. Yes, I saw them together in the bath.

Q. When? A. Two or three weeks before the murder of Herman Rosenthal.

Q. Did you hear any conversation between them? A. Yes.

Q. What was said? A. I heard Lieut. Becker say to Jack Rose:

"If Rosenthal is not croaked I will croak (kill) him myself."

Becker winced at the testimony, the first that he has in any way connected him with the murder. He became pale and then a flood of color came over his face.

Perseveration stood out in beads on his face. He hurriedly removed his glasses and mopped his forehead. Then, replacing his glasses, he sat bolt upright, folded his arms and faced the witness, stolid and indifferent again.

THAT WAS ALL MR. MOSS WANTED, HE SAID.

Mr. Moss turned triumphantly and faced the jury, a smile of perfect satisfaction on his face.

"That is all I want to ask this witness," he said and turned Luban over to the tender mercies of Mr. McIntyre.

Mr. McIntyre began by asking Luban if he had not been brought from jail in Newark to testify against Becker. Question overruled. The defense also failed to have the witness admit that he was a prisoner in Newark charged with robbery.

Mr. McIntyre then produced three letters and a postal card alleged to have

been written to Lieut. Becker by Luban's brother. The witness identified the letters as in his brother's handwriting, but denied that he knew anything about them.

Luban also denied that he had ever been employed in "Bridgie" Webber's or Jack Rose's gambling houses. He knew them both well, though. He had worked in a Second Avenue gambling house.

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Q. And did you meet and talk to "Bridgie" Webber and Harry Valton? A. Yes.

Q. Did you talk to Jack Rose about this case? A. No. I did not talk to Mr. Jack alone.

The witness said that he had seen the gunmen in court to-day when the four were arraigned at the forenoon session. He did not recall hearing their names were read.

Q. When did you first see all the prisoners to-day? A. When they were brought into court.

Q. Where did you stop last night? A. In the Astor House with four officers.

Q. How does it happen you are a witness here? A. I'd like to know myself. I talked to several people about this case.

At Mr. McIntyre's demand that Luban named several men to whom he had talked about hearing the statement of Lieut. Becker to Rose about "croaking" Rosenthal.

Q. Did the State's Attorney in New Jersey (Prosecutor Mott) talk about this case to you? A. Yes.

"Isn't it a fact that last week you and your brother offered to come over here and testify in behalf of Lieut. Becker if he could get you out?"

The question was ruled out.

DENIES HAVING WRITTEN A LETTER TO BECKER.

Q. Didn't you write Lieut. Becker "They are trying to frame you up, and if you will get us out on bail, we will come over and show them up"? A. No, sir.

"Will you swear to that," thundered McIntyre.

Yes, sir, said the witness.

Q. Did you and your brothers cause to be sent to me a letter sent by Sam Paul? A. No.

Mr. McIntyre failed to get the Sam Paul letter before the jury, Luban denying having seen it. Luban further denied that he had been promised immunity in New Jersey for coming to New York to testify, but said that District-Attorney Whitman "promised" to do all he could for me if I could show I had been "framed up" in New Jersey.

Widow of the Slain Informer and the Gambler Who Will Be a Star Witness for the State



MRS. HERMAN ROSENTHAL.

to ask as to my part. It is none of your business."

Q. Were you ever convicted of a crime in this country? A. I was never convicted of a crime in my life. When I came to America I had 20,000 francs.

Q. Where did you get it? A. It is none of your business.

Q. To whom were you talking before the shooting of Rosenthal? A. That is my own business.

The witness finally admitted he had been talking with a woman.

Q. Why did you take an Italian name when you came to America? A. It was a name I had assumed in public school to hide my identity.

Stanich finally admitted he had told some persons he was of noble birth, adding that his mother was noble, of the house of Marini.

"The defense got only vigorous denials from Stanich in answer to indications that he had been paid to testify by the District-Attorney. Some of the questions bearing on this line were ruled out, but to all of them Stanich replied with a laugh that he didn't need the money."

Witness Coupe to SAIL FROM ENGLAND FOR BECKER TRIAL.

LONDON, Oct. 11.—Thomas Coupe, the eye-witness of the Rosenthal murder, is expected to sail for New York tomorrow on board the Mauretania, in the company of Assistant District-Attorney William De Ford.

It is understood that Mr. De Ford has signed an agreement with Coupe and his attorney to give the witness a lump sum for attending the trial of Lieut. Becker.

Coupe returned to his home in Preston to-day with the intention of joining Mr. De Ford at Liverpool to-morrow. He makes no secret of the fact that he considers his return to New York a very dangerous undertaking.

Reserves No Credit.

(From the Chicago Tribune.)

"When a man can do a thing that you can't," observed the philosophical barber, "you generally explain it on the theory that it's nothing for him to be proud of—his mere ability in that direction. Can I have another cup of coffee, Mrs. Irons?"



JACK ROSE

be found in a ten days' journey.

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Half a dozen of Moss' questions by which he sought to compel the witness to identify one of the gangsters were overruled.

Mr. Moss asked if Ryan had not told Assistant District-Attorney Grill yesterday that he could identify one of the gunmen as the murderer of Rosenthal.

Mr. McIntyre failed to get the Sam Paul letter before the jury, Luban denying having seen it. Luban further denied that he had been promised immunity in New Jersey for coming to New York to testify, but said that District-Attorney Whitman "promised" to do all he could for me if I could show I had been "framed up" in New Jersey.

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Picks Whitey Lewis In Line of Gunmen as Rosenthal Slayer

After one of the State's witnesses had furnished a station at the morning session by falling down in his story of the shooting of Rosenthal, another was put on the stand who walked dramatically to the gunmen lined up in court and placed his hand on Whitey Lewis.

This witness was Giovanni Stanich, an inventor, who said he had seen the shooting. He declared Lewis, who seemed greatly amused, had fired two shots. Stanich was not certain as to the identity of "Dago" Frank. He did not recognize "Lefty" Louie or Gyp the Hood.

The witness who collapsed and reversed his former identification of Whitey Lewis as the actual slayer of Herman Rosenthal was Thomas Ryan, a chauffeur, and an eye-witness of the tragedy. A square-jawed pug-nosed looking young man, from the moment he took the stand he seemed to be suffering a panic of fear, and the prosecution sought to establish that he had been scared after he left the courtroom last night.

An immense throng jammed the lobbies of the Criminal Court Building in the hope of forcing their way into the heavily guarded tribunal and listening to Jack Rose and the wife of the murdered gambler, who were to follow the witnesses of the murder on the stand.

In order to expedite the trial Justice Goff will hold court to-morrow.

GOFF INSISTS ON QUICK WORK AT TRIAL.

Justice Goff opened the day's proceedings with a speech to counsel in which he insisted that every effort be made to expedite the taking of testimony.

"It is my desire," said the Court, "to get this case to the jury at the earliest possible moment."

"May it please the Court," said Mr. McIntyre, "I would like to have it entered in the record that court was adjourned last night at ten minutes past 8 o'clock."

Thomas Ryan, a chauffeur, formerly employed by the Cadillac Motor Company, was the first witness of the day.

Q. Did you know Herman Rosenthal? A. Yes; by sight.

Q. Did you see Rosenthal come out of the Metropole Hotel the day he was killed? A. Yes. He came out of the Cadillac Hotel.

"What?" interrupted Mr. McIntyre, angrily.

"I mean the Metropole," said the witness. "He stepped out of the front door alone. I was about fifteen feet away. Those men stepped up to him—four men."

Q. What did those men do? A. One of them fired.

SAYS HE SAW ONLY ONE MAN SHOOT.

Q. You only saw one of them shoot? A. That was the way it seemed to me.

I saw him shoot and I heard four shots.

The chauffeur said he had seen four men on the street just before Rosenthal came out. After the shooting of the four men ran, but he hadn't watched them.

Q. Did you see any automobile in the street? A. Yes, there was one a few feet away.

Q. Did you see the men who fired the shots get into the car? A. No, sir.

Q. What did you do after the shooting? A. Ran down the street.

Q. Have you seen any of those four men after the shooting? A. No, sir.

Q. Have you seen the man who fired the gun since that time? A. I saw the four men you had in here yesterday.

Q. Did you see the man who fired the shot? A. Not that I can identify.

"What?" shouted Mr. Moss. "Your Honor, I am surprised at this witness."

Mr. McIntyre was on his feet in an instant.

"I object to this statement before the jury," he said. "It is wrong and the District-Attorney knows it."

Mr. McIntyre's objection was sustained.

"Did you not tell Detective File yesterday that one of the men who fired the shot was in court yesterday?"

asked Moss.

Again Mr. McIntyre objected and was sustained. Mr. Moss made frequent efforts to get Ryan to admit that he had identified one of the four arrested gunmen as the actual slayer of Rosenthal, but Ryan proved obdurate. Every effort was made by the Assistant District-Attorney to get Ryan to admit he had told File one of his prisoners fired the shot, but McIntyre's constant objections were sustained by Justice Goff.

The Prosecutor asked for a description of the man the witness had seen shoot Rosenthal. Ryan's memory was blurred and he admitted that he had been so badly scared that he had not observed closely. There was that in the attitude of the witness to suggest that he was still suffering from some degree of fright.

Mr. Moss asked the witness with whom he had come to court yesterday, and what this person had said to him. The defense objected vehemently and the question was ruled out.

MOSS SENDS OUT FOR THE GUNMEN.

"Bring those four gunmen into court," Moss ordered. During the minutes that elapsed, Ryan was the picture of despair. His face twitched convulsively, his hands opened and closed spasmodically. He edged in his chair until the court officers had to caution him to sit still. A worse scared witness could not

be found in a ten days' journey.

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